

Medway Council
Planning Committee
Wednesday, 9 April 2025
6.30pm to 7.38pm

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, Field, Gilbourne, Gulvin, Hamandishe, Myton, Peake, Pearce and Vye

Substitutes: Councillors:
Browne (Substitute for Hamilton)
Fearn (Substitute for Filmer)

In Attendance: Councillor Stephen Hubbard (agenda item 6)
Julie Francis-Beard, Democratic Services Officer
Dave Harris, Chief Planning Officer
Peter Hockney, DM Manager
Joanna Horne, Lawyer
Sam Pilbeam, Senior Planner
Steven Ward, Highways Consultant

810 Apologies for absence

Apologies for absence were received from Councillors Filmer and Hamilton.

811 Record of meeting

The record of the meeting held on 12 March 2025 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 – Minute Number 748 – Planning Application
MC/23/2857 Land at the former Sturdee Club and land at Stoke Road, Hoo
St Werburgh, ME3 9BJ**

The decision taken by the Planning Committee on 12 March 2025, as set out in the minutes, was:

Approval subject to the expiry of the consultation with Active Travel England (ATE), and the imposition of any additional conditions recommended as a result of a response from Active Travel England and

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no unresolvable objections being received (and the completion of a Section 106 agreement and attachment of conditions).

Representations:

A response from Active Travel England (ATE) had been received on 1 April 2025.

In summary, the response did not raise any objections but did raise some concern with the isolated nature of the development but also noted that it was for the Council to weigh this against more favourable aspects. Where decision makers were satisfied with the quality of Stoke Road for pedestrian use and distances to key amenities, then ATE recommended that the Council should determine the application in accordance with the Committee decision; alternatively, this consideration should be reviewed and again weighed in the planning balance.

A letter had been received by Sport England (29 March 2025), outside of their role as a Statutory Consultee. Sport England objected to the application on the grounds of the loss of playing field/sport facility at the former Sturdee Club that closed in 2012.

Officer Response

The response from ATE did not raise any objections and the matter of the location and access to services had been considered in the main report, raised by Ward Members during their address to the Committee and by Members as part of the debate. The S106 required contributions towards public rights of way improvements.

In relation to the Sport England letter, whilst an objection had been received, they were not a Statutory Consultee for this application. Furthermore, the issue of the loss of facility had been considered in the main report, raised by Ward Members during their address to Committee and by Members as part of the debate.

The submitted responses required no further action and the agreed recommendation at the last Planning Committee remained and work to progress the S106 and issuing the decision would continue.

812 Urgent matters by reason of special circumstances

There were none.

813 Declarations of Disclosable Pecuniary Interests and Other Significant Interests

Disclosable pecuniary interests

There were none.

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Other significant interests (OSIs)

Councillor Field referred to planning application MC/24/2596 - 1 Pepys Way, Strood, Rochester, Medway ME2 3LH and stated that he and his close family lived in close proximity to the property and, therefore, he would withdraw from the meeting and take no part in the determination of the planning application.

Other interests

Councillor Myton referred to planning application MC/24/2047 – 37 Central Park Gardens, Chatham, Medway, ME4 6UT and informed the Committee that as he wished to address the Committee as Ward Councillor, he would take no part in the determination of the application.

814 Planning application - MC/24/0266 Dillywood Garden Centre, Dillywood Lane, Wainscott, Rochester, Medway ME3 7NT

Discussion:

The Service Manager - Development Management outlined the application in detail for the construction of 12 detached dwellings with associated parking, access and landscaping - demolition of the existing garden centre and associated buildings.

The Service Manager – Development Management brought Members' attention to the supplementary agenda advice sheet which included an additional representation. The matters raised within the representation had already been dealt with.

The Committee discussed the application in detail and Members acknowledged this was a good scheme and were pleased the applicant had committed to meeting the education and health contributions in full.

Members considered there would be less traffic, including commercial vehicles, than previously used as a garden centre.

The Service Manager – Development Management confirmed that the changes from the previously rejected planning application and this planning application were due to the changes in Government policy and the revised National Planning Policy Framework (NPPF) which had taken a much more permissive approach to development. The Chief Planning Officer stated that the previous planning application was refused in 2003 because Medway Council had an up to date Local Plan and had a current 5-year housing land supply, which the Council currently did not.

The Service Manager – Development Management clarified that the materials used for the main house would also be used to construct the car port. This particular style of car port allowed the upper space to be used as a hobby room or a home office. The design of the car port was above and beyond what you would normally expect to see from a car port.

Decision:

Approved subject to:

- a) The applicant entering into a Section 106 agreement to secure the following:
- a) Financial contributions as follows;
- i) £97,944.11 toward mitigating the impact of the additional pupils generated by the development comprising;
- Nursery - £21,163.68
Primary - £35,620.91
Secondary - £41,159.52
- ii) £9,705.00 to support the creation of additional capacity in Primary Care premises required as a result of the increase in patient registrations.
- iii) £3,939.24 towards Designated Habitats Mitigation.
- b) Conditions 1 to 27 as set out in the report for the reasons stated in the report.

815 Planning application - MC/24/2596 1 Pepys Way, Strood, Rochester, Medway ME2 3LH

Councillor Field left the meeting for this item.

Discussion:

The Senior Planner outlined the retrospective application in detail for construction of a two-storey extension to side / rear with a single-storey extension to front / rear and excavation works to basement level to facilitate 1 two-bedroom flat on ground floor level, 1 three-bedroom duplex flat over ground and basement level and 1 two bedroom flat at first-floor level and a 1 three-bedroom duplex flat over first and loft levels; engineering works to facilitate parking to front and rear and associated works.

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

- This planning application should be refused on the grounds of a lack of off-street parking and poor ingress/egress to the rear of the property where the five proposed parking spaces were to be located. More vehicles would be parked at the front, which would impact the neighbours and could have an impact on the footpaths.
- It was an over development of the site and out of character within the local area.

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- The parking spaces at the rear were located on an unmade back lane. It was questioned whether there was a legal right for these spaces to be used. Access to this back lane should be written into the property deeds and a proportionate payment made for the upkeep of the access road.
- Concerns were raised regarding the internal layout and whether this would become a House in Multiple Occupation (HMO) in the future.
- The rear gardens would be 1 metre higher than the back of the property.

The Committee discussed the planning application noting the points raised by the Ward Councillor and were concerned that this was a retrospective planning application.

Some members also had concerns regarding the design and the internal layout of the property and were worried that this property could, in the future, be turned into a HMO.

The Senior Planner confirmed that notice had been served on all the properties regarding the legal right of access to the rear of the property. This had been rectified in the original planning application.

The Senior Planner advised that an additional condition could be added to request details, including location and size, of the waste storage facilities to be submitted to the Council before the first occupation of the development.

Decision:

Approved with conditions 1 to 6 as set out in the report for the reasons stated in the report and an additional condition added:

Additional Condition 7

Prior to the first occupation of any flat herein approved details of the refuse storage arrangements for the flats, including provision for the storage of recyclable materials, shall be submitted to and approved in writing by the Local Planning Authority. No flat shall be occupied until the approved refuse storage arrangements are in place and all approved storage arrangements shall thereafter be retained.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policy BNE2 of the Medway Local Plan 2003.

Councillor Field returned to the meeting.

816 Planning application - MC/24/2047 37 Central Park Gardens, Chatham, Medway ME4 6UT

Councillor Myton withdrew from the meeting to speak as a Ward Councillor.

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Discussion:

The Chief Planning Officer outlined the application in detail for the construction of a two storey residential house with associated landscaping and car parking (demolition of existing garage).

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

- He spoke on behalf of local residents, who were disappointed that this planning application had come to the Planning Committee. They considered the information provided by the agent and applicant did not tell the full story.
- The neighbouring property, at 37 Central Park Gardens was also owned by the applicant and was originally a house with four bedrooms and 1 bathroom. Local residents viewed the renovation, and it now had 6 bedrooms and 6 bathrooms and was a HMO, although not registered with the Council. Residents were concerned that 37 Central Park Gardens and the proposed new property would become HMO's.
- Concerns were expressed regarding the amount of sewage spilling out in neighbouring gardens.
- Every member of the Central Parks Gardens Residents Association, which backed onto that private road, had objected to this planning application. They had no intention of allowing the developer / applicant access to the private road in order to build the two parking spaces. This could result in increased parking at the front and there were already issues with parking in the local area.
- Concern for emergency vehicles having access during the construction phase and the road being shut while deliveries took place.

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

The Chief Planning Officer clarified that the two parking spaces to the rear, off a private road, would require consent from the landowners to undertake the work. A condition could be included that prior to the commencement of the development, the developer would have to prove they had access to those parking spaces. If the developers could not prove access or provide parking, then the development could not be built.

The Chief Planning Officer acknowledged Members' concern about the property next door being a HMO and would this property, in the future, be converted into a HMO. He explained that condition 4 stated the dwelling "shall remain within Class C3 and no change of use should be carried out unless planning permission had been granted".

The Chief Planning Officer confirmed that an additional condition could be added to protect the trees during construction.

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The Chief Planning Officer explained that sewage would be secured by building regulations and was not a planning consideration.

Decision:

Approved with conditions 1 to 12 as set out in the report, with an amendment to Condition 11 and an additional Condition 13.

Amended Condition 11:

Prior to commencement of any construction works full details of the parking area to the rear and arrangement to access the parking area shall be submitted to and approved in writing by the Local Planning Authority and prior to the first occupation of the dwelling hereby approved, the area shown on drawing number BDS-CPG-P02 Rev E received 19 February 2025 for 2 new parking spaces shall be formed from permeable surfacing materials or provided with drainage arrangements. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to these parking spaces.

Reason: To ensure the parking is kept available to prevent hazardous on-street parking in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

Additional Condition 13:

All trees on site shall be retained and protection measures in accordance with BS:5837 Trees in relation to Construction shall be installed prior to any demolition or construction works occurring and shall be maintained on site until the completion of the development.

Reason: To ensure the existing trees on site are retained and not damaged in accordance with Policies BNE1 and BNE43 of the Medway Local Plan 2003.

Chairperson

Date:

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