

**Medway Council**  
**Planning Committee**  
**Wednesday, 14 February 2024**  
**6.30pm to 9.55pm**

**Record of the meeting**

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

**Present:** Councillors: Hubbard (Chairperson), Stamp (Vice-Chairperson), Anang, Barrett, Bowen, Etheridge, Field, Gilbourne, Gulvin, Hamandishe, Howcroft-Scott, Jones, Peake and Pearce

**Substitutes:** Councillors:  
Myton (Substitute for Nestorov)

**In Attendance:** Councillor George Crozer (for agenda item 6)  
Councillor Louwella Prenter (for agenda item 8)  
Councillor Ron Sands (in attendance for agenda item 6)  
Julie Francis-Beard, Democratic Services Officer  
Dave Harris, Chief Planning Officer  
Peter Hockney, DM Manager  
Joanna Horne, Lawyer  
Nick Roberts, Principal Planner  
Jonathon Simon, Planner  
Mary Smith, Senior Planner  
George Stow, Highways Consultant  
Tom Stubbs, Senior Planner

**608 Apologies for absence**

Apologies for absence were received from Councillors Lammas and Nestorov.

**609 Record of meeting**

The record of the meeting held on 17 January 2024 was agreed and signed by the Chairperson as correct.

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

There were none.

**611 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 Etheridge stated that he often attended meetings for Frindsbury and Cliffe Woods Parish Councils and explained that if any planning applications were ever discussed there, which were due to be considered by the Medway Council Planning Committee meeting, he would not take part in the discussion at the Parish Council meetings.

Councillor Gulvin referred to planning application MC/23/27010 Pentagon Shopping Centre, Military Road, Chatham and informed the Committee that he had been involved in the Innovation Hub as the previous Portfolio Holder with responsibility for property.

Councillor Gulvin referred to planning application MC/23/2463 Civic Centre, Esplanade, Strood, Rochester and informed the Committee that he had been involved as a previous Director of Medway Development Company Ltd.

Councillor Pearce referred to planning application MC/23/2597 Land at Former Deangate Ridge Golf Club and informed the Committee that as he had spoken, politically, on this application during the Local Election and wished to address the Committee, alongside his other Ward Councillors, he would take no part in the determination of the application.

Councillor Bowen referred to planning application MC/23/2423 Harewood, Matts Hill Road, Rainham, Gillingham and informed the Committee that she was pre-determined due to personal circumstances, therefore, would take no part in the discussion or determination of the application.

**612 Planning application - MC/22/2514 48 Green Street, Gillingham, Medway, ME7 1XA**

**Discussion:**

The Principal Planner outlined the application in detail for the change of use of the existing building, including the construction of a 4th floor extension to the rear and a 5th floor roof extension, to create 57 self contained flats with private terraces / balconies and associated refuse/cycle storage areas, car parking, green roof and landscaping.

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Members thanked the Chief Planning Officer and his team for the Viability Training that was undertaken on Monday 12 February 2023 where this planning application was used as a case study.

The Committee considered the application and raised concerns that there were no S106 contributions proposed, no affordable housing included in the scheme and limited parking. They also had concerns regarding the external appearance of the building.

The Chief Planning Officer explained that there had been lengthy conversations with the applicant regarding the materials and the expectations of the finished development and he stated that the applicant had tried to soften the brutality of the building and include landscaping around the development.

Members were disappointed that no affordable housing would be provided, however, they were pleased that the market the developers were aiming for would be for key workers, especially with the close proximity to Medway Hospital. Members felt that there was a need for housing for local people, however, it was considered they could be priced out with this development.

Members were concerned with the lack of open space for some of the flats and that this could impact on occupants' mental health. The Chief Planning Officer clarified that Balmoral Gardens was a short walk across a bridge from the development.

The Principal Planner confirmed that there would be no parking apart from two disabled parking spaces and residents would not be able to apply for residents parking permits for the area. The close proximity to local transport links and the high street was sufficient for the application to be considered a 'car free development'.

Members considered the use of brownfield sites and the footfall from the development going into Gillingham High Street, which needed more regeneration, to be positive aspects of the development.

The Chief Planning Officer explained that his officers had worked hard on the scheme and closely with the applicant. The site had been vacant for some time and would remain vacant if nothing was to be done to develop it. The application complied with Medway's existing Local Plan and the National Planning Policy Framework (NPPF) and would support the regeneration of Gillingham Town Centre.

### **Decision:**

**Approved** subject to:

- A) The submission of a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 to secure:
  - i) £17,900.85 towards Designated Habitats Mitigation.

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- B) Conditions 1 to 22 as set out in the report for the reasons stated in the report.

### **613 Planning application - MC/23/2597 Land at former Deangate Ridge Golf Club, Dux Court Road, Hoo, Rochester**

#### **Discussion:**

Councillor Pearce withdrew from the meeting as a Committee Member and sat with the other Ward Councillors.

The Chief Planning Officer outlined the application in detail for the change of use from a former golf course to a community park, comprising of works to existing access and car park, cycle parking, formation of footpaths, landscaping, tree/scrub planting, boundary treatments, site interpretation and benches with associated works.

The Chief Planning Officer explained that the community park would be accessible for all members of the public, would provide wider health benefits and would be the first phase of leisure provisions at Deangate. It would be a huge benefit to Medway and the local community that enjoyed the countryside, leisure pursuits, sports and ecology.

With the agreement of the Committee, Councillor Crozer addressed the Committee on behalf of all three Ward Councillors and raised the following concerns:

- As Ward Councillors they supported this application, recognising the community park would provide health and wellbeing benefits for residents, however, considered it to be a leap of faith.
- Medway Council closed the golf club back in 2018, as it was running at a £200,000 loss, and Medway Council needed to balance the books. The golf club was closed without any public consultation.
- Concern regarding the lack of footpaths was raised as there was no safe pedestrian crossing from Hoo to Dux Court Road. A sustainable and safe mode of crossing should be installed.
- The area was adjacent to a Site of Special Scientific Interest (SSSI) and the home to protected wildlife including nightingales, slow worms and bats.
- They would welcome the community park being changed to a Country Park. Could a pitch and putt course and driving range be re-established. This planning application would not be the end of the Deangate site, however, funding was needed to allow future opportunities for the club house including its use as a visitors centre and cafe.

The Committee discussed the planning application noting the points raised by the Ward Councillors.

Members acknowledged this was a facility for everyone to use, to enjoy the beauty, tranquillity and diversity of the site. The Chief Planning Officer

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explained the applicant had provided a large amount of information and Medway's Consultees had stated the development was good, however, there were ways that had been suggested to make the facilities better for the public.

Members were concerned with the lack of paths and disabled access. The Chief Planning Officer explained that further work was being done with officers on the finite detail, acknowledging the community park should be accessible for all. He said that providing a crossing of Peninsula Way and providing paths down Dux Court Road for pedestrians to walk safely was a priority. Those plans were not included in this planning application but would be included in future plans.

Although there were no public facilities on site, the next phase coming forward would include the former club house and public facilities and would likely contain an educational area to learn about the site. Information boards would be installed around the community park explaining the important ecology within the site and adjacent SSSI.

Members asked whether there would be an opportunity to relocate some sub species of amphibians so that Deangate could become a release site. Future discussions with Natural England would be held.

In response to a question regarding the running track and football pitches on the opposite side of Dux Court Road (outside the application site) the Chief Planning Officer explained that Section 106 contributions and external funding were being sought to improve the football pitches, running track and changing rooms and the Council and Ward Councillors were in consultation with the local football teams.

### **Decision:**

**Approved** with conditions 1 to 16 as set out in the report for the reasons stated in the report.

Councillor Pearce returned to the meeting as a Committee Member.

### **614 Planning application - MC/23/2700 Pentagon Shopping Centre, Military Road, Chatham, Medway**

#### **Discussion:**

The Chief Planning Officer outlined the application in detail for the change of use from commercial, business and service (Use Class E) to an Innovation Hub (Use Class E (g)(i)) to facilitate occupation of part of the first floor of the Pentagon Centre. He also brought Members' attention to the supplementary agenda advice sheet which updated the relevant planning history.

The Chief Planning Officer confirmed that a Lawful Development Certificate had already been granted in respect of the Healthy Living Centre and this application was only for the proposed Innovation Hub.

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It was suggested that the development would help bring life back into the Pentagon Centre and Chatham Town Centre, where a lot of regeneration was happening including within Mountbatten House, Garrison Point, Chatham Waterfront and the outdoor paddock and the Innovation Hub in the Pentagon Centre would be vital to the future of Chatham Town Centre.

The Innovation Hub would provide short-term lets and flexible lease arrangement to promote local business, startups and a potential for co-working areas. The Innovation Hub would encourage more residents, that were working from home, the opportunity to get out, speak to similar people and to network.

With the agreement of the Committee, the Chief Planning Officer read out Councillor Maple's comments, in conjunction with his other Ward Councillors and outlined the following points in support of the application:

- It had been a long-held ambition to bring much needed health provisions to the centre of Chatham, which was progressing and the Innovation Hub would complete the picture for the remaining space.
- The Innovation Hub would bring modern, comfortable space for collaboration and co-operation.
- Alongside the anticipated health provision, this would give a much needed and welcome boost to the existing businesses and shops in Chatham.
- It was noted that there were no objections made to the proposals.

The Committee discussed the planning application and the comments raised by the Ward Councillors and considered the development would be advantageous to Chatham Town Centre. The Innovation Hub would be somewhere to go to work, socialise and network and would increase the footfall into the local area.

### **Decision:**

**Approved** with conditions 1 and 2 as set out in the report for the reasons stated in the report.

### **615 Planning application - MC/23/2683 Pear Tree House, 68 West Street, Gillingham, Medway**

#### **Discussion:**

The Senior Planner outlined the application in detail for the change of use from offices to six x 1-bed flats, including three small single storey infill extensions and a first floor extension and roof extension incorporating a loft conversion, plus the installation of two first floor windows and one flat entrance door to facilitate.

The Senior Planner clarified that a conversion to 16 flats in total had already been approved under a prior application and this planning application would add a further two flats in the roof space.

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With the agreement of the Committee, Councillor Louwella Prenter addressed the Committee as Ward Councillor and raised the following concerns:

- There would be a lack of rubbish storage. The local streets already had an increased amount of fly tipping.
- The Transport Statement had been submitted, stated there would be 102 parking spaces within a 2 minute walk. The 102 spaces referenced had not been identified and it seemed “Dr on Call” spaces had been included. There were 2 disabled parking spaces in the original application, this application had none.
- Although the development was in close proximity to transport links and the inclusion of a cycle store was welcomed, it was stated that buses did not run late into the evening.
- She understood there was a housing shortage, however, she considered 18 flats with up to 36 people would not make much of a difference to that shortage.

The Highways Consultant clarified that while the survey was conducted correctly, the phrasing in the Transport Statement could have been interpreted as misleading but confirmed the methodology was robust.

The Senior Planner explained that the parking area was not included in this application site area and would be part of a future planning application.

The Committee discussed the planning application, noting the comments outlined by the Senior Planner and the points raised by the Ward Councillor and were concerned with the possible overdevelopment of the site, lack of refuse facilities and parking. The Senior Planner reminded Members that the planning application was only for 2 additional flats compared to what had previously been granted prior approval (12 flats) and full planning permission (4 units).

The Senior Planner confirmed the wording for condition 5, regarding parking, would be amended so that residents would be unable to apply for on-street parking permits for the area.

Condition 9 would be amended to include samples of external materials to be submitted and approved to the Local Planning Authority.

### **Decision:**

**Approved** with conditions 1 to 9 as set out in the report for the reasons stated in the report. With amendments to condition 5 and 9.

### **Amend Condition 5:**

Prior to the first occupation of any of the flats hereby approved a Travel/Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Parking Management Plan shall encompass a range of measures to encourage the use of sustainable and non-car related transport

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modes, details of how residents and their visitors will be discouraged from parking on local streets **and confirmation that residents will not apply for on-street parking permits.** The Travel/Parking Management Plan shall be implemented in accordance with the approved details prior to the first occupation of the flats and shall thereafter be retained in operation.

Reason: To encourage sustainable travel and discourage car parking on local streets with regard to Policies BNE2 and T1 of the Medway Local Plan 2003.

### **Replace Condition 9:**

No external alterations shall take place until details and samples of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

### **616 Planning application - MC/23/2721 128 Gordon Road, Strood, Rochester, Medway**

#### **Discussion:**

The Senior Planner outlined the application in detail for the retrospective change of use from a dwelling house to a children's care home.

Members were concerned that it could not be guaranteed that Medway children would be housed at the property. The DM Manager clarified that where the children, and those in need, originated from could not be given any weight as a planning consideration although he confirmed that condition 2 stipulated that the number of residents cared for and residing on the premises should not exceed two at any one time.

Following a question, the Senior Planner confirmed the Head of Children's Services Commissioning had been consulted on the planning application, however, no response had been received. The DM Manager explained that the Head of Children's Services Commission was looking at changing the way they responded to these types of applications, to ensure that the information was helpful within the planning arena.

The Chairperson explained that where the Committee approved planning permission for children's care homes, this approval related only to planning terms and that the permission for the Children's Care Home to operate was granted by Ofsted.

**Decision:**

**Approved** with conditions 1 and 2 as set out in the report for the reasons stated in the report.

**617 Planning application - MC/23/2572 20 Milburn Road, Gillingham, Medway, ME7 1PH**

**Discussion:**

The DM Manager outlined the application in detail for the construction of a single storey extension to the rear, single storey extension to the side, insertion of a dormer to the side/ rear and roof lights to the front, to facilitate the change of use from dwellinghouse (Class C3) to 7 person House of Multiple Occupation (Sui Generis).

The DM Manager clarified that a Lawful Development Certificate had already been granted for the construction of a single storey extension and dormer windows to facilitate a 6 person House of Multiple Occupation (HMO). Lawful Development could be undertaken at any time and this application was to increase the number from a 6 person HMO to a 7 person HMO.

The Committee were concerned that the communal space would now be removed and converted to a bedroom for an extra person.

In response to a question about parking, the DM Manager explained that, in terms of Lawful Development, no restrictions had been imposed on whether the 6 occupiers could apply, within the regulations, for parking permits and he clarified that they could all apply through Parking Services

**Decision:**

**Approved** with conditions 1 to 7 as set out in the report for the reasons stated in the report.

**618 Planning application - MC/23/2463 Civic Centre, Esplanade, Strood, Rochester**

**Discussion:**

The Chief Planning Officer outlined the application in detail for the creation of site access and entrance into the site together with associated works. The Esplanade would just be for emergency vehicles and for the Rochester Bridge Trust to continue to do maintenance on the Bridge.

The Chief Planning Officer drew Members' attention to the supplementary agenda advice sheet which amended condition 3 following comments from Highways and the Rochester Bridge Trust.

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The Committee considered the application and were pleased with the revitalisation of the site and acknowledged that a full planning application would come to the Planning Committee, in due course, with more details.

The Chief Planning Officer clarified that the amendment to condition 3 would assist with pedestrians crossing the bridge safely.

### **Decision:**

**Approved** with conditions 1 to 8 as set out in the report for the reasons stated in the report with an amendment to condition 3:

### **Amend Condition 3:**

Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: **temporary signal operations; details of construction traffic volumes and timescales, no routing via Rochester bridge, restriction to right in/left out and commitment that access to the bridge, its structure and Esplanade will be retained at all times for the RBT and emergency personnel**, hours of construction working; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control, site contact details in case of complaints and details of the precautionary mitigation for bats and breeding birds detailed within the Preliminary Ecological Appraisal (CGO Ecology; November 2023). The construction works shall thereafter be carried out at all times in accordance with the approved CEMP, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: Required prior to commencement of development to ensure the development does not harm the residential amenity of the surrounding neighbouring properties in accordance with Policy BNE2 of the Medway Local Plan 2003.

### **619 Planning application - MC/23/2423 Harewood, Matts Hill Road, Rainham, Gillingham**

Councillor Bowen withdrew from the meeting.

### **Discussion:**

The DM Manager outlined the application in detail for the retrospective application for the change of use of land to Gypsy/Traveller site comprising the stationing of 1 mobile home, hardstanding area, utility shed, oil tank, and cesspit.

The DM Manager explained that, under condition 2, the mobile home would only be occupied by the named family. If the mobile home ceased to be

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occupied by those named, any materials and equipment would be removed and, therefore, no additional development could be added. There were twice yearly counts of caravans on gypsy and traveller sites and if the condition was breached, enforcement would be undertaken.

### **Decision:**

**Approved** with conditions 1 to 4 as set out in the report for the reasons stated in the report.

Councillor Bowen returned to the meeting.

### **620 Planning application - MC/23/2775 3 Harlequin Fields, Rochester, Medway, ME1 3EQ**

#### **Discussion:**

The DM Manager outlined the application in detail for the formation of gable ends, construction of a dormer window to rear, installation of roof lights to front and second floor windows to both sides to provide additional living accommodation within roof space.

Although a Member was concerned that the new roof shape would be in conflict with the street scene, others considered that although the substantial change would make the house look different, it would not be harmful to the character of the area.

#### **Decision:**

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

### **621 Performance Report - 1 October 2023 to 31 December 2023**

#### **Discussion:**

The Chief Planning Officer, before going through the Performance Report, stated to Members that he understood their frustration on planning in general, however, referred to the housing crisis and the need for more homes and temporary accommodation. HMOs had an important role to play in that, however, he was concerned with the expanding use of HMOs utilising prior approvals to do harmful extensions to dwellings and also to provide, in some cases, poor internal amenity.

He also stated that the Government had announced a consultation that would give additional priority to brownfield sites and densification, and while he understood and agreed with the use of brownfield land he was concerned that densification may result in harmful development to the character of an area. He also stated the Government were in consultation regarding the extension of

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permitted development rights for households and his team would be carefully considering their responses.

The Committee received a report setting out performance for the period 1 October 2023 - 31 December 2023.

The Chief Planning Officer drew Members' attention to the National Planning Policy Framework (NPPF) changes that came into force in December 2023 and advised that a member briefing would be organised in due course to go through those changes.

The Chief Planning Officer explained that although the Planning Service had undergone a restructure and managed to fill a number of posts and retained staff, there were still 1.4 Senior Planner vacancies which could not be filled as the budget for those salaries would have been met through the Housing Infrastructure Fund (HIF) which had been withdrawn. Other vacancies, which he was looking to recruit to in the new financial year, included 1 x Landscape Officer, 1 x Tree Officer and 1 x Derelict Properties Officer and that would leave vacancies for a Planner and Validation Officer.

The Chief Planning Officer acknowledged that Medway's Housing Delivery Test figures showed Medway had improved and were now at 79%. This was the first time Medway had achieved more than 75% and that was due to the hard work of Officers and Members in conjunction with developers.

The Chief Planning Officer stated that pre-applications were important in allowing communication and engagement between developers, Officers and Members and improved the quality of development considerably.

The Chief Planning Officer then covered a number of subjects, which included three enforcement notices - one was a breach of condition notice and two were enforcement notices.

There had been an improvement over the last six months regarding tree preservation order (TPO) applications due to a consultant being used to help out with the backlog. In the new financial year a new tree officer would be recruited to reduce the cost of using the current tree consultant.

A number of compliments had been received and were set out on pages 153 and 154 of the report.

Members were encouraged to see that that 90% of planning applications were being delegated to officers, which allowed the Planning Committee to concentrate on any controversial planning applications.

Members expressed their thanks to the Chief Planning Officer and his team for all their hard work and acknowledged the amount of work that went into producing the results shown.

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### **Decision:**

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

### **622 Report on Appeal Decisions - 1 October 2023 - 31 December 2023**

### **Discussion:**

The Chief Planning Officer gave a summary of the appeal decisions referred to in appendix A to the report.

### **Decision:**

The Committee noted the report.

### **Chairperson**

### **Date:**

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