

Planning Committee – Supplementary agenda

A meeting of the Planning Committee will be held on:

Date: 18 September 2019

Time: 6.30pm

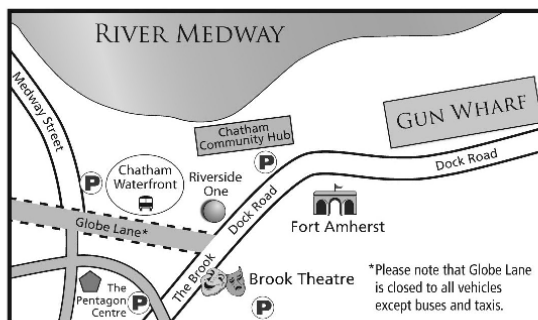
Venue: Meeting Room 9 - Level 3, Gun Wharf, Dock Road, Chatham ME4 4TR

Items

- 17 Additional Information - Supplementary Agenda Advice Sheet (Pages 3 - 10)

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

Date: 23 September 2019



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Medway Council

PLANNING COMMITTEE –
18 September 2019

Supplementary Agenda Advice

Minute 92 Planning application – MC/18/3160 – Land off Lower Rainham Road

Members will recall that the above application was considered at the 26 June 2019 Planning Committee. The application sought to improve flow of traffic between the eastern part of the application site and Junction of Station Road with Lower Rainham Road by offering off road parking provision for the residents on Lower Rainham Road who do not currently have off road parking.

Members resolve to grant planning permission subject to the following:

Prior to issuing the decision notice, the Local Planning Authority shall carry out consultation with the occupiers of the properties along the southern side of Lower Rainham Road (between the application site and junction of Station Road with Lower Rainham Road) to establish whether they support the on-site car parking provision that condition 24 will provide and the parking restriction that the proposed Traffic Regulation Order (TRO) will impose. Should the response of the occupiers of these properties be negative towards the provision of on-site parking and the TRO, the Head of Planning be granted delegated authority to seek the monetary value equal to cost associated with the delivering of the on-site parking and TRO in order to carry out highway design capacity improvement in immediate area. Any monetary equivalent will be secured as part of the Section 106 Agreement.

On 31 July 2019 consultation letters were sent to all the owner /occupiers of properties between the application site and Station Road namely no 728 to 770 even and 749 to 769 odd at Lower Rainham Road. A total of 32no properties were consulted.

12no written responses (equal to 37.5% of those consulted) have been received.

Two of the replies received are without address and therefore it is not possible to determine the properties which they represent. The occupier of these two properties have objected to the proposition of providing off road parking and the use of TRO to limit on street parking.

The occupiers of properties 740, 751, 754, 757, 766 and 768 who replied also objected to the proposition of providing off road car parking and the use of TRO to limit on street parking and made the following comments:

- Some properties have more than one car and the proposed provision would not be adequate.
- Current on street parking acts as a traffic calming measure and the removal of vehicles from the road could potentially encourage speeding in this section of the Lower Rainham Road.
- The proposed TRO will stop friends, visitors and delivery vehicles including trade's vehicles from park on the road.
- The occupier of 754 also states that 11 properties are without off road parking and therefore at least 11 off road car parking spaces would be needed. Furthermore, how people with electric cars would be able to charge their vehicles.

The occupiers of properties no 730, 734, 736 and 738 have replied and agreed to the proposition of providing off road parking. The occupiers of 734, 736 and 738 have also agreed with the proposal to use TRO to restrict on street parking.

Appraisal

Of those who have objected (and given addresses) only 740 and 754 are in properties that do not have off street car parking. The other objectors already have their own off street parking.

The occupier of 754 was informed that the Planning Committee has approved to impose a condition that requires electric charging point provision to be provided in the development and this condition (condition 28) will equally apply to the car parking spaces proposed for the off-site residents.

Of the 12 terraced properties mostly affected, 3 do have off street parking (2 of the end terraced and one awkwardly on the front area). Due to narrow width of the plots and terraced nature of the properties affected, the areas in front of properties 728 to 742 and 750 to 756 currently can only provide on road parking for only up to 8no average size vehicles.

The above and map (attached to presentation) shows that a significant number of those without off road parking are in support of off road parking provision.

It is relevant to note that the current drop curbs and off road parking in front of 21 out of 32 properties involved by default impose no parking restriction in front of these 21 properties, the proposed TRO will only extend the no parking restriction in front of the other 11 properties that have no off road parking, who will potentially be the beneficiaries of the proposed off road parking provision.

It is important to note that the objectives of providing off road parking and use of TRO are to provide off road parking and remove parked vehicles from this

section of the highway in order to improve and smooth traffic flow which is at its worst during peak times namely, Mondays to Fridays in the morning between 7.00am to 9.00am and in the afternoon between 4.00pm to 7.00pm. While also reducing the likelihood of vehicles being damaged by passing traffic, particularly those getting frustrated and trying to squeeze through or taking risks.

Therefore, having regard to the representation received it is considered that provision of off road parking and use of TRO restricting on street parking at certain times such as the peak times stated above, would significantly assist with enhancing traffic flow and allow residents and visitors/deliveries the opportunity to park on street outside the restricted times. Furthermore, this proposal would significantly improve the current level of on street car parking provision for the residents of 32 properties surveyed as a whole.

Minute 171 Planning application – MC/19/0038 – Bardell Terrace

At the Planning Committee meeting of 24 July the Committee resolved to approve a planning application for the above site subject to a S106 agreement. The Agreement is nearing completion but there has arisen an issue in relation to the delivery of the affordable housing. Members will recall that despite the viability assessment the applicants agreed to deliver plot 1 as 100% affordable housing and the Head of Planning confirmed that delivery would be policy compliant, i.e the 60:40 split in relation to affordable rent and shared ownership. The applicants have approached the registered housing providers since the Committee and the response that they have received is that none of them will take the block with the 60:40 split, it must either be 100% shared ownership or 100% affordable rent. In addition the RP's advice that the affordable rent would only be acceptable with the aid of Homes England grant and that can only be secured for non S106 delivery. In this instance and on the basis that the delivery of affordable was secured /agreed despite the viability assessment, it is recommended that the Planning Committee agree that the affordable housing on plot 1 be secured as 100% shared ownership via the S106.

Minute 241 Planning application - MC/19/1474 - 24 High Street, Brompton, Gillingham

To report wording of new condition (condition 4) as agreed by the Chairman and Opposition Spokesperson.

- 4 Within 3 months of the first use, a noise report shall be submitted to and approved in writing by the Local Planning Authority that demonstrates how noise from dog barking is mitigated. The approved mitigation shall thereafter be retained.

Reason: To ensure no harmful impact in terms of residential amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

Recommendation

Amend section A to refer to payment of £1,677.27

Page 32 MC/18/3209 Land rear of 12 New Road Avenue
(Fronting Gundulph Road), Chatham ME4 6BB

AMENDMENT TO REPORT TO READ AS FOLLOWS:

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 18 September 2019.

Updated supplementary report

The application was considered by the Planning Committee on 29 May 2019. When it was resolved to grant planning permission subject to the applicant entering into a Section 106 agreement to secure developer contributions and to secure the removal of the smoking shelter (at the neighbouring nightclub).

Subsequent to Members resolution to grant permission, the S106 is about to be agreed and planning permission is issued.

The applicant wrote to the Council stating that the clause relating to the smoking shelter is not necessary or justified and setting out the following reasons:

"The smoking shelter is located at the front of 12b New Road Avenue, approx. 45m from the proposed building. The letter from the owner of the adjoining nightclub only asks for the shelter to be removed if odours of tobacco and noise from customers is going to be a concern for future residents. No reference is made in the letter of representation as to where the shelter should be relocated to."

The letter adds that *"Paragraph 56 of the NPPF states that planning obligations should only be sought where they meet all of the following tests: a) Necessary to make the development acceptable in planning terms; b) Directly related to the development; c) Fairly and reasonably related in scale and kind to the development."*

The applicant states *"that the removal of the shelter is not necessary to make the development acceptable and not reasonable in relation to the development"*.

A letter has been sent to the owner of the adjoining nightclub advising him of this request. No response has been received.

The only issue for consideration now is whether it is acceptable to grant planning permission without the clause in the Section 106 agreement relating to the removal of the smoking shelter.

In view of the fact that the smoking shelter is at the front of the building and approx. 45m from the proposed development, it is considered that the smoking shelter, in its current location would not cause any nuisance to the occupiers of the proposed development in terms of noise and smoke. Having regard to Paragraph 56 of the NPPF, it is not considered that its removal is necessary to make the development acceptable.

It is, therefore, recommended that the application be approved subject to a Section 106 agreement to secure the appropriate contributions, as stated above, and the conditions as listed, but without the clause seeking the removal of the smoking shelter.

The application was again discussed at the meeting on 21 August 2019 and was deferred to allow the legal position to be established as Members had already resolved to grant planning permission on 29 May 2019. The position is having resolved to grant planning permission on 29 May 2019, the only issue to be considered is whether or not it is acceptable to still grant permission without the Clause relating to the smoking shelter.

Page 64 MC/19/1301 The Good Intent, 3 John Street, Rochester

Representation

Additional representation

Councillor Murray has written making the following comments:

- She pays tribute to n the hard work and commitment of the landlady and acknowledge the contribution that the pub has made to community life. However she also notes that the landlady's efforts to keep the pub going have not been successful.
- There are no community venues in Rochester East having lost the Sure Start Centre and constituents rely on pubs and churches.
- There have been large developments in the area and there is a lack of amenity space.
- The recycling area in Union Street present constant problems and is inadequate and if developer contributions could be sought, should be used to improve this facility.
- Although the number of units has been reduced from 9 to 8, she asks for a further reduction to avoid the creation of cramped conditions.
- The climate change section focusses on future needs but does not focus on the needs of residents now.
- This will be a crowded site with tricky access where parking is difficult with a high number of young families, children and disabled people.

Planning appraisal

Highways

The applicant has submitted a parking stress report, having carried out surveys at 7:00 am, 12:00 noon, 3:00 pm, 7:00 pm and midnight on Thursday 5 September, Friday 6 September and Saturday 7 September.

From the information submitted, demonstrates that at all times that survey was carried out, there was spare capacity, ranging from 24 spare spaces at 7:00 pm to 35 spaces at midnight. It is submitted that the removal of the public houses is likely to remove some of this on street parking.

On the basis of this information, no objection is raised to the proposed development in terms of the impact on on-street parking.

Page 78 MC/19/1171 26 – 36 Ivy Street, Rainham, Gillingham

Representation

One additional letter of objection raising the following:

- Noise from construction
- Inadequate parking
- The highway is too narrow to facilitate the development

Two additional letters of support (including one additional letter from a household previously reported):

- there will be less traffic than when the Garage was in operation, much less cars and commercial traffic
- the proposed development reduces the vehicle movement from this site as well as
- the commercial vehicle access by a vast amount
- will obviously cause concern as any site does during development but that has strict
- control measures in place during that period
- The site will enhance the adjacent properties
- The properties proposed do not overlook the adjacent houses but will provide a much enhanced view to the rear, with gardens to each property.
- Residents at present are parking in a dangerous manner by blocking the pavement obstructing pedestrian access on a walkway, this proposed site will prevent illegal parking
- The outlook from the rear of houses in Albert terrace will also benefit from a much enhanced outlook as will the properties in Ivy Street.

- The design is based on local context, has not used parking to the rear as it would reduce house numbers and a S106 Legal Agreement offer to prohibit residents obtaining parking permits.

Page 106 MC/19/1717 107 Victoria Street, Gillingham ME7 1EL

To report receipt of a revised site plan:

As amended by revised drawing number: 1202/SAA/11 Rev B (Site and location Plan) received on 28 August 2019.

Page 118 MC/19/0847 Darnley House, Grain Road, Lower Stoke, Rochester

Representation

One additional letter of objection received raising the following objection:

- Noise disturbance from the dogs when neighbours use their garden. The Barking is loud and often occurs in the middle of the night which can disturb our sleep.

Page 136 MC/19/1941 Land adjacent to 3 Swingate Avenue, Cliffe, Rochester

Representation

One further representation received from a neighbour following consultation on the amendments. The letter raises objection on grounds of noise, disturbance and disruption during construction.

Cliffe and Cliffe Woods Parish Council do not consider the amendments to overcome their objection of the proposal being a cramped development and an overdevelopment of the site.

