Medway Council

PLANNING COMMITTEE – 26 May 2021

Supplementary Agenda Advice

Page 18 MC/21/0440 Medway Bridge Marina, Manor Lane, Rochester, Borstal

Recommendation

Add the following conditions:

25 Prior to the commencement of any part of the development above slab level, the proposed new access road to the development must be provided, surfaced and drained in accordance with details to be submitted to and approved in writing by the Local Planning Authority. All access and deliveries during the construction shall utilise the approved access and shall not use the existing roadway to the north of the application site.

Reason: To ensure that all vehicles does not impact on the access to the existing marina, in accordance with Policies BNE2 and T1 of the Medway Local Plan 2003.

26 No part of the proposed accommodation shall be occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority. 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.

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

27 No part of the development shall be occupied until details of cycle storage facilities with the inclusion individual lockers have been submitted to and approved in writing by the Local Planning Authority. The cycle storage facilities shall be implemented in accordance with the approved details prior to first occupation of the development.

Reason: to ensure satisfactory cycle storage in accordance with Policy T4 of the Medway Local Plan 2003.

28 No part of the proposed accommodation shall be occupied, until details of the provision of the electric vehicle charging points (20% active and 80% passive) have been submitted to and approved in writing by the Local Planning Authority. Details shall include the location, charging type (power output and charging speed), associated infrastructure and timetable for installation. The development shall be implemented in accordance with the approved details prior to first occupation and shall thereafter be maintained.

Reason: In the interests of sustainability in accordance with paragraph 110E of the NPPF.

29 The development shall be implemented in accordance with the measures to address energy efficiency and climate change submitted in sections 6.14-6.17 of the Planning Statement, received on 16 February 2021. Prior to first occupation of the development a verification report prepared by a suitably qualified professional shall be submitted to the Local Planning Authority confirming that all the agreed measures have been undertaken and will thereafter be maintained on site.

Reason: In the interests of sustainability and to positively address concerns regarding Climate Change in accordance with the NPPF.

30 Prior to any works commencing on site a detailed reptile mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy must include, where applicable, the following:

• Current Preliminary Ecological Appraisal
• Reptile survey – if recommenced within the PEA
• Overview of mitigation required
• Detailed methodology to implement mitigation
• Timing of works
• Map showing receptor site
• Details of measures to prevent receptor site from being damaged by parked cars
• Details of management of the receptor site.

The plan must be implemented as approved.

Reason: To ensure that satisfactory mitigation is in place to protect any reptiles that may inhabit the existing site in accordance with paragraphs 175 and 176 of the NPPF.

31 Prior to the commencement of development above slab level, a detailed site wide lighting strategy shall be submitted to and approved in writing by the Local Planning Authority. This strategy should follow the recommendations within the Bats and artificial lighting in the UK document produced by the Bat Conservation Trust and Institution of Lighting Professionals. https://cdn.bats.org.uk/pdf/Resources/ilp-

guidance-note-8-bats-and-artificial-lightingcompressed.pdf?mtime=20181113114229

Any external lighting installed on site shall be in compliance with the approved strategy.

Reason: To ensure that external lighting minimises impact on bats and to ensure that light spill from the dwellings is contained to an acceptable level in accordance with paragraphs 175 and 176 of the NPPF.

32 No scrub or vegetation clearance required by the development shall take place on the site, including the creation of the new access, during the bird breeding season (this being the months of March through to August, inclusive), unless the site has been surveyed, by a suitably qualified ecologist, immediately prior to the vegetation or scrub clearance and the ecologist provides a written confirmation of their findings which are agreed in writing by the Local Planning Authority. If any bird breeding be recorded on site during the construction works, then all works must cease within that area of the site, until the bird breeding recorded ceases, or an appropriately qualified ecologist provides sufficient evidence that is agreed in writing by the Local Planning Authority that the site clearance can recommence prior to the end of the bird breeding season.

Reason: To ensure the protection of breeding birds during the construction process in accordance with paragraphs 175 and 176 of the NPPF.

33 Prior to the commencement of the development, details of Finished Floor Levels and ground levels for the building, basement and access road shall be submitted to and approved in writing by the Local Planning Authority, the following shall be included:

- Finished Floor Levels of all living and sleeping accommodation should be a minimum of 8.30mAODN.
- Finished Floor Level of the basement should be a minimum of 5.10mAODN.
- The access road to the south of the site shall be a minimum of 6.60mAODN.

The development shall be undertaken in accordance with the approved details and retained thereafter.

Reason: This condition is sought in accordance with paragraph 163 of the NPPF to ensure that the development is appropriately flood resilient and resistant for its users for the developments lifetime.

34 Prior to the commencement of the development, details of flood resilience and resistance measures listed within Section 7.3 of the submitted Flood Risk Assessment (Herrington Consulting, July 2020)

shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be undertaken in accordance with the agreed details and retained thereafter.

Reason: This condition is sought in accordance with paragraph 163 of the NPPF to ensure that the development is appropriately flood resilient and resistant for its users for the developments lifetime.

35 Prior to first occupation, a Flood Warning and Evacuation Plan, shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented within the development and thereafter maintained.

Reason: This condition is sought in accordance with paragraph 163 of the NPPF to ensure that the development is appropriately flood resilient and resistant for its users for the developments lifetime.

Relevant Planning History

Page 29

Add the following planning records:

MC/21/1245 Application for approval of reserved matters being appearance, landscaping, layout and scale pursuant to planning permission MC/15/2332 (APP/A2280/W/16/3166157) Outline planning application for residential development comprising 36 residential flats (32x 2 bed flats and 4 numbered x 3 bed flats) with all matters reserved for future consideration, except access (Resubmission of MC/14/3680)

Decision: Pending

Adjacent Site Medway Bridge Marina:

MC/20/2011 Redevelopment the marina site incorporating demolition of the existing garages, service shed, boat shed, cafe & brokers office & construction of a boat shed, a cafe with storage units to the ground floor, a brokers office with storage units to the ground floor, car sales area together with alteration to the existing road layout and creation of a new access road

Decision: Pending

Representation

Page 32 after KCC Archaeology

Add

KCC Ecology have commented that the additional information that has been submitted during the application process confirms that any reptiles captured during site clearance works can be retained within the site (and can be dealt with in a detailed reptile mitigation strategy condition).

There is also acknowledgement that due to distancing (from the LWS) and the fact that the application is adjacent to a boatyard that wildlife habitats are unlikely to be significant and would not be impacted by the proposed lighting that is associated with the individual dwellings. A full detailed lighting plan is however required taking into account the whole site. This is dealt with by conditions.

Page 80 MC/21/0407 51 Shepherds Gate, Hempstead, Gillingham

Representation

A further objection has been received addressed to the Planning Committee. Content of the email is copied and appended to this report (page 6).

Page 88 MC/21/0661 248 Maidstone Road, Chatham, ME4 6JN

Representation

The applicant has submitted additional support letter which rebuts some of the points raised in the officer's report to committee. The email is appended to this report (page 7).

APPENDED LETTERS

Item 10

Email objection to Planning Committee

For the attention of the Planning Committee.
> I have been advised by Mr Rodney Chambers who has been helping us through (the last two proposals that were refused, to submit this email for circulation to the planning committee when the above application is discussed.
> We are concerned over the amount of letters of support that have been canvased by the applicants and feel that that this could cloud the actual issues of objection although nothing has changed in relation to the height depth width and closeness to our boundary that has failed it the last two times.
> The letters of support are opinions of friends and neighbours who
> could in no way suffer any adverse effects, as they don't live close enough. No.50 is the other half of the semi adjoined to the applicant
> so, nothing could ever be seen
> Nos.13 and 24 are in an offshoot of Shepherds Gate and again nowhere near, with No13 being around the corner out of site.
> Nos. 27 and 28 are opposite but so far over that they could never suffer any adverse effects.
> As to the content of the letters I wish to make you aware of the history of No 51 the applicants property which is a matter of record.
> A single storey kitchen extension was erected in the past with no adverse effects.
> The original internal garage was granted permission to be incorporated within the house to enlarge living space in the lounge area and also a playroom. A separate free-standing garage was permitted to be erected in the garden and shrub area between No.51 and our property at 52. with no adverse effects.
> The two-storey proposal is not fairly presented to show the imposing position it would be as it progressed towards and very close to our boundary at the rear. Aerial photos cannot show the ground level impact and angle fairly.
> It is obvious that any excavation that close would impact on my fence line and garden causing more argument and stress.
> Having been refused twice for the same reason quote by virtue of its depth height and proximity to the boundary with 52 Shepherds Gate, would result in an overbearing form when viewed from the rear garden and habitable rear windows of 52 detrimental to the amenity and living conditions of the occupiers of that property, we can only hope this is still your decision.
> As stated earlier nothing has changed and due to the angle of the two properties both bungalows concerned would suffer further invasion of our already limited privacy if a two storey extension was erected.
> We hope this is of assistance and that the same decision of refusal is
> upheld Thank you with kind regards Mr & Mrs Geoghegan
> 52 Shepherds Gate
> Hempstead. ME73TG.

Item 11

Email to Dave Harris from applicant for 248 Maidstone Road

Dave
Hope you are well. I emailed you last week, not sure if you have seen it, asking for where the report can be found. I have the found the following and i am presuming this is the correct
one? https://democracy.medway.gov.uk/mgconvert2pdf.aspx?id=58087

With regards to the report, i don't believe that all of the evidence i have provided in these emails has been included in the report in order for the committee to make an informed decision, which as you know has been one of my major issues with this process

In the representation section of this document it details ***Following the above objection, the applicant has written to their MP to complain about the case officer's assessment of the application.***

- To be clear i have never complained about my case officer or anyone within Medway planning. i have found all of you very helpful and transparent. My complaint to my MP was the influence that a senior councillor who i believe to have an existing relationship with the owner of No250, had on my application, putting pressure on your department to refuse the application. please clarify this within the report.

Under the "Amenity" section the report states "***The extension would, however, have a significant impact on the amenity of the occupiers of the property to the south, no. 250. No.250, is a bungalow with dormer windows on the side elevation which faces the application site. Currently, there is a large gap along this southern side of the property provided by the detached garage and a further 1.1m gap along the side of no. 250. The proposed side and rear extension would reduce this gap significantly from approx. 6.8m to 2.2m and, by extending a further 5m on the back, would present a longer blank wall/elevation closer to the habitable windows and rear garden of no. 250. "***

- This is not the case. currently there is no gap between our properties. My existing garage is built directly on the boundary of the two properties.
- Also No 250 has dormer windows as describer above, and as such these windows are set back over a meter from the soffit of the roof, thus making the distance from windows of No 250 (which is major complain here) to the new proposed wall 3.2. meters
- Further to this, the report details under the "design section" that the proposed extension is 4.45m wide, this would mean that the gap isn't going to be 2.2m meters, but 2.35m (6.8m - 4.5m = 2.35m). Coupled with the statement above, this would mean that there would still be a 3.35m gap between the windows of No 250 and the new proposed side wall.

- In terms of current outlook from these windows, they currently look on to the side wall of my house, which would not change. when you look out of a window the outlook is based on a 45-degree angle, thus the current view is the side of my house, not my back garden, which would not change
- the statement above also references that the rear part of the extension is going to be extended by 5 meters, but this again misleading. The 5 meters is made up of 2 meters of an existing extension which will be demolished, and additional meter which would bring me level with the rear wall of No 250, so i am actually only coming out 2 meters beyond the read wall of No250. this above statement is misrepresenting my application. Based on this the view from the rear window of No250 based on a 45-degree angle, the outlook would not change, indeed you won't even be able to see the wall.

Currently, the natural outlook for these habitable room windows is towards the flank of no. 248 and to the rear gardens which provides more than adequate outlook due to the separation between the two properties.

- again as detailed above, these windows look out on to the roof of my garage and the side wall of my house. please feel free to have a look on line at google earth in order to validate this. the statement is misleading, there is no "picturesque view" as this statement would have you believe from these windows.

In terms of daylight/sunlight, it is noted that any side extension, on its own, would have some impact however when considered with the projection to the rear (5m), it would further impact on the amount daylight/sunlight to these windows. However, a sun on ground test concludes that the impact would not be severe.

- please see the previous comment with regard to existing outlook. Also, although the light ground test has shown that there will be **"No severe impact to light"** to these north facing windows, this would have been calculated based on 2.2m gap between the properties, not 3.35 as I have detailed above

Precedent

There has already been precedent set for this case with my neighbour back in 2014. An application was passed MC/13/1953 | Demolition of existing dwelling and construction of a 5-bedroomed detached dwelling with associated parking. | 246 Maidstone Road Chatham ME4 6JN and MC/14/3444 | Details pursuant to condition 03 on planning permission MC/13/1953 for demolition of existing dwelling and construction of a 5-bedroomed detached dwelling with associated parking | 246 Maidstone Road Chatham ME4 6JN where they had an single story garage built on the boundary, just the same as me, and demolished this and build a new house with a two story extension, including large gabble

wall, with the side wall of their house extending 2 meter beyond the original length of the house. they also had to under pin the side of my house in order to achieve this, which i obviously wont have to do. The distance between my house and No250 is less than 3.2meter detailed above. i am obviously seeking a much smaller development than this, with two small pitched roofs (in order to let additional light in) with no Gabel end. elevations of this are provided in this email show my house and No 246.

Original elevation (248 and 246) New passed (and built) elevation (248 and 246) Original Birdseye 246 New passed Birdseye 246

elevation plan

In summary i do not feel that the report represents a balanced agreement or factual information in order for the comity to come to an honest and fair conclusion. I hereby request that the report is changed to reflect the evidence detailed above

Please can you acknowledge receipt of this email and confirm to me when the report has been amended.

Please let me know if you need any further information.

Regards

Mike Lock