

Medway Council

PLANNING COMMITTEE – 14 October 2020

Supplementary Agenda Advice

Minute 195 Planning application – MC/20/1431 – Land north of Medway Road, Gillingham, ME7 1NY

Update

On 19 August 2020, Planning Committee resolved to approve this application subject to the Secretary of State (SoS) not requiring an environmental impact assessment.

The SoS decision was received on 5 October 2020. The SoS decision includes the assessment which outlines that the proposal falls below the thresholds and criteria set out in Schedule 2: 10 (b) urban development projects of the 2017 EIA Regulations and therefore, by virtue of its scale and location outside a sensitive area does not constitute EIA development.

In addition, the SoS considered whether the proposal could have a significant adverse impact on the International and Nationally designated ecological areas in/adjacent to the Medway Estuary. The SoS consulted Natural England (NE) as the Government's specialist advisers on ecological issues. NE consider that the proposal would not adversely affect these areas and that an EIA is not required on this basis. The Secretary of State also considered the potential impact of the proposal in terms of traffic, air quality, emissions, noise and potential contamination issues but concluded that these can be satisfactorily mitigated through measures secured by the planning conditions, agreed by Medway Council.

For the reasons stated above the Secretary of State has concluded that the proposal for Land North of Medway Road is not likely to have significant effects on the environment and does not constitute an EIA development.

Page 20 MC/20/1973 Land at Port Victoria Road, Isle of Grain, Rochester

Recommendation

Amend as follow:

A Delete S106 iii

B Amend Condition 19 to include further restriction

19 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) (Order) 2015 (as amended)

no development within Schedule 2, Part 1, Classes A, AA, B, C, D, E and F shall be carried out without the permission of the Local Planning Authority.

Representation

Additional letter received from Bloomfields Chartered Town Planners on behalf of the applicant in support of the application. Copy of letter is attached to this report (page 5).

Page 44 MC/20/1193 Former Timber Merchants and land behind 13-15 Borough Road, Gillingham

Recommendation

Amend the following conditions to read:

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

Drawing numbers: 1013-180 Rev F, 1013-150 Rev F received on 26 May 2020; 1013-160 Rev G, 1013-170 Rev G received on 28 July 2020; 1013-60 Rev J, 1013-100 Rev I, 1013-110 Rev I received on 23 September 2020; 1013-45 Rev L and 1013-40 Rev K received on 14 October 2020.

3. The dwellings herein approved are to be finished in through coloured polymer cream render, grey double glazed windows, doors, gutters, rain water pipes and fascia's, with cream stone quoins, coping stones, stone door head, stone cill and stone door surround. The roof is to be finished with Redland 49 concrete tile in grey. The shared access to be constructed of permeable block paving using grey bricks and shall thereafter be retained.
5. No dwelling herein approved shall be occupied, until the alleyway to the rear of the properties on Napier Road and shown on drawing number 1013-40 Rev K, has been reinstated and fenced off from the development in accordance with details to be submitted and approved under condition 4.
8. No dwelling herein approved shall be occupied, until the rooflights have been removed from plot numbers 3, 4, 5, 6, 7 and 8, as identified on drawing number 1013-40 Rev K received 14 October 2020.
12. No dwelling herein approved shall be occupied, until a verification report has been submitted to and approved in writing by the Local Planning Authority. The verification report must be in line with the Remediation and Verification Plan by GO Contaminated Land Solutions Ref.1319-P3E-1 dated 19 March 2019.

Planning Appraisal

Amend the following sections

Page 51 – Paragraph 3 under *Design* heading should read:

The access road would run between plot 2 and number 11 Borough Road. Bin storage would be provided to an area adjacent to number 11 Borough Road and four parking spaces are proposed adjacent to plot 2. To the rear of plots 1 and 2 and to the front of plots 5-8 is a parking area. Small areas of landscaping are proposed around the site to help soften the impact of the hardstanding areas. A footpath that runs along the rear boundary fences of properties within Napier Road is to be retained and closed off from the development by 2m high fencing.

Page 53 – New paragraph to be inserted after Paragraph 1:

It is considered that a further room within the roofs of the properties could lead to intensification of the site due to the number of occupants, which could have an impact on the future occupants and neighbouring occupants and therefore a condition is recommended to remove permitted development rights for any alterations to the roof.

Page 53 – Paragraph 3 under *Bin Storage* heading should read:

Bin storage can be provided within the rear garden areas of the proposed properties. The access road does not provide sufficient turning area for refuse vehicles to exit the development in a forward gear and therefore it has been proposed for refuse storage areas to be provided adjacent to the driveway of 11 Borough Road and be presented to the kerbside on the collection day. This will be secured by condition.

Page 55 – New paragraph to be inserted under *Conclusions and Reasons for Approval* heading after last paragraph:

This application was reported to Planning Committee on the 19 August 2020. At this meeting, Members felt that the development proposed, was an over intensification of the site. Members deferred the application to give the applicant a chance to submit revised drawings to address this concern. Amended drawings have been submitted and the additional dwelling to the front of the site has been removed and all of the bedrooms and roof lights within the roof space have been removed. This application now reflects the scheme that was previously approved under planning reference MC/18/0155, for eight residential dwellings. The report highlights in more detail any other amendment that has been made to this application.

Page 56 MC/20/1115 24 Pier Road Gillingham ME7 1RJ

Recommendation

Amend the following conditions to read:

10. No development shall take place until scheme showing how noise and vibration created by the ductwork serving the clean air ventilation system will be adequately controlled, has been submitted to and approved in writing by the Local Planning Authority. All works, which form part of the approved scheme, shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.
15. Prior to the first occupation of the development herein approved, an Air Quality Mitigation Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be prepared in accordance with the Medway Air Quality Guidance (April 2016) and shall specify the measures that will be implemented as part of the development to mitigate the air quality impacts associated with development related road transport emissions and shall include:

- all gas fired boilers to meet a minimum standard of <40mgNO_x/kWh.

The approved details shall be implemented prior to the first occupation of the dwelling which they serve and shall be maintained as approved thereafter.

16. The HMO rooms hereby approved shall not be occupied until the area shown on drawing 03 Rev A for vehicle parking has been provided, surfaced and drained. Thereafter this area shall be kept available for such use, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) 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.

Page 88 MC/20/1319 Land off 143 Berengrave Lane, Rainham, Gillingham

Representation

Please note that following re-consultation regarding revised proposal for 4 dwellings, **two letters** of objection have been received from the local residents. These representations have reiterated the previous objections raised with respect to the original proposal for 8 dwellings which have already been reported in the committee report.

A further letter of objection has been received on behalf of the owners of No. 141 Berengrave Lane, reiterating previous objections including querying the site ownership around the land area that would form the visibility splay to the application site. Copy of the letter is attached to this report (page 6 and 7).



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Councillor Stuart Tranter (Vice-Chairman)

stuart-tranter@btconnect.com

Our Reference: 13.039.2379
Your Reference: MC/20/1973

8th October 2020

Dear Councillor

Land at Port Victoria Road – Planning reference MC/20/1973

We are writing on behalf of our clients, Mr and Mrs Murison in respect of the above planning application which is being reported to the Planning Committee on the 14th October 2020.

As I am sure you will be aware, this application is a resubmission of an application refused by the Planning Committee earlier this year, contrary to Officer recommendation.

This proposal gives further consideration to the layout of the scheme and addresses the concerns raised by some of the Planning Committee Members, along with the reason for refusal.

The proposed scheme incorporates the following key attributes:

- The number of proposed dwellings has been reduced to five to ensure that the site is not considered to be overdeveloped;
- The proposed built form will be located further from the scheduled monument, with all development (including curtilage areas) being outside of the firing arc;
- The existing Cadet building will be removed from the site, out of the firing arc of the guns and utilised as additional reptile habitat;
- Two information boards are proposed (as was previously the case) to detail the history of the site for visitors to the area.

We trust that you agree with Officers that these carefully considered changes result in a logical redevelopment of the site and are able to support this proposal.

Please do not hesitate to contact me if you have any queries.

Yours sincerely

A black rectangular redaction box covering the signature of Vicky Bedford.

**Vicky Bedford BA (Hons) Pg Dip MRTPI
Senior Planning Associate**



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30 September 2020

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Gun Wharf
Dock Road
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ME4 4TR

By e mail: majid.harouni@medway.gov.uk

Dear Mr Harouni,

APPLICATION MC/20/1319 KNOWLER NURSERY 143 BERENGRAVE LANE

I have been instructed to write to you on behalf of Mr and Mrs P Cull who live at the property known as 141 Berengrave Lane that adjoins the application site to its south. Thank you for notifying them about the application for a further proposed development at the nursery which as now amended will comprise the construction of four dwelling houses with access, parking and garaging, refuse and cycle storage.

My clients note that this application is in addition to the proposed development of nine dwellings on adjoining land which immediately adjoins their property, which was approved in April 2019 under your reference MC/18/3168. This additional development, if permitted, will take the total number of new dwellings to be provided on the land formerly occupied by the nursery to a total of 13 dwellings plus the retained original dwelling.

Before outlining my clients' particular objections, I would advise that they are concerned that the application proposals, namely the proposed visibility splays necessary to provide an appropriate site access to serve the development, rely on land under their ownership. I have attached the Registered Title for the property at 141 Berengrave Lane which shows ownership to the edge of the carriageway and kerb line in Berengrave Lane.

I note that the applicants have completed Certificate A which on the face of it appears to be incorrect, and thus affects the validity of the current application. In passing I also note that Certificate A was also completed and submitted for the subsequently approved 2018 application.

As a minimum, this matter should be referred to the applicant for comment and formal notice served on my client as appropriate.

My clients understand that if there is a dispute as to landownership and boundary locations, this is a civil matter for resolution between the parties, but clearly it is necessary to ensure the planning application has in fact been correctly made in accordance with legislative requirements.

I look forward to receiving your confirmation that the matter is being investigated and that you will request that notice is formally served on my clients and a correct 'Ownership Certificate' lodged with the Council as appropriate.

Turning to my clients' objections, it is acknowledged this latest proposal will not directly affect the amenity of my clients because the affected land is located to the north of the 9 new houses yet to be constructed under the auspices of the extant permission.

There will however be a significant impact resulting from the resultant intensified use of the proposed access onto Berengrave Lane. The development of an additional 4 houses will lead a significant increase in traffic generation which, especially in the peak hours, will lead to localised traffic congestion, harm to the free flow of traffic and possible danger to pedestrians and cyclists using Berengrave Lane, contrary to policy T1 of the Medway Local Plan. This is of particular concern to my clients as the access to their property from Berengrave Lane immediately adjoins the proposed access to the site.

The transport section in the submitted planning statement does not address the key issues in any detail merely stating that no "severe" transport impacts are expected. My clients, who have lived at number 141 for a number of years and whose family owned the property for many years prior to this strongly disagree with this conclusion and are extremely concerned about pedestrian and highway safety if this development goes ahead in addition to the approved scheme for nine houses.

The increase of activity on the site will also lead to a general increase in noise and disturbance in what is currently a relatively tranquil semi-rural area.

The current application site is outside of the built confines of the settlement, is in the countryside and is greenfield land, not previously developed land. In principle the proposal does not comply with policy and represents a further encroachment into the countryside. It will, if approved, set a precedent for further backland development of property fronting Berengrave Lane, resulting in an erosion of undeveloped countryside, and as such conflicts with policy H11 of the Medway local plan.

Yours sincerely,

A large black rectangular redaction box covering the signature of Steve Clarke.

Steve Clarke on behalf of Mr and Mrs P Cull