

**Medway Council**  
**Planning Committee**  
**Wednesday, 15 January 2025**  
**6.30pm to 8.30pm**

**Record of the meeting**

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

**Present:** Councillors: Stamp (Chairperson), Jones (Vice-Chairperson), Anang, Bowen, Etheridge, Field, Filmer, Gulvin, Hamandishe, Myton, Peake and Pearce

**Substitutes:** Councillor: Mandaracas (Substitute for Hamilton)

**In Attendance:** Amanda Barnes, Principal Planner  
Julie Francis-Beard, Democratic Services Officer  
Dave Harris, Chief Planning Officer  
Peter Hockney, DM Manager  
Joanna Horne, Lawyer  
Arron Nicholls, Senior Planner  
Jonathon Simon, Planner  
Steven Ward, Highways Consultant  
Margaret Wright, Tree Consultant

**574 Apologies for absence**

Apologies for absence were received from Councillors Barrett, Gilbourne and Hamilton.

**575 Record of meeting**

The record of the meeting held on 18 December 2024 was agreed by the Committee and signed by the Chairperson as correct.

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

**Minute Number 547 – Planning Application MC/24/0251 43 – 47A Luton High Street, Luton, Chatham**

As per the Supplementary Agenda for the Planning Committee held on 18 December 2024, the decision reasons were amended to take into account the amended paragraph numbers in the National Planning Policy Framework (NPPF).

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- 1 The proposed development would represent an overdevelopment of the site, that would result in a dominant building, out of character with the surrounding built form, by virtue of its design, scale, mass, height and relationship to the neighbouring non-designated heritage asset and is considered to be contrary of Policy BNE1 of the Medway Local Plan 2003 and paragraphs 131, 135 and 216 of the National Planning Policy Framework 2024.
- 2 The proposed development fails to meet the needs of future occupants as it would result in unacceptable levels of daylight to some habitable room windows. The development is considered to be contrary to Policy BNE2 of the Medway Local Plan 2003 and paragraph 135 of the National Planning Policy Framework 2024.
- 3 The development would result in unacceptable overlooking to the neighbouring property and would be viewed as a dominant form of development from neighbouring property windows and garden area. The development is considered to be contrary to Policy BNE2 of the Medway Local Plan 2003 and paragraph 135 of the National Planning Policy Framework 2024.
- 4 The application fails to address the impact of the proposal on the Special Protection Areas of the Thames Estuary and Marshes and the Medway Estuary and Marshes through either the submission of details to allow the undertaking of an Appropriate Assessment or via a contribution towards strategic mitigation measures. In the absence of such information or contribution, the proposal fails to comply with the requirement of the Conservation of Habitat and Species Regulations 2010 and is contrary to Policies S6 and BNE35 of the Local Plan and paragraphs 193 and 194 of the National Planning Policy Framework 2024.
- 5 In the absence of a suitably worded legal agreement, the application fails to mitigate the additional demand from development, with regard to the services provided within the Medway area, through the lack of secured contributions in line with the Medway Council's Developer Contributions Guide 2019 and is contrary to Policy S6 of the Local Plan and paragraph 58 of the National Planning Policy Framework 2024.

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

There were none.

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

Disclosable pecuniary interests

There were none.

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### Other significant interests (OSIs)

There were none.

### Other interests

Councillor Etheridge stated that he often attended meetings of Frindsbury and Cliffe Woods Parish Councils and explained that if any planning applications were ever 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 Filmer, on behalf of the Conservative Members of the Planning Committee, referred to planning application MC/24/2034 18 Arethusa Road, Rochester, Medway ME1 2TZ and explained that a previous Conservative Councillor's mother lived in that vicinity, although he was known to them, none of them had been lobbied regarding this planning application.

Councillor Mandaracas referred to planning applications MC/24/2183 32 Selbourne Road and stated she wished to address the Committee as Ward Councillor, therefore, she would take no part in the determination of the application.

### **578 Planning application - TPA/24/1201 57 Cambridge Road, Rainham, Gillingham, Medway ME8 0JH**

#### **Discussion:**

The Tree Consultant outlined the application in detail for T1 Oak - fell and treat stump with eco-plugs.

The Committee considered the application and stated that trees were very important as they contributed to the environment, they provided a cooling effect in hot weather, provided homes to wildlife and were visually pleasing. Members were disappointed that one of the options was for the removal of the tree, even though the tree had been there long before the bungalow was built. However, they understood the tree had caused damage to the property.

Members requested that if the tree was removed, could a replacement tree be planted. The Chief Planning Officer stated that his team were working on a new Tree Policy, which, although not yet adopted, it reflected the climate change crisis and the policy could, for example, ask for two trees to be planted to replace a single felled tree. The Tree Consultant clarified that replacement trees could be conditioned, and the replacement trees would be paid for and maintained by the applicant. Members supported the proposal for two trees to be planted.

Following further discussions regarding the size of the tree, the visual impact from the street and the fact that the applicant had not provided any

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photographic evidence of any subsidence, the Tree Consultant confirmed that the damage to the building would not have occurred if the tree was not there.

### **Decision:**

**Approved** subject to an additional condition to require 2 replacement trees to be planted.

Prior to the works to fell the tree, details of two replacement trees and their location shall be submitted to and approved in writing by the Local Planning Authority. The replacement trees shall be planted in accordance with the approved details before the end of the first planting season following the works to fell the tree.

Reason: To ensure adequate replacement for the loss of the tree.

### **579 Planning application - MC/23/2680 Morgan Timber, Knight Road, Strood, Rochester, Medway ME2 2BA**

### **Discussion:**

The Principal Planner discussed in detail an outline planning application with some matters reserved (appearance, landscaping, layout and scale) for the demolition of the existing buildings and structures and construction of up to 168 residential dwellings. The provision of vehicular, cycle and pedestrian access, public open spaces, sustainable drainage systems, landscaping, infrastructure, earthworks and all other associated works.

The Principal Planner brought Members' attention to the supplementary agenda advice sheet which amended condition 11 (revised National Planning Policy Framework (NPPF) paragraph only) and revised the wording in condition 22.

The Committee considered the application and were concerned with the lack of affordable housing within this development. The Chief Planning Officer reported that a Viability Assessment had assessed that affordable homes would not be viable within this scheme if secured through condition or S106 agreement, however, affordable housing could be secured outside the planning process utilising grant aid.

The Principal Planner explained that the developer had explored all options available to them regarding the secondary access point. Safety was a big concern, therefore, signal arrangements would be installed with different arms for pedestrians and vehicles. The Highways Consultant confirmed that vehicles would have a dedicated phase of the lights. The Chief Planning Officer stated that the safety of the access would be improved and would allow residents, from Phases 1A and 1B, to travel safely from the site to Strood Town Centre and the bus services. It was requested that for traffic coming from Knights Way, the traffic signal remained green unless another arm was activated.

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The Chief Planning Officer clarified brownfield sites were difficult and expensive to develop and it was now more common, to see within the S106, a claw back clause which meant that if the developer made greater profits than anticipated, the extra money would be used for additional S106 infrastructure payments.

The Chief Planning Officer confirmed that following a previous planning application, Temple Waterfront, where the developer made contributions to greenspaces, the same arrangement had been made for this project. The Greenspaces Team were working on a plan to ascertain where the contributions would go.

The Principal Planner advised that during the development of Phase 1A the introduction of bus services entering the site was removed. It was now considered that the road was too narrow for buses to access the site. The Highways Consultant confirmed that emergency vehicles would have, and be able to, access the site through the railway arch.

Members were pleased to learn that over £700,000 of S106 contributions were being allocated to highways which would go towards sustainable transport and to boost services in that area.

The Highways Consultant confirmed that a lighting assessment had been undertaken. The intention for significant traffic calming would be put in place at the secondary access point.

### Decision:

Delegated Powers given to Approve the application subject to the completion of a S106 agreement as set out on the agenda and subject to the conditions on the agenda with the following amended conditions:

- a) The applicant entering into a S106 agreement to secure the following:
  - i. Contributions towards improved Education provision comprising:
    - a. Nursery: £296,291.52
    - b. Primary: £353,240.69
    - c. Secondary: £576,233.28Total: **£1,225,765.49**
  - ii. Contribution towards Sports Facilities, Sports facilities improvements to hydrotherapy pool such as new hoists and changing cubicles for disabled users: **£52,313.52**
  - iii. Contribution towards improved equipment and facilities at Strood Library: **£35,484.96**
  - iv. Contribution towards Health: **£135,870**
  - v. Contribution towards Public Rights of Way (PROW) towards the improvement of PROWs in the vicinity that will be utilised by the new development: **£12,600**
  - vi. Contribution towards public realm to assist with development of improved civic space and gateways to Strood Town Centre (greening, bollards, lighting, paving, wayfinding and signage):

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### **£42,000**

- vii. Contribution to enhance open space facilities within the vicinity of the development, including Temple Marsh: **£520,813.10**
  - viii. Contribution towards improvements to sustainable transport provision: **£705,826.93**
  - ix. Contribution towards North Kent Strategic Access management and Monitoring Scheme **£55,149.36**
- b) Conditions 1 to 32 as set out in the report for the reasons stated in the report with amendments to condition 11 (revised NPPF paragraph only) and condition 22 (revised wording) as follows:

### **Amendment to Condition 11 (Revised NPPF Paragraph only)**

No development shall take place above ground floor slab level until details of the provision of 1 electric vehicle charging point per dwelling has 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 and shall thereafter be retained.

Reason: In the interests of sustainability in accordance with paragraph 117(e) of National Planning Policy Framework 2024.

### **Amendment to Condition 22 (Revised Wording)**

No development shall take place until an Air Quality Emissions Mitigation Statement has been submitted to and approved in writing by the Local Planning Authority. The Mitigation Statement shall be prepared in accordance with the Medway Air Quality Planning Guidance and shall include full details of the measures that will be implemented as part of the development to mitigate the development related road transport emissions. The total monetary value of the mitigation to be provided shall be demonstrated to be equivalent to, or greater than, the total damage cost value calculated as part of the Air Quality Emissions Mitigation Statement. The development shall be implemented, and thereafter maintained, entirely in accordance with the measures set out in the approved Mitigation Statement.

Reason: Required prior to commencement in the interests of amenity and minimising air pollution in accordance with policy BNE24 of the Medway Local Plan 2003.

## **580 Planning application - MC/24/2034 18 Arethusa Road, Rochester, Medway ME1 2TZ**

### **Discussion:**

The Planner outlined the application in detail for the construction of an outbuilding to the rear, together with side access ramp.

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The Committee discussed the application and the Planner clarified that the proposed position of the outbuilding would cause the least impact to neighbouring properties. He went on to confirm that the outbuilding was to be 3 metres in height so any impact would be minimal.

The Planner confirmed that the outbuilding would be between 1.8 and 2.6 metres away from the boundary of 31 Bedgebury Close.

### **Decision:**

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

### **581 Planning application - MC/24/2183 32 Selbourne Road, Gillingham, Medway ME7 1QP**

### **Discussion:**

Councillor Mandaracas withdrew from the meeting to speak as Ward Councillor.

The Senior Planner outlined the application in detail for a change of use from a dwellinghouse (Class C3) to a seven bedroom house in multiple occupation (HMO) (Sui Generis) together with the construction of an L shaped dormer window to the rear and installation of roof lights to the front to provide additional living accommodation with roof space and associated external alterations.

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

- She had been contacted by various residents and wanted to ensure their concerns were considered regarding parking, noise pollution, a high turnover of tenants and the overall impact on the street.
- Current parking was at capacity with more permits being issued than spaces available.
- She stated that although the report suggested that occupiers do not typically possess cars, it would be hard to choose a bicycle over a car due to the geography of the area. For the security of cycles, an external bike shed would not be suitable.
- The area was a hotspot for anti-social behaviour, therefore, could the alley way be auto locked or padlocked.

The Committee discussed the planning application, noting the points raised by the Ward Councillor. Some Members were concerned that the property was not suitable for an HMO for 7 people and they considered it was excessive and would be a cramped development.

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The Senior Planner explained that, under permitted development rights, a dwelling could be converted into a small HMO for up to 6 people without planning permission, this planning application was for one additional person.

The Chief Planning Officer clarified that similar properties had previously gone to appeal where they had been allowed and the Inspector stated that an additional bedroom/person would have such an impact, over and above what could occur in a 6 bed HMO or single family dwelling, that would substantiate a reason to refuse the planning application. He further explained it could be conditioned that only a maximum of 7 people would be allowed to live in this dwelling.

The Senior Planner confirmed that all the proposed bedrooms would exceed the national space guidelines recommended for an HMO.

Members requested a future Member Briefing on HMOs.

### **Decision:**

**Approved** with conditions 1 to 5 as set out in the report for the reasons stated in the report.

Councillor Mandaracas returned to the meeting as a Committee Member.

### **582 Planning application - MC/18/0715 21-23 New Road, Chatham ME4 4QJ**

#### **Discussion:**

The Service Manager - Development Management outlined the application in detail for a redevelopment of the site to provide nineteen 1-bedroom flats, eleven 2-bedroom flats and two 3-bedroom flats with parking and bicycle provisions.

The Committee considered the application noting that the applicant had been unable to find a registered provider to take on the affordable housing provision. A deed of variation was required to remove the requirement for the provision of affordable housing on site and to secure a commuted sum of £214,500 to provide the affordable housing off site.

Members were disappointed that affordable housing could not be provided within the development, however, they suggested that the £214,500 contribution (or a proportion of it) go towards Upper Mount, which was accommodation for care leavers.

The Chief Planning Officer confirmed there was an increase in the number of registered providers struggling to deliver affordable housing. The way forward could be to remove the on-site provision of affordable homes within the S106 so they could apply for grant funding.



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### **Decision:**

Delegated Powers given to vary the S106 Agreement in accordance with the recommendation.

### **Chairperson**

### **Date:**

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

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