

# Planning Committee - Supplementary agenda

Notice of a Meeting, to be held as a **Virtual Meeting** in accordance with Regulation 5 of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020

**A meeting of the committee will be held on:**

**Date:** Wednesday, 27 May 2020

**Time:** 6.30pm

**Venue:** Virtual Meeting

**Membership:** Councillors Adeoye, Barrett, Bhutia, Bowler, Buckwell, Mrs Diane Chambers (Chairman), Curry, Etheridge, Sylvia Griffin, Hubbard, McDonald, Potter, Chrissy Stamp, Thorne and Tranter (Vice-Chairman)

## Agenda

(A) Supplementary agenda advice sheet

(Pages 3  
- 20)

For further information please contact Ellen Wright, Democratic Services Officer on Telephone: 01634 332012 or Email: [democratic.services@medway.gov.uk](mailto:democratic.services@medway.gov.uk)

Date: 27 May 2020

### Information about this virtual meeting

Please note that any member of the press and public may follow proceedings at this 'virtual' meeting via a weblink which will be publicised on the Council's website ahead of the meeting. Please refer to this meeting via the meeting calendar for further details:

<https://democracy.medway.gov.uk/mgCalendarMonthView.aspx?GL=1&bcr=1>

Members of the press and public may tweet, blog etc. during the live broadcast as they would be able to during a regular Committee meeting.

**Medway Council**

**PLANNING COMMITTEE – 27 May 2020**

**Supplementary Agenda Advice**

**Page 7      Minute 820      Land Adjacent to Balancing Pond, St Andrews Park, Halling, Kent**

**With delegated authority, the Head of Planning agreed the final wording of condition 21 with the Chairman to read as follows:**

21      Any unit of residential accommodation within the development hereby approved shall at all times have at least one occupant over the age of 55 who has a minimum of 3 hours care per week.

Reason: To ensure that the residential unit remains as an Extra Care facility as approved and provides a care function to the community, in accordance with Policy CF5 of the Medway Local Plan 2003.

**Page 20      MC/19/2361      Patmans Wharf Upnor Road, Upnor Rochester**

**Deferred** at the request of the applicant.

**Page 34      MC/20/0753      Plots 69 & 70 Bakersfield Land at Station Road, Rainham, Gillingham**

**Representations**

8 letters of representation which have been summarised within the report are attached in full at the request of Cllr Potter and Cllr Carr.

**Page 44      MC/20/0696      Land adjacent to 11 Honeysuckle Close Hempstead, Gillingham**

**Recommendation**

**Amend** the wording to condition 3 to read as follows:

3      No development shall take place until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of working, noise, dust, access for construction

traffic into the site and lighting arising from the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The construction works shall be undertaken in accordance with this approved plan.

**Planning Application MC/20/0753  
Plots 69 & 70 Bakersfield**

**Construction of 2 two-storey three bed houses with associated parking, Plots 69 And 70**

I strongly **object** to this planning application for several reasons.

Firstly I wish to state that I believe that the application is not what it at first appears according to its title.

These houses - Plots 69 and 70 have already been built!

**They already exist and are virtually completed.**

I believe the reason for the 'new application' is because the roofs on the two houses have not been built in accordance with the plans submitted in May 2017.

I therefore **OBJECT** to this application in that it is NOT for the construction of two NEW properties. I believe it is to correct construction errors, specifically the incorrect roof design of Plots 69 and 70. The existing roof design is not what has been approved or built.

This and other issues were highlighted by me to the Medway Planning Officer, who subsequently visited the site in late 2019 and confirmed my observations.

I wish to strongly **OBJECT** to this application for the way it is presented and can be misconstrued by lay people and local residents. It is designed to confuse. This has been highlighted by other local residents who have approached me directly to find out about the two new houses to be built and the association with my property. The documents presented on the public Medway Planning website in no way present a clear representation of what is actually intended.

The way in which this application reads creates a confusing smokescreen, by purporting to wish to build two houses. When this is presented to the Planning Committee I would like to ensure that everyone involved in making decisions, who may have little knowledge of the actual site and the history of this development, are fully aware of my concerns.

I wish to make the committee fully aware of the situation which continues to concern me.

I trust that the my Local Councillor on The Planning Committee and The Medway Planning Officer will make these points perfectly clear to everyone who will be part of the decision making process.

I imagine that the expectation is, that it will just be passed without further discussion, as a result of lack of in depth knowledge of the site history.

The existing houses directly loom over my bungalow and directly affect me in a very negative way.

The wrong information and details on the application are apparently allowed, but I still wish to make the committee fully aware of the situation, so that their decision can be made with knowledge and clarity of both sides of the story.

Margaret Francis

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Kent  
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**Planning Application MC/20/0753**

**Proposal: Construction of 2 two-storey three bed houses with associated parking.**

**Location: Plots 60 and 70 Bakersfield Land at Station Road, Rainham, Gillingham, Medway ME87QZ, ME87PZ**

**Application Type: Full Application**

It is totally unclear in the documents associated with this planning application if the application is for 2 **NEW** homes, or is a **RETROSPECTIVE** application for the two homes that have already been built incorrectly.

If I presume that this is a **NEW** planning application, to build two new houses referred to as plots 69 and 70 I presume the existing structures will be removed.

There is no explanation nor description in the planning application for what is actually intended, so in this instance I am assuming it is possibly for the construction of two new houses, referred to as Plots 69 and 70.

The new building plans show a distance of 20 metres from the rear of Plot 69 and 70 to my boundary, which is an acceptable distance and meets the Medway Planning Guidelines. I am unsure if they meet the BNE 1 and BNE 2 standards as the information supplied appears to be incomplete.

In this instance I would **NOT OBJECT** to this application, but support it if it is for completely **NEW** construction of two new houses, which do meet all of the Medway Planning Guidelines.

If however, this application is for **RETROSPECTIVE** planning permission to approve changes necessary to the existing buildings, which have already taken place I would then **OBJECT**.

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**Planning Application MC/20/0753**

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**Location: Plots 60 and 70 Bakersfield Land at Station Road, Rainham, Gillingham, Medway ME87QZ, ME87PZ**

**Application Type: Full Application**

I presume that this is a retrospective planning application, as plots 69 and 70 have already been constructed incorrectly and they exist.

I wish to strongly **OBJECT** to this planning application.

There is no explanation nor description in the planning application for what is actually intended.

The reason for my objection is:

These properties already exist and do not meet Medway Planning Guidelines, as the existing buildings are less than 20 metres from the front of my bungalow.

This has been confirmed independently by a surveyor and noted by both Majid Harouni and Dave Harris of the Medway Planning Department, following visits to our home to see the actual situation.

Also if it is retrospective, to take into account the apparently incorrect design of the roofs that exist and had been originally approved, it should also be rejected and the developer made to remedy the error and rebuild the roof to the approved design.

Mr Harouni sent an email on December 23, 2019 to Martin Potter (Local Councillor) into which I was copied:

I quote:

**“Please note that the applicant has been informed that the changes carried out to the roof design of plots 69-70, from pitched to butterfly is not acceptable and they have to rebuild the roof to the original design”.**

I strongly concur with this statement that the developer should rebuild the roof to the approved design on the original plans. The plans should be resubmitted correctly, without the errors which have been reported, clearly stating that this application is solely for the existing incorrect roof construction.

The application is designed to confuse. It should be made clear and concise explaining the true reason for the application and understandable to lay people and local residents.

Margaret Francis

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**Location: Plots 60 and 70 Bakersfield Land at Station Road, Rainham, Gillingham, Medway ME87QZ, ME87PZ**

**Application Type: Full Application**

I do not believe the plans submitted meet the requirements of the following Medway Planning Documents:

1. Medway Housing Standards (Interim 2011) or any subsequent issues.
2. BNE 1
3. BNE 2

Reason: In the interest of visual amenity of the surrounding properties and in compliance with Policy BNE2 of the Local Plan.

The question is raised for the following reasons:

- a. The Development overlooks the front of my property and should be a minimum of 20m away.
- b. The documents submitted are incorrect and DO NOT reflect the actual situation and site construction. In particular"
  - a. The distance from my home is less than 20m. It is approximately 15m.
  - b. The car park alongside the properties, Plots 69 and 70, is laid out and positioned completely differently from the plans.
  - c. The border fencing alongside my property does not reflect the previous and current Party Wall Act Agreements between the developer and myself and my husband.
  - d. I am not in a position to verify the overall plan, but only on the elements alongside my property. I would suggest someone with experience and knowledge of planning rules and guidelines verifies and checks that the documents submitted are correct and up to date.

I believe that the plans submitted are incorrect and that they do not meet the requirements of the Planning Guidelines and BNE 1 and 2. Consequently I strongly **OBJECT** to this planning application.

Margaret Francis

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**Planning Application MC/20/0753  
Plots 69 & 70 Bakersfield**

I wish to **OBJECT** to MC/20/0753 |(Construction of 2 two-storey three bed houses with associated parking, Plots 69 And 70 Bakersfield Land At Station Road Rainham Gillingham Medway ME8 7QZ ME8 7PZ) for the following reasons:

These comments are based upon documents on the Medway Planning Website on Sunday, 26th April 2020.

1. If this is a retrospective planning application as Plots 69 and 70 are virtually complete and work continued even after the visit to site by Mr. Harouni on 4 November 2019 where the WRONG design of the roofs was acknowledged by him. This was recognised after information was given to him by myself. He also became aware of the distance issue from our boundary to these properties.
2. I strongly object to this actual amendment to the original plans and the actual construction that has occurred. Hence my objections are most strongly made against Medway Council Planning Department agreeing to accept and seeing no fault in the developer submitting incorrect information with their application.
3. I find it objectionable that what should be legally binding documents with errors can be accepted by the Medway Planning Department. Mr. Harouni has informed me that this is an acceptable practice and that decisions can be made from documents which include incorrect information.
4. How can decisions and recommendations made to the Planning Committee be based upon wrong information and incorrect documentation submitted for a planning issue?
5. Surely for a professional organisation these documents should have been vetted and checked for accuracy prior to acceptance and publication to allow for decisions to be made and for the public to review and comment?
6. After discussing this with the Planning and Case Officer Mr. Harouni he was adamant that this is acceptable for errors to be allowed in these processes and it seems that they can be ignored.  
How can this occur when the information is assessed by Mr. Harouni in the Medway Planning Department who I understand makes recommendations to the Planning committee for a decision to be made?  
The information submitted should be correct, especially as I am sure some of the Planning Committee will not be fully up to date with this particular development.
7. The Planning Committee should be informed of any errors in the documentation to enable them to make a decision on whether the application should be approved or the documentation corrected prior to any decision.
8. As a lay person I have identified some of the errors, but I am sure this will not be all of them, which is why I suggest they should be checked by a Planning professional prior to any decision meeting.

It is worth noting here that the original understanding for this specific application to be submitted was to correct the drawings and approval for the roof design of Plots 69 and 70, which were not built as per the agreed plans. Mr. Harouni did say in an email to me the roofs are wrong and should be rebuilt. I quote from his email of the 23rd December 2019 to Martin Potter, our Local Councillor, copied to my wife:

**“Please note that the applicant has been informed that the changes carried out to the roof design of plots 69-70, from pitched to butterfly is not acceptable and they have to rebuild the roof to the original design”.**

I fully concur with Mr. Harouni’s statement and recommend that this application is **REJECTED**.

I am very concerned that this is allowed to happen, whilst publishing it on the Medway Planning website for public reference and for comment. Truly astonishing.

Ivor Francis  
21 Finwell Road  
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**Planning Application MC/20/0753  
Plots 69 & 70 Bakersfield**

I wish to **OBJECT** to MC/20/0753 |(Construction of 2 two-storey three bed houses with associated parking, Plots 69 And 70 Bakersfield Land At Station Road Rainham Gillingham Medway ME8 7QZ ME8 7PZ) for the following reasons

The documentation supplied, with the application, contains a number of significant errors, which I have identified, as a lay person. I am sure there are more, but I have focussed only on the obvious ones to the issues relating to the location of my property to Plots 69 and 70.

Some of the errors I have identified in the documents on the Planning website are as follows:

A. Planning Application Form

The Planning Application Form is for two houses to be built, Plots 69 and 70. There is no mention of retrospective planning permission or a change of roof design. It is confusing and infers the construction of two new house, Plots 69 and 70. Do we assume the existing houses are to be demolished and new homes constructed. If this is the case they may then meet the Medway Planning Guidelines. I believe the existing properties do not.

Two houses (Plots 69 and 70) do already exist and if they are not to be replaced when the application is discussed The Drawing mentioned below shows a distance of 20m, from our boundary to Plots 69 and 70. In fact these houses have already been built and are 10m from our boundary.

We believe the distance should be 20m, which would then meet the Medway Planning Guidelines as the FRONT of our bungalow (as agreed by Mr. D. Harris (Head of Planning) faces the development. In fact it is 10m, which we believe is WRONG. Consequently the planning application should be rejected.

I would like the issue of distance from our property to be seriously considered as part of the Planning process and application.

Is it a coincidence these latest plans show 20m, where in fact they are built 10m from our boundary and should not have been permitted to be built so close to our home in the first place?

B. Drawing No.: 301

Revision:	P1
Dated:	24th March 2020
Title:	Site Plan - Plots 69 and 70

Sample Errors:

- The whole document DOES NOT reflect the site alongside the boundary to my property at 21 Finwell Road, Rainham and the actual reality of what had previously been published and made available to local residents and Planning Committee. It is wrong and should not be allowed as it DOES NOT reflect what has actually been built.
- The distance between Plots 69 and 70 are shown as being 20m away from my boundary (21 Finwell Road). In fact it is 10m. The scale is WRONG. We have printed and measured the details and verified our findings..
- The Car Park alongside Plots 69/70 is shown as the original design whereas the actual construction is totally different. Mr Harouni is aware of this.
- The boundary fence alongside our property DOES NOT reflect the current situation and legal changes due to a Party Wall Act Agreement between the developer and ourselves.
- These are the obvious errors to me.
- These errors need to checked and verified and the whole document verified.

## Objection 6

1st May 2020

I am sure there are other errors. Hence the need for these documents to be checked before they are added to the Medway Planning website and made available for discussion or decision. Hence due to these errors the application should be **REJECTED**, until correct documentation is made available to the public and the Planning Committee.

The main objection is that incorrect information has been supplied and accepted by Medway Planning Department. In our professional experience this would never have been acceptable and something like this should have been rejected and subsequently corrected prior to any publication, formal decision or recommendation being made.

I wonder if this has happened in the past and in other applications being considered.

What makes this issue worse is that the documents have been accepted and published knowing they contain errors. I personally find this totally unprofessional.

Is this the normal situation where incorrect documentation is acceptable and published and can it be assumed it has occurred in the past and may be permitted for any future developments?

Truly worrying.

Ivor Francis

21 Finwell Road  
Rainham  
Kent  
ME87PZ



**Planning Application MC/20/0753**

**Construction of 2 two-storey three bed houses with associated parking  
Plots 69 And 70 Bakersfield Land At Station Road Rainham Gillingham  
Medway ME8 7QZ ME8 7PZ**

**Planning – Application Related Items**

100061254303

21 Finwell Road Rainham Gillingham Medway ME8 7PZ

Planning Applications (2)

- [Construction of a single storey side extension with pitched roof to facilitate habitable accommodation within the roofspace - demolition of garage](#) Ref. No: MC/20/0098 | Status: Approval with Conditions
- [Construction of 2 two-storey three bed houses with associated parking](#) Ref. No: MC/20/0753 | Status: Pending Consideration

What on earth is this all about?

We have applied for and been granted permission with conditions (they are a whole other issue entirely) to have an extension to our bungalow.

I have absolutely no recollection of applying to construct 2 two storey three bed houses at 21 Finwell Road.

I have neither the space on my plot, nor the desire to build two houses.

This entire planning application MC/20/0753 for the construction of two houses (Plots 69 and 70) is an absolute shambles!

Even our neighbours ask us about why we are planning to build two houses. Where are we going to build these houses? Total confusion for everyone.

I think I have a good idea what it is all about. Heaven help anyone who is expected to make decisions based upon these documents to make any sense of it whatsoever. Especially those not involved on a daily or a regular basis.

How anyone will be able to make a balanced informed decision about this application, with the information provided on this documentation defies belief.

I strongly **OBJECT** to this Planning Applications as it is totally unclear what is required and why my home is involved in any way.

Margaret Francis

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**Planning Application MC/20/0753****Construction of 2 two-storey three bed houses with associated parking Plots 69 And 70 Bakersfield Land At Station Road Rainham Gillingham Medway ME8 7QZ ME8 7PZ**

A further document dated 4th April **2019** was added to the website today, 1st May **2020**, referred to as the Design and Access Statement.

The website shows it was ;published on **10th April 2020**, but has only just appeared on the website, today **1st May 2020**.

**Any other comments made by myself or my family refer to the documents available prior to this additional information being made available on the Medway Planning website. However ALL of my comments still remain valid.**

Following the reading of this document and reading its content I strongly **OBJECT** to this Planning Application for the reasons highlighted below, plus any other objections I may also submit. The objections referred to here, are solely related to this document, the Design and Access Statement.

**1. Photographs in the Design and Access Statement**

The photographs included in the Design Access Statement dated **4th April 2019**, show the site as it is in **2020**, possibly in April 2020 as it appears to show the state of construction as it is today. I believe the document has been updated with these photographs, but not formally reissued as an amended document.

**2. Page 8 Section 4.3 LAYOUT, third Paragraph**

“The amended internal layout provides windows that have been positioned so as to avoid impinging on the privacy of the neighbouring properties. Where appropriate, windows are identified as obscured glazing so as to ensure there is no opportunity for overlooking”.

**Comment:** The windows on the first floor (bedrooms and bathrooms **DO OVERLOOK** our property and especially the front of our bungalow and Bedroom. This statement is totally incorrect.

**3. Page 9: DESIGN DEVELOPMENT**

“The proposed design is exactly the same as the approved scheme in regards to respecting the neighbouring properties. The proposed finished floor levels are set a storey lower to **create a bungalow to bungalow relationship** to 21 Finwell Road while introducing parking courts to create greater visual separation and breaks for the neighbouring property. Plots 69 and 70 have been positioned **behind the principle rear elevation of the neighbouring building** and due to the existing single storey garage and canopy they **cannot be seen from this area of amenity or when inside the property**”.

**Comment:**

A. These buildings no way “**create a bungalow to bungalow**” relationship. The bedroom and bathroom windows of both Plots 69 and 70 (plus others alongside the boundary) look directly into our bedroom and the front of our property and loom over our property. They are set **HIGHER** than our windows. Come and **LOOK**.

- B. Plots 69 and 70 are alongside the **FRONT ELEVATION** of our property and in no way are Plots 69 and 70 “**behind the principle rear elevation of the neighbouring building**”, which is our bungalow.
- C. NO ONE has ever been inside my property to verify that “**they cannot be seen from this area of amenity or when inside the property**”. Let me assure you **THIS IS TOTALLY INCORRECT**. From inside my property I can clearly look up into the bedrooms of these two properties, Plots 69 and 70.

**4. Page 9 Diagram**

**Comment:** The diagram **DOES NOT** reflect what has been built and excludes a scale to identify distances. Refer to Drawing No.: 301 also included with this application, which also shows incorrect details of the site.

Margaret Francis

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Rainham  
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