

Planning Committee – Supplementary agenda

A meeting of the Planning Committee will be held on:

Date: 1 August 2018

Time: 6.30pm

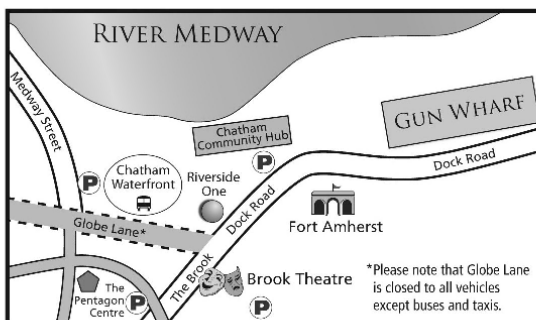
Venue: Meeting Room 9 - Level 3, Gun Wharf, Dock Road, Chatham ME4 4TR

Items

- 21 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: 1 August 2018



This agenda and reports are available on our website
www.medway.gov.uk

A summary of this information can be made available in other formats from **01634 333333**

If you have any questions about this meeting and you want to speak to someone in your own language please ring **01634 335577**

বাংলা 331780
中文 331781

ગુજરાતી 331782
हिंदी 331783

ਪੰਜਾਬੀ 331784
Polski 332373

کوردی 331841
এহেৎশাফব 331786

اروو 331785
فارسی 331840

Русский 332374
Lietuviškai 332372

Medway Council

PLANNING COMMITTEE – 01 August 2018

Supplementary Agenda Advice

**Page 22 Minute 159 Land adjoining No. 35 Cooling Road,
High Halstow, Rochester, ME3 8SA**

Conditions applied have been checked and are similar to that of the self/custom build scheme approved by Members for Merryboys Road. Condition 21 regarding the length of time that the plot(s) must be marketed to self/custom builders has been amended to 24 months (instead of 12 months).

Page 28 MC/17/3455 89 Ingram Road, Gillingham, Kent

Recommendation

Delete Condition 18.

Renumber Conditions 19 and 20 to read as Conditions 18 and 19.

Proposal

Block B

- Ground floor: Entrance lobby, cycle store and two 1-bedroom units;
- First floor: one 1-bedroom unit and two 2-bedroom units;
- Second floor: two 2 bedroom units.

Representations

One further letter of objection has been received raising the following objections:

- Disturbance to quiet garden;
- Loss of outlook;
- Proposal would add to parking problems in area.

Planning Appraisal

Since the agenda has been produced, the National Planning Policy Framework has been revised. The application has been considered against the following paragraphs 11d, 56, 59, 105, 108, 124, 127, 170, 175, 176, 178, 180, 181 and 190. There is no change to the recommendation as set out.

Page 50 MC/18/0715 21-23 New Road Chatham, ME4 4QJ

Recommendation

Amend reason for Condition 5 to take account of new NPPF to read as follows:

Reason: To manage surface water in accordance with Paragraph 163 of the NPPF (2018).

Planning Appraisal

Since the agenda has been produced, the National Planning Policy Framework has been revised. The application has been considered against the following paragraphs 11d, 56, 59, 64, 105, 108, 124, 127, 163, 170, 175, 176, 178, 180, 181 and 190. There is no change to the recommendation as set out.

Page 64 MC/18/0176 142 Napier Road, Gillingham, ME7 4HG

Planning Appraisal

Since the agenda has been produced, the National Planning Policy Framework has been revised. The application has been considered against the following paragraphs 11d, 56, 59, 105, 108, 124, 127, 170, 175, 176 and 178. There is no change to the recommendation as set out.

**Page 68 MC/18/0155 Former Timber Merchants and Land
Behind 13-15 Borough Road, Gillingham**

Planning Appraisal

Since the agenda has been produced, the National Planning Policy Framework has been revised. The application has been considered against the following paragraphs 11d, 56, 59, 105, 108, 124, 127, 170, 175, 176 and 178. There is no change to the recommendation as set out.

Amenity Section

Future Occupiers

First paragraph should refer to proposed dwellings rather than proposed flats.

**Page 68 MC/18/0155 Builders Yard at 7 Napier Road,
Gillingham, ME7 4HB**

Recommendation

Amend reason for Condition 13 to take account of new NPPF to read as follows:

Reason: To manage surface water in accordance with Paragraph 163 of the NPPF (2018).

Planning Appraisal

Since the agenda has been produced, the National Planning Policy Framework has been revised. The application has been considered against the following paragraphs 11d, 56, 59, 105, 108, 124, 127, 170, 175, 176 and 178. There is no change to the recommendation as set out.

**Page 106 MC/18/1468 Abbey Court School, Cliffe Road, Strood
Rochester**

Recommendation

Amend reason for Condition 7 to take account of new NPPF to read as follows:

Reason: To enhance biodiversity in accordance with paragraphs 175 and 176 of the National Planning Policy Framework.

Amend reason for Condition 8 to take account of new NPPF to read as follows:

Reason: In accordance with paragraph 160 of the National Planning Policy Framework to ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk on-site or elsewhere.

Planning Appraisal

Since the agenda has been produced, the National Planning Policy Framework has been revised. The application has been considered against the following paragraphs 97, 124, 127, 163, 170, 175 and 176. There is no change to the recommendation as set out.

**Page 122 MC/18/1525 Sir Joseph Williamsons Mathematical
School, Maidstone Road, Rochester**

Planning Appraisal

Since the agenda has been produced, the National Planning Policy Framework has been revised. The application has been considered against the following paragraphs 94, 97, 111, 124, 127 and 170b. There is no change in the recommendation as set out.

**Page 132 MC/18/1520 Land Adjacent to Basin 1 Maritime Way,
Chatham Maritime, Chatham**

One further letter of objection has been received which is attached in full (Appendix one)

Planning Appraisal

Since the agenda has been produced, the National Planning Policy Framework has been revised. The application has been considered against the following paragraphs 11d, 105, 108, 124, 127, 163, 170, 175 and 178. There is no change to the recommendation as set out.

Page 140 MC/18/1556 121 Watling Street, Gillingham, ME7 2YX

Planning Appraisal

Since the agenda has been produced, the National Planning Policy Framework has been revised. The application has been considered against the following paragraphs 11d, 56, 59, 105, 108, 124, 127, 170, 175, 176, 180 and 181. There is no change to the recommendation as set out.

Page 148 MC/18/1536 Kia-ora Station Road, Cliffe, Rochester

Planning Appraisal

Since the agenda has been produced, the National Planning Policy Framework has been revised. The application has been considered against the following paragraphs 11d, 56, 59, 77, 78, 105, 108, 124, 127, 175, 176 and 180. There is no change to the recommendation as set out.

**Page 156 MC/18/1335 Land Rear of 692A Maidstone Road,
Rainham, Gillingham, ME8 0LG**

Planning Appraisal

Since the agenda has been produced, the National Planning Policy Framework has been revised. The application has been considered against the following paragraphs 11d, 56, 59, 105, 108, 124, 127, 170, 175, 176, 178 and 179. There is no change to the recommendation as set out.

Page 164 MC/18/1228 54 Rochester Road, Halling, Rochester

Recommendation

Amend reason for Condition 8 to take account of new NPPF to read as follows:

Reason: To manage surface water in accordance with Paragraph 163 of the NPPF (2018).

Planning Appraisal

Since the agenda has been produced, the National Planning Policy Framework has been revised. The application has been considered against the following paragraphs 11d, 56, 59, 77, 78, 105, 108, 124 and 127. There is no change to the recommendation as set out.

**Page 172 MC/18/1404 Land Rear of 87 Kent Road, Halling,
Rochester**

Further Information

A bat survey was submitted by the applicant on 25 July 2018 and the results of the report found that:

'A daytime bat assessment survey was undertaken of the garage at 37 Essex Road, Rochester ME2 1AT on the 24th July 2018.

No obvious evidence of bats was apparent both externally and internally of the garage and the resulting assessment is that the garage is unsuitable to support roosting bats having none of the features that bats typically utilise as a roost site.

The proposed demolition of the building will have no negative impacts on individual bats or a bat roost.'

Representations

One further letter of objection has been received raising the following objection:

- Parking issues on Essex Road and attached a photo showing the parking immediately to the front (photo attached – Appendix 2) claiming that all 5 vehicles belong to the occupants of one property.

Planning Appraisal

Since the agenda has been produced, the National Planning Policy Framework has been revised. The application has been considered against the following paragraphs 11d, 56, 59, 105, 108, 124, 127, 175 and 176. There is no change to the recommendation as set out.

Page 180 MC/18/1384 26 Woodhurst Close, Cuxton, Rochester

One further letter of representation has been received supporting the proposal:

- The design fits with other local properties

- Disagrees with the objections stating that it would cause more parking issues as many residents do not use their drives as they are too narrow and therefore park on the road.

Planning Appraisal

Since the agenda has been produced, the National Planning Policy Framework has been revised. The application has been considered against the following paragraphs 124, 127, 105 and 108. There is no change to the recommendation as set out.

Medway Council Planning Committee 1 August 2018

Agenda Item 12 (pages 132-139)

Ref; MC/18/1520 Land adjacent to Basin 1, Maritime Way, Chatham Maritime.

Supplementary Agenda Advice Sheet

OBSERVATIONS ON THE OFFICER'S REPORT PRESENTED TO THE PLANNING COMMITTEE.

The Officer has not fully considered the loss of amenity caused by the erection of the proposed building. This is demonstrated as follows;

- The Officer's report under sub-heading 'Design' considers the location of the footpath. The Officer states, 'The proposal is considered to be appropriately sited to retain the existing bollards, while the proposed size of the building would allow the diverted footpath to be diverted and a wider pedestrian access would be provided than the existing riverside walk around the basins'. This is a correct assessment of the footpath within *design* considerations. However, there is no reference to the footpath within the subsequent sub-heading labelled 'Amenity'.
- There were 14 Objectors to the proposed development, 8 of whom directly made an objection regarding the re-routing of the footpath. These 8 Objectors referred to harm caused by the re-routing of the footpath behind the proposed building and thereby losing the *established* amenity of walking along the dock edge.
- The Officer's report under sub-heading 'Amenity' states, 'By the virtue of the proposed opening hours and the distance and relationship to neighbouring

residential properties there would be no detrimental impact on neighbours amenities in terms of outlook, privacy, overshadowing or daylight'. Consequently, the application is considered to be in accordance with Policy BNE2 of the Local Plan and paragraph 17 of the NPPF'.

- However, the Officer in reaching this opinion has clearly not balanced the loss of existing amenity established by the current footpath against the proposed development. Case Law describes amenity as 'pleasant circumstances, features, advantages' *Re Ellis & Ruislip-Northwood U.D.C.1920 KB 343*. This is a positive description of amenity. It is considered that the Officer has incorrectly assessed the application regarding the positive amenity established by the existing footpath, because he has solely considered amenity in a negative context relating to adjacent housing and not in the wider context as defined by Case Law.
- It is feared that the resulting footpath may, at a later date, be closed off at the discretion of Chatham Maritime Trust because they can enclose land under permitted development rights given by Schedule 2 Part 2 Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015, (as amended). This permits the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure. It is considered that if the footpath is re-routed then to protect the amenity of a continuous footpath along the northern dock edge of Basins 1 and 2, a condition should be attached to the planning permission.
- Paragraph 206 of the National Planning Policy Framework states 'Conditions can only be imposed where they are;
- necessary;

- relevant to planning and;
- to the development to be permitted;
- enforceable;
- precise and;
- reasonable in all other respects’.

If permitted development rights granted by Schedule 2 Part 2 Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) this would prevent the permanent loss of the continuous walkway. It is considered such a condition would meet the National Planning Policy Framework criteria for conditions for the following reasons;

- It is **necessary** to maintain the facility of a footpath and access along the dock edge and prevent arbitrary closure by Chatham Maritime Trust.
- The condition is **relevant to planning** as it relates to the site
- The **development can be permitted**
- The condition if worded correctly **would be enforceable**
- The condition if worded correctly **would be precise**
- It is considered **reasonable in all other respects.**
- It should be noted that Johnathan Sadler CEO of Chatham Maritime Trust on 27 June 2018 at their recent public consultation meeting, when asked if the Chatham Maritime Trust would agree to such a planning condition said it would.
- In addition, there is no reference within the Officer’s report concerning arrangements for access along the walkway when the building is being

constructed. There is no Construction Management Plan that would explain how access will be controlled during construction.

Conclusion

The Officer's interpretation of amenity must be questioned against existing case law.

A planning condition removing permitted development rights under Schedule 2 Part 2 Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) should be attached to the planning permission, if approved.

A planning condition requiring a Construction and Management Plan specific to access along the existing footpath should be provided before the development is begun, if approved.

Simon Taylor MA

30 July 2018



This page is intentionally left blank