

Medway Council
Planning Committee
Wednesday, 10 April 2024
6.30pm to 7.29pm

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, Hamandishe, Howcroft-Scott, Myton, Nestorov, Peake and Pearce
- Substitutes:** Councillors:
Brake (Substitute for Barrett)
Fearn (Substitute for Gulvin)
Joy (Substitute for Lammas)
- In Attendance:** Julie Francis-Beard, Democratic Services Officer
Dave Harris, Chief Planning Officer
Amy Shardlow, Planner

736 Apologies for absence

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

737 Record of meeting

The record of the meeting held on 13 March 2024 was agreed and signed by the Chairperson as correct.

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

Page 6 Minute 678 MC/23/2861 112 Maidstone Road, Chatham

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

“The applicant is advised that in relation to the Construction Environmental Management Plan (CEMP) required under Condition 5 on the Decision Notice, the following is required within the document to be submitted for approval;

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- Where possible, deliveries of materials and storage of materials shall be accessed from Maidstone Road.
- Where deliveries or access is required from Scotts Terrace all residents should receive advance notice.
- Where deliveries or access is required from Scotts Terrace, this shall not occur during School Times between the hours of 08:00 to 09:15 or 14:45 to 15:15.
- No materials or equipment shall be stored on the Highway of Scotts Terrace”.

738 Urgent matters by reason of special circumstances

There were none.

739 Declarations of Disclosable Pecuniary Interests and Other Significant Interests

Disclosable pecuniary interests

There were none.

Other significant interests (OSIs)

There were none.

Other interests

Councillor Etheridge stated that he often attended meetings for 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 Pearce referred to planning application MC/23/2527 Lingley House, Elm Ave, Chattenden and informed the Committee that as he and his fellow Ward Members had submitted a representation, therefore, he would take no part in the discussion or determination of this agenda item.

The Chief Planning Officer referred to MC/23/2527 Lingley House, Elm Ave, Chattenden and stated that he lived in close proximity to the site, however, he had no involvement in the processing of this planning application.

Councillor Stamp referred to planning application MC/24/0107 2 Second Avenue, Gillingham, Medway, ME7 2HX and informed the Committee that as she wished to address the Committee as Ward Councillor, she would take no part in the determination of the application.

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740 Planning application - MC/23/2527 Lingley House, Elm Avenue, Chattenden, Rochester, Medway ME3 8LZ

Decision:

This application was deferred to enable consultation with Natural England.

741 Planning application - MC/24/0107 2 Second Avenue, Gillingham, Medway, ME7 2HX

Discussion:

Councillor Stamp withdrew from the meeting to speak as Ward Councillor and Councillor Jones, the Vice Chairperson, chaired this agenda item.

The Planner outlined the application in detail for the change of use from Class C3 (Dwellinghouse) to Class C2 (Children's Care Home).

With the agreement of the Committee, Councillor Stamp addressed the Committee as Ward Councillor and raised concerns on behalf of several local residents:

- Kent Police had recommended CCTV be installed, local residents considered this would be detrimental to their privacy and wellbeing for those living in Glebe Road and Barnsole Road. They suggested there would be a significant loss of privacy, overlooking, noise, disturbance and anti-social behaviour.
- Local residents had not been consulted which had caused stress and anxiety especially as the demographic of the area was predominantly of retirement age.
- Second Avenue was a very busy street which was becoming a "rat run", often leaving just a single lane despite it being a 2 way street. Concerns were expressed about the shortage of on-street parking.
- Residents believed that the proposal was contrary to Local Plan policy.

The Committee discussed the planning application in detail noting the points raised by the Ward Councillor and Members expressed concerns regarding anti-social behaviour, noise disturbance and parking.

The Chief Planning Officer reiterated that Members had received clear advice from the Legal Officer and during their planning training, that Members were there to determine these applications with regard to planning considerations only. Although Members had concerns regarding the care provider and whether the children would be from Medway and staffing, these were not planning considerations, they were for the provider, Ofsted, to review. Planning considerations would include CCTV, amenities and parking.

The Planner explained that with regards to the CCTV, a discussion had taken place with the applicant and agent, and they confirmed a ring-door bell had been installed, which would only look at the front and rear of the property to

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monitor the comings and goings of the property. Although Kent Police recommended the installation of CCTV these were just recommendations, however, they did recommend that staff wear body cameras. This would be discussed with Kent Police as to whether that was necessary along with other security issues. An informative would be added to the Decision Notice for the applicant to contact Kent Police.

The Planner clarified that under condition 3, the number of residents would not exceed three and the Chief Planning Officer explained that if Ofsted required an increase in residents, the applicant would be required to come back to the Planning Committee.

The Chief Planning Officer acknowledged that Members had concerns outside the planning process, and he would pass Members' comments to the relevant department in the Council to forward to Ofsted.

Decision:

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

The Vice Chairperson stated that where the Committee approved planning permission for children's care homes, this approval related only to planning terms and that the permission for the Children's Care Home to operate was granted by Ofsted.

Councillor Stamp returned to the meeting as a Committee Member.

742 Request for a S106 Deed of Variation - MC/21/1694

Discussion:

The Committee received a report setting out a request for a deed of variation to the S106, signed as part of the approval for a development of 68 dwellings at View Road Cliffe Woods.

The Chief Planning Officer drew Members' attention to page 42 of the agenda where it was explained that the developer, Esquire, had been working on clearing the necessary pre commencement and other conditions in readiness to start on site. They had approached all registered providers (RPs), who operate in Medway, to seek offers for the 25% affordable housing part of the development. Due to financial reasons, RPs were not currently bidding for small sites.

Esquire had received one offer from a RP, if they were to receive grant funding from Homes England to deliver the affordable homes, they would take up the affordable homes and deliver in accordance with Medway Council's requirements.

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The Chief Planning Officer clarified that Homes England did not offer grant funding to affordable homes secured through S106 or conditions on a planning permission. Therefore, in order to secure affordable homes on this site and to enable the development to proceed in accordance with the approved plans, there would need to be a deed of variation to remove the affordable homes requirement from of the S106.

The Chief Planning Officer explained that the developer, Esquire, would still build all the homes to the same specification and once completed, the affordable homes would be passed to the RP. If for some reason they did not receive grant funding and the RP pulled out of the development, the planning application would be required to come back to the Planning Committee for determination.

Decision:

- a) The Committee agreed to take out all reference to affordable homes from the S106 and agreed a deed of variation to that effect.
- b) The Committee agreed to negotiations around a cascade mechanism of alternatives should grant funding not be agreed or the registered provider still not be able to deliver 25% affordable homes on site.

Chairperson

Date:

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