

**Medway Council**  
**Planning Committee**  
**Wednesday, 26 May 2021**  
**6.30pm to 9.25pm**

**Record of the meeting**

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

**Present:** Councillors: Adeoye, Bowler, Buckwell, Curry, Hackwell, Hubbard, Opara, Thorne and Tranter (Vice-Chairman)

**Substitutes:** Councillors:  
Gulvin (Substitute for Mrs Diane Chambers)

**In Attendance:** Laura Caiels, Principal Lawyer - Place Team  
Kemi Erifevieme, Planning Manager  
Dave Harris, Head of Planning  
Councillor Joanne Howcroft-Scott  
Robert Neave, Principal Transport Planner  
Ellen Wright, Democratic Services Officer

**15 Election of Chairman**

**Decision:**

Councillor Mrs Diane Chambers was elected as Chairman for the 2021/22 Municipal Year.

**16 Election of Vice Chairman**

**Decision:**

Councillor Buckwell was elected as Vice Chairman for the 2021/22 Municipal Year.

In the absence of the Chairman, the Vice Chairman took the Chair for this meeting.

**17 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.

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Apologies for absence were received from Councillors Bhutia, Mrs Diane Chambers, Etheridge, McDonald, Potter and Chrissy Stamp.

### **18 Chairman's announcements**

The Chairman informed the Committee of the recent sad passing of former Councillor Peggy Saxby who had represented Rochester West Ward and had also served as Mayor for Rochester Upon Medway City Council and he passed on his condolences to her family.

The Chairman welcomed Councillors Hackwell and Opara to their first meeting of the Committee and thanked Councillor Tranter for his service to the Committee as Vice Chairman.

### **19 Record of meeting**

The record of the meeting held on 28 April 2021 was agreed and signed by the Chairman as correct.

### **20 Urgent matters by reason of special circumstances**

There were none.

### **21 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 Hackwell informed the Committee that although his daughter worked for MHS Homes and that this organisation was the applicant for planning application MC/20/3057 (17 – 73 Russell House, Russell Court, Luton, Chatham), he confirmed that his daughter was not involved in development work for the organisation.

Councillor Curry referred to planning application MC/20/3057 (17 – 73 Russell House, Russell Court, Luton, Chatham) and informed the Committee that as he had previously made his views known on this application, he would withdraw from the Committee and not take part in the consideration or determination of the application.

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It was noted that as Councillor Tranter would be addressing the Committee as Ward Councillor on planning application MC/21/0440 (Medway Bridge Marina, Manor Lane, Rochester, Borstal) he would not take part in the consideration or determination of the application.

### **22 Planning application - MC/21/0440 - Medway Bridge Marina, Manor Lane, Rochester, Borstal**

#### **Discussion:**

The Head of Planning outlined the planning application and suggested that if the Committee was minded to approve the application, new conditions 25 – 35 be approved as set out on the supplementary agenda advice sheet. In addition, he referred to additional information for the planning history of the site and the adjacent site and an additional representation received since despatch of the agenda from KCC Ecology, full details of which were also set out in the supplementary agenda advice sheet.

Referring to the representations received and detailed within the Committee report, the Head of Planning informed the Committee that Kelly Tolhurst MP had submitted an objection to the application as the local MP. However, her parents reside adjacent to the application site and it is likely therefore that she has a personal interest in the application. As such, he advised the Committee that it needed to reflect that local interest in the weighting it attached to her comments. It was his view that the Committee should attach the same weight to this objection as to those submitted by other objectors.

The Head of Planning reminded the Committee that a previous application for development of this site (reference MC/15/2332) had been refused in 2015 by the Committee but that this decision had been overturned on appeal by a Planning Inspector in August 2017. Therefore, the principle of development of this site for residential purposes had already been established and a reserved matters application for that scheme had been received.

Attention was drawn to a correction in the report in that reference to Policy H3 of the Local Plan and receipt of a viability statement on the top of page 34 of the agenda had been included in the report in error and should be disregarded as the applicant would be providing 25% affordable housing as part of the scheme.

The Head of Planning informed the Committee that having assessed the current application, officers were satisfied that it was an improvement on the scheme previously approved on appeal.

With the agreement of the Committee, Councillor Tranter addressed the Committee as Ward Councillor, summarised as follows:

- Since the first outline application was refused by this Committee, several other developments have been built in the area which add to the significant congestion and pressure on the road network not taking into

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account existing parking problems when the nearby playing field is in use.

- The number of dwellings in the proposed development has increased since the outline application.
- The area and, in particular, the marina car park is prone to flooding.
- Access to and from the site is very narrow and includes a steep gradient and a busy junction.

He also requested that if approved, Ward Councillors be consulted upon the proposed section 106 funding proposals so as to ensure the monies provide direct benefit in Borstal.

The Committee discussed the application having regard to a number of points raised by the Ward Councillor and noted that the indicative application approved at appeal had been for a three storey development to the rear and 5 storeys to the river front while the current application was now four storey, increasing the number of units by four.

The Head of Planning outlined the schools that were likely to benefit from the proposed Section 106 funding but stated that if the Committee was minded to approve the application, he would involve Ward Councillors in the discussions on the application of Section 106 monies.

In response to concerns as to the access to the site and traffic management generally, the Principal Transport Planner informed the Committee that as the site already had planning permission for 36 residential units and that this proposal was for an uplift of an additional four units, it was not considered that the current application would have a material impact on the highway function or traffic generation.

In response to a question, it was noted that the application did not include any Section 106 funding for greenspaces.

The Committee expressed the view that in the light of the concerns raised as to the lack of provision of Section 106 funding for greenspaces and the concerns relating to the existing road network and traffic flows; the need to know where the stored caravans will be re-located to and the maintenance of the building and in particular tanking of the lower ground floor to protect against flooding, the application should be deferred for further information.

### **Decision:**

Consideration of the application be deferred.

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### 23 Planning application - MC/20/2107 - Bridgeside, Warwick Crescent, Borstal, Rochester

#### Discussion:

The Planning Manager outlined the planning application and reminded the Committee that this application had originally been submitted to the Committee for consideration on 3 March 2021 but had been deferred with a request that officers explore the possibility of highway works to the junction of Warwick Crescent. A meeting had subsequently taken place with Ward Councillors and the Council's Highways Transport Officer to discuss options which were then reviewed by the Road Safety Team. The applicant had since submitted a highway junction improvement plan including an extension to the double yellow lines at the junction to improve visibility splays and a keep clear box to address the Committee's concerns, details of which had been circulated prior to the Committee.

In response to a question, the Planning Manager confirmed that contamination and noise were covered by proposed conditions 18 and 15

#### Decision:

Approved subject to:

- a) The applicant's entering into an agreement under S106 of the Town & Country Planning Act 1990 to secure:
  - £88,883.09 towards education
  - £7737.48 towards health services
  - £2,242.08 towards community services
  - £29658.58 to enhance open space facilities at Borstal Recreation Ground and/or Priestfields Recreation Ground
  - £1560.98 towards the Great Lines Heritage Park
  - £2,020.80 towards libraries
  - £958.32 towards youth services
  - £2,117.40 towards waste services
  - £3004.68 towards bird disturbance mitigation
  - £17,500 towards the upgrade of the public right of way

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b) Conditions 1 – 24 as set out in the report for the reasons stated in the report.

### **24 Planning application - MC/20/3057 - 17-73 Russell House, Russell Court, Luton, Chatham**

#### **Discussion:**

The Planning Manager outlined the planning application and reminded the Committee that consideration of this application had been deferred on 31 March 2021 to allow for a meeting to take place involving the Ward Councillor, a member of the Planning Committee, the case officer and the applicant. This meeting had taken place on 10 May 2021 where the concerns of the Planning Committee had been discussed along with the comments made by Kent Fire and Rescue and Kent Police.

The Committee was reminded that use of the site for housing young adults would be a lawful use for which a lawful development certificate had been granted. The current planning application proposed two further units of accommodation and it was only the provision of the two additional units and associated works that was the issue for consideration by the Committee and not the use of the wider site.

It was confirmed that Kent Fire and Rescue would be granted fob access to the car park which would allow access to the existing properties and the proposed properties.

Whilst the application did not meet all of the requirements requested by Kent Police, proposed conditions would require the installation of approved lighting and use of railings as boundary treatment at the application site to ensure natural surveillance for the majority of the alleyway. The Planning Manager advised that Kent Police had been reconsulted upon this amendment to the scheme but the Police had advised that it was unable to find any updated/amended drawings and therefore maintained its objection.

With the agreement of the Committee, Councillor Howcroft-Scott addressed the Committee as Ward Councillor and set out the following concerns:

- Russell House is located in an area that suffers from high crime rates and levels of anti-social behaviour and whilst the concept of a foyer for young people is supported, it is not considered that this is a suitable environment in which to house vulnerable young people.
- The applicants have done very little to address issues of anti-social behaviour in the past.
- The concerns of Kent Police have not been fully addressed.
- The application has generated much opposition from local residents including 60 individual letters of objection and a petition.

The Committee discussed the application and the concerns expressed by the Ward Councillor. During the debate, concern was expressed that the Community Safety Partnership did not support the provision of this facility at

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this location. In addition, it was reported that the area in which Russell House was located had been identified as the priority area for targeted work by the Medway Taskforce based on the crime and anti-social behaviour statistics and levels of identified deprivation. For these reasons, there was concern as to the applicant's proposals to house vulnerable young people at this location.

The Head of Planning reminded the Committee of the basis of the planning application placed before the Committee for determination and stressed that the current application did not include the specified use of the building as the applicants already had permission to use the building for the purpose intended. He confirmed that such approval did not include any age restrictions on the occupiers of the units.

The Committee expressed concern that Kent Police had not withdrawn its objection, claiming that it had not been able to find the amended plans, but in response, the Head of Planning advised that having reviewed the Police objections and the revised plans, officers were satisfied that their concerns had been addressed. The Planning Manager also advised that the case officer had sent several follow up emails to the Police seeking a response, but the Police had refused to supply any comments.

### **Decision:**

- a) Approved with conditions 1 – 15 as set out in the report for the reasons stated in the report.
- b) The applicant be advised of the concerns expressed during the debate on this application.

### **25 Planning application - MC/21/0407 - 51 Shepherds Gate, Hempstead, Gillingham**

#### **Discussion:**

The Planning Manager outlined the planning application and drew attention to a further objection received since despatch of the agenda, a copy of which was appended to the supplementary agenda advice sheet.

#### **Decision:**

Approved with conditions 1 – 6 as set out in the report for the reasons stated in the report.

### **26 Planning application - MC/21/0661 - 248 Maidstone Road, Chatham, ME4 6JN**

#### **Discussion:**

The Planning Manager outlined the application and drew attention to an additional letter of support from the applicant, a copy of which had been appended to the supplementary agenda advice sheet.

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The Committee discussed the application and in particular the size of the proposed extension and the impact that this would have on the outlook from a window of the neighbouring property at no. 250. Concern was expressed that the proposed extension would result in the neighbour's view being directly onto a brick wall.

### **Decision:**

Refused on the ground set out in the report.

## **27 Planning Committee - Constitutional Issues**

### **Discussion:**

The Committee considered a report seeking support for extending the current temporary scheme of delegation for the referral of planning applications to the Planning Committee onto a permanent basis.

The Committee was reminded that on 1 April 2020, the Committee had agreed to change the provisions in the employee scheme of delegation relating to the triggers for the escalation of planning applications from officer to Committee level for a temporary period with effect from 2 April 2020 until such time that the Government's guidance on social distancing in response to the Covid-19 pandemic was lifted.

The Head of Planning informed the Committee that he considered that over the past year the arrangements had worked well. With a lesser number of applications being referred to the Committee for determination, the Committee had been able to concentrate on determining the larger, more controversial planning applications. Prior to the extension of the delegations in April 2020, agendas had included a greater number of applications with smaller, often uncontentious minor or householder applications being placed towards the end of the agenda. From April 2020, meetings of the Committee had been live streamed but prior to live streaming, it was not unusual for applicants to attend meetings and sit through lengthy debates on other applications whilst waiting for their applications to be considered only for there to be no debate on those applications as recommendations were just agreed. In addition, dealing with minor and householder type applications under delegated powers also resulted in decision notices being issued more promptly.

It was noted that should the Committee be minded to support the adoption of the revised delegation onto a permanent basis, this would need to be ratified by Full Council.

In response to a question, the Head of Planning clarified that under the temporary extension to the delegation scheme, referred to in paragraph 4.2 of the report, the wording 'either the Chairman, Vice Chairman or the Opposition Spokesperson' meant that should any one of the three request that a particular



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planning application be referred to Committee for determination, it would stay on the agenda and not be processed under delegated powers.

The Committee discussed the report and during the debate it was suggested that the temporary arrangements be extended whilst the Covid-19 pandemic remained as opposed to making the arrangement permanent, with the period of such extension to be agreed by Full Council following consultation with Group Leaders and Independent Members. The Principal Lawyer – Place Team advised that if the Committee was minded to support the continuation of the extended delegation scheme for a temporary period, this would be a matter for consideration by the Monitoring Officer and not Full Council. Only if the change was to be requested on a permanent basis would the matter require referral to Full Council.

On this basis it was suggested that the newly appointed Monitoring Officer when in post be requested to discuss this matter with Group Leaders and Independent Members to determine a recommended period for the proposed extension.

The Committee noted that there had been one occasion when the date of the Planning Spokes meeting had been rescheduled due to a planning presentation and concern was expressed that this had resulted in an application not being referred to the Committee for determination when it might otherwise have been. In response, the Head of Planning advised that in hindsight, the date of the meeting of Planning Spokes should not have been moved and reassured the Committee that this would not happen again. However, referring to the planning application referred to, this was for a new industrial use in an existing industrial area and therefore despite the request from a Parish Council for the planning application to be referred to Committee for determination, the Planning Spokes had been satisfied that there were no reasonable planning grounds on which to refuse the application and other than the comments from the Parish Council, there had been no comments from individual members of the public.

Following consideration, and having regard to the comments expressed by the Head of Planning, the Principal Lawyer – Place Team and Members along with the Government's roadmap for easing Covid-19 restrictions which would not take place until 21 June at the earliest, it was suggested that consideration of this matter be deferred to enable the newly appointed Monitoring Officer to discuss the temporary extension of the current delegation with Group Leaders and the Independent Members.

### **Decision:**

Consideration of this matter be deferred to enable the newly appointed Monitoring Officer to discuss the temporary extension of the current delegation with Group Leaders and the Independent Members along with the length of such temporary extension, it being noted that the current arrangements would remain in place for the Committee's June meeting having regard to the pending Government's anticipated announcement concerning the relaxation of the Covid-19 restrictions on 21 June 2021.

**28 Exclusion of the press and public**

**Decision:**

The Committee agreed to exclude the press and public from the meeting during consideration of agenda item 14 (Enforcement report regarding a site in Medway) because consideration of this matter in public would disclose information falling within paragraph 6a and b of Part 1 of Schedule 12A to the Local Government Act 1972 as specified in agenda item 13 (Exclusion of Press and Public) and, in all the circumstances of the case, the Committee considered that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

**29 Enforcement report regarding site in Medway**

**Discussion:**

The Committee received a report recommending that direct action be taken to resolve a breach of Planning Control at a site in Medway.

The Head of Planning advised that there was an extensive enforcement history relating to this site, full details of which were outlined in the report.

The Committee discussed the report noting the history of the site and all the factors that had been taken into consideration including the circumstances of the individual occupiers as set out in the equality impact assessments provided with the report before recommending that direct action be taken and the potential courses of action for the recovery of costs should direct action be approved.

**Decision:**

In the light of the factors set out in the report and, that in the absence of further action by the Council it is unlikely that there will be compliance with the requirements of the outstanding enforcement notice, authority be given for direct action to secure compliance with the enforcement notice of 3 May 2017.

**Chairman**

**Date:**

**Ellen Wright, Democratic Services Officer**

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