

Planning Committee – Supplementary agenda

A meeting of the Planning Committee will be held on:

Date: 13 February 2019

Time: 6.30pm

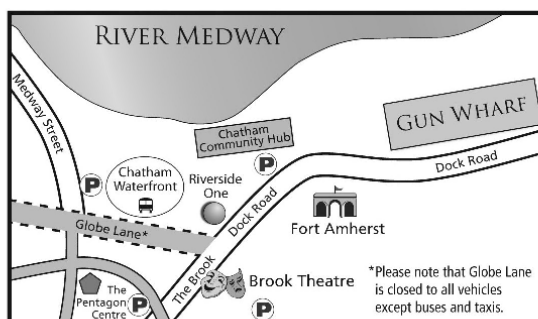
Venue: Meeting Room 9 - Level 3, Gun Wharf, Dock Road, Chatham ME4 4TR

Items

- 17 Additional Information - Supplementary agenda advice sheet (Pages 3 - 18)**

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

Date: 13 February 2019



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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	ગુજરાતી	331782	ਪੰਜਾਬੀ	331784	کوردی	331841	ارو	331785	Русский	332374
中文	331781	हिंदी	331783	Polski	332373	ଓଡ଼ିଆ	331786	فارسی	331840	Lietuviškai	332372

Medway Council

PLANNING COMMITTEE
13 February 2019

Supplementary Agenda Advice

Page 8 Minute 704 Planning application – MC/18/3007 – 20 Patterns Lane, Rochester ME1 2QT

Reason for refusal agreed with Chairman and opposition spokespersons

The proposed use of this semi detached property as a children's home (class C2) would result in unacceptable general disturbance and loss of amenity to neighbouring residents, particularly those in the attached property at 18 Pattens Lane. In addition due to the limited capacity within the property, particularly for needs such as quiet rooms etc, the property if not considered suitable for a childrens home. The proposal is therefore contrary to the provisions of Policies BNE2, H2 and H8 of the Medway Local Plan 2003 and paragraphs 8(b), and 127 of the NPPF 2018.

Page 10 Minute 707 Planning application – MC/18/3165 – 61 Lingley Drive, Wainscott, Rochester

Reason for refusal agreed with Chairman and opposition spokespersons

The proposed development would result in a large, boxy dormer to the rear that would dominate the rear roof space of the original dwellinghouse and the hipped roof of the existing two storey rear extension, as well as resulting in a number of different extensions to the property of varying architectural styles, which overall, would appear contrived and therefore harmful to the appearance of the existing dwellinghouse and the visual amenities of the occupiers of neighbouring properties when viewed from their rear gardens, contrary to Policy BNE1 of the Medway Local Plan 2003.

Page 16 MC/18/1555 Former Redvers Centre, Glencoe Road, Chatham, Medway, ME4 5QD.

Recommendation

Where Members are minded to grant planning permission, recommendation is amended accordingly:

Approval subject to:-

A. A Section 106 Agreement under the terms of the Town and Country Planning Act 1990 being entered into to secure the following developer's contributions:

- i. A contribution of £5,750.64 towards bird mitigation measures.
- ii. *Overage/clawback clause to undertake a re-assessment of the scheme on completion to ascertain if greater profits are made to determine if this results in any change to the EVA.*

B. the following conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

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

Drawing numbers 0231-P007 Rev C, 0231-P010 Rev C and 0231-P015 Rev C received on 23 May 2018; drawing numbers 0231-P008 Rev D, 0231-P009 Rev D, 0231-P011 Rev D, 0231-P012 Rev D, 0231-P013 Rev D and 0231-P014 Rev D received on 1 June 2018 and drawing numbers 0231-P002 Rev E, 0231-P003 Rev D, 0231-P004 Rev D, 0231-P005 Rev E, 0231-P006 Rev E and 0231-P016 Rev D received on 17 September 2018.

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

- 3) Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: hours of construction working including delivery/collection times from the site; measures to prevent vehicles from idling when not in use/waiting; measures to control noise affecting nearby residents; parking plan for any associated vehicles; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reasons: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents and with regard to Policy BNE2 of the Medway Local Plan 2003.

- 4) No development shall take place until a scheme showing details of the disposal of surface water, based on sustainable drainage principles,

including details of the design, phasing (where appropriate) implementation, maintenance and management of the surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

Those details shall include (if applicable):

- i. a timetable for its implementation, and
- ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: Required prior to commencement to manage surface water during and post construction and for the lifetime of the development.

- 5) No development above slab level shall take place until details and samples of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 6) Within 6 months of the commencement of construction an ecological enhancement plan must be submitted for written approval by the LPA. The plan must include the following:

- i Map showing location of ecological enhancements;
- ii Details of bat roosting features to be incorporated in to the building;
- iii Details of the ecological enhancements to be incorporated in to the site
- iv Recommendations for any management required.

The enhancements must be implemented as detailed within the approved plan.

Reason: To increase biodiversity of the site in accordance with paragraph 175b of the NPPF.

- 7) Following completion of the measures identified in the approved remediation scheme indicated within "Report On A Site Investigation", undertaken by Albury S.I Ltd, dated December 2016, report reference 16/10878/KJC rev 3, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority prior to the bringing into use of the development.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 8) Prior to occupation of the development, a signed verification report carried out by a qualified drainage engineer (or equivalent) must be submitted to and approved by the Local Planning Authority to confirm that the Sustainable Drainage System has been constructed as per the agreed scheme and plans.

Reason: This condition is sought in accordance with paragraph 163 of the NPPF to ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere.

- 9) The dwellings herein approved shall be occupied until the area shown on the submitted layout as vehicle parking spaces has been provided, surfaced and drained. 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 this reserved parking space and garaging.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking and in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

- 10) If, during development, contamination not previously identified is found to be present at the site, no further development shall take place until a method statement has been submitted to and approved in writing by the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with. The development shall thereafter be implemented in accordance with the approved Method Statement.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 11) The separating walls between units 2-3, 8-9, 10-11, 14-15, 16-17 shall resist the transmission of airborne sound such that the weighted standardised level difference ($D_{nT,W} + C_{tr}$) shall not be less than 50 decibels as measured and calculated in accordance with BS EN ISO 16283-1 2014.

Reasons: To minimise the impact of the construction period on the amenities of local residents and with regard to Policy BNE2 of the Medway Local Plan 2003.

Planning Appraisal:

Contributions

An amended viability assessment from undertaken by rlf dated 31 January 2019 was submitted by the applicant. The report concluded that the proposed development does not generate a development surplus, which can be allocated towards Section 106 contributions. However, the strategic Access Management and Monitoring Scheme contribution and a clawback clause when the development has been completed to re-asses profits.

The submitted viability assessment was assessed independently by Pathfinder they came to a conclusion based on currently known costs and values to generate a residual land value of -£2,521 not allowing S106 contributions. For the scheme to be marginally viable house prices would need to rise by 10%. If sales values were to rise by 14% can policy complaint levels of s106 payments be afforded. The scheme is therefore not viable and no section 106 contributions paid apart from the Access Management and Monitoring Scheme.

Page 30 MC/18/3114 Avenue Tennis Club, Glebe Road, Gillingham

Recommendation

Amendment to A:

- Section 106 agreement to secure £1916.88 towards Wildlife Mitigation

Representation

Two letters received on behalf of Rehman Chishti MP in relation to the planning matter MC/18/3114 that he received from two local constituents.

Eleven additional representations including two from one household have been received. The concerns raised have been discussed in the officers committee report.

New matters raised concern covenant, loss of view and loss in house value, which are not material planning considerations.

Councillor Purdy has submitted a petition with **111 signatures** objecting to the development of houses on the site.

Copy of the letters (MP and petition) are appended to this report.

Recommendation

Amend condition 2 to read:

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

- 9T078/CW/130/01 rev 01 (site location plan);
- 'Extent of Medway council Freehold Ownership' plan (no plan number but shows red and blue lines);
- 9T078/CW/120/01 rev 01 (existing site layout);
- 9T078/CW/110/01 rev 01 (proposed site layout);
- D001 rev * (existing site sections);
- D002 rev * (proposed site sections);
- CW-001 rev A (proposed planting plan);
- Top junction drawing on drawing no. 9T078/CW/110/02 rev 02;
- ENG-001-01 rev A (Bollard detail sheet)
- 03/0857 rev F (A229 City Way/Marconi Way - proposed modifications);
- Technical sheets for the Traffic light, control cabinet and bollards, received on 8 January 2019;
- photographs of entrance 'traffic light', bollards and control cabinet, all received on 8 January 2019;
- AT Access technical sheet for bollards also both received on 8 January 2019.

Amend condition 6 to read:

Prior to the first operation of the coach park hereby approved the package of highway works to Curtis Way, including the strengthening of the highway carriageway if required, as detailed in the 'Transport Statement 02' and the relocation of the existing height restriction barrier and installation of highway waiting restrictions, as shown on drawing 9T0768/CW/110/01 rev 01 shall be completed and retained as such thereafter.

Amend condition 7 to read:

Prior to first operation of the coach park hereby permitted the earth bund shown on landscape drawing CW-001 rev A (proposed planting plan) shall be constructed in accordance with the section drawing shown on that drawing. The soft landscaping of the bund shall take place in accordance with the implementation details shown on drawing CW-001 (proposed planting plan) within the first planting season following the construction of the bund and the ongoing maintenance of the soft landscaping shall take place in accordance with the maintenance details shown on drawing CW-001 (proposed planting plan).

Proposal

Amend 'Proposal' section – first paragraph

Delete sentence: The existing grass surface would be excavated and a strengthened bitumen surface constructed with drainage installed discharging to the mains drainage.

Replace with: The existing grass surface would be excavated and a strengthened bitumen surface constructed with drainage installed discharging surface water to a soakaway within the Curtis Way (previously serving the park-and-ride facility) and with a petrol interceptor fitted in the drainage gully within the application site.

Representation

One additional letter has been received raising the following point:

- Some trees have recently been removed from the site.

Confederation of Passenger Transport UK (CPT) raise the following concerns:

- Concerned that no driver facilities are to be provided as the nearest provision for refreshment for drivers is more than 10 minutes walk away;
- No security measures such as CCTV or on-site staffing are proposed which is of concern, especially overnight, as coaches contain expensive equipment and are a target from thieves and vandals; conflicting coach movements cannot be accommodated on Curtis Way and is a safety issue;
- It is likely that with no facilities/amenities the coach park will be unattractive to use and will deter coach parties from visiting Medway.
- Coaches that do visit may opt to park on the highway.

Planning Appraisal

Page 60 amend drainage/contamination section third paragraph:

Drainage/Contamination

Delete sentence: The current proposal includes the installation of a surface water drainage system involving a central Arco drain and gullies, which will discharge to the mains sewerage system.'

Replace with: The current proposal includes the installation of a surface water drainage system involving a central Arco drain and gullies, which will discharge to a soakaway within the Curtis Way (previously serving the park-and-ride

facility) and with a petrol interceptor fitted in the drainage gully within the application site.

Page 62 MC/18/1307 Bakersfield Phase 2, Station Road,
Rainham

Recommendation

Additional condition

Condition 27

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) all dwellinghouses herein approved shall remain in use as a dwellinghouse falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification) and no change of use shall be carried out unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of amenity, in accordance with Policy BNE2 of the Medway Local Plan 2003.

Planning Appraisal

Page 78 replace the Contamination section with:

Contamination

Unlike the Bakersfield development site to the south the application site is outside any previously development and contaminated area. However, given its proximity to the contaminated land at Bakersfield, it is considered appropriate to impose contamination assessment conditions. Subject to these, no objection is raised under Policy BNE23 of the Medway Local Plan and Paragraph 178 of the NPPF.



Rehman Chishti MP

Member of Parliament for Gillingham and Rainham

200A Canterbury Street

Gillingham

Kent ME7 5XG

Tel: 01634 570118

Email: rehman.chishti.mp@parliament.uk

Mr Dave Harris - Head of Planning
Medway Council
Gun Wharf, Dock Road
Chatham
Kent
ME4 4TR

1 February 2019

Dear Mr Harris

Re: MC/18/3114

I have recently received correspondence from my constituent, Mr Oliver Fish of 24 Second Avenue, Gillingham, Kent, ME7 2HT.

Mr Fish raises with me his concerns regarding the proposed development, eight four-bedroom homes behind Glebe Road in Gillingham and highlights to me the opposition of many of his neighbours in the near vicinity.

I have enclosed a copy of Mr Fish's correspondence for your information and I would appreciate it if you can take the points that he raises into full consideration in coming to a judgement in this case.

Yours sincerely

Rehman Chishti MP

From: Oliver Fish [mailto:]
Sent: 14 January 2019 19:30
To: CHISHTI, Rehman <rehman.chishti.mp@parliament.uk>
Subject: Objection of Back Land Development

Good afternoon Reh,

My name is Oliver Fish. I am contacting you on behalf of the residents of 1st Avenue, 2nd Avenue, Glebe Road and the Mews. We are all devastated to hear the news that a local developer has put forward an application (MC18 3114) to develop a cul-de-sac on the Tennis courts at the back of our gardens (Avenue Tennis Club Glebe Road Gillingham Medway ME7 2HU).

The tennis courts have a 100 year old heritage and are extremely important to the local community. Not only is it part of the ambience of the area, it also plays a significant role in the health and mental well being for our youth. The visual amenity of the area, as well as the surrounding wildlife will be destroyed, which has upset many residents.

The main reason for contacting you is to ask for your support in objecting to the use of backland grabbing, especially on plots 7 & 8. This area is not part of the tennis courts and is literally a section of his back garden, which is not previously built on land and would surely be classed as green belt land? They are planning to build two, 3 storey town houses on this plot of land, which only have approximately 6 feet of garden space. For the residence of Glebe road they'll be severely overlooked and will lose all privacy. As a community we just cannot believe that they are planning to build 3 storey town houses in the middle of an area where it's predominately 2 storey buildings from all sides.

On 9th June 2010 the Government implemented a policy to prevent the overdevelopment of neighbourhoods and 'garden grabbing'. The Government Planning Policy Statement 3: Housing (PPS3) is to exclude residential gardens from the definition of 'previously developed land', also referred to as 'brownfield' land. As a community we wanted to ask you if you were in favour of backland grabbing and if you will support us as a local councillor and an MP to object to this development.

It's worth noting that labour candidates Chrissy Stamp and Jordan Hartley have contacted us and are supporting us by objecting to the proposed development (see attached their objection letter). They are objecting on the following grounds:

- 1) Garden Grabbing,
- 2) Over-development,
- 3) Parking,
- 4) Poor access and egress,
- 5) Environmental impact

I have also attached my objection letter, which encompasses some addition details and objections. I have also attached the proposed plan.

We very much look forward to your reply..

Kind regards,

Oliver

From: PROCHASKI, Peter
Sent: 31 January 2019 16:52
To: [REDACTED]
Subject: RE:

Dear Mr Fish

Thank you for your email to Rehman Chishti MP, I am responding as Mr Chishti's Senior Caseworker.

Mr Chishti would like to write on your behalf to Dave Harris, Head of Planning at Medway Council, with a copy of your email and ask him to ensure that your concerns are considered.

I note that you haven't included your address below but that on your submission to the LA you provided the address of 24 Second Avenue, is this correct?

If you would like him to do so please let me know.

Best Regards


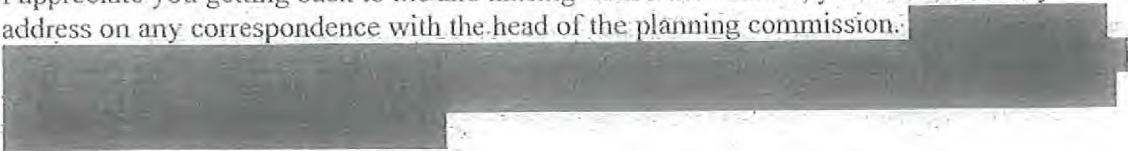
Peter Prochaski
Senior Caseworker to Rehman Chishti MP
Member of Parliament for Gillingham and Rainham
200a Canterbury Street, Gillingham, Kent, ME7 5XG | 01634 570118

To learn how the office of Rehman Chishti MP handles personal data please view his privacy notice at www.rehmanchishti.com/privacy-notice

From: Oliver Fish [mailto:[REDACTED]]
Sent: 04 February 2019 18:06
To: PROCHASKI, Peter <peter.prochaski@parliament.uk>
Subject: Re:

Hi Peter,

I appreciate you getting back to me and liaising with David Harris, you can include my address on any correspondence with the head of the planning commission.



Kind regards,

Oliver



Rehman Chishti MP

Member of Parliament for Gillingham and Rainham

House of Commons
London SW1A 0AA

Tel: 020 7219 7075

Email: rehman.chishti.mp@parliament.uk

Mr Dave Harris - Head of Planning
Medway Council
Gun Wharf, Dock Road
Chatham
Kent
ME4 4TR

4 February 2019

Dear Mr Harris

Re: MC/18/3114

I have recently received a letter from my constituent, Mr Colin Jarvis, of Jarvis Residential Limited.

Mr Jarvis, the applicant regarding the above development provides clarification on his reasons to build these homes and addresses a number of points that have been expressed in opposition to this development.

I have enclosed a copy of Mr Jarvis' correspondence for your information and I would appreciate it if you can take the points that he raises into full consideration in coming to a judgement in this case.

Yours sincerely

Rehman Chishti MP

Declaration: The Gillingham & Rainham Conservative Association has previously received donations from Mems Power Generation Ltd, a company owned by Colin Jarvis, per my declaration to the Register of Members' Financial Interests.



JARVIS RESIDENTIAL (MEDWAY) LIMITED

Mr R Chishti MP
200 Canterbury Street
Gillingham
Kent ME7 SXG

Saturday, 26 January 2019

Re: 26 Second Avenue Gillingham ME7 2HT and Glebe Road Lawn Tennis Club

Planning reference number MC/18/3114

Dear Mr Chishti

I am writing to you regarding the planning application for houses on the above site in Gillingham.

I have received communications from councillors in this ward stating that the residents are not happy with the proposed application.

There seems to be some misunderstanding of some of the residents as they are mainly concerned over the added parking arrangements that these houses would make. Also, the removal of a sporting amenity in this area.

I was asked to support the Avenue Lawn Tennis Club back in 2006 by the members concerned that the club would need to close due to a lack of funds and parking. Over the next two years I had discussions with the existing owner Philip Manning on the best way forward. Mr Manning agreed to hand the ownership to myself if I could build a new indoor tennis facility to expand the children's coaching. He had previously approached the Council to give over the existing land for housing if the Council would build an indoor facility but did not receive support.

At the beginning I did try to buy the garage site for club parking that was formally owned by the tennis club, but my substantial offers were rejected. The owner of the garage site put in a planning application very similar to the one we are suggesting, this was approved and now built.

I managed to obtain a 4-acre site just a mile from the existing club, I put in the application to build the new Avenue Tennis Centre which was approved, built and opened in March 2016. This Centre has been extremely successful we now coach over 230 children and over 150 adults. We previously coached around 10 children at the old club in Glebe Road. We now have 1580 members the old club had 62 members. So many more children now having the opportunity to play sport in Gillingham that was not available before.

Jarvis Residential (Medway) Limited. Tel: 01634 386285 Email: jarvis.holdings@yahoo.co.uk

Registered Address 4 Bloor Lane Rainham Kent ME8 7EG. Company Reg. No: 10297194

This new Tennis Centre is a not for profit organisation, I have successful companies in Gillingham for the past 41 years and I wanted to put back to the community sporting opportunities for local children. I have borrowed to build this Tennis Centre on the expectation that the sale of these proposed houses would repay part of my borrowing. The residents are stating that I am looking to profit from building these houses which is far from the position. I have given to the local community a facility to help the health of children and adults at no cost to them or Medway Council.

My companies have and are still supporting all types of sports in the Medway Towns for many years, I firmly believe that children must be given the opportunity for healthy living.

Regarding the parking situation we had discussions with Highways and agreed to their request on providing adequate parking for the properties in the application.

I do understand the concerns of the residents, therefore we had pre-planning meetings with Medway Council to meet their possible concerns. We also felt that the four houses on the garage site were given planning permission which is a very similar application but with ours having much more parking space and large access road.

Yours sincerely

Mr C Jarvis

