

**Medway Council**  
**Planning Committee**  
**Wednesday, 2 August 2023**  
**6.32pm to 8.20pm**

**Record of the meeting**

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

**Present:** Councillors: Hubbard (Chairperson), Anang, Barrett, Bowen, Etheridge, Field, Gilbourne, Gulvin, Hamandishe, Jones, Lammas, Pearce and Shokar

**Substitutes:** Councillors:  
Campbell (Substitute for Howcroft-Scott)  
Coombs (Substitute for Nestorov)  
Myton (Substitute for Stamp)

**In Attendance:** Councillor Chris Spalding, for Agenda Item 6  
Melvin Andrews, Highways Consultant  
Amanda Barnes, Principal Planner  
Julie Francis-Beard, Democratic Services Officer  
Dave Harris, Chief Planning Officer  
Vicky Nutley, Head of Legal Services

**147 Apologies for absence**

Apologies for absence were received from Councillors Howcroft-Scott, Nestorov and Stamp.

**148 Record of meeting**

The record of the meeting held on 5 July 2023 was 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 8 Minute 93 MC/23/0471 65 Holcombe Road, Rochester**

**Condition 6** agreed by Chief Planning Officer, following consultation with the Chairperson, Vice Chairperson and Planning Opposition Spokespersons:

6. Prior to the bringing into use of the property as a Children's care home, the measures set out in the representation from Kent Police dated

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21 June 2023, relating to boundary treatments, CCTV, external lighting and external doors and windows, shall be undertaken/installed on site and they shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is undertaken in the best interests of future occupiers of the home.

### Page 11 Minute 95 MC/22/2813 Fleet House, Upnor Road, Rochester

**New Condition 5** added as follows for clarity to reflect comments and the decision of Members rather than amend condition 4 as indicated in minutes.

5. Notwithstanding the plans submitted, prior to the commencement of development, a plan detailing trees to be retained on site, including all those to be retained on the southern boundary between the application site and no's 32 and 32a Moat Lane, shall be submitted to and approved in writing by the Local Planning Authority.

All retained trees, as shown on the detailed plan shall be retained in accordance with this approved plan and shall not be uprooted, cut down or destroyed. No pruning shall take place unless in accordance with British Standard 3998 (Tree work). Should any retained tree be removed, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of a size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.

Reason: To protect and enhance the appearance and character of the site and locality, in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

### Page 12 Minute 96 MC/22/1078 London Thamesport, Grain Road

**New Condition 23** as required by the Planning Committee:

23. No part of the development shall be occupied until a Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Traffic Management Plan shall contain details of how traffic in association with the operation of the development such as deliveries and exporting of final products shall be reduced within peak times. The Traffic Management Plan shall be implemented in accordance with the approved details upon the first occupation of the development.

Reason: To assess the proposed development in terms of traffic generation and the impact on the local highway network and amenity and in accordance with Policies T1 and BNE2 of the Medway Local Plan 2003.

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

There were none.

**150 Chairperson's Announcement**

The Chairperson stated that when the Committee approved a Children's Care Home, he would state, for the record, that:

"This approval was only in Planning terms. The Planning Committee had not given permission for the registration of a Children's Care Home. That permission was granted by Ofsted working with the Children's Services Department of the Local Authority whose children would be living there, which may not be Medway Council".

**151 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 was a Parish Councillor for Frindsbury Extra and that Cooling and Cliffe and Cliffe Woods Parish Councils were within his Ward, and he regularly attends their Planning Meetings. He explained that if any planning application was discussed and would eventually come to the Medway Council Planning Committee, he would not take part in any Parish Council planning discussions or decisions and would leave the room.

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

**Decision:**

This application had been **deferred**.

**153 Planning application - MC/23/0106 Land at Middle Stoke, adjacent to 1 & 2 Jubilee Cottages, Grain Road, Middle Stoke**

**Discussion:**

The Principal Planner outlined the application in detail for outline planning application with some matters reserved (appearance, landscaping, layout and scale) for demolition of redundant farm buildings and construction of 9 no.

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dwelling houses, provision of attenuation pond and comprehensive landscape area (incorporating wildflower meadows, biodiversity area and tree planting).

The Principal Planner explained that a previous outline planning application, submitted in 2006, was refused and that decision was based on the Local and National Planning context that existed at that time which included an up to date Local Plan. This current application should be considered on its own merits.

The use of the site would help to meet the housing need by providing nine new family dwellings which, during the construction phase, would contribute to increased investment and job creation. The new development would be consistent with the NPPF (National Planning Policy Framework) which sought to locate housing in rural communities. These would be modern family homes with a good internal and external amenity space.

The area was not within an Area of Local Landscape Importance. To the north of the site, there would be an area of wildflower meadow.

The Principal Planner explained that given the Council's housing shortfall the policies in the Development Plan, which were relevant to the supply of housing, are considered out of date. She referred to paragraph 11 of NPPF which sets out a presumption in favour of sustainable development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as taken as a whole.

The Principal Planner acknowledged that the Kent County Council (KCC) Biodiversity Officer, following amended plans and re-consultation, had written to advise the application was now acceptable with regards to the ecology of the site.

The vehicular access to serve the development would be from Grain Road. The development would not have an adverse impact on highway safety and the illustrative scheme demonstrates that car parking can be provided to meet the Council adopted standards.

The Chairperson confirmed that a letter of representation from Stoke Parish Council which was received on 21 July 2023 and a representative from KCC Ecology were included in the supplementary agenda advice sheet.

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

- The original planning application for 6 dwellings in 2006 was refused but was allowed at an appeal. The applicant submitted a pre-application in January 2023 for 7 dwellings with demolition of the existing cottages, however this outline planning application was now for 9 dwellings including retaining the existing cottages.
- A new site plan was submitted a week ago and there were still a considerable number of objections including concerns with flooding, access and parking.

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- A lack of supporting paperwork for the 9 dwellings was submitted and there was no information about climate change or a drainage strategy. To submit a planning application in this form was unsustainable and unacceptable.

A Member of the Committee agreed with the Ward Councillor regarding the lack of information on sustainability, flooding and the enhancement of biodiversity.

Members discussed the impact of ground water flooding and that surface water regularly drained into the surrounding ditches, however there was no information regarding who owned those ditches.

It was proposed to defer this planning application to get further information. The proposed deferral was seconded and approved.

The Chief Planning Officer asked what information Members required in order to determine this application, recognising that it was an outline application seeking to establish the principle of development with details only of the access to be agreed and that a future reserved matters application would have the detail that is being asked for. Members responded to clarify what information they felt was necessary. The Chief Planning Officer agreed to go back to the applicant and this planning application would come back for a decision to a later Planning Committee.

### **Decision:**

**Deferred** for more information.

### **154 Planning application - MC/23/0138 Land to the rear of 30-38 Iden Road, Wainscott, Rochester**

#### **Discussion:**

The Principal Planner outlined the application in detail for the construction of a terrace of 3 dwellings with associated access and parking.

The site would be set within an urban area. The area where the housing would be located was unused and was regularly used for fly tipping.

The Principal Planner took Members through the proposal and the planning issues as they were set out in the Planning Appraisal part of the officer's report.

The Committee discussed the planning application including flooding concerns and the disposal of surface water. The Principal Planner confirmed these issues were covered in conditions 12 and 13, as set out in the report.

The Head of Legal Services explained that any breach of pre-occupation could lead to enforcement action. The Chief Planning Officer confirmed that under condition 12 it stated that no development should take place until a scheme

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showing details of the disposal of surface water be submitted and under condition 13 a verification report must be carried out prior to occupation.

Members questioned whether the access road would be re-surfaced and how refuse would be dealt with. The Highways Consultant confirmed that the width of access range was between 4.42 and 5.33 metres which would allow a refuse vehicle to manoeuvre. He confirmed that the applicant would resurface the access and provide a separate pedestrian facility.

The Principal Planner confirmed that condition 11 requested that the applicant submit details of the refuse storage areas.

In response to a question, the Principal Planner confirmed that there would be one parking space allocated to each house with an electric vehicle charging point.

### **Decision:**

**Approved** with conditions 1 to 17 as set out in the report for the reasons stated in the report.

### **155 Planning application - MC/23/0889 Wayfield Community Primary School, Wayfield Road, Wayfield, Chatham**

### **Discussion:**

The Chief Planning Officer outlined the application in detail for the construction of a single storey extension to provide three classrooms and an overspill car park at the Primary School in Wayfield.

The Chief Planning Officer explained that the overspill carpark would provide 11 parking spaces, with one electric vehicle charging point.

The proposed development would have minimal impact on neighbouring properties.

In response to a question, the Chief Planning Officer confirmed that one EV charging point complied with current standards, however, working with the school and their travel plans, more electric chargers could be added in the future.

### **Decision:**

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

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### 156 Performance Report - 1 April 2023 to 30 June 2023

#### Discussion:

The Committee received a report setting out performance for the period 1 April 2023 to 30 June 2023.

The Chief Planning Officer explained that these figures were presented on a quarterly basis to show how his team and Members achieved their targets.

The Chief Planning Officer acknowledged that there had been a slight downturn in applications during this period compared to last year and hoped that would change in the next few months. He also clarified that as the Planning department was currently going through a staff restructuring process and carrying a number of vacancies, the reduction of applications was helpful while all the changes and recruitment were being implemented.

The Chief Planning Officer outlined the number of appeals and enforcement notices compared to the last quarter and how it had fluctuated. He explained that a larger number of appeals had been allowed over the last 6 months and the Planning Service were looking into the reasons for this.

The number of housing units being completed, since 2018, had significantly increased. Medway had a national target for delivering houses, however Medway do not build many houses itself and our influence was only through planning permissions. Despite the increase in units completed, Medway still had a deficit compared to our housing need as identified through the Governments Standard Methodology.

The Chief Planning Officer explained that the Enforcement Team was very small and had only one officer until recently when two more officers joined the team. It was very important that we had an enforcement process in place to ensure that appropriate enforcement action be taken where necessary to maintain the public faith in the planning process. However, he reminded Members that just because there was a breach did not mean that enforcement action should be taken. We should only take enforcement action if the works comprising the breach would be refused planning permission.

The Chief Planning Officer clarified the complaints process. Stage 1 was investigated within the service. At Stage 2 the complainant received a response from the Chief Executive and if required gave details on how to contact the Ombudsman if still unhappy.

A number of compliments had been received and were on page 100 of the report.

Members expressed their thanks to the Chief Planning Officer and his team for all their hard work, in difficult circumstances with the lack of resources, and acknowledged the amount of work that went in to produce the results shown.

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The Chief Planning Officer clarified that changes to the building regulations addressed a number of climate change issues. Members discussed the fact that all new homes from 2025 could not have gas, they must have heat pumps. The Chief Planning Officer explained that prior to the Local Election a working group was set up and developers came in to discuss climate change and what they were doing to meet the new regulations. There was a large amount of work being done, particularly on energy efficiency which would not be a big issue with new builds but was certainly an issue with much of the older existing housing stock in Medway.

In response to a question, the Chief Planning Officer said that he could include the amount of planning permissions approved and the number of actual houses built in a future performance and that would also include the number of affordable and social housing units provided.

Following a question from a Member, the Chief Planning Officer confirmed that he could include in a future report, figures for units completed, compared to other Local Authorities. However, some context would need to be applied as other Authorities were smaller than Medway and some had much larger areas designated as either Green Belt and Area of Outstanding Natural Beauty.

### **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.

## **157 Report on Appeal Decisions - 1 April 2023 to 30 June 2023**

### **Discussion:**

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

Members thanked the Chief Planning Officer and his team for all the hard work involved in appeals.

It was noted that 66 Sharfleet Drive, Strood was in Strood West Ward and not in Strood North Ward as stated in the report.

To improve the appearance of masts, a question from a Member was whether they could be designed using a standard colour e.g. dark green.

### **Decision:**

The Committee noted the report.



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### **158 Report on Section 106 Agreements - April to June 2023**

#### **Discussion:**

The Chief Planning Officer clarified that if Members had any questions or queries regarding Section 106 Agreements to email the two S106 Officers as they would be very happy to respond on what had been agreed, what the money was set aside for and what had been banked.

The Chief Planning Officer confirmed that if the S106 monies were not spent within 5 years, the money had to be repaid back to the developer.

The Chief Planning Officer and Chairperson agreed to speak to the relevant Portfolio Holder regarding the S106 monies payable to the health service and what can be done to spend the money allocated.

The Chief Planning Officer added that his Officers were doing an incredible job at getting the developers to pay the S106 money on time and that a new Governance structure had been set up to ensure money was spent in time and on what it should be. The Chief Planning Officer responded to questions regarding the legal rules about how and when S106 could be spent and how wording in the agreements could provide some flexibility on certain matters but re-emphasising the rules. He confirmed that the information in the S106 should be balanced correctly.

The Chief Planning Officer confirmed that training would be undertaken from the Birdwise Officer later this year or early next year to explain where all the money allocated to bird mitigation would go.

#### **Decision:**

The Committee noted the report.

**Chairman**

**Date:**

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