

**Medway Council**  
**Planning Committee**  
**Wednesday, 30 August 2023**  
**6.30pm to 8.16pm**

**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), Barrett, Bowen, Etheridge, Field, Gilbourne, Gulvin, Hamandishe, Howcroft-Scott, Jones and Pearce
- Substitutes:** Councillors:  
Van Dyke (Substitute for Shokar)
- In Attendance:** Councillor Trevor Clarke (for agenda item 5)  
Councillor John Williams (for agenda item 10)  
Trevor Faulkner, Interim Development Manager  
Julie Francis-Beard, Democratic Services Officer  
Hannah Gunner, Principal Planner  
Madeline Mead, Principal Planner  
Vicky Nutley, Head of Legal Services  
Sam Pilbeam, Senior Planner  
Tom Stubbs, Senior Planner

**205 Apologies for absence**

Apologies for absence were received from Councillors Lammas and Shokar.

**206 Record of meeting**

The record of the meeting held on 2 August 2023 was agreed and signed by the Chairperson as correct.

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

There were none.

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

Disclosable pecuniary interests

There were none.

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### Other significant interests (OSIs)

Councillor Stamp declared other significant interest (OSI) and referred to application MC/23/1391 - Avenue Tennis Club, Glebe Road, Gillingham, Kent and advised that she had previously spoken against the planning application so would withdraw from the meeting and take no part in the determination of the application.

### Other interests

Councillor Etheridge referred to application MC/23/1391 – Avenue Tennis Club, Glebe Road, Gillingham, Kent and advised he would withdraw from the meeting and take no part in the determination of the application.

Councillor Etheridge referred to application MC/23/0535 – Land adjacent to Balancing Pond, St Andrews Park, Halling, Kent and advised that he knew a Director of the site, however, he would remain and take part in the consideration and determination of the planning application.

Councillor Gulvin referred to application MC/23/0535 – Land adjacent to Balancing Pond, St Andrews Park, Halling, Kent and advised that he had a past connection with a Director of the site however he would remain and take part in the consideration and determination of the planning application.

The Head of Legal advised the Committee that there was no requirement for the Labour and Co-operative Members to declare an interest in application MC/23/0535 – Land adjacent to Balancing Pond, St Andrews Park, Halling, Kent as the retail unit going forward was likely to be a Co-op retail store.

Councillor Howcroft-Scott referred to application MC/23/1289 St Nicholas CE Voluntary Controlled Infant School, London Road, Strood, Rochester and advised that she was good friends with the previous Head Teacher. She explained that she had met the new Head Teacher a few times, however, she would remain and take part in the consideration and determination of the planning application.

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

### **Discussion:**

The Senior Planner outlined the application in detail of 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.

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

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- The same concerns he had expressed at the 5 July 2023 Planning Committee meeting, namely safeguarding risks, amenity considerations, poor outside space, the impact on neighbours, noise disturbance and the lack of parking.
- The site was located close to two supported living properties at 14 and 16 Hurstwood. Concern was expressed as there had been 41 police callouts to that particular postcode and last week 3 ambulances were parked outside the supported living properties. These children could be put at risk of exploitation.
- In the application it stated it would be used for housing vulnerable children and potentially children with disabilities, Councillor Clarke was concerned with the room sizes and felt they would be cramped for children with special needs. The application also stated there would be 2 visits from social workers in 2 months, he considered the reality of this would be many more visits during that period.
- He stated these children deserved better than this home.

A briefing note on material considerations was previously issued to all Members of the Planning Committee. Members stated although they were Corporate Parents as elected members, at the Planning Committee, the application had to be determined on the planning merits.

The Committee discussed the planning application noting the points raised by the Ward Councillor, including mental health, GP and school provision and safeguarding.

Concern was expressed with losing another family home and the fact that Medway currently did not have enough housing and this was considered unacceptable.

Members discussed the statement in the report, from the Head of Children's Services Commissioning, saying they were only just aware of the provider who had a history of running supported accommodation in London. The Planning Committee would not be able to guarantee that only Medway children would be accommodated in this property. There were currently a number of Medway children placed outside Medway due to the lack of spaces in these properties.

Later in the meeting, the Chairperson explained that on those occasions where the Committee approved planning permission for children's care homes he would advise that this approval was only in planning terms and that the Planning Committee had not given permission for the Children's Care Home. That permission would be granted by Ofsted, working with the Children's Services Department of the (relevant) Local Authority whose children would be living there, which may not be Medway Council.

### **Decision:**

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

**210 Planning application - MC/23/1570 Land adjacent to 3 Swingate Avenue, Cliffe, Rochester**

This item was moved up the agenda to enable consideration, due to a Ward Councillor being present.

**Discussion:**

The Principal Planner outlined the application in detail for part retrospective construction of a detached, three-bedroomed dwelling incorporating a dormer to rear, single-storey extension to rear and single-storey extension to front.

The Principal Planner confirmed that a photograph had been sent to all members of the Planning Committee from a Ward Councillor, showing the development from the neighbour's perspective.

The Principal Planner clarified that a previous planning application had been refused at a Planning Committee, it then went to an appeal which was allowed. The Inspector imposed conditions which were discharged, however, the permitted development rights were not removed. The Principal Planner considered that the applicant had received poor advice (not from the Planning Service) that he could extend the property at the same time as building what had been approved at appeal. The Principal Planner explained that if this planning application was approved, a restriction would be put in place that no further extensions could be allowed.

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

- These were joint objections from his fellow Ward Councillor Mrs Turpin, residents and himself regarding this overbearing development.
- Residents had tried to view the plans on Medway's website, however, they were not available.
- In the Cliffe and Cliffe Woods Neighbourhood Plan, the policy stated any development should be on previously developed land. The land in question, did not have any development on it previously. Policy H6 of the Neighbourhood Plan also stated that all new housing should respect the rural character of its context, and that particular attention should be given to building heights.
- In Policy BNE2 of the Local Plan, amenity protection, it stated that all developments should secure the amenities of its future occupants and protect those amenities enjoyed by nearby and adjacent properties. The design of the development should have regard to: privacy, daylight and sunlight – this development had impacted the local residents by removing their privacy, daylight and sunlight. This development did not adhere to this.

The Interim Development Manager explained to the Planning Committee that the Cliffe and Cliffe Wood Neighbourhood Plan was the first neighbourhood

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plan to be adopted in Medway and was adopted on 24 May 2023. As such, the Neighbourhood Plan could be afforded significant weight in decision making as part of the Development Plan as it was more up to date than Medway's Local Plan.

He also explained that during the appeal process, the plans showed a 2-storey dwelling. The Planning Inspector did not remove the permitted development rights for extensions to the dwelling. The applicant had subsequently commenced building the house with a rear dormer, and front and rear single storey extension under what he thought were the permitted development rights.

If Members were to refuse this planning application, the applicant would have a right to appeal. If that appeal was lost, enforcement action would then be undertaken.

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

Members were concerned with the neighbours' lack of sunlight, overshadowing and the scale of the development and the number of objections to this planning application.

The Principal Planner clarified that, following a question from a Member, the previous planning application and plans were available to view on the Medway's public website.

The Head of Legal Services confirmed that if the Committee refused the planning application and enforcement action was undertaken and then the applicant submitted a revised planning application which was approved, Medway Council would likely lose and would have to pay costs.

### **Decision:**

**Approved** with conditions 1 to 8 as set out in the report for the reasons stated in the report.

### **211 Planning application - MC/23/1391 Avenue Tennis Club, Glebe Road, Gillingham, Medway**

Councillors Etheridge and Stamp withdrew from the meeting for this agenda item.

### **Discussion:**

The Principal Planner outlined the application in detail for a variation of condition 2 (approved drawings) to allow a minor material amendment to appeal decision APP/A2280/W/21/3277702 for alterations to the house type elevation design including changes to the fenestrations and plot positions to allow for larger turning heads and an increase in the ridge heights of plots 1, 5, 6 and 7.

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The Committee considered the application noting the minor material amendments following the appeal decision.

The Principal Planner explained following a question from a Member, regarding the loss of trees that the removal of trees would have been referenced in the original report that went to appeal.

### **Decision:**

**Approved** with conditions 1 to 22 as set out in the report for the reasons stated in the report.

Councillors Etheridge and Stamp returned to the meeting.

### **212 Planning application - MC/23/1289 St Nicholas CE Voluntary Controlled Infant School, London Road, Strood, Rochester**

#### **Discussion:**

The Senior Planner outlined the application in detail for the construction of a new 2 storey teaching wing and single storey pupils toilet block, together with alterations to existing parking and landscaping.

The Senior Planner confirmed that there would be a loss of 3 trees (with Tree Preservation Orders on them), however, an additional six trees would be planted to replace them.

The Senior Planner explained that a Bat Survey had been submitted and was currently being assessed.

The Committee considered the application noting the revised amendments and welcomed the removal of the Multi-Use Games Area (MUGA).

Members welcomed the changes following their concerns, at a previous site visit, regarding the original application which would have impacted neighbours by blocking out light to at least three properties.

The Senior Planner confirmed, following a question, that the Construction Environment Management Plan would include any closures of London Road during the construction period.

Members discussed the ecology of the site including the bat and bird boxes, log piles and the appropriate replacement of the trees.

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### Decision:

#### Approved subject to:

- a) Delegated powers to determine the application following consideration of bat surveys amended preliminary ecological appraisal imposing any additional conditions as necessary in respect to the conclusions and recommendations in relation to these matters. And
- b) Conditions 1 to 16 as set out in the report for the reasons stated in the report.

### 213 Planning application - MC/23/0535 Land adjacent to Balancing Pond, St Andrews Park, Halling, Kent

#### Discussion:

The Principal Planner outlined the application in detail for the construction of a care home facility consisting of 66no. bedrooms with ensuites and communal facilities, and the construction of a separate retail unit (Class E(a)) of 392m<sup>2</sup> with associated landscaping, access, parking and infrastructure.

The Principal Planner explained that conditions 2, 5, 6, 7, 9, 15 and 16 in the main report were amended, as set out in the supplementary agenda advice sheet.

The Principal Planner clarified that 378 sq metres of 270 solar panels were being proposed.

Although there were a number of objections in the report, many of these were received prior to the application being amended from 80 bedrooms to 66.

The Head of Legal Services confirmed that the retail unit was small enough not to be covered by the normal Sunday trading hours (shops may open but only for six consecutive hours between 10am and 6pm). The opening hours of the retail unit were stated in condition 19.

The Head of Legal Services clarified that the electric vehicle charging points were referenced in condition 16.

#### Decision:

**Approved** with conditions 1, 3 to 4, 8, 10 to 14 and 17 to 21 as set out in the report for the reasons stated in the report. Conditions 2 was amended and conditions 5, 6, 7, 9, 15 and 16 were amended to include wording for each phase of the development (Care Homes and Co-Op separately) as set out in the supplementary agenda advice sheet so they read as follows:

- 2 **AMEND** the following plan number in condition 2 ASP-CH-042-PL-009A – Supermarket Plans/Elevations.

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- 5 A landscape management plan for each phase of development, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any part of the development. The landscape management plan shall be carried out as approved.

Reason: Pursuant to condition 197 of the Town and Country Planning Act 1990 and 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.

- 6 Prior to first occupation of any phase, a lighting design plan for biodiversity shall be submitted to, and approved in writing by, the Local Planning Authority. The plan will show the type and locations of external lighting, and expected light spill in lux levels, demonstrating that areas to be lit will not adversely impact biodiversity. All external lighting shall be installed in accordance with the specifications and locations set out in the plan and will be maintained thereafter.

Reason: To ensure a satisfactory external appearance and biodiversity sensitivity and to ensure the provision of lighting does not result in glare or light overspill to surrounding properties in accordance with policies BNE2 and BNE5 of the Medway Local Plan 2003.

- 7 Prior to first occupation of each phase of the development hereby approved, details of how the development will enhance biodiversity shall be submitted to, and approved in writing by, the Local Planning Authority. This will include the implementation of ecological enhancements set out in section 7 within the Preliminary Ecological Appraisal (Greenspace Ecological Solutions June 2023). The approved details shall be implemented prior to first occupation or in accordance with an implementation plan agreed as part of the submission pursuant to this condition and thereafter retained.

Reason: To ensure a satisfactory development that is in alignment with paragraph 179 of the National Planning Policy Framework 2019.

- 9 Prior to any phase of the permitted development being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of



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the site is complete. This is in line with paragraph 174 of the National Planning Policy Framework.

- 15 No phase of the development shall be first occupied until details of secure private cycle parking provision in the form of individual lockers have been submitted to and approved in writing by the Local Planning Authority for that phase. The cycle parking shall be implemented in accordance with the approved details before any part of the development is occupied within that phase and shall thereafter be retained.

Reason: To ensure the provision and permanent retention of bicycle spaces in accordance with Policy T4 of the Medway Local Plan 2003.

- 16 No development within any phase shall take place above ground floor slab level until details of the provision of all electric vehicle charging points have been 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 first occupation of the development or in accordance with a timetable agreed in writing with the Local Planning Authority and shall thereafter be maintained.

Reason: In the interests of sustainability in accordance with paragraph 110E of National Planning Policy Framework 2019.

### **214 Planning application - MC/22/2915 M C L Ltd, Grove Road, Upper Halling, Rochester**

#### **Discussion:**

The Principal Planner outlined the application in detail for the construction of eight new residential dwellings with associated hard and soft landscaping and demolition of existing buildings.

The Principal Planner explained that 3 additional conditions had been added and amendments had been made to the main report - on page 89, a new section was added on contamination and on page 90 the section on Road Surface was deleted and the wording replaced. These amendments were set out in the supplementary agenda advice sheet.

The Principal Planner confirmed that although units 3, 4 and 5 may have an impact due to the proximity of neighbouring properties, as they were located between 12.7 metres and 13.5 metres from the existing dwellings, this was considered an acceptable separation distance.

The Committee considered the application noting that this was a much improved scheme and the Principal Planner confirmed that condition 3 stipulated that all materials being used would be submitted and approved to

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ensure the appearance of the development was satisfactory and of a high quality build.

### Decision:

**Approved** with conditions 1 to 23 as set out in the report for the reasons stated in the report and add additional conditions 24, 25 and 26 as set out in the supplementary agenda advice sheets, as follows:

### Add

24 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service,
  - lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments.
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management document (LCRM)'.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

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- 25 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 26 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and submitted to and approved in writing by the Local Planning Authority prior to the bringing into use of the development.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

**Chairperson**

**Date:**

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