

**Medway Council**  
**Planning Committee**  
**Wednesday, 9 December 2020**  
**6.30pm to 8.40pm**

**Record of the meeting**

**Subject to approval as an accurate record at the next meeting of this committee**

**Present:** Councillors: Adeoye, Barrett, Bowler, Buckwell,  
Mrs Diane Chambers (Chairman), Curry, Etheridge, Hubbard,  
Potter, Thorne and Tranter (Vice-Chairman)

**In Attendance:** Councillor Harinder Mahil  
Councillor Teresa Murray  
Kemi Erifevieme, Planning Manager  
Dave Harris, Head of Planning  
Robert Neave, Principal Transport Planner  
Vicky Nutley, Assistant Head of Legal Services  
Ellen Wright, Democratic Services Officer

**526 Apologies for absence**

During this period, due to the Coronavirus pandemic, it was informally agreed between the two political groups to run Medway Council meetings with a reduced number of participants. This was to reduce risk, comply with Government guidance and enable more efficient meetings. Therefore, the apologies given reflects that informal agreement of reduced participants.

Apologies for absence were received from Councillors Bhutia, Sylvia Griffin, McDonald and Chrissy Stamp.

**527 Record of meeting**

The record of the meeting held on 11 November 2020 was agreed and signed by the Chairman as correct.

**528 Urgent matters by reason of special circumstances**

There were none.

**529 Declarations of Disclosable Pecuniary Interests and Other Significant Interests**

Disclosable pecuniary interests

There were none.

Other significant interests (OSIs)

There were none.

Other interests

Councillor Bowler referred to planning application MC/20/2338 – 1 Cazeneuve Street, Rochester and informed the Committee that although this application was located in Rochester East Ward he had not expressed a view on this application and would therefore take part in the consideration and determination of the application.

Ellen Wright, Democratic Services Officer referred to planning application MC/20/1531 - 4, 16, 20 and 22 High Street Rainham and informed the Committee that she had a relation that lived in close proximity to the application site but she had not discussed the application with anyone and was not involved in the processing of planning applications.

**530 Planning application - MC/20/1531 - 4, 16, 20 and 22 High Street, Rainham, Gillingham**

**Discussion:**

The Head of Planning outlined the planning application in detail and drew attention to a number of changes to the report in respect of the proposal heading, recommended conditions, the proposal section set out on page 27 of the agenda and an update on the representations section of the report, full details of which were set out on the supplementary agenda advice sheet.

He reminded the Committee that planning permission for the development of this site had been approved under planning permission MC/19/0797 on 13 November 2019 following completion of a Section 106 Agreement.

He advised that the current application was a re-submission of application MC/19/0797 but differed from the previously approved scheme insofar as the number of units had been increased by one with the addition of a one bedroom flat at the rear on the first floor.

He informed the Committee that the applicant had also requested that the level of contribution under the Section 106 Agreement, previously approved at £307,190.70, be reduced as the applicants claimed that due to the impact of the Covid-19 pandemic and the current housing market, the scheme was no longer viable with the current developer contribution requirements.

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The Head of Planning confirmed that the applicant's viability assessment had been independently assessed by the Council's Viability Assessor and he had since supported the reduction in Section 106 contributions from £307,190.70 to £148,250.

In the light of this, officers had undertaken an assessment of the Section 106 Heads of Agreement and in recognition that this development would be aimed at retired individuals and a garden would be included as part of the development, the open space contribution request had been removed in order to maximise the spread of the total contribution across the provision of off-site affordable housing, the local health centre and town centre public realm improvements adjusted pro rata. The contribution for mitigation measures in the Special Protection Areas had been re-assessed and adjusted to take account of the proposed additional flat.

The Committee discussed the application and sought clarification as to why the Covid-19 pandemic was considered to have reduced the viability of the development. In response, the Head of Planning suggested that this could be down to increased cost of materials or the value of the land.

During the discussion, the Head of Planning reminded the Committee that the principle of the development had already been approved in 2019 and therefore the only matters for consideration were the proposed increase by one additional flat and the requested reduction in the Section 106 contributions.

Concern was expressed that the reduction in the level of Section 106 contributions would be insufficient to provide off-site affordable housing and, as this was not a care or nursing home, it was likely that future occupiers would be sufficiently mobile as to want to utilise open green spaces in Medway.

The Committee also noted that property prices were generally increasing and therefore questioned the applicant's claim that the development was no longer viable. The Committee expressed concern as to the precedent that could be created resulting in other developers using the Covid-19 pandemic as a reason for requesting a reduction in Section 106 contributions.

In response, the Head of Planning commented that viability was often an issue with a brownfield site such as this and he reiterated that the Council's Independent Viability Assessor had also undertaken an assessment of the scheme.

### **Decision:**

Consideration of the application be deferred to enable the Council's Independent Viability Assessor to attend the meeting and answer questions on the Viability Assessment.

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### 531 Planning application - MC/20/2009 - Land rear of 19-27 Byron Road, Gillingham ME7 5LP

#### Discussion:

The Head of Planning outlined the planning application in detail and referring to the planning history for this site reminded the Committee that planning permission for the construction of a two storey block of five self contained one bedroomed flats had been approved in April 2017 under planning permission MC/16/3583.

Subsequently, a further planning application MC/19/0874 had been refused on 30 September 2019 and the reasons for the refusal were set out on page 46 of the agenda.

The Head of Planning informed the Committee of the changes to the proposed development which sought to address the previous concerns and, in doing so, drew attention to a correction to proposed condition 1 set out in the report in that the date required amendment from 1 May 2020 to 1 May 2021.

The Committee discussed the application and whilst noting the changes that had been undertaken to address the refusal grounds for planning application MC/19/0874, concern was expressed that the applicant was continuing to seek to increase the number of flats from five to seven, now over three storeys which was considered to constitute an overdevelopment of the site and out of character with the surrounding residential area. It was noted that when the original application had been approved in 2017, it had been considered a balanced application and therefore the request to increase the size of the development was not deemed to be acceptable.

#### Decision:

- a) Refused on the following ground:

The application constitutes an overdevelopment of the site which would be out of keeping with the surrounding residential area.

- b) The Head of Planning be granted delegated authority to agree the wording of the refusal ground with the Chairman, Vice Chairman and planning spokesperson outside of the meeting.

### 532 Planning application - MC/20/1811 - Unit A, Jenkins Dale, Chatham

#### Discussion:

The Head of Planning referred to the planning application and reminded the Committee that consideration of this planning application had been deferred on 11 November 2020 to allow the potential for the current occupiers to discuss with the owners of the site both the proposal and their potential continued operation.

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He informed the Committee that discussions had since taken place with the planning agent and Councillor Maple as Ward Councillor and it had been confirmed that the Better Life Assembly did not have a long term lease arrangement and were on a rolling monthly agreement.

Whilst the owner had expressed a willingness to discuss this further with the current occupier and Ward Councillors it was now necessary for the planning application to be determined and the Head of Planning informed the Committee that this was an employment site that had been designated for employment purposes in the Local Plan.

With the agreement of the Committee, Councillor Mahil addressed the Committee as Ward Councillor and informed the Committee that discussions with the Gillingham Street Angels, who also operated out of this site, had been positive and constructive and the Gillingham Street Angels were no longer at risk of eviction. He advised that the owner had agreed to undertake discussions with other organisations who used this site through the Better Life Assembly and therefore he did not have any objections to this application being approved. He thanked the Committee for deferring the application to permit these discussions to take place.

### **Decision:**

Approved with conditions 1 - 9 as set out in the report for the reasons stated in the report.

### **533 Planning application - MC/20/2338 - 1 Cazeneuve Street, Rochester ME1 1XU**

### **Discussion:**

The Planning Manager outlined the planning application in detail.

The Head of Planning explained that the reference in the proposal section of the report to change of use from E(a) should have read 'change of use from hairdressers E(a) to Sui Generis (Hot Food Takeaway).'

With the agreement of the Committee, Councillor Murray addressed the committee on this planning application as Ward Councillor and expressed the following concerns:

- The premises is located in a residential area of poor deprivation that houses vulnerable people and the area has frequently been the subject of anti social behaviour and drug dealing. Ward Councillors had been working with the police to tackle these problems and it was considered that to site a hot food takeaway at this location would exacerbate existing problems, particularly taking into account the proposed opening hours.
- The site is located close to a school.

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- On the street parking is at a premium in this location and the provision of a hot food takeaway would exacerbate existing parking problems.
- The siting of a hot food take away at this location would reduce the quality of life for those residents in the nearby flatted development whose balconies overlooked the retail outlets.

The Committee discussed the application and, having regard to the points raised by the Ward Councillor, considered that this was not a suitable site for the location of a hot food takeaway.

During the discussion, the issue of provision of an extraction system was raised and the Planning Manager drew attention to proposed condition 3 which, if the application was approved, required that a scheme for the extraction and treatment of cooking fumes, including details for the control of noise and vibration from the system, to be submitted to and approved in writing by the local planning authority.

Reference was made to the 'Hot Food Takeaways in Medway Guidance Note' issued in July 2014 referenced on page 67 of the agenda and it was suggested that in the light of the now variable school closing times, especially for secondary schools, this should be reviewed. The Head of Planning agreed to discuss this with Public Health.

### **Decision:**

- a) Refused on the following ground:

That the location of a hot food takeaway within this residential area and the lack of provision of an extraction flue would have a detrimental impact the amenity of neighbouring and nearby residents and impact upon their quality of life, particularly the use of balconies that overlook the retail units.

- b) The Head of Planning be granted delegated authority to agree the wording of the refusal ground with the Chairman, Vice Chairman and Planning Spokesperson outside of the meeting.

### **534 Planning application - MC/20/2557 - 45 Laburnum Road, Strood, Rochester**

#### **Discussion:**

The Planning Manager outlined the planning application in detail and informed the Committee that whilst the application was generally considered to be acceptable on planning grounds, the application was being recommended for refusal based on highway grounds.

The Principal Transport Planner explained the reasons why the application was considered unacceptable on highway grounds drawing attention to the photographs and plans displayed as part of the presentation. He explained that

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the primary concern was the requirement for a vehicle to be reversed from the proposed hardstanding area onto the road but, in addition, the provision of a hard standing would remove on street parking to the benefit of the applicant and the depth the hardstanding could result in an overhang of a vehicle onto the highway.

The Committee discussed the application noting that many other properties in Laburnum Road had provision for off street parking provision and that as the road was a cul de sac and fully residential, it was unlikely that any vehicles would be driven at speed along this road.

During discussion, it was suggested that the properties in Laburnum Road were located at variable distances from the highway and therefore in some cases it might be possible to easily accommodate a hardstanding at the front of some properties but not others and that a survey of the road would better provide this information. However, to obtain such survey, would require the application to be deferred.

The Planning Manager informed the Committee that should it be minded to approve the application, this would need to be subject to conditions details of which she outlined.

### **Decision:**

Approved with conditions, the wording of which is to be approved by the Head of Planning under delegated powers in consultation with the Chairman, Vice Chairman and Opposition spokesperson.

### **535 Planning application - MC/20/2625 - 43 Laburnum Road, Strood, Rochester**

### **Discussion:**

The Planning Manager outlined the planning application in detail and informed the Committee that whilst the application was generally considered to be acceptable on planning grounds, the application was being recommended for refusal based on highway grounds.

The Principal Transport Planner explained the reasons why the application was considered unacceptable on highway grounds drawing attention to the photographs and plans displayed as part of the presentation. He explained that the primary concern was the requirement for a vehicle to be reversed from the proposed hardstanding area onto the road but, in addition, the provision of a hard standing would remove on street parking to the benefit of the applicant and the depth the hardstanding could result in an overhang of a vehicle onto the highway.

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The Planning Manager informed the Committee that should it be minded to approve the application, this would need to be subject to conditions details of which she outlined.

### **Decision:**

Approved with conditions, the wording of which is to be approved by the Head of Planning under delegated powers in consultation with the Chairman, Vice Chairman and Opposition spokesperson.

**Chairman**

**Date:**

**Ellen Wright, Democratic Services Officer**

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