

Medway Council
Planning Committee
Wednesday, 6 May 2026
6.30pm to 9.42pm

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, Gilbourne, Gulvin, Hamandishe, Myton, Peake, Pearce and Vye
- Substitutes:** Councillors:
Campbell (Substitute for Hamilton)
Kemp
- In Attendance:** Councillor John Williams (for agenda item 5)
Deinma Anga, Derelict and Empty Properties Officer
Julie Francis-Beard, Democratic Services Officer
Dave Harris, Chief Planning Officer
Peter Hockney, Service Manager, Development Management
Joanna Horne, Lawyer
Arron Nicholls, Senior Planner
Amy Shardlow, Senior Planner

905 Councillor Filmer

Members and officers, present, held a moment of reflection in memory of Councillor Filmer who sadly passed away on Tuesday 5 May 2026.

Councillor Filmer was the Opposition Spokesperson on the Planning Committee, a role which reflected his long-standing interest in transport, planning and the regeneration of Medway.

906 Apologies for absence

An apology of absence was received from Councillor Hamilton.

907 Record of meeting

The record of the meeting held on 8 April 2026 was agreed by the Committee and signed by the Chairperson as correct.

908 Urgent matters by reason of special circumstances

There were none.

909 Declarations of Disclosable Pecuniary Interests and Other Significant Interests

Disclosable pecuniary interests

There were none.

Other significant interests (OSIs)

Councillor Vye referred to planning application MC/25/0965 Land to the south of Former Upnor Public Convenience including Foreshore and Bed of the River Medway, Lower Upnor, Rochester and stated that he knew the owner of Port Werburgh and they were one of Reform UK Group's sponsors. The marina was close to the applicant's pontoon, therefore, Councillor Vye would withdraw from the meeting and take no part in the determination of this planning application.

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.

Dave Harris, Chief Planning Officer, referred to planning application MC/25/0965 Land to the south of Former Upnor Public Convenience including Foreshore and Bed of the River Medway, Lower Upnor, Rochester and stated that he knew a number of people, socially, some of whom could have made representations on this application. He stated that as a result of this he was not involved in any planning applications in Lower Upnor, including this item.

910 Planning application - MC/25/0965 Land to the south of Former Upnor Public Convenience including Foreshore and Bed of the River Medway, Lower Upnor, Rochester

Councillor Vye withdrew from the meeting for this item.

Discussion:

The Service Manager - Development Management discussed the partially retrospective planning application for the retention of steps, ramp pontoon, and 10no. piles (with some reduced in height to approximately 6m to reflect the height of the control pile), removal of 8no. piles, and provision of an additional pontoon, and use of former toilet building to supply facilities for those mooring boats including provision of WC and shower, drying and storage facilities.

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The Service Manager – Development Management brought Members' attention to the supplementary agenda advice sheet, which amended condition 4 by reducing the restriction on return visits from three months to one month.

The Service Manager - Development Management gave a brief overview of the history of this site, which included comments from the Planning Inspector to the appeal, which were included within the report.

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

- The Ward Councillors and Parish Council expressed disappointment that Medway Council had not taken legal proceedings to uphold the Planning Inspector's decision to dismiss the appellant's appeal.
- Although the houseboat had been removed, unauthorised piles, posts, jetties, ramps, stairs remained in place, in a direct contravention and disregard of the enforcement notice.
- The enforcement appeal was served for the material change of use of land for the mooring of a waterborne vessels used for residential purposes; the driving of piles being driven into the riverbed; and the construction of a jetty and steps to provide access onto the riverbank.
- He considered this would be an inappropriate location, noting there were authorised recreational moorings which already existed at Cuxton and Hoo.
- Concern was raised that there was no direct access to the site from land in the applicant's ownership, and it was understood the applicant did not have a legal right of access.
- High numbers of public objections were received, including objections from the Rochester Oyster and Floating Fishery (ROFF) which had exclusive fishing rights within the River Medway and it was noted that no prior authorisation had been granted from the Marine Maritime Organisation (MMO).

Members noted that pilings and jetties had appeared on site, followed by the unlawful mooring of the houseboat. The Council had issued an Enforcement Notice and successfully defended the appeal and since then the houseboat had been removed, a course of action supported by the Planning Committee. Members further noted that, following the appeal, the requirement for the removal of the pilings and jetties had not been complied with.

Members discussed concerns relating to the proposed conditions which included how the grey water and potential sewerage from the re-purposed former toilet block, intended for storage and wash facilities, would be disposed of or stored, and whether any discharge would enter the river. Questions were raised regarding the responsibility for monitoring this. Members also expressed concern about how the condition which limited waterborne vessels to temporarily moor, for no more than five consecutive nights, would be monitored.

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Condition 6 which prohibited any refuelling or maintenance activities of waterborne craft on site, was also discussed. Members noted that all vessels required some degree of maintenance and expressed concern that, if such activities occurred, they could result in ecological harm to the local area. Questions were raised regarding how this proposed condition would be enforced.

Following a question regarding the applicant's lack of legal rights of access to land, the Service Manager – Development Management confirmed that a legal right of access was not a material planning consideration and, therefore, could not be given weight. He explained that the two relevant parties would need to come to an agreement, and if they did not then the development could not continue.

Members expressed concern that the frontage of the River Medway should provide unobstructed views, given that it formed part of a public right of way. It was noted that a fence currently obscured views towards St Mary's Island. The Service Manager – Development Management clarified that the fence was not within the applicant's ownership or control and, therefore, could not be required to be removed as part of the planning application.

Members also noted that no prior authorisation had been sought from the Marine Maritime Organisation (MMO) for a marine licence, nor from Rochester Oyster and Floating Fishery (ROFF) for works on the riverbed. The Service Manager – Development Management acknowledged this and advised that, should planning application be granted, the applicant would be required to apply for the relevant marine licence and liaise with ROFF to agree the works and that the applicant was aware of the necessary requirements.

The Service Manager – Development Management explained that the key findings from the Inspector, namely that the previously moored houseboat, due to its two-storey height, had caused significant visual harm, but had since been removed. The Inspector had concluded that the 18 piles caused only a small degree of visual harm. As the current planning application proposed 10 piles at a reduced height, it was considered that the level of visual harm would be even less. The Inspector also found that the ramp and jetty caused no visual harm.

The Service Manager – Development Management confirmed that the recommended conditions had been discussed with the applicant, who had indicated that they were satisfied they could comply with them. Members and local residents were advised that any breaches of conditions should be reported to the Planning Department, which would be investigated and, where necessary, enforcement action would be taken.

The Service Manager – Development Management confirmed that a maximum of 15 vessels could be moored on the site and that the new pontoon would be used for leisure based, self-propelled craft only.

Members raised concerns that, at certain times due to tidal conditions, the site would be exposed as mud, and, therefore, was not a viable berthing location.

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The Committee then voted on the officer's recommendation, which was lost. Members then discussed potential reasons for refusal, including ecological impacts and the potential for damage to the river from waste discharge.

Decision:

REFUSED for the following reasons:

- 1 The retention of the piles, creation of the pontoon and its use for mooring of leisure craft would result in cumulative visual clutter that would harm the open and informal character of the Upnor riverside and interrupt public views across the River Medway contrary to Policy BNE1 of the Medway Local Plan (2003) and paragraphs 131 and 135 of the National Planning Policy Framework (2024).
- 2 In the absence of evidence to demonstrate that the use, and the comings and goings associated with the use, would not result in disturbance and subsequent harm to wintering and foraging birds the proposal is contrary to Policies BNE37 and BNE39 of the Medway Local Plan (2003) and paragraphs 187 and 192 of the National Planning Policy Framework (2024).

Councillor Vye returned to the meeting.

911 Planning application - MC/26/0116 7 Camden Road, Gillingham, Medway ME7 1QS

Discussion:

The Senior Planner outlined the application in detail for the change of use from C3 to C4 (6 person Houses of multiple occupation (HMOs)).

The Senior Planner brought Members' attention to the supplementary agenda advice sheet, which included a rebuttal letter from the agent.

The Senior Planner confirmed that there were 27 existing HMOs within a 500-metre radius of the property and due to the inadequate level of internal amenity space for future residents, recommended refusal of this planning application.

During the discussion, Members expressed concern regarding the lack of communal space for residents and the size of bedroom six.

The Chief Planning Officer advised that Cabinet had approved the Article 4 Direction in December 2025, which removed permitted development rights for the conversion of Class C3 dwellinghouse to a Class C4 small HMOs in certain wards within Medway. He confirmed that training on Article 4 and HMOs would be provided to Members.

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Decision:

REFUSED for reason 1 as set out in the report.

912 Planning application - MC/26/0220 53 Imperial Road, Gillingham, Medway ME7 5PH

Discussion:

The Senior Planner outlined the application in detail for the change of use from dwellinghouse (Class C3) to a 6 bedroom 6 person house in multiple occupation (HMO) (Class C4) together with construction of a single storey rear extension, L-shaped dormer window to rear and installation of roof lights to front to provide additional living accommodation with roof space with associated bin/cycle store.

Members were advised that there were 18 existing HMOs within a 500-metre radius of this property which included one within the same street.

Decision:

REFUSED for reasons 1 and 2 as set out in the report.

913 Planning application - MC/26/0274 3 St George's Road, Gillingham, Medway ME7 1JG

Discussion:

The Senior Planner outlined the application in detail for the change of use from Class (C3) single dwellinghouse to a 6 person Class (C4) HMO. Erection of L Shaped Dormer decision pending under MC/26/0069.

The Senior Planner brought Members' attention to the supplementary agenda advice sheet, which added condition 7.

The Senior Planner confirmed that there were 32 other HMOs within a 500-metre radius of this property. It was also confirmed that, although the sixth bedroom had a sloping roof, the dormer windows had been lowered to 1.4 metres to provide adequate outlook and sufficient sunlight for future occupants.

Members raised concern that nearby student accommodation, located approximately five minutes' walk away, had recently been granted permission to be converted into a 63-bedroom HMO, which they considered contributed to an over-proliferation of HMOs in the area. In response, the Chief Planning Officer clarified that student accommodation was, in effect, already a form of HMO and that the proposal represented a change from one HMO to another. He did not consider that the development would result in an unacceptable concentration of HMOs locally and confirmed that the Article 4 Direction would continue to control the conversion of family dwellings into HMOs.

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Members expressed concern that the amenity space could be converted into an additional bedroom in the future. The Chief Planning Officer advised that officers worked closely with the Private Housing team, who would notify the Planning Department should any unauthorised room conversions be identified.

Decision:

Approved with conditions 1 to 6 as set out in the report for the reasons stated in the report, with condition 7 being added:

Condition 7:

Prior to the first occupation as a six-bedroom Use Class C4 HMO herein approved details, a refuse management strategy shall be submitted to and approved in writing by the Local Planning Authority. The Use Class C4 HMO shall not be occupied until the approved refuse management strategy arrangements are in place and all approved storage arrangements shall thereafter be retained.

Reason: To ensure that the development does not prejudice the amenities of future occupants in accordance with Policy BNE2 of the Medway Local Plan 2003.

914 Performance Report 1 January to 31 March 2026

Discussion:

The Committee received a report setting out Planning performance for the period 1 January to 31 March 2026. This included the information on the consultation on the revised National Planning Policy Framework (NPPF) and the Planning and Infrastructure Act 2025 which received Royal Assent in December 2025. The Act would introduce strategic planning known as Spatial Development Strategies (SDS) as well as a new way of producing Local Plan within a 30-month timeframe.

The Chief Planning Officer explained that the Act would establish a national scheme of delegation, for planning application decisions, with a two-tier system. Schedule 1 - planning applications would always be delegated to officers to determine, while Schedule 2 applications would be delegated to officers to determine unless the Chief Planning Officer and Chairperson of the Planning Committee agreed, following a Gateway test, that they should be determined by the Planning Committee. The Act would also propose a maximum Planning Committee size of 13 members, compared to Medway Council's membership of 15 members.

The Chief Planning Officer advised that the Government was considering allowing Local Authorities (LA) to set local planning fees and confirmed that, in light of the Local Government and Reorganisation (LGR), he was working with neighbouring LAs, likely to form part of the new unitary, to align fee levels.

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The Chief Planning Officer drew Members' attention to the number of compliments which had been received and were set out on page 102 of the report.

Members extended 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 in the report.

The Chief Planning Officer confirmed that, linked to LGR he had commenced with potential partner authorities to review planning processes to ensure robust planning arrangements for the new unitary authority.

Members asked whether Ward Councillors would have any input on planning applications being referred to Committee. The Chief Planning Officer advised that once the Planning and Infrastructure Act was implemented, the number of representations would no longer be a trigger for the planning application to be determined by the Planning Committee. He added that he considered Ward Councillor input would be valuable given their local knowledge.

Members expressed concern that reducing the size of the Planning Committee could result in a loss of experience and knowledge.

The Chief Planning Officer confirmed that Members would receive training on the Spatial Development Strategy.

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.

915 Appeal Decisions 1 January to 31 March 2026

Discussion:

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

Decision:

The Committee noted the report.

916 Section 106 Agreements - January to March 2026

Discussion:

The Chief Planning Officer gave a summary of the S106 funding referred to in appendix 1 to 3 to the report.

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Decision:

The Committee noted the report.

917 Exclusion of the press and public

Decision:

The Committee agreed to exclude the press and public from the meeting during consideration of agenda items 14 (Derelict Buildings: 1 October 2026 to 31 March 2026) and 15 (Planning Enforcement) because consideration of these matters in public would disclose information falling within paragraph 6 of Schedule 12A to the Local Government Act 1972 as specified in agenda item 13 (Exclusion of Press and Public) and, in all the circumstances of the case, the Committee considered that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

918 Derelict and Empty Properties: 1 October 2025 to 31 March 2026

Discussion:

The Chief Planning Officer gave a summary of the Derelict and Empty Properties: 1 October 2025 to 31 March 2026 and referred to appendix A and B of the report.

Decision:

The Committee noted the report.

919 Planning Enforcement

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.

Chairperson

Date:

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