

Medway Council
Planning Committee
Wednesday, 22 November 2023
6.30pm to 9.03pm

Record of the meeting

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

Present: Councillors: Hubbard (Chairperson), Anang, Barrett, Etheridge, Field, Gulvin, Hamandishe, Jones, Nestorov and Peake

Substitutes: Councillors:
Browne (Substitute for Stamp)
Fearn (Substitute for Gilbourne)
Mandaracas (Substitute for Bowen)
Price (Substitute for Howcroft-Scott)
Sands (Substitute for Pearce)

In Attendance: Councillor Gary Hackwell (agenda item 5)
Councillor Tristan Osborne (agenda item 6)
Chantelle Farrant- Smith, Senior Planner
Julie Francis-Beard, Democratic Services Officer
Dave Harris, Chief Planning Officer
Peter Hockney, DM Manager
Joanna Horne, Lawyer
Madeline Mead, Principal Planner
Arron Nicholls, Senior Planner
George Stow, Highways Consultant

371 Apologies for absence

Apologies for absence were received from Councillors Bowen, Gilbourne, Howcroft-Scott, Lammas, Pearce and Stamp.

372 Record of meeting

The record of the meeting held on 25 October 2023 was agreed and signed by the Chairperson as correct.

The Committee was advised of the following, as set out in the supplementary agenda advice sheet:

Page 7 Minute 340 MC/21/2993 Land West of Station Road, Rainham

Additional condition and informatives as agreed by Chief Planning Officer, following consultation with the Chairperson, Vice Chairperson and Planning Opposition Spokespersons:

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Additional condition 8:

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order), no development (as defined by Section 55 of the Town and Country Planning Act 1990) as may otherwise be permitted by virtue of Class A of Part 1, Schedule 2 of the Order shall be carried out on plots 15-27 (as shown on plan number 18-265/100) hereby permitted.

Reason: In the interests of residential amenity.

Add following informatives:

1. Notwithstanding the submitted plans, the landscaping scheme shall include indigenous tree planting. To this end, it is recommended that the Turkish Hazel be replaced by Kentish Cobnut (*Corylus maxima*) throughout the development.
2. The applicant is advised to seek advice from Kent Police in terms of how the development can adhere to the principles of Secure by Design within the parameters of the reserved matters application hereby approved.
3. You are reminded that the conditions attached to the outline planning permission MC/19/2898 still apply and that this reserved matters decision must be read in conjunction with this outline planning approval.
4. In accordance with paragraph 38 of the NPPF Medway Council takes a positive, proactive and creative approach to development proposals focused on solutions. Medway Council works with applicants/agents in a positive, proactive and creative manner by: Offering a pre-application advice service; Updating applicants/agents of any issues that may arise in the processing of their application; Where possible suggesting solutions; and Informing applicants/agents of any likely recommendation of refusal prior to a decision. In this instance the applicant/agent was updated of any issues after the initial site visit.
5. This decision also takes into consideration the Application Form and Cover Letter received 14 October 2021.
6. The attention of the developer is drawn to the advice from Southern Water including regarding details of sewers onsite, the need for a formal application to them for connection to the public sewerage system, that the site is located within a source protection zone and information regarding siting of public sewers and advice on development near them. These can be read in full at: <https://publicaccess1.medway.gov.uk/online-applications/> by entering

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the reference MC/23/0622 documents tab; view document (Statutory - Southern Water).

373 Urgent matters by reason of special circumstances

There were none.

374 Declarations of Disclosable Pecuniary Interests and Other Significant Interests

Disclosable pecuniary interests

There were none.

Other significant interests (OSIs)

Councillor Sands referred to application MC/23/1935 – 42 Chattenden Lane, Chattenden, Rochester, Medway and informed the Committee that as he was the Chair of Hoo St Werburgh and Chattenden Parish Council, and the Parish Council had commented on this application, he would withdraw from the meeting and take no part in the determination of the application.

Other interests

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

Councillor Price referred to planning application MC/23/1615 – 25 St George's Road, Gillingham and informed the Committee that as he was the Portfolio Holder for Children's Services and wished to address the Committee as Ward Councillor on behalf of his constituents, he would take no part in the determination of the application.

375 Planning application - MC/23/1749 The Hawthorns (formally Dudley Farm), Matts Hill Road, Rainham, Gillingham

Discussion:

The Senior Planner outlined the application in detail for a retrospective change of use of the land to allow the temporary siting of a mobile home for residential occupation.

With the agreement of the Committee, Councillor Hackwell addressed the Committee as Ward Councillor and outlined the following points in support of the application:

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- The caravan was for a close family member who was experiencing a difficult time and would be a temporary home. It would be located about 50 metres from the family home which would provide a semblance of independence, however, close to the family, if needed. There would be no harm to local neighbours as it would not be a permanent fixture.
- A precedent had previously been set where other planning applications, including traveller sites, had been granted.
- No objections had been received and the temporary caravan was located in a secluded area of the site and would not be visible from any public place, only visible from the air.
- Following a response from the Kent Downs Area of Outstanding Natural Beauty Unit, it was stated that if the Council accepted the principle, they would request a temporary permission be granted.

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

Members were pleased to hear that the family had taken on the responsibility themselves and not asked the Council to find accommodation for this family member.

The Chief Planning Officer advised that if Members were minded to approve the planning application, temporary permission could be granted for one year as opposed to the three years, as stated in the planning application.

The Senior Planner confirmed that the applicant had been consulted regarding locating the caravan within the residential curtilage of the family home that had previously been granted under permitted development in 2015. The caravan was sited outside of this area and the Senior Planner confirmed that due to the two existing permanent static homes within this area, it could be difficult to move this particular caravan into the area.

Members acknowledged that although the caravan was not visible from public highways or footpaths, it did not mean that the mobile home would not cause harm to the natural beauty of the area. They were concerned with the location and would have preferred it to be situated within the residential curtilage.

Decision:

REFUSED for the reason set out in the report.

376 Planning application - MC/23/2038 5 High Bank, Rochester, Medway, ME1 2XJ

Discussion:

The Senior Planner outlined the application in detail for a retrospective application for change of use from dwellinghouse (Class C3) to a residential care home (Class C2) for a single person - resubmission of MC/23/0088.

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

- Noise pollution, parking and the suitability for vulnerable children.
- Inaccurate information within the report including no internal alterations – changes, internally, had been made. Due to varying shift patterns, there would be noise from banging of doors throughout the 24 hr shift period.
- The loss of existing residential accommodation would not benefit local residents.
- As Ofsted had recently changed the regulations, concerns of residents and others should be made available to Ofsted.

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

The Senior Planner confirmed that although there would be three staff Members at any time with two allocated parking spaces, one staff member could park on the street which would have no detrimental impact on highways.

It was discussed whether a deferral could be an option to obtain further information, however, the Chief Planning Officer clarified that all the necessary information was before Members to enable them to properly determine the application and nothing could be gained from a deferral.

It was stated that internal alterations to change the garage were given planning permission back in 2016 which was significantly earlier than this change of use planning application.

The Senior Planner, following a question from Members, explained that the comments from Kent Police were there as informatives.

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. A request was made on behalf of the Committee that any concerns raised by residents, and others, be made available to Ofsted.

Decision:

Approved with conditions 1 to 3 as set out in the report for the reasons stated in the report.

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377 Planning application - MC/23/1615 25 St Georges Road, Gillingham, Medway, ME7 1JG

Discussion:

The DM Manager outlined the application in detail for a retrospective application for the change of use from dwellinghouse (C3) to care home (C2).

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

He confirmed that he was speaking as a Ward Councillor and not in his role as the Portfolio Holder for Children's Services and once he had spoken he would leave the room for the determination of this planning application.

- There was already a saturation of children's care homes in the area. St George's Road was predominately made up of terraced housing and number 46 and 31 were already operating as children's care homes.
- The proximity of the property to Mid Kent College and the Universities meant there were a large number of student accommodation in the local area.
- Neighbours had raised concern on the impact on the amount of parking available. This property could have up to 6 people requiring parking and parking was at a premium.
- Noise impact on neighbours and fear of anti-social behaviour.

Councillor Price then withdrew from the meeting for the determination of this planning application.

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

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. A request was made on behalf of the Committee that any concerns raised by residents, and others, be made available to Ofsted.

Decision:

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

Councillor Price returned to the meeting.

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378 Planning application - MC/23/1726 32 Tennyson Road, Gillingham, Medway, ME7 5QD

Discussion:

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

The Committee considered the application and were concerned with removal of the community amenity space to allow an increase in the number of occupants to 7 persons.

The Principal Planner confirmed, following a question from Members, that all of the bedrooms met with the national space standards and occupants did not require their own bathrooms as they were living within shared accommodation.

The Principal Planner confirmed that the applicant would liaise with Southern Water with regards to the development being built close to a public foul sewer.

Decision:

Approved with conditions 1 to 6 as set out in the report for the reasons stated in the report. A resolution to approve subject to SAMMS payment. .

379 Planning application - MC/23/1257 Keeper Barn, Upper Bush Road, Cuxton, Rochester

Discussion:

The Senior Planner outlined the application in detail for the change of use and conversion of agricultural barn to a residential dwelling.

The Senior Planner clarified, following concerns from Members, that as the development was within an Area of Outstanding National Beauty (AONB), the Kent Downs AONB had made no objections to the principle of the conversion of this existing barn, however, they had expressed concerns regarding light pollution and suggested that a reduction of windows would be beneficial.

The Senior Planner and Chief Planning Officer explained that the existing landscaping would be retained, and conditions were in place for an ecological enhancement plan to be submitted. They also clarified that the materials used for the development had not been submitted with this particular planning application, however, they would be covered under the conditions.

Decision:

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

380 Planning application - MC/23/1935 42 Chattenden Lane, Chattenden, Rochester, Medway

Councillor Sands withdrew from the meeting.

Discussion:

The Principal Planner outlined the application in detail for the construction of a terrace of four x three bedroom dwelling houses with associated landscaping and parking - demolition of existing property (Resubmission of MC/21/1935).

Decision:

Approved with conditions 1 to 11 as set out in the report for the reasons stated in the report.

Councillor Sands returned to the meeting.

381 Performance Report - 1 July to 30 September 2023

Discussion:

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

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

The Chief Planning Officer stated that the staff restructure within the Planning Department had taken place and a number of existing staff had been promoted which was well deserved.

The Chief Planning Officer acknowledged that there had been a slight downturn in applications received during the period, he considered this was due to the economic climate. Speaking with developers, he thought this was likely to improve next year, although it enabled the team to catch up on outstanding work due to the number of vacancies the department had carried.

The Chief Planning Officer was pleased to see the number of major planning applications determined against the performance target had increased and was significantly above the Government target.

The Chief Planning Officer stated that the Government were increasing planning fees quite considerably from December 2023. At present, planning fees did not cover the costs for the processing of planning applications.

He explained that planning applications for prior approvals meant that no Section 106 contributions would be received, and he was continuing to lobby the Government regarding this issue.

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The number of housing units under construction was 1,735 in year and while our target was set at 1,667 using the standard methodology, completions in the year were around 1,000.

He clarified that all the Tree Preservation Order (TPO) applications were up to date, however, he had to employ a consultant to assist with the backlog. The consultant would remain in post until a permanent position could be filled.

A number of compliments had been received and were on page 96 and 97 of the report.

The Chief Planning Officer made Members aware of the current position on Neighbourhood Plans:

- The Cliffe and Cliffe Wood Neighbourhood Plan was adopted and was part of the Council's Development Plan in May.
- An independent examiner had commented and had concerns with the High Halstow Neighbourhood Plan and further work was being undertaken.
- Arches Local Neighbourhood Plan had received minor changes from the examiner and subject to Cabinet approval would be going to a referendum, possibly, in May 2024.
- Hoo St Werburgh and Chattenden's draft reg 16 Neighbourhood Plan would be published for consultation in the new year subject to the agreement of Cabinet.
- Frindsbury Neighbourhood Plan was an early stage.

The Chief Planning Officer explained that the planning inspectorate were struggling with getting appeals determined within a reasonable timeframe and enforcement appeals could take up to 2 years for completion.

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

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.

382 Report on Appeal Decisions - 1 July 2023 to 30 September 2023

Discussion:

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

Decision:

The Committee noted the report.

383 Revised Planning Enforcement Policy

Discussion:

The Chief Planning Officer introduced a revised Planning Enforcement Policy and explained that the Planning Committee was asked to note and comment on the Policy and recommend that Cabinet and Full Council approve the document.

The Chief Planning Officer explained that the document was originally produced in 2008 and revised in 2017 and it was now appropriate to make minor amendments to the policy. The Planning Enforcement Policy was set out on pages 117 to 124 of the report.

Decision:

The Committee noted the report as set out in Appendix A and asked Cabinet and Full Council to approve the document.

Chairperson

Date:

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