

**Medway Council**  
**Planning Committee**  
**Wednesday, 5 July 2023**  
**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: Hubbard (Chairperson), Stamp (Vice-Chairperson), Anang, Barrett, Etheridge, Field, Gilbourne, Gulvin, Howcroft-Scott, Jones, Lammas and Pearce

**Substitutes:** Councillors:  
Cook (Substitute for Nestorov)  
Gurung (Substitute for Shokar)  
Mandaracas (Substitute for Bowen)

**In Attendance:** Laura Caiels, Principal Lawyer - Place Team  
Councillor Trevor Clarke  
Julie Francis-Beard, Democratic Services Officer  
James Harman, Head of Children's Services Commissioning  
Dave Harris, Chief Planning Officer  
Councillor Tristan Osborne, Portfolio Holder for Community Safety and Enforcement  
Councillor Chris Spalding  
Tom Stubbs, Senior Planner  
Councillor John Williams

**87 Apologies for absence**

Apologies for absence were received from Councillors Bowen, Nestorov and Shokar.

**88 Record of meeting**

The record of the meeting held on 7 June 2023 and the record of the Joint Meeting of Committees held on 24 May 2023 were agreed and signed by the Chairman as correct.

The Committee was informed of the following, as set out in the supplementary agenda advice sheet.

**Page 6 Minute 29 MC/22/2965 Avenue Tennis Club**

**Reason for refusal** agreed by Chief Planning Officer, following consultation with the Chairperson, Vice Chairperson and Planning Opposition Spokespersons:

1. The plans previously approved at appeal in relation to planning applications ref MC/21/1534 and MC/20/3204 included a proposed landscaped communal area adjacent to plot 4. The current proposal is to remove that soft landscaped communal area and to replace it with a bungalow (proposed plot 5). As a result, the proposal will remove one of the few areas of communal/public soft landscaped areas within the site. The Inspectors in dismissing previous appeals had concerns regarding the limited landscaping on site which they considered then resulted in a cramped form of development with limited landscaping to soften the visual appearance of the development. The proposal to remove the one area of communal/public soft landscaping and replace it with a bungalow would result in a hard cramped appearance and poor quality development without any clear improvement to the local environment and would not achieve the NPPF objective of creating well designed places. The proposal would therefore be contrary to the provisions of Policies BNE1, H4 and H9 of the Medway Local Plan 2003 and paragraphs 126 and 130 of the National Planning Policy Framework 2021.

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

There were none.

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

Disclosable pecuniary interests

There were none.

Other significant interests (OSIs)

There were none.

Other interests

There were none.

**91 Children's Care Homes**

As there were a number of “change of use” applications from C3 dwellinghouse to C2 (Children’s Care Homes) on the agenda, the Assistant Head of Legal (Place) explained to the Committee that Members of the Committee were there

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to determine based on material planning considerations and not as a Corporate Parent.

The Head of Children's Services Commissioning spoke to the Committee and explained that the Committee had received an increase in the amount of supported accommodation planning applications in Medway. In April 2023, Ofsted announced that from October 2023 any accommodation for young people would have to register with Ofsted and obtain planning permission, unless there would be less than 2 children living in the property.

The Children's Social Care Sufficiency Strategy, A Place to Call Home was agreed by Cabinet earlier this year and sets out how Medway Council would provide and commission the right care and support for children in our care. This would ensure that the Local Authority would provide local beds for our local children.

The Head of Children's Services Commissioning worked closely with the Youth Offending Team and the Police Crime Team and relevant information was shared regarding different areas and streets. The aim was not to put children in care where they could be surrounded by something negative.

### **92 Planning application - MC/23/0321 7 Eglinton Drive, Wainscott, Rochester, Medway**

#### **Discussion:**

The Chief Planning Officer outlined the application in detail for a retrospective change of use from a C3 dwellinghouse to a C2 residential institution (Children's Care Home).

The Chief Planning Officer explained that the change of use would provide accommodation for up to two children aged between 9 and 17 years old and a total of two staff to care for the children would be present on site at any one time.

The Chief Planning Officer drew Members attention to page 26 of the report, and Policy H8 of the Local Plan. He talked members through how the application complied with the criteria set out in that policy.

The Committee considered the application noting the number of planning applications that were coming to this Committee regarding such changes of use and there were concerns about the number of family homes being converted to Children's Homes.

The Head of Children's Services Commissioning explained, following a question from a Member, as to whether we should be looking at foster homes or children's homes. He explained that some children thrive in foster care however some children require additional support and may need to live in a homely, family environment. Each child would be considered on their own individual care needs.

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Members expressed concern as to whether these converted family homes would provide the additional areas these children may require, like a chill out room, sensory rooms and therapy rooms.

Members felt that children should be seen as being part of the community and be living in as near a family arrangement as possible.

The Head of Children's Services Commissioning confirmed that if a Medway child was placed in one of these homes, then an independent 80-point check would be undertaken by Medway Council. If a child from another authority was placed in a Medway home, unfortunately Medway Council would not have any rights to undertake that independent check.

The Chief Planning Officer explained that although this planning application was for a retrospective change, the Committee was there to determine the planning application on its own merits and clarified that they were there to look at the material planning considerations and not which provider would be running the home. He also explained that, in the future, if the building were to be altered to accommodate more than two children, a new planning application would be submitted as they would not be complying with the recommended conditions.

### **Decision:**

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

### **93 Planning application - MC/23/0471 65 Holcombe Road, Rochester, Medway, ME1 2HX**

### **Discussion:**

The Chief Planning Officer outlined the application in detail for the change of use of residential dwelling (Class C3) to a children's care home (Class C2) together with access ramp with railings front and rear and new pedestrian access and gate and confirmed that it was a resubmission of MC/22/0593 with internal changes proposed to address the previous refusal.

The Chief Planning Officer explained that in the supplementary agenda advice sheet, the Head of Children's Services Commissioning had emailed to advise that the applicant had not been in contact with them and as a result they were unable to either support or object to the application.

The Chief Planning Officer clarified that the applicant had submitted amended plans which resized the bedrooms to make them larger. This application would provide accommodation, 1 to 1 support and 24-hour care for two young people (aged up to 17) and it was proposed that 2 live in carers would reside at the property for seven nights straight to minimise the movement in and out of the property. There was no off street parking available, however as only the carers

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would require parking, it was considered it would not impact parking in the local area as there would be no greater demand on parking than the current residential use.

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

- There were several objections to this planning application including one from the Head Teacher of a nearby Primary School regarding parking and anti-social behaviour.
- The planning application had been considered before and although they had increased the size of the bedrooms and the size now conformed, it was still an extremely small building located snugly between 2 other properties.
- Due to insufficient parking, concern was given as to whether the road could accommodate any emergency or support vehicles.
- Kent Police had responded regarding the Section 17 Crime and Disorder Act due to the lack of CCTV provided by the applicant, additional lighting had not been addressed. Strengthening of doors and the current boundary were insufficient, these would need to be amended.

The Committee discussed the planning application noting the concerns raised by the Ward Councillor.

In the report it stated the children would require 1 to 1 care, this could mean the Looked After Child (LAC) could be more vulnerable and would require additional support, however this Committee was determining the application only on material planning considerations.

The Chief Planning Officer clarified that the ramp proposed at the rear of the property was due to the sloped garden. He explained that the applicant had stated they may, in the future, consider having children with emotional or behavioural disorders and this ramp would assist with this. Access to the property would be from the front.

The Head of Children's Services Commissioning clarified that corporately and nationally they were moving away from large children's homes as they found them not conducive. Bringing it back to the needs of each young person, it was deemed that they needed smaller children's homes. Each children's home would require the appointment of a registered manager and a deputy manager.

The Head of Children's Services Commissioning stated that he could not guarantee that Medway children would be given these spaces.

Regarding the Ward Councillor comments about Kent Police, the Chief Planning Officer confirmed that Kent Police had not made any comments and therefore no information was written in the report. If Members were minded to approve this planning application, additional conditions for CCTV, lighting and fencing could be included.

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The Head of Children's Services Commissioning explained that the process from a property receiving planning permission to being an approved care home would take time. The applicant would apply to Ofsted, a registered Manager that had experience working in that area, would be appointed. A Statement of Purpose would be submitted to Ofsted which would indicate the level of need, how many bedrooms, whether it was a home for children with Neurodiverse needs and whether they could narrow or widen the age range. Ofsted would then carry out due diligence and arrange for a scheduled visit to undertake an independent inspection of the property. This could take up to 9 months. If Ofsted do not approve the application, then the children's home cannot open.

### **Decision:**

**Approved** with conditions 1 to 5 as set out in the report for the reasons stated in the report and an additional condition be added to include the recommendations of Kent Police. Final wording to be agreed with the Chairperson, Vice Chairperson and Opposition Spokespersons.

### **94 Planning application - MC/23/0479 22 Hurstwood, Horsted, Chatham, Medway**

### **Discussion:**

The Chief Planning Officer outlined the application in detail for the change of use from dwelling house (Use Class C3) to children's home (Use Class C2) together with the conversion of the existing garage into a staff office.

The Chief Planning Officer explained that in the supplementary agenda advice sheet, the Head of Children's Services Commissioning, had emailed to advise that they were only just aware of the provider who had a history of running supported accommodation in London. The Head of Children's Services Commissioning had concerns and welcomed a dialogue with the applicant to get reassurances on those areas of concern.

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

- The property was on a blind corner and the road was used as a rat run therefore was a road safety issue. There were little or no on-street parking.
- There were currently two supported living homes already located in that street.
- No fire risk assessment had been submitted.
- There would be vulnerable children living at this property, with no curfew, the children could come and go as required. Kent Police had not commented on this application.

The Head of Children's Services Commissioning confirmed that if an out of borough child was placed in one of these homes, then Medway Council could not gain access to undertake their independent 80-point check. The Chief

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Planning Officer explained that Kent Police had been consulted on this property however they had not commented.

The proposal to approve the recommendations set out in the report was lost. In response, the Chief Planning Officer suggested that the Committee defer this application to give the applicant the opportunity to respond to questions raised by Members during the debate. Alternatively, he advised the Committee they would need to give reasons for refusal should they be minded to refuse the application. A proposal to defer consideration of the application for more information was agreed.

### **Decision:**

**Deferred** for more information.

### **95 Planning application - MC/22/2813 Fleet House, Upnor Road, Upnor, Rochester**

#### **Discussion:**

The Chief Planning Officer outlined the application in detail for the demolition of existing buildings and construction of a three storey apartment building containing six two bedroom apartments, construction of a pair of two storey semi detached three bedroom dwelling houses plus construction of a detached two storey four bedroom dwelling house all together with access, car parking and landscaping.

The Chief Planning Officer explained that some Members had attended a site visit on Tuesday 4 July and an update was reported in the supplementary agenda advice sheet.

The Chief Planning Officer stated that the distance from the detached house to 32 Moat Lane was 27.19 metres, from the rear of the semi-detached property to 32 Moat House was 16.18 metres and to 30 Moat House was 15.74 metres.

The Chief Planning Officer explained that the triangular piece of land that was previously not included in the application, would now be included and the applicant confirmed that this was part of their land. Following the site visit and having listened to Member's concerns the applicant stated that they would reconsider which trees could remain on site and not remove as many as previously requested.

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

- Under Loss of Amenity, BNE2 in the Local Plan, it stated that all developments should secure the amenities of its future occupiers, and protect those amenities enjoyed by nearby and adjacent properties. This would be an over development of the site and would be too close in proximity to neighbouring properties.



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- The loss of mature trees was unacceptable. This would change the natural environment, the air quality, wildlife and plants in the area.
- The trees being removed were in a good condition.
- The loss of habitat would be detrimental to bees.

The Committee discussed the planning application and were pleased that a number of the trees would now remain.

### **Decision:**

**Approved** with conditions 1 to 3 and 5 to 21 as set out in the report for the reasons stated in the report. Delete condition 4 and add a new condition regarding landscaping and tree protection.

### **96 Planning application - MC/22/1078 London Thamesport, Grain Road, Isle of Grain, ME3 0AE**

### **Discussion:**

The Senior Planner outlined the application in detail for proposed new concrete products manufacturing facility comprising of warehouse and manufacturing plant for the production, storage and distribution of concrete blocks.

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

- The Air Quality Assessment Report - there were three versions of the report. It seemed that there could be four version, do we have the correct version?
- The air quality at Four Elms Hill exceeded air quality levels.
- Under the Impacts of the Local Area on the Development – under paragraph 6.2 this information had not used up to date data.
- Transport and access - concern regarding vehicle movements, bringing the cement in by bulk tankers with 5-6 deliveries per day and approximately 40 HGV's leaving the site. The automatic traffic counts (ATC) were conducted between 29 January and 4 February 2019, a further count to show more up to date data could have been undertaken between 2019 and 2023.

The Committee discussed the planning application noting points raised by the Ward Councillor including concerns with the amount of traffic, the fact that the tankers were oversized, and that the local highways would not cope with the additional vehicles. The Senior Planner confirmed that National Highways and the Council's Highways Officer had looked at all the information submitted and were satisfied with the proposal subject to the recommended conditions imposed.

The Senior Planner responded to Member questions regarding the submitted Air Quality Assessment Report. Responding to Member concerns regarding timing of HGV arrivals and departures within peak periods, the Chief Planning



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Officer confirmed that a traffic management condition could assist to minimise movements during peak times.

### **Decision:**

**Approved** with conditions 1 to 22 as set out in the report for the reasons stated in the report and add an additional condition regarding traffic management a to stipulate operation and time of movements to avoid peak times.

### **97 Planning application - MC/23/0068 18 Broom Hill Road and land to the rear, Strood, Rochester, ME2 3LE**

#### **Discussion:**

The Senior Planner outlined the application in detail, for approval of reserved matters being appearance and landscaping pursuant to outline planning permission MC/20/3293 with some matters reserved (appearance and landscaping) for construction of 8 houses and widening of existing vehicular entrance and drive.

The Senior Planner clarified that Members were only to consider the landscape and appearance, the access and scale had already been approved. He confirmed that the treatment of the chalk face would be left in a natural state.

The Chairperson confirmed that although there were three objections, it was considered that two of them may have been objecting to a different application and those two should not be included.

#### **Decision:**

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

### **98 Planning application - MC/23/0707 40 Birling Avenue, Rainham, Gillingham, Medway**

#### **Discussion:**

The Chief Planning Officer outlined the application in detail for the construction of a two storey side extension comprising of a retail unit at ground floor level and a residential flat at first floor level with associated vehicular crossover - demolition of existing outbuilding.

The applicant had responded to the letters of objections which were set out in the supplementary agenda advice sheet.

The Chief Planning Officer explained that in condition 14 the unit could only be used for purposes falling within Class E(a) which could be a retail use. This would restrict any hot food take away establishments using this property.

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### Decision:

**Approved** with conditions 1 to 14 as set out in the report for the reasons stated in the report.

### **99 Planning application - MC/23/0726 34 Trevale Road, Rochester, Medway, ME1 3PA**

### Discussion:

The Chief Planning Officer outlined the application in detail for the subdivision of the plot and construction of 2-bedroom detached dwelling, with associated access and garden amenity area. Widening of the existing dropped kerb and provision of two additional parking spaces for the existing dwelling - demolition of the existing garage.

### Decision:

**Approved** with conditions 1 to 12 as set out in the report for the reasons stated in the report.

### **100 Planning application - MC/23/0935 Hoo Library, Church Street, Hoo St Werburgh, Rochester**

### Decision:

This application was withdrawn and approved under delegated powers with the agreement of the Hoo Parish Council.

**Chairman**

**Date:**

**Julie Francis-Beard, Democratic Services Officer**

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