

**Medway Council**  
**Meeting of Planning Committee**  
**Wednesday, 5 February 2020**  
**6.30pm to 10.25pm**

**Record of the meeting**

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

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

**Substitutes:** Councillors:  
Gulvin (Substitute for Buckwell)

**In Attendance:** Duncan Berntsen, Senior Urban Design Officer  
Councillor Hazel Browne  
Laura Caiels, Legal Advisor  
Doug Coleman, Senior Planner  
Michael Edwards, Head of Integrated Transport  
Kemi Erifevieme, Planning Manager  
Dave Harris, Head of Planning  
Councillor Vince Maple  
Councillor Alex Paterson  
Councillor Mark Prenter  
Councillor Ron Sands  
Carly Stoddart, Planning Manager  
Tom Stubbs, Senior Planner  
Ellen Wright, Democratic Services Officer

**654 Apologies for absence**

An apology for absence was received from Councillor Buckwell.

**655 Record of meeting**

The record of the meeting held on 15 January 2020 was agreed and signed by the Chairman as correct.

In respect of the following planning applications, the Committee noted that under delegated authority, the Head of Planning had agreed the following changes to conditions and refusal grounds in agreement with the Chairman, Vice Chairman and Opposition Spokesperson:

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### Planning application MC/19/2530 - Land at Westmoor Farm (North), Moor Street, Rainham, Gillingham

The Head of Planning re-worded conditions 19 and 21 and added a new condition 27 as follows:

19. Prior to the first use of the school herein approved, details of the provision of sixteen active electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the location, charging type (power output and charging speed), associated infrastructure and timetable for installation. The development shall be implemented in accordance with the approved details prior to the use of the school and shall thereafter be maintained as such.
  
21. Prior to the first use of the school herein approved, a School Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The School Travel Plan shall include provision of the arrangements for the appointment of a School Travel Plan Coordinator and working group, SMART targets and initiatives for promoting sustainable transport with particular emphasis on walking, bicycle use, and arrangements and promotion of the school's new bus service provision, together with details of future monitoring and update procedures. The School Travel Plan shall be implemented upon first use of the school and shall be kept in place, and updated, thereafter. The approved school travel plan shall be continually monitored with the results of the monitoring and any recommended actions submitted to and approved in writing to the Local Planning Authority on an annual basis starting from the date of the approval of the first School Travel Plan, with the approved recommendations implemented as agreed as part of the annual review, improvement and reduction of car dependency.

The Travel Plan shall monitor the pupils catchment area annually and if the number of pupils from Sittingbourne area reach a critical mass of more than 10% of the school pupils then the school bus service shall be extended to cover Sittingbourne area.

27. Prior to the first use of the school herein approved, a scheme showing the siting, size and specification of the photovoltaic panels on the roof of the main school building shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details and thereafter maintained.

Reason: To ensure that the development has an acceptable level of sustainability and contributes to tackling climate change to accord with paragraphs 150 – 154 of the NPPF 2019.

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### **Planning application – MC/19/2404 – Avenue Tennis Club, Glebe Road, Gillingham**

The following reason for refusal was agreed:

1. The proposed development by reason of its design layout, scale and poor relationship to surrounding neighbouring occupiers results in a cramped form of development that would have a negative adverse impact on the character and appearance of the area. The limited distances and short gardens would result in increased levels of overlooking that would have a detrimental impact on the amenity of the neighbouring occupiers, in particular to plots 1-4. The proposal as such would result in overdevelopment of this backland site and would not result in a clear improvement of the local area. The proposal is therefore contrary to Policies H4, H9, BNE1 and BNE2 of the Medway Local Plan, and paragraphs 124 and 127 of the NPPF.

### **Planning application – MC/19/2364 – Land adjacent to Kaler House, George Summers Close, Medway City Estate, Rochester**

A new condition 16 was added to read as follows:

16. No part of the development shall be occupied until a Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Parking Management Plan shall contain details of how the parking spaces within the development are to be managed and preserved for use by employees and visitors. The Parking Management Plan shall be implemented in accordance with the approved details prior to the first occupation of the development and shall thereafter be retained.

Reason: To ensure satisfactory off-street parking in accordance with Policy T13 of the Medway Local Plan 2003.

### **656 Chairman's Announcements**

The Chairman informed the Committee that planning application MC/19/1875 – Land North of Medway Road, Gillingham ME7 1NY had been withdrawn from consideration at this meeting.

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

There were none.

### **658 Declarations of Disclosable Pecuniary Interests and Other Significant Interests**

#### Disclosable pecuniary interests

There were none.

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### Other significant interests (OSIs)

Councillor Etheridge referred to planning application MC/19/1708 – 18 Broom Hill Road and land to rear, Strood, Rochester ME2 3LE and informed the Committee that as he was a member of the same Association as a neighbour, he would withdraw from the meeting for the consideration and determination of the planning application.

Councillor Gulvin referred to the following planning applications and advised that he would withdraw from the meeting for the consideration and determination of the planning applications for the reasons stated:

Planning application MC/19/1922 – Deangate Golf Club, Dux Court Road, Hoo St Werburgh, Rochester – on the basis that this land fell within the remit of his Portfolio.

Planning application MC/19/3104 – Garages adjacent to Lynsted Road, Twydall Gillingham – on the basis that as a member of the Council's Cabinet, he had been party to the decision to release this land for housing and the Council was the applicant.

Planning application – MC/19/3107 – Site adjacent to Woodchurch Crescent, Twydall, Gillingham - on the basis that as a member of the Council's Cabinet, he had been party to the decision to release this land for housing and the Council was the applicant.

Planning application – MC/19/3106 – Site adjacent to Eastcourt Green, Twydall, Gillingham - on the basis that as a member of the Council's Cabinet, he had been party to the decision to release this land for housing and the Council was the applicant.

Councillor Potter referred to the following planning applications and advised that he would withdraw from the meeting for the consideration and determination of the planning applications for the reasons stated:

Planning application MC/19/3104 – Garages adjacent to Lynsted Road, Twydall Gillingham – on the basis that as a member of the Council's Cabinet, he had been party to the decision to release this land for housing and the Council was the applicant.

Planning application – MC/19/3107 – Site adjacent to Woodchurch Crescent, Twydall, Gillingham - on the basis that as a member of the Council's Cabinet, he had been party to the decision to release this land for housing and the Council was the applicant.

Planning application – MC/19/3106 – Site adjacent to Eastcourt Green, Twydall, Gillingham - on the basis that as a member of the Council's Cabinet, he had been party to the decision to release this land for housing and the Council was the applicant.

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Councillor Tranter referred to planning application MC/19/2535 – 120 Maidstone Road, Chatham ME4 6DQ and informed the Committee that as a friend lives in close proximity to the application site he would withdraw from the meeting for the consideration and determination of this planning application.

### Other interests

There were none.

A Member referred to planning application MC/19/1708 – 18 Broom Hill Road and land to rear, Strood, Rochester and questioned whether it would be appropriate for any other members of the same Association to declare an interest and leave the meeting for consideration of this particular planning application. In response, the Legal Advisor informed the Committee that it was for each Member to determine whether they considered they had an interest to declare.

### **659 Planning application - MC/19/2697 - 100 Jarrett Avenue, Wainscott, Rochester**

#### **Discussion:**

The Planning Manager outlined the planning application and reminded the Committee that this application had been considered on 15 January 2020 following which a decision had been deferred to enable the Committee to have sight of plans relating to MC/18/2010.

The Committee discussed the application.

#### **Decision:**

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

### **660 Planning application - MC/19/2566 - 25 - 33 Corporation Street, Rochester ME1 1ND**

#### **Discussion:**

The Head of Planning outlined the planning application in detail and informed the Committee of the extensive work undertaken by officers in recent years with various architects to ensure that the development of a hotel on this site would have full regard and be sympathetic to its historic location and surroundings.

He drew attention to the supplementary agenda advice sheet and suggested that if the Committee was minded to approve the application, proposed condition 9 be deleted and replaced with new conditions 9 and 10 and that the remaining conditions be renumbered. In addition, existing no.s 14 and 20

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required replacement, details of which were also set out on the supplementary agenda advice sheet.

In addition, the Head of Planning drew attention to one additional letter of representation received since despatch of the agenda which was summarised on the supplementary agenda advice sheet.

The Head of Planning referred to various viewpoints of historic Rochester and in particular the current unsightly views including a car wash facility which immediately faced individuals when departing from Rochester train station.

He also referred to the desire to improve connectivity from the train station to the historic High Street in addition to providing a quality hotel which would encourage visitors to stay in Rochester for longer than a day.

Attention was drawn to the views of Historic England, and it was noted that whilst Historic England still considered that there would be a level of harm arising from this development, such harm was considered to be less than substantial and an improvement on the original plans which had previously been approved.

The Head of Planning also drew attention to a correction to the report in paragraph 4 on page 57 relating to the assessment of harm to clarify exactly how harm should properly be assessed.

Other issues highlighted by the Head of Planning as part of his presentation included:

- the loss of and retention of a number of trees as a result of the development;
- the proposal to provide a roof top bar/restaurant at the hotel;
- the importance of lighting and building materials;
- that there will be no parking provision at the hotel to take account of its central location in Rochester, its close proximity to the train station and public car parks;
- the requirement for the applicant to provide a travel plan for staff and visitors;
- the benefits to the economy of the increase in visitors to Medway; and
- the creation of employment opportunities during construction and when the hotel is operational.

With the agreement of the Committee, Councillor Paterson addressed the Committee as Ward Councillor and raised the following issues:

- There are already two hotels in close proximity to the application site and enquiries indicated that there were a number of vacant rooms available on 5 February. Therefore, there was no justified need for another hotel.
- The development of the hotel would provide a loss of amenity to local residents.

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- Riverside multi-storey car park already gets full and if the hotel has no on site parking provision this will impact upon commuters use of the multi storey car park.
- The proposed hotel is overbearing in size, bulk and scale.
- Whilst the view of Rochester from the roof terrace of the hotel has been promoted as a benefit, it is likely that this view will only be available to residents of the hotel and will therefore be a private view for paying customers.
- There is no need for another bar facility in Rochester
- The hotel will spoil the view of historic Rochester from the train.
- The unique character of Rochester should be preserved.

The Committee discussed the planning application in details noting the presentation from the Head of Planning and the points raised by the Ward Councillor.

Concern was expressed as to the impact that the hotel would have upon the significant heritage assets in Rochester and the design of the hotel but it was noted that planning permission had already been granted for a five-storey hotel at this location in 2009 and 2012. Since then, much work had been undertaken with the current architects to design a scheme that would be appropriate to the historic location and surroundings and to preserve the view of the Cathedral from Corporation Street.

The Committee discussed a number of issues including the benefits of a hotel that would encourage tourists and the business sector to Rochester, the requirement for use of appropriate materials, the width of the pavement in Corporation Street and the proposed transport/travel plan.

Arising from these discussions, the Senior Urban Design Officer advised that although the artist impressions of the proposed hotel showed trees outside the hotel in Corporation Street, unfortunately there would not be sufficient depth of area for there to be provision of trees at the hotel frontage.

### **Decision:**

Approved subject to:

- a) The applicant entering into a Section 106 agreement to secure:
  - i) A contribution of £50,000 towards the car parking improvements in Rochester, including the provision of electric charging points in public car parks or other appropriate air quality mitigation measures;
  - ii) A contribution of £24,556 towards mitigation measures in the Special Protection Areas.
- b) Conditions 1 – 8 as set out in the report, new conditions 9 and 10 as set out below, existing conditions numbered 10 – 24 being renumbered 11 – 25 with existing conditions 14 and 20 being replaced and re-numbered

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as follows, all for the reasons stated in the report:

9. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on any archaeological interest and in accordance with Policy BNE21 of the Local Plan 2003.

10. No development shall take place until details of foundations designs and any other proposals involving below ground excavation have been submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on any archaeological interest and in accordance with Policy BNE21 of the Local Plan 2003.

15. No development shall take place until mechanical and electrical solutions have been developed in detail, submitted to and approved in writing by the Local Planning Authority for the location, size, type and characteristics of plant to be used to environmentally control the building. All service meter cupboards must be internal unless demonstrated otherwise. The development shall be implemented in accordance with the approved details prior to the first use of the development herein approved and shall be retained thereafter.

Reason: Required before commencement of the development due to the location of the plant below ground level and to ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity and the character and appearance of development at a significant location within the Conservation Area, and in accordance with Policies BNE1 and BNE14 of the Medway Local Plan 2003.

21. No development shall take place above slab level until a long-term Landscape Management and Maintenance Plan has been submitted to and approved by the Local Planning Authority. Upon completion of the development the site shall be maintained in accordance with the approved Management and Maintenance Plan herein approved.

Reason: To ensure the site is maintained in a manner that retains



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a satisfactory external appearance and in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

### **661 Planning application - MC/19/1875 - Land North of Medway Road, Gillingham ME7 1NY**

#### **Decision:**

The Committee noted that this application had been withdrawn from consideration at this meeting.

### **662 Planning application - MC/19/1911 - Deangate Golf Club, Dux Court Road, Hoo St Werburgh, Rochester**

#### **Discussion:**

The Head of Planning outlined the planning application in detail and informed the Committee that this application related to a temporary change of use until 31 October 2021.

He explained the background to this application and the applicant's requirement to find a site for use as a grounds maintenance depot at short notice. He confirmed that the applicant was fully aware that this was not a long term solution and officers were working with the applicant to identify a site for long term use beyond 31 October 2021.

He stated that the current site, whilst not ideal, was located away from residential properties and therefore had limited impact other than to a small number of properties in Dux Court Road. In addition, the use of the land and Clubhouse at Deangate Golf Club provided a level of security for the unused facilities on site.

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

- This current planning application is another example of the betrayal of the local community over the use of Deangate Golf Club.
- This area of land is designated open space and is an asset of community value as it is located adjacent to Chattenden Woods and a Site of Special Scientific Interest (SSSI) and protected in the Local Plan.
- The use of the land as a grounds maintenance depot will cause harm and has already resulted in the felling of trees.
- Alternative sites have been rejected owing to cost but no information is available as to the site assessments that have been undertaken.
- Temporary use could create a precedent.
- This is a retrospective planning application and had the applicant not been a Council contractor, the Council would have taken enforcement action to remove them from the site.
- The contractors vehicles and predominantly diesel which is adding to the air pollution in an area where there is already a recognised pollution

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problem now covered by the Four Elms Hill Air Quality Management Plan.

The Committee discussed the application, noting that the applicant had moved onto the site in July 2019 without the benefit of planning permission.

Concern was expressed that the location of a grounds maintenance depot at this site had contributed to an increased number of vehicle movements, which were predominantly diesel engines in the area which is already recognised as requiring action to reduce pollution.

It was also considered that when bidding for contracts, it was the responsibility of the applicant to ensure that it has provision in place to fulfil the contract.

However, in noting the current position, it was recognised that should the planning application be refused, the applicant could appeal the decision which would be a lengthy process which could possibly take until October 2021 to be concluded. Likewise, if the Council wished to take enforcement action against the non-authorised use, this would also be a lengthy process.

During discussions, the Committee was informed that although the unauthorised use of the site was not ideal, as the applicant was now aware that use of the site required planning permission and had therefore made application, it was now for this Committee to determine the planning application. It was accepted that the site was not suitable long term and this was the reason why temporary use was being recommended up to 31 October 2021. In the meantime action was being taken to identify an alternative site for the contractor to relocate as soon as possible.

The Head of Planning in noting the concerns expressed by local residents, the Ward Councillor and the Committee, suggested that if the Committee was minded to approved the application for temporary use, an informative could be added stating that the Committee is not minded to approve any extension for the use beyond 31 October 2021.

### **Decision:**

Approved subject to conditions 1 - 5 as set out in the report for the reasons stated in the report and the addition of the following informative:

The applicant be advised that the Committee has concerns regarding the use of this land for the siting of a grounds maintenance depot based on the information supplied and does not support any future extension of the temporary planning permission beyond 31 October 2021.

**663 Planning application - MC/19/3104 - Garages adjacent to Lynsted Road, Twydall, Gillingham**

**Discussion:**

The Senior Planner outlined the planning application.

**Decision:**

Approved subject to:

- a) A Section 106 under the terms of the Town and Country Planning Act 1990 being entered into to secure the following:
  - i) Contribution to bird disturbance mitigation (unless secured separately by a SAMMs Mitigation Contribution Agreement)
- b) Conditions 1 – 16 as set out in the report for the reasons stated in the report.

**664 Planning application - MC/19/3107 - Site adjacent to Woodchurch Crescent, Twydall Gillingham**

**Discussion:**

The Senior Planner outlined the planning application in detail and drew attention to the receipt of 14 further letters of objection since despatch of the agenda, details of which were summarised on the supplementary agenda advice sheet along with a summary of a letter and comments received from The Medway Green Party and KCC Biodiversity.

He informed the Committee that whilst the proposed development of 9 one bedroomed bungalows would reduce the level of existing open space and the loss of some trees, the development would result in the provision of an improved play area at this site. In addition, as this would be a bungalow development aimed at the elderly, it would free up family housing to reduce the Council's Housing Waiting List.

With the agreement of the Committee, Councillor Prenter addressed the Committee and set out the following concerns:

- This is a much valued green open space in a residential area that is used by local people including families, dog walkers and for general exercise.
- There is limited availability of other green space in the local area.
- The loss of a large section of this green space will result in young children having to cross roads to access play areas.
- Brownfield sites in Twydall should have been considered for development before green space land.

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- The proposal will have a detrimental impact on existing residents and has resulted in a petition signed by 1500 individuals objecting to the development.
- This section of land is designated in the Local Plan as open space and is contrary to Policy L3 and paragraph 97 of the National Planning Policy Framework.

The Committee discussed the application and whilst recognising the importance of the provision of social housing, concern was expressed that this was a densely populated residential area where residents were reliant on this area of green space, particularly when it was being suggested that there were other brownfield sites available locally which could be used as an alternative. In the light of this suggestion and without information as to the brownfield sites referred to, the Committee considered that this application should be deferred to enable officers to undertake further investigations.

### **Decision:**

Consideration of this application be deferred to enable officers to undertake further investigations into the possible availability of brownfield sites in the area which may be suitable for this proposed development.

### **665 Planning application - MC/19/3106 - Site adjacent to Eastcourt Green, Twydall, Gillingham**

#### **Decision:**

In the light of the discussion on planning application MC/19/3107, consideration of this application be deferred to enable officers to undertake further investigations into the possible availability of brownfield sites in the area which may be suitable for this proposed development.

### **666 Planning application - MC/19 2949 - 272 - 274 Luton Road, Luton, Chatham**

#### **Discussion:**

The Planning Manager outlined the planning application in detail.

The Committee discussed the application and concern was expressed that whilst the existing site was unattractive, the proposal to provide a flatted development did not fit with the existing street scene, constituted overdevelopment of the site and could result in a detrimental impact to existing residents in competition for on street parking provision. It was noted that the proposed development was proposed to be a car free development but it was considered that this would be difficult to enforce.

Reference was also made to the emerging Neighbourhood Plan for Luton area and it was suggested that an application of this nature would be more appropriate to be considered once the Plan was in place.

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### Decision:

- a) Refused on the following ground:
  - 1. The proposed development constitutes an over development of the site.
- b) The Head of Planning be granted delegated authority to agree the specific wording of the refusal ground with the Chairman, Vice Chairman and Opposition Spokesperson outside of the meeting.

### **667 Planning application - MC/19/2692 - 104A, B and C Poplar Road, Strood**

#### Discussion:

The Planning Manager reminded the Committee that this application had initially been considered on 18 December 2019 but had been deferred to enable officers to undertake a car park survey to assist the Committee providing evidence required to make an informed decision.

The Planning Manager advised the Committee of the outcome of the parking surveys undertaken by the Council's Transport Officer at various times of day on 9 and 11 January 2020.

The Committee discussed the report and concern was expressed as to the potential impact of the proposed development on parking in Poplar Road and surrounding streets.

However, the Committee was reminded that under planning application MC/17/1342, following refusal and a subsequent appeal, the Planning Inspector had dismissed the appeal on the basis that the scheme failed to provide an acceptable and safe walking environment for pedestrians. The refusal ground relating to inadequate provision of parking had not been supported.

#### Decision:

Approved subject to conditions 1 – 8 as set out in the report for the reasons stated in the report.

### **668 Planning application - MC/19/1708 - 18 Broom Hill Road and land to rear Strood, Rochester ME2 3LE**

#### Discussion:

The Senior Planner outlined the application.

The Planning Manager drew attention to a correction to the wording of proposed condition 17.

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### Decision:

Approved subject to:

- a) A Section 106 under the terms of the Town and Country Planning Act 1990 being entered into to secure the following:
  - i) Contribution to bird disturbance mitigation (unless secured separately by a SAMMs Mitigation Contribution Agreement).
- b) Conditions 1 – 16 and 18 - 28 as set out in the report for the reasons stated in the report and condition 17 amended as follows:
  - 17. Applications for the approval of reserved matters in relation to appearance, shall include details and samples of all materials to be used externally, to be 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.

### **669 Planning application - MC/19/2535 - 120 Maidstone Road, Chatham ME4 6DQ**

#### Discussion:

The Planning Manager outlined the planning application in detail and advised the Committee that the proposed construction of a four bedroomed detached dwelling was to be located at the rear of 120 Maidstone Road fronting King Edward Road.

She referred in particular to the street scene in King Edward Road and advised that the principle of backland development had already been established. She referred to the plans displayed at the meeting and confirmed that tree T2 would be removed but T1 would be retained and an appropriate condition was proposed to protect this tree during construction.

She also advised that an Energy Statement had been supplied by the Planning Agent which had been summarised on the supplementary agenda advice sheet

The Committee discussed the application and there was concern that had the individual developments in King Edward Road been submitted as one planning application, they would have been considered unacceptable. It was considered that the current application was a step too far and constituted overdevelopment.

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In response, the Planning Manager advised that each planning application was considered on its individual merits and that with the current application, parking provision was off road and provided within the plot.

The Committee also expressed concern as to the retention of tree T1 and whether the protection measures would be sufficient having regard to other difficulties that had been experienced with a wall and a tree in this road.

### **Decision:**

- a) Refused on the following grounds:
  - 1. The current application constitutes an overdevelopment of this site having regard to previous developments fronting King Edward Road.
  - 2. The proposed development will have a detrimental impact upon existing tree provision in King Edward Road.
- b) The Head of Planning be granted delegated authority to approve the specific wording of the refusal grounds with the Chairman, Vice Chairman and Opposition Spokesperson outside of the meeting.

### **670 Planning application - MC/19/2931 - Satis House, Cooling Street, Cliffe, Rochester**

#### **Discussion:**

The Senior Planner outlined the planning application.

#### **Decision:**

Approved subject to conditions 1 – 5 as set out in the report for the reasons stated in the report.

### **671 Performance Report: 1 October 2019 - 31 December 2019**

#### **Decision:**

Consideration of this report was deferred.

### **672 Report on Appeal Decisions: 1 October 2019 - 31 December 2019**

#### **Decision:**

Consideration of this report was deferred.

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**Chairman**

**Date:**

**Ellen Wright, Democratic Services Officer**

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