

Planning Committee – Supplementary agenda

A meeting of the Planning Committee will be held on:

Date: 25 October 2017

Time: 6.30pm

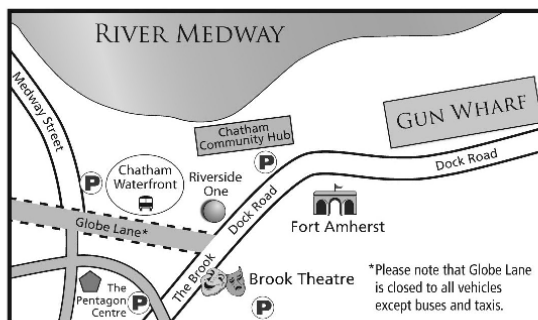
Venue: Meeting Room 9 - Level 3, Gun Wharf, Dock Road, Chatham ME4 4TR

Items

- 19 Additional Information - Supplementary agenda advice sheet (Pages 3 - 14)**

For further information please contact **Ellen Wright, Democratic Services Officer** on Telephone: 01634 332012 or Email: democratic.services@medway.gov.uk

Date: 25 October 2017



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বাংলা	331780	ગુજરાતી	331782	ਪੰਜਾਬੀ	331784	کوردی	331841	ارو	331785	Русский	332374
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Medway Council

PLANNING COMMITTEE – 25 October 2017

Supplementary Agenda Advice

**Page 28 MC/17/2333 Rochester Riverside, Rochester,
ME1 1NH**

Recommendation

Add heading Legal Agreement

Section 111 Agreement

Given that Medway Council is part owner of the site they are unable to enter into a Section 106 Agreement with themselves. However, there is a Development Agreement (DA) in place which provides that prior to the transfer of the Site to Countryside Properties (UK) Ltd & The Hyde Group, a satisfactory planning permission needs to have been granted.

There are two solutions proposed to allow the development to progress:

- The first solution is that planning permission is granted for the Site following the completion of an agreement under Section 111 of the Local Government Act 1972 (“Section 111 Agreement”) which contractually obliges Countryside to enter into a Section 106 Agreement (in the form annexed to the Section 111 Agreement) on the transfer of the Phase 1 land. Subsequent transfers will be accompanied by deeds of adherence in respect of those Phases.
- The second solution is the use of a negatively worded (Grampian) condition requiring the entry into a Section 106 Agreement binding the part of the Site to be developed prior to commencement of development on that part of the Site. The use of such a condition came to prominence during the planning process for the new Arsenal Stadium. As a result, such conditions are often known as Arsenal Conditions.

For robustness, it is proposed that both methods are used to ensure that a legal Section 106 Agreement can be attached to the permission.

Add

- xiii) Contribution towards the identified highway network improvements and Controlled Parking Zone is to be determined.
- xiv) Contribution towards Sixth Form Education: £709,461 (not £717,744)

Renumber conditions 20-22 as 19-21

Amend condition 22 (the new condition 21) as follows:

The noise mitigation measures relating to Phases 1 – 3 described in the Chapter 7 of Environmental Statement dated June 2017 shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Add new condition 22

Prior to above ground works details of measures to manage pedestrian movements at the Gas House Lane/Corporation Street Junction shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in accordance with the approved details prior to first occupation.

Reason: To provide a suitable means of pedestrian and cycle access in the interest of highway safety in accordance with Policies T3 and T4 of the Medway Local Plan 2003.

Add new condition 23

Prior to above ground works details of a bus shelter for the north bound stop, opposite the railway station on Corporation Street Junction shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in accordance with the approved details prior to first occupation.

Reason: To accord with Policy T14 of the Medway Local Plan 2003.

Renumber conditions 23- 58 as 24-61

Add new condition 24

No works permitted by this planning permission shall be carried out on any Phase of the Site as approved, as shown on approved Plan No. CPL-ROC_HTA-A_DR-XX-0009 (save for surveying, testing, sampling, soil tests, ground investigations, pegging out, tree protection, archaeological investigations, works of demolition, works of remediation and decontamination, site clearance, construction of temporary hoardings and boundary fences, construction of temporary haul roads, works to secure access to the Site and the existing Cory's

Road multi-storey car park, the provision of temporary services to the Site, drainage and sewerage works, laying of services and service diversions and the erection of contractors' compounds) unless and until all parties with any legal or equitable interest (including but not limited to all freehold and leasehold owners and mortgagees and charges) in any part of that Phase have entered into an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) in a form approved by the Council and consistent with the terms approved by the Council's Planning Committee on 25 October 2017 with the effect that the land in that Phase is bound by the obligations contained in that agreement.

Reason: Paragraph 010 of the National Planning Policy Guidance advises that a negatively worded condition limiting the development that can take place until a planning obligation has been entered into can be used in exceptional circumstances. The Council is satisfied that because it owns a substantial part of the application site and because there are legal difficulties that arise when a local planning authority seeks to enter into a Section 106 Agreement which purports to bind land which it owns it is reasonable and necessary to impose this condition.

Add new condition 25

Prior to commencement of above ground works, a phasing plan shall be submitted and approved in writing by the Local Planning Authority.

The Phasing Plan shall:

- a. Define the extent of the area of each phase by reference to and in accordance with the phases shown on plan CPL-ROC_HTA-A_DR-XX-0009;
- b. Specify the order and timing of the proposed phases [which shall be sequentially starting with Phase 1];
- c. Include in relation to the phases for which reserved matters approval is being sought and phases where reserved matters have already been approved:
 - i. Details of the number and mix of residential units (including affordable housing and self-build plots) to be accommodated;
 - ii. Details of the order and timing of public realm, infrastructure works, highway works and pedestrian and cycle works; and

- iii. Details of the quantum and type of open space and outdoor sports facilities to be provided in each phase and a timetable for its provision for use by the public;

The Phasing Plan shall also include indicative details for phases where reserved matters have not yet been approved.

An updated Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority in advance of each reserved matters application.

The Development hereby permitted shall at all times be carried out in full accordance with the approved phasing plan [and prior to the approval of a phasing plan must be carried out sequentially by reference to and in accordance with the phases shown on plan CPL-ROC_HTA-A_DR-XX-0009 starting with Phase 1].

Reason: To ensure that the development is comprehensively designed and phased.

Amend condition 30 (the new condition 33) as follows:

No deliveries, refuse collection and/or any other commercial servicing activity shall be undertaken, except for the delivery of newspapers, between the hours of:

- 23.30 and 06:00 Monday to Saturday and 18:00 and 08:00 Sundays and Public Holidays for all other non-residential buildings; and
- Prior to 06.00 on any day for any buildings.

Amend condition 39 (the new condition 42) as follows:

Measures and initiatives to promote sustainable travel to future residents of the development, including the provision of a car club, shall be implemented and monitored in accordance with the details set out in the approved Travel Plan dated June 2017.

Prior to the final occupation within each phase a Travel Plan Monitoring Report shall be submitted and approved in writing by the Local Planning Authority in consultation with the Highways Authority.

Amend condition 58 (the new condition 61) as follows:

Prior to above ground works in any phase or sub phase of the development hereby permitted an acoustic assessment shall be submitted to and approved in writing by the Local Planning Authority for that phase or sub phase, which assesses industrial, commercial and transport noise in accordance with BS4142:1997. Where specific noise levels $L(A)_{eq, T}$ is greater than 5dB(A) than the background level $L(A)_{90}$, detail mitigation measures shall be submitted to and approved

in writing by the Local Planning Authority to reduce the noise to below those levels. The development shall be carried out in accordance with the details and retained thereafter.

Planning Appraisal

Hotel

Revision to the text

The proposed hotel proposes 81 rooms not 80.

Affordable Housing

Substitute table detailing affordable housing with the following:

Phase	Market	Affordable	Total	% Affordable
1A	0	73	73	100%
1-3	422	67	489	16%
4-7	683	228	911	25%
Total	1105	368	1473	25%

Transport

Trip Generation and Trip Distribution

The report quotes figures for trip generation arising from the residential element. However, these figures do not have regard to 'internalisation' i.e. those trip that are within the site only and will not impact upon the network surrounding the site. The following is a more accurate summary:

Replace the 5th and 6th paragraphs under this heading with:

After considering the effects of internalisation the residential components of the site (all phases) would generate around 250 vehicle movements in the AM peak hour, 430 in the PM peak hour, and 4,100 across the day (for weekdays).

After considering the effects of internalisation, the non-residential components of the site would generate around 170 vehicle movements in the AM peak hour, 90 in the PM peak hour, and 1060 across the day (for weekdays).

Therefore, the overall development would generate the following movements on the external highway network: 420 in the AM peak hour; 520 in the PM peak hour; 5160 across the weekday. These volumes are significant in comparison to the existing volumes recorded in the 2016 surveys, representing increases relative to the A2 observed flows of 18% and 22% in the AM and PM peak hours respectively.

Traffic Impact & Mitigation

Insert the following text after the 1st and 2nd paragraphs:

The tables refer to journey times - Journey time surveys were undertaken along the A2 between Star Hill and The Esplanade in September 2016. These journey times are used to validate the wider traffic modelling and assess the impact of additional traffic and/or improvements to the network.

Insert the following text after the list of measures to be delivered by first occupation:

“Removal of vehicle activation on the bus lane”- It should be noted that buses will still benefit from the dedicated bus lane in advance of the Corporation Street / Esplanade signal arrangement, allowing them to avoid the queue at this junction. Rather the mitigation relates only to buses being able to activate the traffic lights. A journey time assessment as part of the wider traffic modelling assessment has identified that the wider improvements to the SCOOT networks will actually deliver improved bus journey times across the wider network.

‘Bringing junctions under SCOOT control’ - By way of explanation ‘SCOOT’ is a system that uses live data from traffic detectors to optimise signal settings across a network where the junctions have the SCOOT infrastructure in place. The mitigation proposed includes providing SCOOT at junctions where either SCOOT equipment isn’t in place, requires updating or fixing.

‘Improving offsets with the downstream Station Road/High Street junction’ - This means signals working together so that green times occur in a way that can assist in delivering continuous flow of traffic, rather than having isolated signal arrangements.

Access

Add the following text at the end of this section:

The access arrangements include works to improve and rationalise Blue Boar Lane. The existing access road into the site will be made one way entry with contraflow cycle lane / footway improvements.

Parking

Add the following table:

Residential Parking Requirements

SPD House Type	SPD Parking Standard	SPD Visitor Standard	Unit Numbers	SPD Residential Requirement	SPD Visitor Requirement	SPD Total Requirement
Semi-	2	0.25	93	186	23.25	209.25

detached / Large Town House						
Terrace	1.5	0.25	72	108	18	126
Mews	1	0.25	15	15	3.75	18.75
Flats	1	0.25	309	309	77.25	386.25
Total			489	618	122.25	740.25

Residential Parking Proposals

SPD House Type	Allocated Parking	Unallocated Parking	Car Club	Total	Compliance
Semi-detached / Large Town House	223				
Terrace	76				
Mews	15				
Flats	214				
Sub Total	528	145	2	675	91%

Travel Plan

Revision to the text

The Travel Plan aims to achieve 10% reduction in residential external and primary school trips, not total trips.

The report notes that this will be secured via the Section 106 Agreement. However, this will in fact be secured conditions.

Page 104 MC/16/3742 Land South of View Road, Cliffe Woods, Rochester

Recommendation

Add the following planning obligation:

- 5) To pay the cost of providing parking restrictions within the sightlines either side of the access onto View Road.

Amend condition 5 as follows:

5. The details submitted pursuant to condition 1 shall include details and samples of all materials to be used externally. The

development shall be implemented in accordance with the approved details.

Add the following condition:

21. The details submitted pursuant to condition 1 shall incorporate the flood risk mitigation measures as set out in section 6 of the Flood Risk Assessment (FRA) and Surface Water Drainage Strategy (SWDS) dated June 2017 reference 3246 version Draft v1.0. The development shall be implemented in accordance with the approved details.

Reason: To ensure the development mitigates against potential flooding in accordance with Policy CF13 of the Medway Local Plan 2003.

Representations

Councillor Williams has written objection on the grounds of:

- Loss of agricultural land;
- Detrimental impact of sewerage system;
- The development would be partly three storey which would be out of character (amended plans now show only two storey development);
- There is insufficient parking for residents and visitors;
- The proposed entrance is on a dangerous bend with limited visibility;
- Additional cars would add to traffic congestion, noise and pollution on B2000;
- If people move out of existing homes into this development it will result in an influx of young families and more pressure on an already oversubscribed school;
- Additional pressure on GP surgery with the following approved plans:

Page 126 MC/17/2015

**The Evening Star, 128 Church Street,
Cliffe, Rochester, ME3 7PY**

Recommendation

- **Amend** contribution to:
 - i) Contribution towards bird mitigation: £894.32

Amend condition 2 as follows:

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing Numbers PL/434/01; PL/434/02; received 8 June 2017 and Proposed elevations revised PL/434/03 REV A; elevations revised PL/434/04 REV A received 4 October 2017.

Reason: For the avoidance of doubt and in the interests of proper planning.

Proposal

Amend description as follows:

Conversion of existing public house and construction of two additional dwellings to create four 3 bedroomed terraced houses and a micropub with 2 bedroomed flat above with associated parking.

Representations

Cliffe and Cliffe Woods Parish Council have submitted the following in addition to their objection reported in the officer's committee report of 25 September 2017:

Disappointed that there does not appear to be sufficient consideration of concerns raised by Cliffe and Cliffe Woods Parish Council.

Entrance to the residential properties on to the street (with very limited low level pavement). There is no mention of the existing building - which is not set-back and does not currently have any access onto the street (these being to the southern elevation and the north-west corner of the existing building).

Lack of parking provision for the micro-pub, the existing parking provision that would be lost by the new construction and access road to the rear residential parking. We cannot expect all access to the micro-pub to be by foot, it is likely that there could be significant car access (via designated drivers) from some distance.

The report does not refer to the 'special' pavement that was only added relatively recently, with very little kerb protection for pedestrians or parking. The location is very close to St Helen's School and young children and parents with buggies etc. already have issues with passing at that point (without doors opening directly onto the pavement).

The Parish Council hope the planning authority will think again about these two elements - the residential access could be moved to the rear of the property, but there would still be an issue with parking provision - visitors could try and use the residential parking and/or the street".

Nine letters of support have been received since the item was last presented to the Planning Committee.

The **Planning Agent** has written making the following points:

- Lack of parking for the micropub – Planning Policy CF1 (Community Facilities) states that: “any replacement community facilities should be easily accessible by the local population by a variety of means of transportation, including public transport, cycling and walking.” The micropub is mainly for the use of the local community, who live within walking distance and, as such, will not need to use a vehicle. The proposed opening times of the micropub are restricted, thus reducing the likelihood of people outside the area travelling to the pub. Whilst we accept it is a country road, there will be the odd one or two people that will park on the road, as was likely the case with the original pub.
- Conflict with primary school car users – as the school is a one-form entry school, it is highly likely that the majority of pupils live within the local area and will, therefore, walk to school. The school drop off/pick up hours are outside of the micropub opening hours and, quite possibly, outside the hours of travelling associated with a normal working day. Therefore, it is anticipated that most car journeys to and from the site will be approximately 7am-8am and then 6pm-8pm, thus there is minimal conflict for car users.
- Gap between buildings – this has been clarified with the revised drawings and is no longer an issue.
- Amenity space –The amenity space for the gardens comply with Medway Council standards, however, there are a number of recreational spaces/play areas within a short walk of the site.
- Overdevelopment – The site is in accordance with planning policy and makes best use of the site, which is currently vacant and, therefore, underutilised.
- Car parking – Car parking exceeds Medway Council’s parking standards and there is ample room within the car parking area to manoeuvre a car to enter and exit the site within a forward gear. The car parking turning area has been designed around a large, 4-wheel drive (Range Rover) type vehicle.

Page 162 MC/17/2086 5 Otway Terrace, Chatham, ME4 5JU

Representations

The **Planning Agent** has responded to the submitted comments as follows:

- The proposed scheme is contained within the previous approved scheme ref: MC/09/0722 and has been designed with the lower portion of the development located next to Otway Terrace with a hipped roof at the party wall in order to minimise impact.
- Traffic increase will be negligible at key rush hours and would equate to around an increase of 2.2 two-way trips in the AM peak in comparison to the existing house (based on 2.9 for the new development – 0.5 for the existing 4 bed dwelling).

- A turning circle suitable for a car is provided within the site so there is no need for a vehicle to reverse onto the public highway.
- Rubbish collection will be similar to the existing situation for the four bedroom dwelling. By using two separate 1100ltr bins, as are provided in accordance with the Council's refuse standard for a development of this size, the increased time for collection should be negligible in comparison to a 4 bed house with separate bin bags and containers.
- Council approved storage bins are provided in a secure enclosure which will have a gully for wash down as required, and as outlined in the Waste Management Requirements, the 'waste storage capacity should be designed to ensure that there is sufficient space available to contain the waste generated by the proposed development...If waste is allowed to spill out of the approved containment/storage area any littering in the vicinity, caused by the situation, will result in the service of a litter Clearance Notice under the provisions of Section 92A(1) of the environmental Protection Act 1990'.
- The proposed flats are for the open market sale. No mention of 'Transient Tenants' was mentioned in the planning documentation and this objection is conjecture.
- The scheme has been designed to provide natural surveillance to the rear parking and communal landscaped area and will have adequate low level security lighting if required by the council.
- A 1.8 metre high fence will be provided between the properties which will provide privacy.
- Security light can be designed with shielded cowls in order to mitigate light spillage and carefully placed within the development to minimise potential light pollution.
- An attenuation tank will be provided to discharge into the existing system.
- Medway Council has expressed a desire to reduce the growth in reliance on the motor vehicle and an opportunity to choose modes of transport with less environmental impact, particularly walking, cycling and public transport. Five parking spaces, including adequate turning area is provided for residents as well as cycle storage to encourage cycling to fulfil Local Plan Policy T4. Taking into account the site's location and proximity to transport links and services a parking level of 0.625 per unit is adequate as Medway's Development & Environmental strategy states, '*Reducing the need to travel, encouraging the*

availability of a choice of transport, reducing dependence on the private car' and as such the proposed parking level is adequate.

- The site has excellent transport links for access. The Council's Highway department has the power to have enforceable parking restriction if deemed necessary.

**Page 176 MC/17/2705 5 Shirley Avenue, Horsted, Chatham,
ME5 9UP**

Recommendation

- **Amend** contribution to:
 - i) Contribution towards bird mitigation £670.74

**Page 186 MC/17/2727 The Beacon Court Tavern, 1
Copenhagen Road, Gillingham, ME7 4RY**

Recommendation

- **Amend** contribution to:
 - i) Contribution towards bird mitigation £2012.22

**Page 206 MC/17/1342 104A, B and C Poplar Road, Strood,
Rochester, ME2 2NS**

Representations

Southern Water has written advising of the presence of public foul sewers and water distribution mains crossing the site. No objection is raised as it may be possible to divert the public sewer and water main subject to the relevant consent being obtained from Southern Water.

They also advise that the site is within a Source Protection Zone and that they will rely on the Authority's consultations with the Environment Agency to ensure protection of the public water supply.