

**Medway Council**  
**Planning Committee**  
**Wednesday, 24 August 2022**  
**6.42pm to 9.13pm**

**Record of the meeting**

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

**Present:** Councillors: Mrs Diane Chambers (Chairman), Buckwell (Vice-Chairman), Adeoye, Curry, Fearn, Hackwell, Howcroft-Scott, Hubbard, Lammas, McDonald, Potter, Thorne and Tranter

**Substitutes:** Councillors:  
Gulvin (Substitute for Carr)  
Browne (Substitute for Chrissy Stamp)

**In Attendance:** Duncan Berntsen, Senior Urban Design Officer  
Laura Caiels, Principal Lawyer - Place Team  
Julie Francis-Beard, Democratic Services Officer  
Dave Harris, Head of Planning  
Robert Neave, Principal Transport Planner  
Carly Stoddart, Planning Manager

**178 Apologies for absence**

Apologies for absence were received from Councillors Carr and Chrissy Stamp.

**179 Record of meeting**

The record of the meeting held on 27 July 2022 was agreed and signed by the Chairman as correct.

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

There were none.

In addition, the Committee wished the Principal Transport Officer all the very best and thanked him for all his hard work as this would be his last Planning Committee at Medway Council.

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

Disclosable pecuniary interests

There were none.

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### Other significant interests (OSIs)

There were none.

### Other interests

Councillor Potter referred to planning application MC/21/3235 – Land off Lower Rainham Road, Gillingham, Medway, explaining that he had already addressed the Committee as Ward Councillor at a previous meeting and stated that the other Ward Councillor for Rainham North had sent in a statement to be read out at the meeting. Councillor Potter would therefore withdraw from the meeting for the duration of this item.

### **182 Planning application - MC/21/3671 Former Trafalgar Centre & Multi Storey Car Park, High Street/Rhode Street/Whittaker Street, Chatham ME4 4AL**

#### **Discussion:**

The Head of Planning outlined the application in detail and explained why the application was deferred at the previous meeting. Members had also attended a presentation regarding the application where some of their questions and points of clarification had been answered.

The application was for outline planning permission for a mixed-use development comprised of up to 175 residential apartments, 1990 sq ft of creative arts studios, 2100 sq ft of co-working offices, 1800 sq ft of flexible co-working space, 152 carparking spaces, landscaping, storage and refuse facilities. This included demolition of the former Trafalgar Centre and partial demolition of the multi-storey car park.

The Head of Planning explained to the Committee they would determine only the scale and access of the application at the meeting. The appearance, internal and external layout and landscaping would be dealt with later for approval under reserved matters and would come back to this Committee.

The Head of Planning informed the Committee that an additional condition was recommended to be added to include a travel plan to promote the use of a car club scheme within the site or linking to a car club being provided within a nearby development.

The scheme had been amended from the original application to reduce the impact of the development.

The Senior Urban Design Officer explained to the Committee how officers produced 3D model comparisons of the indicative plans. The Planning Team engaged with the applicant and presented the 3D model to them, following which the developers had been willing to amend the scheme in line with the officers' recommendations.

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The Head of Planning and the Senior Urban Design Officer showed strategic, like for like, views of the impact that the first application had on the surrounding area and then the updated views following the amendments which included views of the Great Lines, Rochester Castle and Cathedral. Historic England were satisfied with the revised plans.

The Head of Planning stated the Section 106 contributions would go towards improvements to the local area, community infrastructure, enhancing the high street and health improvements.

The Committee considered the application and noted that it was an outline planning application. Members would have the opportunity to consider the exact design details for the development once submitted and brought forward in the reserved matters application.

Members recognised that the Trafalgar Centre site needed to be developed but it should be the right application for the area.

Members expressed concern with the lack of affordable housing. The Head of Planning explained the viability issues that related to development on brownfield sites, particularly when there was demolition and contamination issues to address. He advised that the application had been accompanied by a viability assessment that had been independently assessed by the Council's appointed expert. This meant that the choice was to either provide affordable housing with no community infrastructure contributions or vice versa but the development could not provide both. Officers had balanced that the need to deliver public realm/health/community infrastructure and open space within the town centre were more important for prospective occupiers than affordable housing in this instance.

Members recognised that the development would result in improvements to green spaces and more tree planting in Chatham, while the application was not just for residents but included creative arts studios and the co-working areas.

The Head of Planning confirmed that due to the sensitivity of the site and the importance of getting detailing and materials right, that any Reserved Matters application would be reported to the Committee for a decision.

### **Decision:**

**Approved** subject to:

- a) Section 106 agreement to secure the following:
  - i. Up to £220,293.25 green space/public realm contribution towards improvements to the local area including Paddock and Chatham Waterfront.
  - ii. Up to £105,896 towards community infrastructure in Chatham Centre including libraries and public realm.

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- iii. Up to £114,390.50 towards health improvements in primary care networks in the local area.
- iv. Up to £20,000 towards transport improvements relating to Chatham Centre.
- v. Up to £44,420.25 towards strategic measures in respect of the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites.

Conditions 1 to 36 as set out in the report for the reasons stated in the report with the addition of a Travel Plan condition, with reference to car club.

### **183 Planning application - MC/22/0254 Land To The East and West of Church Street, Cliffe, Rochester**

#### **Decision:**

Consideration of this application was deferred at the request of the Head of Planning in order to address concerns.

### **184 Planning application - MC/21/3235 Land off Lower Rainham Road, Rainham, Gillingham, Medway**

Councillor Potter left the meeting for this item

#### **Discussion:**

The Head of Planning explained the background to this application, where in approving the application for the development of the site subject to conditions at a previous meeting, the Planning Committee had asked for details of the southern boundary to be the subject of public consultation specifically to obtain opinion on the inclusion of a pedestrian access or not.

The results of the public consultation were set out on page 110 of the agenda. Of those responding, the overwhelming support was for no pedestrian access through the site.

The Head of Planning explained that the scheme showed a swale separating the two developments and a retaining wall of 800mm. Officers considered this would be a sufficient deterrent to pedestrians.

The Head of Planning read out a statement from Councillor Carr as Ward Councillor which included the following concerns.

- The proposed solution was not a solid separation as specifically stated in the consultation for local residents. A solid separation was overwhelmingly supported.
- The proposed boundary treatment may create a feature which could attract groups to gather and may lead to anti-social behaviour.
- To address concerns about visual amenity an additional condition was suggested, to consult residents living in the cul-de-sacs (Macklands Way

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and Lambourne Place), on whether they want the bank as an alternative to a solid separation.

Councillor Carr referenced the western part of the site, where, due to a significant amount of vegetation barrier being removed, the allotments were now exposed. She also stated there did not seem to be any fencing proposed along the nature reserve boundary and questioned whether the Riverside Country Park Rangers had been consulted. The Head of Planning confirmed that the western area of the site was not part of the consideration at this Committee.

The Committee discussed the planning application noting the concerns outlined by the Head of Planning and the points raised by the Ward Councillor and discussed whether a solid separation would feel like a barrier around the estate and whether there were any gains from including a pedestrian link for existing residents accessing the nature reserve and surrounding public footpaths as well as creating more permeability between the two developments.

### **Decision:**

**Approved** the option for a footpath link between the two sites.

Councillor Potter returned to the meeting

### **185 Planning application - MC/22/0384 Land at Port Victoria Road, Port Victoria Road, Isle of Grain, ME3 0EN**

### **Discussion:**

The Planning Manager outlined the application in detail for reserved matters for the appearance, scale, revised layout and discharge of conditions 9 (finished levels), 10 (archaeology), 17 (CEMP) and 23 (bat sensitive light).

The current proposal showed the siting of houses 1 – 3 being stepped back further in the site from what had been originally approved, which had reduced the depth of the gardens but still met the minimum standards. The design of the houses was in keeping with the area and exceeded the room size guidelines.

Under the discharge of conditions officers were satisfied regarding finished floor levels, the CEMP and lighting but sought delegated authority to clear condition 10 regarding archaeology once KCC archaeology were satisfied with the submission details.

### **Decision:**

**Approved** with conditions 1 – 2 as set out in the report for the reasons stated in the report. Condition 10 would be discharged under delegated authority.

**186 Planning application - MC/22/1359 Garages at Berkeley Mount, Old Road, Chatham, Medway**

**Discussion:**

The Planning Manager outlined the application in detail and explained that a previous application for a block of flats consisting of 4 one-bedroom flats had been refused. This application was for 3 flats which consisted of 1 x two bedroom and 2 x one-bedroom flats. The site sat within the New Road Chatham conservation area.

The plans submitted demonstrated how they met national standards and how the building could be achieved.

There would be one carparking space per unit and a s106 request for a crash barrier to be installed for when entering the site.

The Committee considered the application noting their concerns regarding the overdevelopment of such a small size and did not consider that the reduction in the number of units had satisfactorily addressed the reasons for the previous refusal.

**Decision:**

**Refused** for the following reason:

By virtue of the limited size of the site and its constraints the development of 3 flats would be considered an overdevelopment of the site contrary to paragraphs 126, 130, 195, 186, 202 of the National Planning Policy Framework 2021 and Policies H4, BNE1, BNE2 and BNE14 of the Medway Local Plan 2003.

**187 Planning application - MC/22/0475 Net Tex Industries, Hoo Marina Industrial Estate, Vicarage Lane, Hoo St Werburgh**

**Discussion:**

The Head of Planning outlined the application in detail and apologised for deferring this application from a previous meeting to address issues around noise and adjacent properties.

This application site was within the Hoo Marina Industrial Estate and adjacent to mobile park homes which were used as permanent accommodation.

The previous building was destroyed by fire in September 2020 and the application sought to replace this with two smaller units. The site was within an existing employment area and under Policy ED1 of the Local Plan, which only permitted business (Class B1) development.

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The scheme submitted had been revised to include planting along the boundary with the residential mobile home site. The buildings had been sited with their main entrance facing the industrial estate so the buildings themselves would act as a noise baffle. In addition, the applicant had agreed to conditions to include measures to limit and record noise levels on the boundary and to restrict hours of operation to protect neighbouring residential amenity. Parking for 3 vehicles plus 1 disabled space per unit was proposed.

Members considered that the deferral had enabled the scheme to be revised to make it acceptable and also referenced (in light of a comment from a Parish Councillor) that the landscaping along the boundary should include indigenous species.

### **Decision:**

**Approved** with conditions 1 to 15 as set out in the report for the reasons stated in the report.

### **188 Planning application - MC/22/0854 2 Spencer Close, Princes Park, Chatham, Medway**

#### **Discussion:**

The Planning Manager outlined the application in detail and explained that the site was in a residential area in Chatham and the application would be for the construction of a first-floor extension to the side; single storey extension together with a dormer to the rear.

Two previous applications had been submitted, one for a Lawful Development Certificate for a dormer to the rear and one for a single storey extension to side/part rear and first floor extension to side. This application would combine the two and extend the dormer over the whole roof.

#### **Decision:**

**Approved** with conditions 1 to 5 as set out in the report for the reasons stated in the report.

### **189 Performance Report 1 April 2022 to 30 June 2022**

#### **Discussion:**

The Committee received a report setting out performance for the period 1 April 2022 to 30 June 2022 which the Head of Planning explained.

A number of compliments had been received and were listed on page 177-178 of the report.

Members expressed their thanks to the Head of Planning and his team for all their hard work and to acknowledge the impressive performance statistics set

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out in 3.2 of the report and how the team had achieved this, knowing the time each application could take.

Members noted the challenges with recruitment. The Head of Planning confirmed that recruitment had been an issue nationally, not just a Medway challenge.

Members expressed concern with the number of tree applications and the numbers dealt with each month.

### **Decision:**

The Committee noted the report and requested that the Head of Planning express the Committee's appreciation for the levels of achievement to staff within the Planning Service.

## **190 Report on Appeal Decisions 1 April 2022 to 30 June 2022**

### **Discussion:**

The Head of Planning gave a summary of the appeal decisions referred to in Appendix A to the report.

Members thanked the Head of Planning and his team for all the hard work involved in appeals.

### **Decision:**

The Committee noted the report.

## **191 Exclusion of the press and public**

### **Decision**

The Committee agreed to exclude the press and public from the meeting during consideration of agenda item 15 (Enforcement Proceedings: 1 January 2022 – 30 June 2022) because consideration of these matters in public would disclose information falling within paragraphs 6a and 6b of Part 1 of Schedule 12A to the Local Government Act 1972 as specified in agenda item 14 (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.

## **192 Enforcement Proceedings 1 January 2022 to 30 June 2022**

### **Discussion:**

The Head of Planning gave a summary of the enforcement proceedings referred to in Appendix A to the report.



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Members were reminded that if they had an issue or a question regarding enforcement proceedings to notify the Head of Planning, the Planning Manager or Enforcement Officers prior to the meeting to enable an answer to be provided at the meeting.

**Chairman**

**Date:**

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