

PLANNING APPLICATIONS FOR 17TH DECEMBER 2008

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BACKGROUND PAPERS

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Information section and Representations section with a report.

Any information referred to is available for inspection in the Planning Offices of the Council at Gun Wharf, Dock Road, Chatham.

1 MC2007/0553

Date Received: 4th April 2007

Location: H M P, Rochester, Kent ME1 3LU

Proposal: Details pursuant to condition 7 (lighting) of planning permission MC2007/0553 for the construction of five 2-storey accommodation blocks to create 300 additional prison places with ancillary buildings (sports centre, training and education facilities, extensions to existing kitchen and segregation facilities), additional car parking and reception facilities, security lighting and fencing

Applicant: Mr Stocks Her Majesty's Principal Secretary of State for the Home Department c/o National Offenders Management Service (NOMS) Abell House, John Islip Street London SW1P 4LH

Agent: Ms V Finch Jacobs Ltd 1 City Walk Leeds West Yorkshire LS11 9DX

Ward: Rochester West

Recommendation - Approval details pursuant to Conditions 7 (lighting) of planning permission MC2007/0553 dated 9th November 2007

Condition 7 – lighting

The attached report was considered by this Committee at its meeting on 13 August 2008. The Committee resolved to approve the lighting details subject to the following:

- 1 The lighting levels comply with the LUX levels shown on the submitted drawing no. Site/Env/001, with amendments dated 14 May 2008. An inspection of the site is to be agreed and carried out within two months of the date of this approval, or such date as agreed by the Local Planning Authority, when the lights are in operation, and any rectification to be undertaken to the satisfaction of the Local Planning Authority in line with the submitted plans.
- 2 The applicant finds suitable materials to shield the lights visible through the boundary fence to the rear of the properties in Sir Evelyn Road to the satisfaction of the Local Planning Authority.

The site was visited on Tuesday 4 November 2008 by the Planning Officer, together with representatives of M of J, Wates and Jacobs.

The lighting was viewed both internally and externally. Internally it was viewed from within the new part of the prison complex, from the 'agricultural area between the new prison buildings and the wall and from a link walkway to the older prison buildings. Externally, lighting was viewed from the car park, Fort Road, the footpath between Fort Road and Sir Evelyn Road and from the triangular grassed area to the rear to the house in Sir Evelyn Road. Lux

readings were taken at the junction of Sir Evelyn Road and St. Johns Way and in the triangular area to rear of houses in Sir Evelyn Road.

Subsequent to the site visit a revised lighting plan has been submitted to the Council showing the lighting 'as built'. The scheme has changed in so far as 8 lights have not been installed and are to be removed from the scheme, making a total of 211 lights: 3 lights have been removed from the external road, Fort Road, 3 lights from the internal road at the southern end of the development site, a bulkhead from the southern internal fence overlooking the agricultural area and 2 light located on the exercise yard fence, adjacent to the houseblock. This plan also shows lux level readings both within the complex and outside.

Generally the lights shine downwards, or in the case of those mounted on the fences, away from the fence. Those on the boundary fences shine inwards. Within the built part of the new prison complex, the area was well lit. However, the lighting spilled downwards meaning the area of light spillage was relatively small. This was most noticeable in the 'agricultural area' between the new complex and Sir Evelyn Road. Lux readings were very high just in front of the fence (over 5 lux), but within the central part of the area it was very dark and readings were low (below 1 lux). Floodlights appeared to shine down directly onto sports pitch with little spillage.

Outside the complex, Fort Road is well lit along prison boundary. This is due to both the tall lights within the prison shining over the fence and the 'street lighting' installed along the road. As this road is well used by members of the public, good street lighting provided security. The new parking area was also well lit, although light spillage was downwards. Older parking area, which was not part of the application, was not so well lit. To the north-west of the prison, there is no lighting and Fort Road is very dark. Similarly the road along the north-west boundary and the planted area between the prison and St. John's Way has no lighting and is very dark. A lux reading at junction with St. John's Way was 1.34

The land between the prison and Sir Evelyn Road was also very dark. With lux readings of between 0.28 and 0.4 taken from immediately behind the extended garden areas to the houses, and a reading of 1.67 close to the boundary wall, behind 1a Sir Evelyn Road. There was no light spill over onto this area and there was no light shining onto rear walls of the houses.

Conclusions

- 1 Lux levels, as measured, appear to be in accordance with the approved plan and outside the prison are very low. There is little light spillage outside the prison boundaries. The Institute of Lighting Engineers (ILE) Design Guidance identifies four Environmental Zones for exterior lighting installations:

- E1 Intrinsically dark landscapes – e.g. National Parks, AONB's etc;
- E2 Low district brightness areas – e.g. rural, small village or relatively dark urban locations;
- E3 Medium district brightness areas – e.g. small town centres or urban locations;
- E4 High district brightness areas – e.g. town centres with high levels of nighttime activity.

The area could be considered as falling within Zone E3. The recommended lux readings for this zone are 10 lux (pre curfew) and 2 lux (post curfew). From the readings given, it would appear that the light levels are well below the accepted light levels for E3 locations and would even meet the requirements for zone E2 - 5 lux (pre-curfew) and 1 lux (post curfew).

- 2 As the lights shone downwards or inwards, there was very little skyglow from these lights. There was, however, extensive skyglow from nearby floodlights.
- 3 The scheme has been designed to minimise impact and this has been achieved in terms of reducing light spillage and glare to very low levels. Nevertheless, the lights can still be seen from the rear of nearby houses. In urban locations, it must be accepted that lighting can be seen. The ILE Guidance is intended to reduce lighting to acceptable levels, not hide lights. The lights cannot be shielded from every angle; this would be impractical. The only way the lights can be hidden would be by total screening. This would involve complete demolition of the existing fence and its replacement by a new wall or fence. This is an option that the Ministry of Justice would not be willing to consider. Over time, as the planting becomes more established, it will hide and soften the impact of both the buildings and the lighting, but total screening will never be achievable.

Recommendation

- 1 That the revised landscaping drawing SITE/ENV/001J received on 10 November 2008 be accepted as an amended drawing to that approved on 13 August 2008; and
- 2 The Condition 7 of planning permission MC2007/0553 dated 9 November 2008 be discharged.

Old Report - Appended

The lighting details, submitted under cover of letter dated 17th March 2008 pursuant to Condition 7 of planning permission MC2007/0553, and amended by letters received on 19th May 2008 and 20 June 2008, be approved.

- 1 The lighting levels be subject to complying with the LUX levels shown on the submitted drawing Site/Env/001 with amendments dated 14 May 2008. An inspection of the site to be agreed within 2 months of the date of this approval or such date as agreed by the Local Planning Authority when the lights are in operation and any rectification to be undertaken to the satisfaction of the Local Planning Authority in line with the submitted plans.
- 2 The applicant find suitable materials to shield the boundary fence to the rear of properties in Sir Evelyn Road to the satisfaction of the Local Planning Authority

For the reasons for this recommendation for approval please see Planning Appraisal section and conclusions at the end of this report.

Site Description

This submission of details relates to approximately 4 hectares at HMP Borstal covered by application MC2007/0553 for the “construction of five 2-storey accommodation blocks to create 300 additional prison places with ancillary buildings (sports centre, training and education facilities, extensions to existing kitchen and segregation facilities), additional car parking and reception facilities, security lighting and fencing”.

The site comprises the secure prison area, enclosed by 5.2 metres high security fencing, together with the surrounding land in ancillary uses: car parking, associated offices, visitors centre, staff mess farm buildings etc. and open land.

Construction of buildings, both within the secure prison area and outside is already underway.

Background

Condition 7 of the planning permission stated that:

“No external lighting shall be installed on any part of the development site hereby permitted unless it forms part of a lighting scheme which has been first submitted to and approved in writing by the Local Planning Authority. Such lighting shall be installed in accordance with the approved details and thereafter maintained.”

When the application was considered, Members specifically requested that the lighting details be referred back to the Committee for determination.

Prior to the submission of these details, a public meeting was held on 4th March 2008 for local residents and Ward Councillors. In addition, the scheme has been the subject of informal discussions with the Council and with a Lighting Consultant acting on behalf of local residents.

Proposal

As originally submitted, the drawings showed a total of 124 lights; however, this drawing did not include any lights attached to the buildings. The submitted details have now been amended and now include the lights attached to the building; the total number of lights now shown is 219, of which 133 are external and 86 attached to buildings. These details relate only to that part of the prison complex to which the application relates and which are subject to this condition. The different types of light shown are:

External lighting

1. Luminaire HQIT – 250w lights on 6 metre high columns to illuminate the car park (11) and the inner road (11);
2. Luminaire HQI-T – 250w lights on 10 metre high masts to illuminate the sports field (4);
3. Luminaire Flat glass– 150w SON P-T lights on 8 metre high columns to illuminate the perimeter fence. These would be positioned approximately 8 metres in from the south-west and part of the north-west perimeter fences (26);
4. Lantern flat glass 50w SON P-T lights on 6 metre high columns to illuminate the road to the south-west of the prison wall and internal roads (31);
5. Thorn piazza 11 70w lights mounted on fence at 4.5 metres above ground level. These lights would be positioned on the south-east and remainder of the north-west perimeter fences and one internal fence and would illuminate the open area of land, within the prison, to the north-east of the new development (44);
6. HQI-T 70w lights mounted on fence at 5 metres above ground level. These lights would illuminate the prison entrance, loading area and exercise yard (6);

Building lights

1. External bulkhead 70w wall mounted lights at 2.2m to staff facilities building (3), visitors' reception (3), gatehouse (6), visits building (13), and administration (5);
2. External luminaire Pantheon 42w lights mounted at 2.3m to Sports Hall (10);
3. Emergency bulkhead lights mounted over doors mounted at 2.1m to staff facilities building (1), visitors' reception (1), gatehouse (5), visits building (8), healthcare (2), education (4), houseblock 1 (4), houseblock 2 (4), houseblock 3 (4), super houseblock (5), sports changing (2), sports hall (3) and administration (3).

It is also stated on the submitted drawing that the existing fence lighting columns are to be removed. The building lights would operate 24 hours a day. The drawing also shows eight existing columns to be removed.

Relevant Planning History

MC2001/2037	Circular 18/84 application for erection of a new 5.2 metre high security fence around sports field Local Authority objection 1 March 2002
MC2002/0865	Circular 18/84 application for erection of a new 5.2 metre high security fence around sports field together with a 2.4 metres high boarded timber fence to residential side Approved 31 December 2003

MC2002/1502	Consultation under Circular 18/84 for installation of 8 security cameras on 12 metres high columns No objection 29 October 2002
MC2005/1244	Circular 18/84 application for construction of 5.2m high security fencing to boundary, Approved, 22 August 2005.
MC2006/1952	Construction of 18 x 6 metres high posts with fixed lighting, 5 x 12m high masts with fixed CCTV cameras Approved 18 December 2006
MC2006/1884	Construction of 100m section of 5.2m high mesh fencing between steel posts with coiled wire topping; two sets of access gates and four pedestrian gates. Approved 16 January 2007
MC2007/0553	Construction of five 2-storey accommodation blocks to create 300 additional prison places with ancillary buildings (sports centre, training and education facilities, extensions to existing kitchen and segregation facilities), additional car parking and reception facilities, security lighting and fencing Approved 9 November 2007
MC2007/2292	Change of use of open space to additional garden land with 2 metre fencing and gates to the properties 1-28 Sir Evelyn Road, Rochester Approved 14 February 2008

Representations

Consultation letters have been sent to the owners/occupiers of 1a, 1b, 1-28 (consec), Hill View, North View, South View and Harbour View, Sir Evelyn Road; and 1-61 (odd) St. John's Way. Letters have also been sent to Natural England and the Kent Wildlife Trust

49 letters have been received making the following comments:

- The lighting would have an adverse effect on home life;
- There are too many lights;
- Fence must be fully clad to stop light spillage and improve security;
- Excessive lighting can result in sleep deprivation;
- The lighting could impact on bats and insects;
- More subtle lighting could be used;
- Adverse effect in night skies;
- Level of lighting proposed is beyond that required for this category of prison;
- Landscaping will not reduce light spillage;
- Fast growing trees should be planted;
- No lights should face away from the prison;
- Excessive number of lights wastes energy and increases carbon footprint;
- Excessive lighting will infringe human rights;
- Lights should be subject to a sensor system only coming on when required;
- If the proposed lighting scheme goes ahead, houses will need blackout blinds.

- Lights have been installed which are not shown on the application.

All consultees and objectors have been notified of the receipt of revised plans, resulting in a further 42 letters.

- Additional lights would affect quality of life and bats feeding areas;
- The additional lights should have been shown at the public meeting and when the scheme was first submitted and not added later;
- No need for this number of lights;
- The security fence should be clad to reduce glare and increase security, reducing the need for this number of lights;
- The level of lighting will affect sleep patterns and health;
- Lighting should be trialed first before being given consent;
- Security cameras should not face towards houses;
- Members are asked to visit the site.

Cllr Mark Reckless has written stating that Members should visit the site after dark to see the impact of the lights, the M of J should give an assurance that the level of lighting is the minimum consistent with operational security and the perimeter fence should be clad.

Development Plan Policies

Kent and Medway Structure Plan 2006

Policy QL1 (Quality of Development and Design)

Medway Local Plan 2003

Policy BNE1 (General Principles for Built Development)
 Policy BNE2 (Neighbour Amenity)
 Policy BNE5 (Lighting)

Planning Appraisal

The lighting proposals, submitted pursuant to this condition fall to be assessed under the above-mentioned policies in terms of the impact on the character and appearance of the area and the effect on the amenities of the occupiers of neighbouring and nearby properties. In this context, regard should be paid to both the appearance of the lights and columns themselves and the impact of the lights when illuminated. Local Plan Policy BNE5 states that external lighting schemes should demonstrate that they are the minimum necessary for security, safety and working purposes. Development should seek to minimise the loss of amenity from light glare and spillage, particularly affecting residential areas, areas of nature conservation interest and the landscape qualities of countryside areas.

The proposed lighting scheme, both as originally submitted and as amended, has been assessed by both the Council's Street Lighting Engineer and a Lighting Consultant engaged by local residents.

As can be seen from the Planning History of the site, there have been several planning applications in the past in relation to fencing, lighting and security cameras. Some of these relate to that part of the prison outside the current application site. Lighting installed under these earlier applications was very strong and has resulted in complaints from local residents. In response to these complaints, this lighting has been switched off and where it relates to the existing prison replaced by Thorn Piazza 11 70w lighting mounted on the fence, similar to that shown under the current proposals. The submitted details show a lighting impact assessment of the site both as existing (i.e. with previously approved lighting switched on) and as proposed. This assessment shows that as existing, a light level of 5 lux would extend towards and effect the rear of 20-23 Sir Evelyn Road and a light level of 2 lux would extend towards and effect 3-9 and 14-28 Sir Evelyn Road and would also effect part of the cricket ground on the north side of the road. Under the proposed scheme, the 5 lux contour would be contained within the enclosed area of the prison with 1 and 2 lux contours overspilling the fence slightly, but not extending more than 5 metres beyond the fence.

Essentially there are three potential impacts of lighting: glare, sky glow and light spillage. The submitted details show that light trespass has been minimised under the proposed scheme, especially when compared to the “existing situations”. Glare occurs when light is emitted directly from a source and occurred when the previous lighting was installed. By positioning the lights so that they do not shine directly towards nearby houses and reducing the intensity of lighting, glare can be minimised. The details show that every attempt has been made to position the lights so that they do not shine towards houses.

Sky glow occurs where light spills upward. The drawings show that all lights would be capped and would shine downwards, thereby minimising sky glow.

Conclusion and reasons for recommendation of approval of details pursuant to Condition 7

The details are considered to be acceptable in terms of appearance and impact on nearby properties, having regard to operation needs of the establishment and the need to minimise the impact whilst maintaining the required level of security. Accordingly, the details are recommended for approval.

2 MC2008/1154

Date Received: 10th July 2008

Location: Land fronting Anchor Road, Rochester, Kent

Proposal: Application for approval of reserved matters (access, appearance, landscaping, layout and scale) pursuant to outline consent MC2002/0354 for construction of 47 dwellings comprising 29 flats and 18 terraced houses with associated bin/cycle stores and parkings

Applicant: Mr Westcott Crest Nicholson (south East) Ltd Russett Homes Ltd
Crest House 30 High Street Westerham Kent TN16 1RG

Agent: Mr Brouard Brouard Architects 81 High Street Farnborough Village
Kent BR6 7BB

Ward: Rochester South & Horsted

Recommendation – Approval of reserved matters relating to access, appearance, landscaping layout and scale pursuant to Outline Consent MC2002/0354 subject to the following additional conditions

(and as amended by letter and plans received on 1st October, 6th October, 8th October, 20th October and 23rd October 2008)

- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development within Part 1 Classes A, B, C, D, E & F or Part 2 Classes A & B of the Second Schedule to the Order shall be carried out on the site without the prior written approval of the Local Planning Authority.
- 15 Prior to the first occupation of the development hereby permitted all first and second floor bathroom windows in the flats and first floor bathroom windows in the dwellings shall be fitted with obscure glass and shall be non-opening apart from any top hung fan light and shall be thereafter retained as such.
- 16 Details of the proposed means of disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority before development is commenced. The development shall be carried out in accordance with the approved details prior to the occupation of any of the dwellings hereby permitted and shall thereafter be retained.
- 17 There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

- 18 If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted details of a scheme to contain, treat or remove any contamination as appropriate to the Local Planning Authority and received their formal written approval of such details. The approved scheme shall be fully implemented and a completion report issued by the competent person referred to above, stating how remediation has been completed and that the site is suitable for the permitted use, shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby permitted.
- 19 No development shall take place until full details of secure covered cycle spaces; and securable external refuse stores have been submitted to and approved in writing by the Local Planning Authority. The cycle spaces and refuse stores shall be provided prior to first occupation of any of the buildings to which they relate and shall be subsequently maintained in accordance with the approved details.
- 20 Prior to the commencement of any works which may affect widespread reptiles or their habitat, a detailed mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. The approved mitigation measures set out in the strategy shall be undertaken in their entirety and within the timescales set out in the approved strategy.
- 21 Prior to the commencement of any works hereby permitted details of the proposals to provide a new footway along the Anchor Road site frontage, replacing the grassed highway verge, shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied prior to the construction of the footway in accordance with the approved details.

For the reasons for this recommendation for approval please see planning Appraisal section and conclusions at the end of this report.

Site Description

The application site, lies at the northern extremity of the Thomas Aveling School's former playing field fronting Anchor Road. The site's boundary to Anchor Road comprises a metal palisade fence, in front of which is a grass verge of approximately 2 metres width. The application site comprises an open grassed area that bounds a plateau (upon which the school's main playing fields are sited). The site slopes down towards Anchor Road and down from west to east, the steepest part being across the middle of the site. Although the application site originally formed part of the school's playing field it was not actively used for sporting activities and the Secretary of State has granted consent for its sale. Set just in from the boundary fence there are a number of semi mature deciduous and conifer trees along the northern boundary facing onto Anchor Road as well as a heavy tree screen along the western boundary, adjacent to Warren House Veterinary Surgery in Anchor Road and No.5 Binnacle Road. The surrounding area is mainly residential in character comprising of traditional two-storey semi-detached and terraced dwellings.

Proposal

This application is seeking approval of reserved matters pursuant to Condition 1 of MC2002/0354: for the means of access, scale, layout, appearance and landscaping for the construction of 47 dwellings comprising 29 flats and 18 terraced houses with associated bin/cycle stores and parking comprising of a total of 70 off-street car parking spaces (at 1.5 per dwelling).

The site has been divided into two, each with a separate access, to work with the topography of the land. The developers will be carrying out a cut and fill exercise on the site to reduce the overall gradient across the development; this will require the introduction of a centrally located retaining wall where the site is at its steepest and to counter the level change.

The houses are set in five blocks, with Block A comprising of a terrace of 4 two storey houses, Block B with five dwellings, mainly two storey with the central unit being three storey with rooms in the gable roof. These blocks will be sited parallel to Anchor Road along a west-east orientation in the eastern end of the site, with associated car parking in front of them but behind the perimeter trees. Block C comprises of a terrace of five units oriented perpendicular to the road on a north-south access. An undercroft access provides access to a small parking area behind the dwellings with a further 7 car parking spaces opposite the front of the terrace. Block D, again approximately parallel to Anchor Road, comprises a terrace of 4 two-storey houses with 14 car parking spaces in front of the terrace but behind the perimeter trees. Each of the houses has a small front garden area and a rear garden ranging in size from 36m² up to 93m².

Block E is the flat complex in a Z shape and comprises of a two-storey element towards the front of the site facing onto Anchor Road, rising to three storeys towards the rear of the site. In front of the two storey element is a refuse and cycle store, with a second refuse store towards the south of the flats and a further 28 car parking spaces adjacent to the site's southern perimeter with the school grounds.

Soft landscaping is proposed to break up the access and parking areas, including additional trees to augment the existing perimeter trees. The flattened development will have an attractive enclosed communal garden area to the western side.

Site Area/Density

Site Area: 0.86 hectares (2.12 acres)
Site density: 54 d.p.h (22 d.p.a)

Relevant Planning History

ME/94/0861 The Thomas Aveling School, (school playing field), fronting anchor road, Rochester
Outline application for residential development
Refused 12 January 1994

MC2002/0354	Thomas Aveling School (school playing field) land fronting Anchor Road, Rochester, Kent Outline application for residential development Approved 19 February 2008
MC2007/0518	Thomas Aveling School, Rochester, Kent Construction of Performing Arts Centre and New Synthetic Turf Pitch. Approved 24 January 2008
MC2008/0648	Thomas Aveling School (school playing field) land fronting Anchor Road, Rochester, Kent Full application for construction of 47 dwellings comprising 29 flats and 18 terraced houses with associated bin/cycle stores and parking. Withdrawn 25.2.2008

Representations

The application has been advertised by means of a site and press notice. Neighbour notification letters have been sent to the owners and occupiers of: 14 to 42 (evens), 77 to 87 (odds), 70 to 76 (evens), Warren House, 37 and 39 Anchor Road; 3, 5, and 14-20 (evens) Binnacle Road; 78 and 89 Fleet Road; and 31 to 51 (odds), 10, 12, 30 and 44 to 50 (evens), Friston Way.

Robert Marshall-Andrews QC MP has written objecting to the application on the grounds of the loss of this green space to development, particularly its loss as part of the school's playing fields. The concerns raised by his constituents are as follows:

- That the proposal is an over development of the site;
- That the development of flats will be out of keeping with adjacent housing;
- Poor ingress and egress to the site;
- The loss of amenity currently enjoyed by residents in Anchor Road and Fleet Road;
- That the development will lead to the loss of an open green space

Gillingham and Medway Liberal Democrats object on the grounds of:

- The scheme is an over development of the site;
- The proposed 3-storey flats will be visually intrusive on such high ground. They would dominate the skyline on Warren Wood Estate and the visual effect for residents on Binnacle Road would be over powering;
- Concern over loss of privacy from the flats;
- The scheme would be detrimental to the landscape. There would be serious loss of visual amenity to residents in Anchor Road, Friston Way, Bedgebury Close and Grizedale Close. There would be a loss of trees for residents in Anchor Road and little space for screening by new tree planting.

The Council for the Protection of Rural England has written objecting to the application for the following reasons:

- The loss of the open space is to be deplored particularly as the Local Plan identifies this an area where there is an open space deficit;

- PPG17 Government Guidance makes clear that all playing fields are of special amenity significance and should be protected to provide recreational benefits for all;
- The proposal refers to the provision of much needed housing on the site, however the Local Plan Inquiry made clear there is sufficient land to meet future projections up to at least 2006, consequently there is no justification for the use of this land for housing;
- The application site performs a valuable amenity and open space function and as valuable amenity space for the pupils at the school and this should override the need for the land to be released for housing purposes.

The Environment Agency has written raising no objection to the application, which has been assessed as having a low environmental risk. They make certain comments regarding care during construction which have been drawn to the attention of the applicants, and recommend the imposition of additional conditions to those already imposed on the outline permission.

Southern Water Services has written raising no objection to the application, subject to the site being developed with adequate drainage capacity. As Southern Water requires a formal application for connection to the public sewer to be made by the applicant or developer, they request a relevant informative and additional condition.

Sport England: Assuming that this reserved matters application is not of relevance to the issues raised in their responses to the outline application and application for the proposed synthetic turf pitch then Sport England would have no comments to make on the application.

Natural England advises they are satisfied that the survey information provided demonstrates that no bats are present within the application site. They request a relevant informative, should planning permission be granted. They note that the survey information provided indicates that widespread reptiles are likely to be present within the application site, however the proposals set out in the application appear sufficient to mitigate any potential impacts on local reptile populations. Natural England are satisfied that these proposals will not be detrimental to reptiles, subject to the implementation of a condition requiring the submission of a detailed mitigation strategy to be supplied prior to the commencement of any works on site. With regard to breeding birds, whilst no specific breeding bird survey was conducted it is likely that a number of bird species nest within the application site. However, providing site clearance works are conducted outside of the breeding bird season and replacement nesting opportunities are provided throughout the landscaping strategy, the proposal should not be detrimental to local breeding bird populations.

Kent Police Architectural Liaison Officer has made the following observations:

- Vehicle parking appears a little limited. Inadequate on site parking could result in on-street parking and confrontational problems arising, affecting highway safety.
- Landscaped/grassed verges should be designed to, or incorporate planting or measures i.e. bollards, knee high fencing or similar to discourage its use for parking.
- Straight build lines can improve surveillance and reduce opportunity for crime. The inclusion of perimeter treatment or fencing to the southern point where Block E links to the boundary should be incorporated to restrict unauthorised access to the rear and side of this Block and what appears its private amenity space.

- The incorporation of non-overlooked side or rear alleyways (e.g. between and to the rear of blocks A and B and off the courtyard of block C) should be avoided, as they can become areas for antisocial behaviour and congregation increasing vulnerability of the rear of properties. Consideration should be given to providing secure gates close to the entrance to these routes which only legitimate users will have access to.
- The inclusion of rear garden gates can be a potential problem particularly when linked to parking courtyards as they can encourage vehicle owners to utilise these as a primary point of entry to properties rather than walking to front doors. This can then reduce Street activity and the connection between building and street and active frontages. Security over rear gates can be problematic and when linked to communal parking areas offender anonymity can be increased as the coming and going of strangers may become commonplace and it will be harder to determine if they are genuine residents/visitors or a potential offender who may attempt to enter properties via the rear garden gates. It is recommended that consideration be given to designing out the need for rear access gates or paths.
- Large communal parking areas are often best avoided or the layout broken up if over 10 spaces. Large areas can become points of unofficial play, ball games or congregation with possible antisocial behaviour.
- The undercroft from Block C leading to the parking courtyard should be gated to deter unauthorised access.
- Block Ds positioning with presumably 1.8m rear fencing will reduce surveillance over the rear parking area. Consideration is recommended for either moving this block south towards the site boundary or orientating Block D so it faces Block E with rear gardens backing onto Block C.
- A robust and efficient lighting scheme will be required and cover access routes, footpaths, parking areas, alleyways, building entrances and internal circulation areas.
- Landscaping proposed should be designed to ensure it does not restrict surveillance opportunities, particularly the elevations fronting Anchor Road.
- Secure perimeter treatments, particularly to the south where the development links to the school fields will be required to ensure desire lines are not created across the development. Additionally boundary fronting Anchor Road should ensure planting, landscaping or treatments along here channel pedestrians or vehicles via primary access routes and footpaths rather than enabling the creation of desire lines across landscaped areas or parking courtyards.
- Inclusion of gable window to plot 1 may improve surveillance over the public right of way running along the eastern elevation; additionally fencing to a height of 2 metres or use of defensive planting to the public side may enhance security over this plot.
- Sound management and maintenance routines will be required.

The Anchor Road and Binnacle Road Local Residents' Association has written objecting to the application and makes the following comments:

- Anger is expressed that residents wishes appear to be completely ignored and vehemently object to the loss of valuable playing field/green area;
- Additional building will further strain local infrastructure in an area that is already overdeveloped, where green space is under increasing threat;
- The development is not in keeping with the majority of semi-detached houses in the area and the flats if built in the style of the Copperfield development will impede loss of outlook, cast shadow and loss of light and detract from the area generally;
- Concern over loss of privacy and more noise disturbance;

- Anchor Road is already heavily used by traffic and especially visitors to the Vet Clinic. The new access road and consequent increase in traffic and pollution are objected to;
- It will create a more dangerous environment for children biking and walking;
- Object to the loss of trees, green meadow, wildflowers, habitats for animals and birds;
- Object to the increase in the number of dwellings from 35 to 45;
- Residents have worked hard over the years to improve the local environment and the proposed development will result in further traffic, parking and noise pollution that will all have an adverse impact on the locality.

The Warren House Veterinary Surgery has written three letters (one following the residents meeting set up by the developers) objecting to the application and makes the following comments:

- Concern regarding over looking from the 3 storey block of flats (from 27 windows in the 2nd and 3rd floors);
- Request that the window in the North west corner part of the flat complex and to the upper flat to be opaque or removed completely, as it over looks their conservatory;
- Concern that the most northerly part of the flats in the 2 storey section is placed close to their boundary and the upstairs windows will look directly into their conservatory;
- Question why the flats could not be placed at the lower end of the plot or reduced to two stories, or rearrange the parking and the siting of the flats;
- Concern over loss of trees in the north west corner bordering their property, especially as they effect screening from the development;
- Concern over the siting of the refuse cubicle close to their boundary, and the consequent smell, flies etc especially in summer;
- Following a public meeting by the developers there appears to be some ambiguity about the designation of various trees on the plan and whether or not they are to be removed or to stay. Can this point be clarified, with a view to retaining these trees;
- Some guarantee is sought that the boundary trees are not to be touched as they act as an essential natural cover for neighbouring properties and wildlife habitat.

12 letters (from 10 households) have been received objecting to the application:

- Object to the loss of the school playing fields and has the school explored all possible avenues for its own use of the land;
- Object to the loss of open land in an urban area;
- Object to the development, which appears very different from that approved under the outline planning consent, and it is too dense and over development;
- A three storey block of flats is out of keeping with the area and will over shadow existing housing, especially as it is built at the highest end of the playing field and request that the flats be relocated to the lower end of the field;
- Object to the loss of trees and especially those adjacent to the Vets surgery;
- Object to loss of amenity space, habitat and disturbance to wildlife;
- Prefer to see traditional two storey two and three bedroomed housing only, or even just retirement bungalows;
- Request that the flats be lowered to two storeys;
- Concern that the flats are very close to Binnacle Road properties (at only 12 feet);
- The area is already densely developed and the proposal will bring additional traffic, parking problems and noise pollution along with the loss of outlook resulting from overlooking a developed site rather than an undeveloped green area;

- Object to the noise and disturbance, dust and increased traffic (especially heavy goods vehicles) during construction of development on the school site;
- The proposed development will add to congestion problems in Anchor Road and Binnacle Road, having regard to the levels of traffic already using these roads and the level of on-street parking that occurs. The development will be detrimental to the free flow of traffic and highway safety;
- The new road to the development will be opposite the allotment site, which is entered by the side of Anchor Road, which will make it impossible to park or off load heavy or bulky objects e.g. manure etc or too load produce from the site;
- Allowing the proposed development as submitted will reduce the sense of community and not encourage it;
- Object to the poor design in site layout and the fact that no street scene has been created, e.g. no link between the block of proposed buildings, no street frontage and therefore no relationship with the road or surrounding area, car parking in front of proposed dwellings creating a mass of parking;
- Little regard has been given to the impact of new housing development upon existing infrastructure, such as over subscribed schools and local doctors;
- The existing veterinary surgery has minimal parking for visitors who are forced to use that road, the proposed development would mean further congestion and obstruction;
- Increasing the traffic potential as a result of the proposed development will be detrimental to the safety of pupils using the Walkway and other routes;
- With parking for 70 cars being provided for on the new development, object to the additional noise from these cars leaving in the morning and returning at night together with their contribution towards the congestion in an already confined area;
- Object to loss of outlook, loss of sunlight and over looking and loss of privacy;
- Concern that the development will add to the increasing anti-social problems that the area is experiencing;

National Planning Guidance

PPS1	Delivery and Sustainable Development
PPS1A	Planning System & General Principles
PPS3	Housing
PPS9	Biodiversity and Geological Conservation
PPG13	Transport

Development Plan Policies

Kent and Medway Structure Plan 2006

Policy QL1	(Quality of Development and Design)
Policy QL3	(Movement and Accessibility in the Public Realm)
Policy EN8	(Protection, Conservation & Enhancement of Biodiversity)
Policy EN9	(Trees, hedgerows and woodlands)
Policy HP1	(Housing Provision and Distribution 2001-2016)
Policy HP2	(Housing Provision: Phasing, Assessment and Sequential Approach to Location)
Policy HP4	(Housing: Quality and density of development)
Policy HP6	(Range and Mix of Housing Provision)
Policy HP7	(Affordable Housing Provision)

Policy TP3	(Transport and the Location of Development)
Policy TP11	(Facilities for Pedestrians and Cyclists)
Policy TP12	(Development and Access to the Primary/ Secondary Road Network)
Policy TP15	(Development Traffic & Heavy Goods Vehicles)
Policy TP19	(Vehicle Parking Standards)

Medway Local Plan 2003

Policy S4	(Landscape and Urban Design)
Policy S6	(Planning Obligations)
Policy BNE1	(Built Development)
Policy BNE2	(Amenity Protection)
Policy BNE6	(Landscape Design)
Policy BNE8	(Security and Personal Safety)
Policy BNE37	(Wildlife Habitats)
Policy BNE38	(Wildlife Corridors and Stepping Stones)
Policy BNE39	(Protected Species)
Policy BNE43	(Trees on Development Sites)
Policy H3	(Affordable Housing)
Policy H4	(Housing in Urban Areas)
Policy H5	(High Density Housing)
Policy H10	(Housing Mix)
Policy L3	(Protected Open Space)
Policy L4	(Provision of open space in new residential developments)
Policy T1	(Impact of Development)
Policy T2	(Access to the Highway Network)
Policy T3	(Provision for pedestrians)
Policy T4	(Cycle facilities)
Policy T13	(Vehicle Parking Standards)
Policy T22	(Provision for people with disabilities)

Planning Appraisal

This application raises the following issues for consideration:

- Matters of principle
- Density and mix
- Affordable Housing
- Design and impact upon the street scene
- Consideration of impact on the amenities of occupiers of nearby residential units.
- Car parking and highway implications.
- Ecology and tree considerations

Principle

Although the site is allocated as protected open space under policy L3 of the Medway Local Plan and its proposed use for housing therefore represents a departure from the Development Plan, this aspect was resolved with the grant of outline planning permission. That resolution required the application to be referred to the Government Office for the South East, who determined that the application was not one they wished to call in and the

application could be determined by the LPA as they saw fit. Accordingly that application was approved subject to conditions and a section 106 agreement.

The principle of residential development on this part of the school playing fields has therefore been established as acceptable by the previous planning permission.

This current application satisfies the requirement for the provision of affordable housing as stated in the section 106 agreement, whilst the required financial contribution of £10,000 to fund improvement works at the Friston Way recreation area is required to be paid prior to the commencement of the works. The applicant has been reminded of this fact.

Density and Mix

The outline planning permission established the principle of development and all matters were reserved for later approval. While an illustrative plan was submitted which indicated how 35 houses could be satisfactorily developed on site, this was purely illustrative. The permission itself did not specify a number of units and all matters were reserved for later approval. Accordingly it is for the reserved matters application (this application) to determine the acceptability of all matters other than principle.

In view of the sites location close to local amenities, bus services and served by a network of pedestrian routes, the proposed density makes the most efficient use of land, whilst remaining appropriate to its surroundings and is therefore considered acceptable. The units are well spaced, within a landscaped setting, provide satisfactory amenity for prospective occupiers and a satisfactory level of car parking.

The provision of smaller dwellings, including flats, can help to meet the continuing demand from small households that form a significant proportion of housing demand. The proposal for 6 one-bedroom flats, 23 two-bedroom flats, 9 two-bedroomed houses, 8 three-bedroom houses and 1 four-bedroom house, meets the requirements of such a range of housing types.

In terms of density and the mix the proposal is considered to be in accordance with Policies HP4 and HP6 of the Kent and Medway Structure Plan and Policies H5 and H10 of the Medway Local Plan 2003.

Affordable housing

The S106 entered into as part of the outline application, required the provision of 25% affordable units. The applicant is proposing that they will undertake the development in partnership with a housing association and therefore the entire development will be affordable. This exceeds that required (and controllable) under the S106 agreement. While the LPA would normally require the provision of a minimum of 25% affordable to ensure compliance with the terms of the adopted developer contributions guide, the provision of a development completely of affordable accommodation needs to be carefully considered. The provision of 25% affordable within a development ensures not only the provision but mixes it with the private accommodation in accordance with Council policies on mix of development. This ensures that there are not estates of purely private or purely affordable which would be likely to cause division and friction in the wider community. In this instance the development only comprises 47 units which it is considered is of sufficient limited provision to not cause the social problems referred to. To further assist, the tenure is mixed with units 1 - 15

providing social rented accommodation and Plots 16 - 47 providing shared ownership accommodation.

The S106 Agreement provides under clause 12.5 to use all reasonable endeavours to provide 1 of the affordable units to Wheelchair-user housing standard. It is intended that Plot 9 will be provided to this standard. Also, the agent has confirmed that plots 2, 3, 6, 8, 11, 12, 14, 17 and 18 (the 2 bed units) are to be constructed to lifetime homes standards.

In terms of affordable housing the proposal is considered to be in accordance with the terms of the outline approval as well as Policies HP6 and HP7 of the Kent and Medway Structure Plan and Policy H3 of the Medway Local Plan 2003.

Design considerations

Policy QL1 of the Kent and Medway Structure Plan and Policies S4 and BNE1 of the adopted Local Plan set out criteria for the assessment of proposals in terms of their impact on the built environment and design quality.

The site already benefits from extensive landscaping along its boundaries and the proposed development has been very carefully thought out to utilize this whilst also providing a comprehensive landscaping scheme. The units have been set back from the site boundary to reduce their visual impact as much as possible on the Anchor Road frontage and in order to retain as many trees on the site's perimeter as is possible within the constraints of developing the site.

The retained existing landscaping (including many evergreens) will be enhanced with additional planting around the perimeter where possible to provide residents with a pleasant view all year round and screening of the proposed buildings and car parking. Public spaces are to the front of the buildings and private spaces are kept behind the buildings.

The heights of the buildings reflect the scales of surrounding development, with two storey buildings at the front of the site, and then stepping up just one storey higher up to three storeys towards the rear of the site for the flat complex. It is considered that although part of the flat complex will be three storeys it will be viewed in context with two-storey development in front of it and to the east, which will reduce its impact. In addition, the heavily screened tree belt to the west will also soften its appearance.

It is acknowledged that the plot 1 dwelling and block A will be at a higher ground level than Anchor Road due to the topography of the land, by approximately 2.28 metres. However, Block A will be set back 19 metres from Anchor Road and screened to a certain degree by perimeter trees. It is essential that any boundary treatment to plot 1 is sensitively designed and this will be dealt with under the details to be submitted pursuant to condition No.12 of the outline consent.

It is considered that the design of the terraces and blocks of housing has been well thought out and indeed the four bedroom unit comprising of a three storey dwelling in the centre of the terrace creates an interesting façade. Although the development comprises of terraces, these are in small blocks and it is considered they will add variety to the appearance of Anchor Road, which is one of mainly semi-detached housing. The use of traditional construction will give an appearance in keeping with local character, whilst there are a variety of roof pitches. The proposed materials are considered acceptable and will blend in nicely with the surrounding vegetation.

The difficulty of the change in ground levels has been dealt with by orienting block C parallel to the steepest part of the site, such that a retaining wall can ensure the full utilization of the land. The dwellings at Block C will have adequate garden sizes and the siting of the houses in block C and block D is such that no overlooking should occur.

The layout of the buildings aims to provide the maximum amount of open space to ensure that future occupiers enjoy a high level of amenity. All of the houses will have their own private gardens with the flats enjoying a large communal area. Public spaces are to the front of the buildings and private spaces are kept to the rear. The access roads, all have a frontage of built development on to them, thereby creating a street scene.

In addition, a good distance of the built development away from the school playing fields has been maintained.

In conclusion it is considered that the proposed development is very well thought out to maximise the land within its difficult constraints caused by the change in land levels; has created a good balance of dwelling units, car parking spaces and public and private soft landscaped spaces; orientation of the main living rooms is to the south to take advantage of passive solar heating and sunlight; and will result in an attractive scheme complimentary to the appearance of Anchor Road.

Accordingly no objection is raised to the application under the provisions of Policy QL1 of the Kent and Medway Structure Plan and Policies S4, BNE1 and BNE43 of the adopted Local Plan.

Impact on Amenities

Policies QL1 of the Kent and Medway Structure Plan and BNE1, and BNE2 of the Local Plan seek to ensure that the amenities of prospective occupiers and those of existing residents are safeguarded.

The closest properties to the application site are on the opposite side of Anchor Road, as well as the adjacent veterinary surgery and No.5 Binnacle Road to the west of the site and having regard to the distance between these properties and those proposed on the site it is considered that the layout and siting of the development has been carefully considered to ensure that the amenity of existing residents is protected, as well as those of the potential occupiers of the new dwellings.

The main amenity impact arising from this development will be a reduction in the outlook that Anchor Road and Binnacle Road residents will experience in looking out from their properties towards the application site. In planning law there is no right to outlook across land owned by another party and accordingly it is not the role of the planning system to safeguard the views enjoyed by existing residents. However, good planning should seek to ensure that an open aspect is not replaced by unsympathetic and unremitting built development.

Concerns have been expressed over the perceived overlooking onto Warren House in Anchor Road. However, it is considered that due to the heavily tree screened western boundary (and which includes a proportion of evergreen trees) and the siting of the flats some 13 metres away from Warren House (at the closest NW corner) and 18 metres at the

closest point of the flats to 5 Binnacle Road, that overlooking of these properties and their gardens would be restricted. The amended plans also remove some of the closest windows.

The stacking of the development means that the habitable rooms of flats would be located above and below each other and likewise with the non-habitable spaces. The layout of each flat would ensure sufficient living space and an acceptable level of daylight, outlook and sunlight as well as privacy.

With regard to potential impact upon No.37 Anchor Road to the west, it is acknowledged that the dwelling on plot 1 will be at a higher ground level due to the topography of the land, by approximately 2.28 metres, however, due to the pedestrian boulevard in-between and a distance of 12.5 metres from the proposed garden boundary treatment; a distance of 16.5 metres in-between the flanks of both dwellings and the fact that there are no first floor windows in the side elevation of plot 1 facing onto 37 Anchor Road, this situation is considered acceptable.

Within the scheme all of the dwellings have been arranged so that they enjoy an uninterrupted outlook and do not compromise privacy. The buildings are a sufficient distance apart from each other and from existing adjacent properties to ensure no unacceptable impact in terms of access to daylight and sunlight.

Generally the garden sizes to serve the proposed dwellings are acceptable, albeit a little limited. As a result it is considered appropriate to remove permitted development rights by way of condition. It is considered that the amenity areas to serve the flats are satisfactory.

Bearing all of the above in mind this application is considered to be acceptable in amenity terms and no objection is raised to the application under the provisions of Policy QL1 of the Kent and Medway Structure Plan 2006 and Policies BNE2, and H4 of the Medway Local Plan 2003.

Security and Personal Safety

Policy BNE8 of the local Plan requires that the design and layout of development should seek to maximize personal safety and the security of property.

The comments of the Kent Police have been fully considered and some changes have been made to take on board his comments, for example amended drawings have added gates to the shared access ways. Other details can be incorporated within the detailed landscaping plans to be submitted.

The level and design of the car parking provision complies with the adopted parking standards. It is considered that all of the parking spaces are well overlooked by the dwellings, which is acceptable from a safety and security aspect. All main entrances are at the front of the buildings and face the access roads and pavements and surveillance of public spaces has been incorporated.

Access for emergency vehicles has been incorporated. The scheme has been designed to be permeable with safe access for pedestrians, cyclists and vehicles.

Concerning the rear garden gates it is considered sensible to retain this feature, as they are an integral part of the design of the scheme. Wherever possible residents prefer to have access to their garden by way of a path even if this is communal. It fulfils general purposes

and enables the transportation of items that residents would not wish to take through their houses and improves visual street appearance as bins can be kept in back gardens. It will also encourage the proper use of the parking spaces.

Concerning the suggestion to gate the undercroft of Block C leading to the parking courtyard to deter unauthorised access, this is considered not to be a viable option as residents would have to park across the drive/road/footpath whilst unlocking this gate. Plot 13 is designed to overlook this parking area giving an element of natural surveillance. However, the amended plans have added a locked gate to the rear pedestrian access area for plots 11, 12 and 15.

With regard to the suggestion to re-orientate Block D, it is considered that such re-orienting will create the potential for unacceptable overlooking from block D onto the Block C dwellings and as such has not been recommended to be altered.

Concerning the suggestion to include a gable window to plot 1 it is considered that a first floor window within the side elevation of plot 1 would create unacceptable overlooking onto the adjacent property at No.37 Anchor Road and has not been recommended to be altered.

Highway and Parking Considerations

The adopted vehicle parking standards (as maxima) allow for the provision of 1.5 car parking spaces for each dwelling within the urban area well served by public transport. The minimum cycle parking requirement is one per five dwellings.

A total of 70 parking spaces are proposed, with one parking space allocated to each flat and two parking spaces to each house, with the remaining 5 spaces to be used on a shared communal basis. This provision, at an average of 1.5 parking spaces per dwelling across the site, is considered acceptable given the site's close proximity to local amenities accessible on foot and a high frequency local bus service to Rochester and Chatham. Furthermore, the proposed parking provision is in accordance within Medway Council's maximum parking standards and therefore no objection is raised in respect of Policy T13 of the Local Plan.

Ten of the proposed parking spaces will be for use by people with disabilities and will be located close to entrances and as such accords with Policy T22 of the Local Plan.

Cycle storage facilities are proposed for the flats, and it is recommended these be secured by an additional condition.

With regard to access, the proposed access arrangements are very similar to those proposed under the outline consent, with the western access serving 32 dwellings and the eastern access 15 dwellings, which allows for a more appropriate distribution of traffic entering and exiting onto Anchor Road. Each access is 4.8m wide with 1.8 m wide footways to each side. Sightlines along Anchor Road are provided in accordance with Government guidance for residential roads contained within Manual for Streets. This requires each access to have sightlines of 43m in each direction. However, the alignment of the road is such that the actual sightlines are in excess of this.

It may be necessary to require the maintenance of trees and soft landscaping along the site boundary to ensure that the footway is kept clear and that overhanging vegetation does not compromise vehicle sightlines from the access points. This can be dealt with under the submission of the required landscaping details and landscaping management plan required under conditions Nos. 5, 6 and 7 of the outline consent.

The accesses adequately provide for larger vehicles expected to enter the site, and turning heads will ensure they are able to manoeuvre on site and leave in a forward gear. It is proposed to provide a new footway along the site frontage, replacing the highway verge. This will ensure an acceptable provision for future residents of the development and improve facilities for existing pedestrians by joining the footways that currently end at the east and west boundaries of the site. It is recommended this is secured by condition and is constructed prior to first occupation of the development. The applicant has agreed to this condition.

Given the likely scale of the development and nature of the local road network the applicant of the outline planning application had submitted a traffic impact assessment. The results from this assessment indicated that the local highway network would be able to adequately accommodate the level of traffic that will be generated by development on the site.

The current applicant has also submitted an up to date Transport Assessment considering the impact of the proposed development on the local road network using data from the TRICS 2008(a) database.

It is anticipated that the proposed development will generate 20 vehicle movements in the morning peak hour, 17 vehicle movements during the evening peak hour and a total of 158 vehicle movements throughout the day. This will not have a significant impact on the operation of the local road network. On this basis, both the traffic generation associated with the redevelopment of the site and the means of access serving it are considered acceptable and in accordance with policies T1, T2, T3 and T4 of the Local Plan.

To conclude, the proposal is considered to be in accordance with Policies TP12, TP15 and TP19 of the Kent and Medway Structure Plan 2003 and Policies T1, T2, T3, T4, T13 and T22 of the Medway Local Plan 2003.

Ecology considerations

In accordance with condition No.13 an ecological report has been submitted. This is a copy of a report undertaken by Lloyd Bore ecology on behalf of the school. In addition, the applicant has employed Aspect Ecology to carry out a survey using the standard protocol of 7 survey visits over the course of 1-2 months since June. At a site meeting in September the applicant confirmed that as to date no reptiles had been found under the refuges on site.

It is considered that in view of Natural England's comments that the proposed development satisfies Policy EN8 of the Kent and Medway Structure Plan and Policies BNE37, BNE38 and BNE39 of the Medway Local Plan 2003 and a relevant condition regarding reptile mitigation is recommended.

Tree considerations

This site contains a large number of valuable young trees especially along the north-eastern and north-western boundaries. Most of these trees are in a good condition, provide amenity value both individually and as groups and will enhance any future development of this site. It is considered that the trees on the site are an important feature in the street scene. This being the case, the development needs to be considered in terms of Policies QL1 and E9 of the Kent and Medway Structure Plan 2006, and Policy BNE43 of the Medway Local

Plan 2003, which seek to give protection to trees, which provide a valuable contribution to local character.

The applicant has submitted additional information in accordance with British Standard 5837 (trees in relation to construction) in order to enable a full assessment on the impact on the trees to be made.

There are no objections to the proposed removal of trees in the centre of the site as these trees are mostly small and are significantly less prominent than those growing closer to the site boundaries.

During the developers consultation exercise with neighbouring residents, the need to retain as many trees as possible in the north western boundary of the site was highlighted by several local residents, and the developers assured these residents that as many of these trees as possible would be retained. The submitted scheme shows these trees to be retained.

It will be necessary to remove a small number of trees (17 in total) along the Anchor Road frontage, as the existing water main that crosses the site has to be relocated to facilitate the development. All options were investigated but the only feasible alternative is to reroute it so that it remains within the boundaries of the site. In addition a number of trees are in the vicinity of some of the built development.

However 11 trees will remain to the Anchor Road frontage. In addition, the landscape strategy plan indicates that substantial re-placement planting can take place on the north-western boundary of the site. The possibility of replanting on the frontage of Anchor Road within the confines of the water main diversion cannot be fully considered until the developer has consulted with the water company and this can only be done once the developer has received a formal planning consent. However, this matter can be more fully addressed under the submission of more detailed landscaping plans.

Furthermore, it is considered that there is scope for substantial replacement planting within the site to replace trees required to be removed as part of this development. This planting will form part of the landscaping and any future maintenance scheme.

In view of the above analysis, it is considered that the developer has undertaken their best efforts to retain as many trees on the site as is physically possible considering the difficult constraints of the site caused by topography and the water main and as such the proposal is considered acceptable and in accordance with QL1 and E9 of the Kent and Medway Structure Plan 2006, and Policy BNE43 of the Medway Local Plan 2003.

Conclusions and Reasons for Approval

For the reasons set out above it is considered that the overall design of the scheme is of a good quality; the proposal in terms of design, external appearance, landscaping and siting would be in character with the area and would not adversely affect the amenities of the occupiers of neighbouring properties; the scheme provides for valuable affordable housing and the proposed development as a whole accords well with the Councils adopted Development plan policies. As such the proposal is acceptable in amenity, highway and all other material planning.

The proposal accords with the provisions of Policies QL1, QL3, EN8, EN9, HP1, HP2, HP4, HP6, HP7, TP3, TP11, TP12, TP15, TP19 of the Structure Plan and Policies S4, S6, BNE1, BNE2, BNE6, BNE8, BNE37, BNE38, BNE39, BNE43, H3, H4, H5, H10, L3, L4, T2, T3, T4, T13, T22 of the adopted Local Plan and the application is recommended for approval.

This application would normally fall to be determined under officers' delegated powers, but is being reported for Members' consideration due to the number of representations that have been received that are contrary to the officer recommendation.

The application was considered by Members at the Development Control Committee on the 26th November 2008 when it was determined to defer a decision for a site visit to take place.

3 MC2008/1451

Date Received: 28th August 2008

Location: 8 Cobblestones Hempstead Gillingham ME7 3NT

Proposal: Construction of part single/part two storey to side/rear and first floor side extension incorporating dormer to front

Applicant: Dr O S Singh 8 Cobblestones Hempstead Gillingham Kent ME7 3NT

Agent: Mr K C Jeffery 36 Birch Drive Lordswood Chatham Kent ME5 8YU

Ward: Hempstead & Wigmore

Recommendation - Approval with Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 Materials used on the construction of external surfaces of the extension herein approved shall match those used on the existing dwelling.
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no windows shall be installed in the northwestern flank wall of the extension herein approved without the prior written approval of the Local Planning Authority.

For the reasons for this recommendation for approval please see Planning Appraisal section and conclusions at the end of this report.

Site Description

8 Cobblestones is situated in a residential part of Hempstead. The properties are mixed in design but are mainly detached and two storey. The properties are large with relatively small gardens. There is on street and off road parking and the land is flat.

The application site is a large two-storey detached property, which has been significantly extended with extensions to rear and both sides, incorporating dormers front and rear over the west side extension, and a small lean-to extension also to this side and conservatory to the rear. There is also a double garage with a rear extension. The front is open planned with some soft landscaping and off road parking for at least three cars, a carport and double garage. The rear garden is enclosed by close board fencing approx. 1.8m high, with further approx. 4m to 6m high conifer hedging to rear, west and to the east side. The property is located at the end of a residential cul-de-sac comprising generally large detached properties of mixed design.

Proposal

It is proposed to construct a part single/part two storey extension to the side/rear incorporating a dormer to the front. The proposal is to construct an extension over the existing study and dining room which will be two storey to the rear with a dormer within the roof at the front. This will provide for a new bedroom and en-suite. In addition, to the rear the utility room and study will be extended at single storey level with the existing kitchen.

There was an application for a two storey side extension which was refused on 2 May 1997. The main differences between that application and this are that the refused extension included a full height two storey extension with a front facing gable on the northwestern flank.

Relevant Planning History

GL/87/101	Extension to rear of detached garage Approved 19 June 1987
GL/97/0135/87/0101	Proposed erection of a single storey side extension and first floor extension over existing sitting room/study Refused 2 May 1997
GL/97/0735/87/0101	Proposed erection of a single storey side extension and conversion of lower level roof space incorporating dormer windows to form a bedroom Approved 17 March 1998
MC/98/0745/MG	Erection of a two storey extension to side dwelling Approved 27 January 2000
MC1999/5894	Erection of a two storey extension to side dwelling. MC 98/0745MG/87/0101 Approved 07 April 2000
MC2006/1070	Construction of a conservatory to rear. Approved 27 July 2007

Representations

Neighbour consultation letters have been sent to the owners and occupiers of 4 and 5 Horseshoe Close, 6 and 10 Cobblestones, 22, 23, 24, 25 and 26 Shepherds Gate and Westgate Farm, Capstone Road, Hempstead, Gillingham, Kent.

Three letters of objection have been received raising the following concerns:

- There have been previous extensions to the property and one application was refused for a similar proposal to that which is applied for.
- The house will be the size of a hotel and will be dominant within the cul-de-sac and out of scale with other properties.
- The last three extensions were built over months everyday of the week causing noise and air pollution
- The house is a constant eyesore

- Medway Council let's the applicant get away with anti-social and anti-neighbour actions because Medway Council is perhaps scared he will scream racism if they reject his application
- The applicant has cut down trees without permission and Medway Council did nothing
- If Medway Council grant permission they will be reported to the Ombudsman and the media will be informed
- This application is no different to that rejected in early 1997 and should be rejected on the same grounds which were loss of outlook, light and domination of 5 Horseshoe Close and the size and design not being in keeping with the cul-de-sac.
- The applicants are Doctors and if they were to open a surgery on this site there would be objections to this
- The applicants' conifers encroach on 5 Horseshoe Close and block the soakaway with droppings and the roots cause damage to the fencing and rear patio

Development Plan Policies

Kent and Medway Structure Plan 2006

Policy QL1	(Quality of Development and Design)
Policy TP19	(Parking Standards)

Medway Local Plan 2003

Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)
Policy T13	(Vehicle Parking Standards)

Planning Appraisal

Street scene and design

The application dwelling is located within a cul-de-sac and the proposed extension will be visible from the street. From the front the pitch roof over the existing side extension will be raised from approx 5.8m to the ridge to approx 7.4m with a pitch dormer inserted within the middle of the roof. This will be similar to the extension on the opposite of the house. It is considered that this will provide balance to the house without overly dominating the original property and thus will not harm the street scene.

To the rear the extension will be two storey level with the back of the first floor of the original house with the single storey projection level with the existing single storey projection to the rear of the kitchen. The design of the extensions reflect the main house, do not over balance or over dominate the original house and there is space still around the property providing a reasonable setting for it. The design and appearance of the extension is therefore acceptable.

Accordingly it is considered the proposal complies with the provisions of Policy QL1 of the Kent and Medway Structure Plan 2006 and Policy BNE1 of the Medway Local Plan 2003.

Neighbour Amenities

Number 5 Horseshoe Close is situated to the northwest of the application site. The boundary treatment between the dwellings is approx. 1.8m high close boarded fencing and some high conifers approx. 5-6m in height. The current flank of the existing single storey side projection is visible from the rear garden of this property with the rear part being obscured by the conifers. The increase in height and extension will be situated mainly behind these conifers. The proposal does not extend any further to the side than the existing single storey side projection. It is therefore considered, on balance, that the proposal will not cause any significant detrimental impact upon this neighbour in terms of loss of outlook or daylight. Due to the path of the sun and the orientation of the property there will be no detrimental impact in terms of loss of sunlight. There are no windows proposed in the northwestern flank and therefore there will be no loss of privacy for this neighbour. If windows were proposed at a later date there would be some concerns with regard to overlooking, particularly if the conifers were removed, and therefore a condition is recommended to control this.

Number 4 Horseshoe Close is situated to the north of the application site approx. 20 away (rear to flank distance). There is approx. 1.8m high boundary treatment and high conifers to the rear. Due to the distances between the dwellings and the height of the boundary treatment it is not considered that this property will experience any detrimental impact in terms of loss of sunlight, daylight, outlook or privacy.

Number 10 Cobblestones is situated to the south of the application site. This property is approx. 30m away. Due to this distance and intervening buildings consisting of walls and garages there will be no detrimental impact for this neighbour from the proposals in terms of loss of outlook, privacy from the dormer, sunlight or daylight.

Number 6 Cobblestones is situated to the southeast of the application site. The proposed extensions are situated to the opposite side than this dwelling. The rear extension will project further than the rear wall by approx. 2.5m however, due to the height of the boundary treatment and presence of the conservatory there will be no detrimental impact on this neighbour in terms of loss of outlook, privacy, sunlight or daylight from the proposal.

Therefore the proposal is in accordance with Policy QL1 of the Kent and Medway Structure Plan 2006 in terms of its impact on the amenities of the neighbours and Policy BNE2 of the Medway Local Plan 2003.

Highways

The property currently has provision for at least 3 cars off road and an additional 2 in the garage and 1 in the carport. This is considered sufficient for a five-bedroom house. The proposal would be in accordance with Policy TP19 of the Kent and Medway Structure Plan 2006 and Policy T13 of the Medway Local Plan 2003.

Conclusions and reasons for Approval

Although this property has been extensively enlarged in the past the proposed extension is not considered significantly large or to cause any detrimental impact on the street scene or neighbouring amenities. On balance the proposal is considered to have an acceptable impact on the character of the street scene and the appearance of the dwelling and is in accordance with the above-mentioned policies

This application would normally be considered under officer's delegated powers but has to be reported to Members due to the number of representations contrary to the recommendation.

[This application was considered by Members at the Development Control Committee on the 5th November 2008, when it was determined to defer a decision to enable a Members' site visit to be held.]

The application was considered by Members at the Development Control Committee on the 26th November 2008 when it was determined to defer a decision for a site visit to take place.

Member Site Visit 22 November 2008. Members attending: Cllrs Mrs Chambers (Chairman); Hicks; Andrews; Mr Bamber; Bowler; Brake; Bright; Gilry; Hunter; O'Brien and Mr Chambers (ward councillor).

Following the opening of the meeting by the Chairman the Senior Planning Officer explained the application, representations received and the planning issues as they related to matters of design, street scene and neighbour amenities.

4 MC2008/1392

Date Received: 19th August 2008

Location: Whitewall Road Medway City Estate Rochester Kent

Proposal: Construction of a waste transfer and recovery facility for managing 250,000 tonnes of municipal; industrial and commercial waste with associated parking; two new weighbridges; weighbridge office; re-fuelling facility and wash bay

Applicant: Mr D Knight Veolia ES UK Ltd Rainham Landfill Site Coldharbour Lane Rainham RM13 9DA

Agent: Mr C Herbert SLR Consulting Limited Treewood House Rowden Lane Bradford on Avon Wiltshire BA15 2AU

Ward: Strood Rural

Recommendation - Approval subject to:-

A) The applicant entering into a S106 Agreement or a Unilateral Undertaking to provide a contribution of £2,084 towards construction skills and training; and

B) The imposition of the following conditions:

(as amended by additional information received on 16th October 2008)

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 Materials and detailing used on external surfaces of the waste transfer station building and weighbridge office shall be as set out on the approved plans (including colour and finish) unless any variation is first approved in writing by the Local Planning Authority.
- 3 No development shall commence until details of an environmental sustainability assessment have been submitted to and approved in writing by the Local Planning Authority. Details shall include energy efficiency, renewable energy production, use of renewable technologies, water consumption, construction waste recycling and construction methods. Work shall thereafter be undertaken in accordance with the approved details and retained in such form unless any variations are first approved in writing by the Local Planning Authority.
- 4 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 5 to 8 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent

specified in writing by the Local Planning Authority until condition 8 has been complied with in relation to that contamination.

- 5 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

- 6 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- 7 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, 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.

- 8 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 5, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 6, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition 6 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 7.

- 9 No piling shall be undertaken in connection with the development hereby permitted unless the method of any piled foundations have been submitted to and approved in writing by the Local Planning Authority. This method should comply with the Environment Agency's guidelines for piling through made ground. All piling shall thereafter be carried out in accordance with the approved details.
- 10 Prior to the commencement of development, a dust and odour control management scheme, together with full details of the proposed odour control system, shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall follow the principles set out in the Veolia Environmental Services Air Quality Assessment dated July 2008 and shall include management of both the construction and the operation phases of the development. The odour control system shall be installed in accordance with the approved details and in working order prior to the building being first brought into use, and shall thereafter be maintained. Construction and operation of the development shall be carried out in full accordance with the approved management scheme.
- 11 The noise rating level (LA,T) associated with the development site at the relevant time, shall not exceed the background noise level (LA90,T), by more than 3dB. The noise levels shall be determined at the nearest noise sensitive receptors. All measurements shall be defined and derived in accordance with BS4142: 1997.
- 12 All external doors to the main transfer station building shall remain closed, other than for the access and egress of vehicles, between the hours of 23:00 and 07:00 on any night.
- 13 The areas shown on the approved drawing for vehicle parking and circulation shall be provided in accordance with the approved details prior to the building being first brought into use and shall thereafter be retained for these purposes. Notwithstanding the provisions of any development order, no permanent development shall be carried out on this land or in such a position as to preclude vehicular access to it.

- 14 The entrance and exit gate to Whitewall Road shall be kept open whenever the transfer station is operating, unless a system for automatic opening and closing is installed in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.

For the reasons for this recommendation for approval please see the planning appraisal section and conclusions at the end of this report.

Site Description

The application relates to a roughly square site (117m deep by 122m wide, approx.) located on a corner of Whitewall Road in Medway City Estate. The site is currently used for storage of skips and maintenance and storage of refuse vehicles. It consists of a largely open forecourt, sloping down from northwest to southeast, with two-storey office buildings and a large workshop building to rear. It is enclosed by palisade fencing with in-out gates on either boundary controlled by an intercom system.

Medway City Estate is a large, established industrial estate and in the vicinity of the site is characterised predominantly by large-scale uses in large-format, utilitarian buildings. Open storage facilities are also visible nearby.

Proposal

The application is for construction of a waste transfer and recovery facility capable of handling 250,000 tonnes of municipal, industrial and commercial waste per annum. This would comprise:

- Main building of approx. 47m by 37m, with a loading bay to the southwest elevation of approx. 8m by 33m. The building would have a shallow profile gabled roof, projecting beyond the walls on brackets and with a maximum height of approx. 13.5m.
- Two weighbridges set back approx. 25m from the site entrance, with island between incorporating a weighbridge office of approx. 6m by 3.5m, with a flat roof 3m high and an additional plant room 1m high above this.
- Additional island incorporating fuel tanks, with fuelling point adjacent.
- Provision of 35 HGV parking spaces along the northeastern boundary and relocation of 48 car parking spaces to the side and rear of the existing (retained) workshop building.
- Relocation of wash bay for refuse collection vehicles to the southwestern boundary, to the side of the retained workshop building.
- Demolition of a small (approx. 8m by 10.5m) extension to the workshop building to facilitate vehicle circulation.

The transfer station will allow separation of recyclates from the waste streams and bulking of both recyclates and residual waste for onward transfer.

Relevant Planning History

MC/95/0825	Erection of building and use of land for scrap metal merchants and erection of a 4 metres high sleeper wall
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Approved 07 February 96

ME/98/0342/MR	Application for the removal of condition 6 (landscaping scheme) on planning permission ME/95/0825 Refused 05 August 98
MC2002/1314	Change of use from open storage and steel fabricating to maintenance depot, skip and container storage facility with occasional overnight storage of waste materials in transit together with ancillary office accommodation Approved 12 July 04
MC2002/2019	Installation of 8 no. temporary buildings for use as offices Approved 25 November 02
MC2006/0151	Application for the continued use of land for the siting of 6 portable buildings used as offices Approved 21 March 06
MC2007/0954	Construction of a two-storey temporary portacabin for use as offices Approved 06 September 07

Representations

The application has been advertised on site and in the press, and notification letters have been sent to the owners/occupiers of:

- Mabey Hire Ltd, Castacrete Ltd, Kent Printers Suppliers, Non-destructive Testers Ltd, CCS Ltd, Blaybourne Converters, British Sisalkraft Ltd, and Units 1 and 3 Phoenix Industrial Estate, Commissioners Road; and
- Fineline, H E Services (Plant Hire) Ltd, Phoenix Granulators Ltd, The Whitewall Centre, Briggs Haulage Ltd, Channel Commercials Plc, Westwall Developments Ltd, Stonegrove Electronics Ltd, Boyd Business Centre, Total Floor, Masterhitch Europe Ltd, and Swift Book Distribution Ltd, Whitewall Road.

Medway Fire Service, the Environment Agency, Southern Water, Southern Gas Networks, EDF Energy and Frindsbury Extra Parish Council have also been consulted.

Three responses have been received from neighbouring businesses objecting on the following summarised grounds:

- Impact of noise, smells, litter and dust on neighbouring businesses and property values;
- Additional traffic will add to existing congestion on Whitewall Road and at exits to the estate;
- Loss of employment land to non-employment use, when availability of employment land is an issue in Medway;
- The application has not demonstrated a need for the proposal.

Frindsbury Extra Parish Council wrote stating no objections but raising concerns regarding the traffic impact of the proposal and requesting that conditions be imposed to prevent heavy goods vehicles using Frindsbury Hill as far as possible.

The **Environment Agency** initially objected to the proposal on the grounds that the potential risks of contamination of controlled waters from historic contamination within the site (particularly relating to past hydrocarbon storage) had not been adequately addressed. Following receipt of additional information from the applicant they withdrew their objection and advised that the recommendations within the report were acceptable although additional assessment of risks to groundwater would need to be carried out, and recommended an additional condition relating to piled foundations.

Development Plan Policies

RPG9 (Regional Planning Guidance for the South East)

W3	(Regional self-sufficiency)
W4	(Sub-regional self-sufficiency)
W5	(Targets for diversion from landfill)
W6	(Recycling and composting)
W7	(Waste management capacity requirements)
W8	(Waste separation)
W16	(Waste management infrastructure)
W17	(Location of waste management facilities)

Kent and Medway Structure Plan 2006

Policy SS1	(Spatial priorities for development and investment in Kent and the role of the settlement hierarchy)
Policy QL1	(Quality of development and design)
Policy EP1	(Land, workforce, education and skills)
Policy EP2	(Employment land provision)
Policy TP3	(Transport and the location of development)
Policy TP15	(Development traffic and heavy goods vehicles)
Policy TP17	(Traffic and the management of minor roads)
Policy TP19	(Parking standards)
Policy NR5	(Pollution impacts)
Policy NR8	(Water quality)
Policy NR10	(Development and flood risk)
Policy WM1	(Integrated waste management)
Policy WM2	(Assessment criteria for waste proposals)

Medway Local Plan 2003

Policy S1	(Development strategy)
Policy S2	(Strategic principles)
Policy S6	(Planning obligations)
Policy BNE1	(General principles for built development)
Policy BNE2	(Amenity protection)
Policy BNE3	(Noise standards)
Policy BNE23	(Contaminated land)
Policy BNE24	(Air quality)

Policy ED1	(Existing employment sites)
Policy ED8	(Industrial uses not in a use class)
Policy T1	(Impact of development)
Policy T2	(Access to the highway)
Policy T13	(Vehicle parking standards)
Policy T14	(Travel plans)
Policy CF12	(Water supply)
Policy CF13	(Tidal flood areas)

Kent Waste Local Plan 1998

Policy W9	(Waste separation and transfer)
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Draft South East Plan (emerging Regional Spatial Strategy)

Core Policies

SP2	(Regional hub)
CC1	(Sustainable development)
CC2	(Climate change)
RE3	(Employment and land provision)
RE4	(Human resource development)
RE6	(Competitiveness and addressing structural economic weakness)
NRM2	(Water quality)
NRM9	(Air quality)
NRM10	(Noise)
W3	(Regional self-sufficiency)
W4	(Sub-regional self-sufficiency)
W5	(Targets for diversion from landfill)
W6	(Recycling and composting)
W7	(Waste management capacity requirements)
W8	(Waste separation)
W16	(Waste management infrastructure)
W17	(Location of waste management facilities)

Sub-Regional Policies (Kent Thames Gateway)

KTG2	(Economic growth and employment)
KTG3	(Employment locations)
KTG6	(Flood risk)

Government guidance in PPS1 (and its companion document *Planning and Climate Change*) and PPS10 are also relevant.

Screening opinion

The proposal has been screened according to the provisions of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended). The proposal is a Schedule 2 development, falling within class 10 (a) for industrial estate development projects where the area of the development exceeds 0.5ha. However, having regard to the nature and scale of the proposal, the existing use, the characteristics of the surrounding area and the fact that the site is not located within or close to a sensitive

area, it is not considered that it would have likely environmental impacts significant enough to warrant an EIA.

Planning Appraisal

Principle of Development (Employment Land)

The application site is located within an existing employment area which is protected by Policy ED1 of the Local Plan for industrial (B1, B2 and B8) uses. A waste transfer station is a sui generis use and therefore technically does not comply with these requirements. However, the proposed use is very similar in nature to industrial-type uses and is entirely the sort of development that would be expected within an industrial estate; this is set out in the preamble to Policy W9 of the Waste Local Plan. Indeed, many similar uses which are designated sui generis but are essentially industrial in nature have been successfully accommodated in the estate, and its wide range of uses including some specialised uses is recognised in the preamble to Policy ED1 as being one of its key characteristics. Also as this proposal would retain the existing vehicle repair/workshop facilities which falls within use Class B2, it can be argued that the proposal overall results in a mixed use rather than wholly sui generis.

Policy ED8 of the Local Plan encourages industrial uses not in a use class to locate at Kingsnorth and Grain but does not prohibit their location elsewhere and recognises that such uses make their own contribution to employment provision and employment diversity, and as necessary community services. Policy EP2 of the Structure Plan, which post-dates the Local Plan, specifically states that major employment sites can accommodate other types of employment use provided they accord with all other principles of the development plan, and Policies RE3 and KTG2 of the emerging RSS (Regional Spatial Strategy) encourage provision of a “broad range” of employment uses and “widely based” economic growth. The documentation submitted in support of the application states that the proposal will generate 12 additional jobs (7 site-based and 5 drivers), which is a small contribution towards these general aims. It is also noted that Policy W17 of the emerging RSS considers waste management facilities to be compatible with previous or existing industrial land use.

Given the industrial nature of the proposed waste transfer station use; the fact that some of the existing industrial use would remain; the general encouragement for broadly-based consideration of employment and economic development issues in more recent employment policies in the Structure Plan and the emerging RSS; and the fact that the proposal would result in an increase in employment (albeit slight), it is not considered that any objection on the basis of loss of employment land could be justified, and the proposal overall is considered to accord with employment policies.

Waste Management

The Kent Waste Local Plan is somewhat out-of-date, but in the absence of a replacement Local Development Framework dealing with waste, the saved policies within it still form part of the development plan and the proposal must be assessed against them. Waste-related policies within the Structure Plan and the emerging RSS considerably post-date the Waste Local Plan, as does government advice in PPS10, and it is considered that these documents provide a solid up-to-date framework for consideration of this proposal. It should be noted that the waste policies within the emerging South East Plan effectively reiterate those in the existing RPG9 as this chapter was recently updated.

Suitability of location

Guidance in PPS10 states that proposals for waste management facilities on unallocated sites should generally be looked on favourably where they are in accordance with other relevant policies. Policy W9 of the Waste Local plan and Policy WM2 of the Structure Plan both give criteria for consideration of waste management proposals on unallocated sites, and the criteria in Policies W16 and W17 of the existing and emerging RSS (although more aimed at allocation of sites in LDFs) are also relevant, as is the advice in PPS10.

The proposed location meets the requirements of these policies. It constitutes re-use of previously developed land, and is highly accessible from existing urban areas and well connected to the strategic transport network. There are a number of existing wharves within Medway City Estate; although these may not currently be available for waste transfer the site is well-placed to take advantage of any that do become available. Industrial land uses are identified in Policy W17 of the existing and emerging RSS as compatible with waste management uses. The location within an industrial estate is considered to minimise impact on local and natural environments, in particular major concentrations of population, as required by Policy W9 of the Waste Local Plan.

Sustainability and waste hierarchy

Facilities that encourage recovery and recycling of waste are encouraged by policies at all levels. Although the processes for recovery proposed here are fairly basic, being limited to manual separation and recovery, this does still move waste up the hierarchy and it would be fairly easy for additional recovery processes to be accommodated within the building in the future. Transfer stations allowing for bulking of waste also have sustainability benefits in terms of reducing the number of journeys needed by smaller waste vehicles and Policy W16 of the existing and emerging RSS looks favourably on proposals for these uses for that reason.

Need

PPS10 states that waste proposals should not be required to demonstrate need where they are in accordance with an up-to-date development plan. Policy WM2 of the Structure Plan, however, sets out that there may be a requirement for need to be demonstrated in order to overcome other concerns with the development. In this case, as it is considered that all other issues can be satisfactorily resolved, it is not considered necessary for a detailed assessment of need to be undertaken. However, because the Kent Waste Local Plan is somewhat out of date an initial assessment of need is considered appropriate.

There is currently capacity in Medway for both municipal and commercial/industrial waste streams, although some existing facilities (such as the Council's own site at Pier Approach Road) are outdated and substandard. It is also noted that the majority of the existing capacity is held by a single site (also on Medway City Estate), which is not ideal as contractual and operational considerations arising on that site could effectively limit the whole waste management capacity for the area. It is also worth noting that there is a degree of uncertainty about the exact amount of capacity that is required, for the commercial/industrial streams particularly, and that the existing waste transfer site has consent for high order processes such as gasification, which may well reduce capacity, although overall, it is considered that it is not possible to demonstrate with any degree of certainty that there would be no need for the proposed facility. In more general terms, RPG9, the existing and emerging RSS and

Policy W9 of the Waste Local Plan identify a need in the region generally for facilities such as this which move waste up the waste hierarchy (thus according with the general principles of PPS10) and in Policy W16 specifically requires provision to be made for bulking and transfer facilities which improve the sustainability of the waste management process by reducing the amount of journeys needed to be made by the smaller waste vehicles.

Design and Character of Area

The proposed waste transfer building is industrial in nature and is essentially a large box. However, attempts have been made to relieve this by use of roof detailing and coloured cladding. Given the character of the surrounding which consists of large scale industrial buildings of varying design, age and appearance, it is considered that the design is appropriate.

The smaller structures (weighbridge office and islands, relocated wash bay) are relatively minor in the context of surrounding development (both on this and surrounding sites) and will not have any significant impact on the character of the area. The weighbridge office will be visible from traffic on the main Whitewall Road, and this building also shows evidence of attention to detail on the part of the designers, including use of materials, roof detailing and provision of screening to the plant installation on the roof.

Materials, colours and detailing can be controlled by suitable conditions and subject to this it is considered that the proposal is acceptable in design terms and is therefore in accordance with Policy QL1 of the Structure Plan and Policy BNE2 of the Local Plan.

Amenity Considerations

The proposed waste transfer station would be approx. 250m from the nearest residential properties. The physical development itself would have no impact on amenity, but there is potential for noise and disturbance, odours and dust to affect properties nearby, and to a lesser degree this also has implications for neighbouring industrial uses. All waste management operations would take place within the building and measures are proposed to minimise the odour and noise impacts. These are generally considered acceptable although more detail is required in some instances. The submission of this detail and the implementation of appropriate measures is recommended to be secured by condition. Subject to this, the proposal is considered to be in accordance with the relevant provisions of Policies QL1 and NR5 of the Structure Plan, Policies BNE2, BNE3, and BNE24 of the Local Plan, and Policies. NRM9 and NRM10 of the emerging RSS.

Contamination

A Phase 1 Contamination Survey has been carried out by the applicants and was submitted in support of the application. Following queries raised by the Environment Agency, a further Geotechnical and Contamination Assessment was also submitted. The reports concluded that given the end use of the site and the level of contaminants found, there is no risk to human health. In this respect it recommends a watching brief during construction. There is some risk of contamination of groundwater from historic contamination and further assessment, as recommended in the submitted reports, would be necessary to mitigate this. Conditions can be imposed covering these matters. An additional condition regarding the method of any piled foundations is also considered necessary to prevent risk of contamination to groundwater. Subject to this the proposal is considered to comply with the

relevant provisions of Policies NR5 and NR8 of the Structure Plan, Policies BNE23 and CF12 of the Local Plan, and Policy NRM2 of the emerging RSS.

Flood Risk

The application site lies within Flood Zone 3. However, as the entire site is already covered by impermeable surfaces, the proposal is unlikely to have any increased impact on the risk of flooding. Waste transfer stations (except for hazardous waste) are classified as a less vulnerable use and as such it is acceptable for them to locate in high flood risk areas. It is noted that the Environment Agency have not commented on flood risk in their responses to the application. The proposal is considered to comply with the relevant provisions of Policy NR10 of the Structure Plan and Policy CF13 of the Local Plan.

Sustainability

No information regarding the sustainability of the proposal (other than as it relates to waste management) has been submitted in support of the application. Government advice in the companion document to PPS1, and Policies CC1 and CC2 of the emerging RSS require issues of climate change and sustainability to be taken into account in all new development, while Policy NR1 of the Structure Plan advocates a sustainable pattern of resource use. Given the nature of the proposal it is considered that a condition requiring details of energy efficiency and other sustainability measures would be sufficient to fulfil the requirements of these policies.

Highways

The proposed waste transfer station would generate an additional 218 vehicle movements per day, of which 194 would be HGVs. This compares to the existing use's traffic generation of 544 vehicle movements per day, 228 of which are HGV movements. All HGV movements are to be routed into the site via Whitewall Road and Anthonys Way. The increase represents (at most) a 3.6% increase on existing traffic flows. The use proposed is such that the bulk of HGV movements would occur outside of the peak hours for the local road network.

It is predicted that the relatively low increase in vehicle movements at peak periods and the spread of the remaining additional movements throughout the day are such that key junctions will operate satisfactorily both at the opening of the development and in the future. There would therefore be minimal impact on the efficiency and safety of local road network from increased traffic movements. It is noted that Policy T14 of the Local Plan requires travel plans for major developments, but that is not considered appropriate in this case as the vast majority of increased traffic is HGV movements directly connected with the use of the site and not such that can be influenced by travel plans.

Sufficient space within the site is proposed for vehicle circulation and parking, enabling cars and HGVs to enter and leave via a single entrance onto the site. This is currently kept closed and operated via an intercom system, but the proposal is to leave this gate open so that vehicles entering the site do not need to queue on the highway. There is sufficient space before the weighbridges for 3 vehicles to queue.

On this basis it is considered that the application is acceptable in terms of the highways impact, subject to conditions securing parking and circulation areas and appropriate lorry routing. It is therefore in accordance with the provisions of Policies TP3, TP15, TP17 and TP19 of the Structure Plan and Policies T1, T2 and T13 of the Local Plan.

Developer Contributions

Policy S6 of the Local Plan states that developments will be expected to meet needs for social infrastructure etc. that arise from the development. To this end the Council has adopted a *Guide to Developer Contributions* setting out the level of contribution that would be expected of all new developments.

In the case of the current proposal, the requirement that arises is for a contribution of £2,084 (£1 per 1m²) towards the Council's Training and Workforce Development Programme, which is intended to address current and forecast skills shortages in the construction industry. This is also in accordance with emerging RSS Policy RE4 relating to workforce development. The applicant has indicated this contribution is acceptable to them.

Conclusions and Reasons for Approval

The application site, being within an industrial area, is considered a suitable location for this facility. Although not a B1, B2 or B8 use the proposal is industrial in nature and would therefore not result in any loss of employment land. It will assist in meeting various aims of local and regional waste policy and any impacts in terms of noise, contamination and highways can be adequately mitigated by way of conditions. The proposal is therefore considered to be in accordance with the abovementioned Development Plan policies.

This application would ordinarily fall to be determined under officers' delegated powers but is referred for Members' consideration due to the number of representations received contrary to officers' recommendation.

5 MC2008/1614

Date Received: 25th September 2008

Location: Former Akzo Chemical Works Site, Pier Road, Gillingham ME7 1RL

Proposal: Construction of a 120 bedroom Hotel with associated car park and external works

Applicant: Harrow Link Limited C/O The Hitchman Stone Partnership

Agent: Mr C Hitchman The Hitchman Stone Partnership 14 Market Place
Warwick Warwickshire CV34 4SL

Ward: Gillingham North

Recommendation - Approval with Conditions

(as amended by drawings and documents received on 31st October 2008 and 27th November 2008)

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 Prior to the hotel becoming operational there shall be submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected and the approved boundary treatment shall be erected in accordance with the approved details prior to the bringing into use of the hotel and shall thereafter be retained.
- 3 Notwithstanding the submitted details, details and samples of any materials to be used externally shall be submitted to and agreed in writing by the Local Planning Authority before development is commenced above the ground floor slab level and development shall be carried out in accordance with the approved details.
- 4 Prior to the commencement of the development hereby permitted, details of the following architectural elements shall be submitted to and approved in writing by the Local Planning Authority:
 - window and window panel designs including sections showing wall/window junctions, window/panel junctions, panel/ wall junctions (main building);
 - sections through ground floor/ first floor junction, brieese-solie at upper floors, parapet/roof junction (main building);
 - curtain walling on entrance tower;
 - masonry wall, wall/ window, and roof /window junctions on entrance tower.

Elevations and sections of the details shall be submitted at a scale of not less than 1:20. The development shall be implemented strictly in accordance with the approved details and all items which form part of the approved scheme shall

thereafter be retained, unless any variations are otherwise first approved in writing by the Local Planning Authority.

- 5 Notwithstanding the submitted details, prior to the commencement of any development above ground floor slab level full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels of contours; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artifacts and structures (e.g. external furniture, signs, lighting etc). Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and implementation programme.
- 6 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. The approved planting stock shall be maintained for a minimum period of five years following its planting and any of the stock that dies or is destroyed within this period shall be replanted in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
- 7 The area shown on the permitted drawings for vehicle parking shall be surfaced, marked out, drained and made available for use prior to the hotel becoming operational. The vehicle parking shall be kept available for such use and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.
- 8 No part of the development shall be occupied until underground ducts have been installed by the developer to enable telephone, electricity and communal television services to be connected to any premises within the site without recourse to the erection of distribution poles, satellite dishes and overhead lines and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking and reenacting that Order), no distribution pole, satellite dish or overhead line shall be erected within the area except with the express consent of the Local Planning Authority.
- 9 No soakaways shall be permitted as part of this development unless otherwise agreed in writing with the Local Planning Authority.
- 10 Development shall not commence until the method for piling foundations has been submitted to and approved in writing by the Local Planning Authority. The piling shall be undertaken in full accordance with the approved details.
- 11 Prior to the commencement of the development hereby permitted a construction code of practise that describes measures to control noise and dust impacts arising from the construction phase of the development shall be submitted to and

approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved code of practice.

- 12 Prior to the commencement of the development hereby permitted, a scheme for protecting the proposed development from transport related noise, shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include details of acoustic protection sufficient to ensure internal noise levels (LAeq,T) no greater than 30dB in bedrooms with windows closed. Where the internal noise level (LAeq,T) will exceed 30dB in bedrooms with windows open, the scheme shall incorporate appropriately acoustically screened mechanical ventilation. 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.
- 13 Prior to the commencement of development a scheme that specifies the provisions to be made for controlling noise emanating from the hotel activities shall be submitted to and approved in writing by the Local Planning Authority. All works that form part of the approved scheme shall be completed before the first use of those activities on site and shall thereafter be maintained for the duration of use.
- 14 Prior to the development above ground floor slab level, details of the bin store and a cycle parking shelter shall be submitted to and approved in writing by the Local Planning Authority. The approved store and shelter shall be constructed prior to the hotel becoming operational and thereafter maintained in accordance with the approved details.
- 15 Prior to the commencement of any works in connection with the development hereby permitted, wheel cleaning facilities shall be provided on the site in accordance with details submitted to and approved in writing by the the Local Planning Authority and shall be used at all times during the construction of the development hereby permitted.
- 16 No development above ground floor slab level shall be undertaken until details of bat bricks and bird boxes as well as the enhancement of the landscape features for bats and birds have been submitted to and approved in writing by the Local Planning Authority. These details shall be undertaken in accordance with a timeframe to be agreed in writing with the Local Planning Authority as part of the details submitted.
- 17 Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority to ensure :
 - i) ground floor Finished Floor Levels are set no lower than 6.2metres above Ordnance Datum Newlyn;
 - ii) a suitable means of safe egress is provided above revised 1 in 200 year tide level of 6metres above Ordnance Datum Newlyn;
 - iii) the incorporation of flood-proofing measures.

The development shall be constructed and maintained in accordance with the approved details.

- 18 The development of the site should be carried out in accordance with the approved Remediation Strategy approved under application MC2004/1214.
- 19 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, for an addendum to the approved Remediation Strategy. This addendum to the approved Remediation Strategy must detail how this unsuspected contamination shall be dealt with and from the date of approval the addendum(s) shall form part of the Remediation Strategy.
- 20 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development within Parts 1 or 2 of the second schedule to the Order shall be carried out on the site without the prior written approval of the Local Planning Authority.
- 21 The development hereby permitted by this planning permission shall not be commenced until an appropriate mechanism relating to the land has been made and lodged with the local planning authority and the local planning authority has subsequently approved the details of the mechanism. The said mechanism will provide for the payment of an appropriate sum towards Training and Workforce development.

For the reasons for this recommendation for approval please see Planning Appraisal section and conclusions at the end of this report.

Site Description

The application site is located to the southern part of the former Akzo Nobel chemical site. It fronts the northern side of Pier Road and has a street frontage of about 60m. The site area measures about 0.43 hectares.

To the east of the site is the newly constructed access road for the redevelopment of the former Akzo Nobel chemical works (outline approved under application MC2004/1214) and beyond that is the partly constructed student accommodation and supermarket that gained planning consent under application MC2007/1025. To the western side of the site is the Pier Road Industrial Estate and Veolia Waste Management Site. To the north of the site is the remainder of the former Akzo site that benefits from outline planning permission for a mixed use development. On the opposite side of Pier Road is historic residential development – a mixture of terraces, semi-detached and a single detached dwelling.

The land is primarily flat and the vehicular access to the site is from Pier Road. All the industrial buildings on the site have been demolished and the resulting materials have been removed from the land in preparation for the redevelopment of the land pursuant to the outline planning permission granted under ref MC2004/1214.

Proposal

While the outline planning permission for the mixed use redevelopment of the Akzo site included the provision of a hotel in approximately the position now being applied for, this is

not a reserved matters application but is a full planning application as the siting of the hotel does differ from the siting approved as part of the outline application. As siting was not a reserved matter a full application is required.

This is a full planning application for the construction of a six storey hotel building with the main roof height of the about 18.4m. There are proposed towers at each end of the building and the western 'tower' will have a roof height is about 20.6m and at the eastern 'tower' end a maximum height of about 23.5m. The hotel will be about 14m wide and set back from the back edge of the footpath of Pier Road between about 6m and 8.5m.

Fenestration in the main body of the building uses larger floor to ceiling window panels at ground floor level; at first to fourth floor levels are square windows that are enclosed in a larger framed area that also encompasses coloured trespa panels and back painted glazed panels. These mosaic window units are mostly about 2m square with a fewer number at 1m wide by 2m high. They are arranged so they appear somewhat random in pattern but are in fact ordered in their arrangement. The upper storey windows are to be square windows set into the grey trespa tiles. All windows are to be of a grey aluminum frame.

The feature tower at the eastern end of the building is of a semi-circular design with the northern and southern parts of the tower of distinctly differing character. The southern part of the tower has a monopitched roof, sloping at a about a 12 degree angle, with glazing panels at its upper level. The tower adjoins the main body of the proposed building by the use of a vertical glazed link.

The northern part of the tower is recessed back from the southern part of the tower in two planes. This part of the tower is fully glazed with the ground and first floor levels being at one plane and the second to sixth storey levels being at a further recessed plane. An entrance canopy will identify the entrance to the hotel.

The building will provide 120 bedrooms (5% suitable for disabled use), 2 small meeting rooms and other ancillary facilities for support of the hotel operation, 105 parking spaces (including 6 disabled parking bays), 10 bicycle parking spaces and associated landscaping. There are no public bar or restaurant facilities proposed.

The main façade of the building faces to the north, onto the hotel car park, with the entrance to the hotel building being on this elevation as part of the eastern 'tower'. Access is gained to the car park from an access road internal to the whole redevelopment site. Ancillary external structures include a shelter structure between the central parking bays and a bin store adjacent to the western boundary. Access to the car park is to be controlled by a barrier. Plant to support the operation of the hotel is to be located centrally along the spine of the main roof.

Relevant Planning History

MC2004/1214	Outline application for the redevelopment of former industrial works to provide 808 residential units, 11 live/work units, retail use, restaurant, hotel with ancillary pub and restaurant, offices (Class B1a), doctors surgery (Class D1), community facility use (Class D1), crèche, harbour masters, 93 bed student accommodation, new access arrangements, associated landscaping and car parking (demolition of all existing buildings) Approved 28 May 2006
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- MC2006/1277 Redevelopment of site to provide accommodation for 405 students with ancillary facilities, 32 affordable residential flats, 219 sqm of retail (Class A1), and coffee shop access, landscaping and parking facilities.
Approved 19 February 2007
- MC2007/1025 Redevelopment of site to provide accommodation for 604 students with ancillary facilities, 1,202 sqm of retail use (Class A1/A3) with coffee shop, including access arrangements, associated landscaping and car parking facilities.
Approved 24 August 2007

Representations

The application has been advertised in the press as a Major Development. Neighbour notification letters have been sent to the owner/occupiers of: Chestnut Cottage, 1 to 3 Chestnut Villas, 1 and 2 Pier Cottages and Units 1 to 30 (inclusive) Pier Approach Road (industrial estate), 1, 3, 4 and 6 Camden Road, 1 and 3 Baden Road, 1 to 13 (odds) and 22 to 40 (evens) Leslie Road, Gillingham Corporation Depot and Site (GB) Ltd Pier Approach Road.

Consultations have also been undertaken with EDF Energy, Kent County Constabulary, Southern Gas, Environment Agency and Southern Water Services Ltd.

No letters of representation have been received from neighbours following consultation.

Kent Police Architectural Liaison Officer comments that the parking level of 105 car parking spaces for 120 bed hotel may be slightly inadequate at maximum occupancy. There may occur the use of the car park by students or their visitors seeking parking. Recommends increasing parking to one space per bedroom. A lack of parking may result in inappropriate parking therefore adversely impacting highway safety. Hotel customers may need to park away from the site and therefore their cars will be less secure. A good lighting scheme is required so to not adversely affect security in car park. The proposed plan may need revision. The shelters in the car park will result in decreased security for cars and suggests are designed out. Installation of CCTV advised. Landscaping may be used to prevent desire lines of access from Pier Road to the car park. Recommends developers refer to National Counter Terrorism documents relative to Hotels and Restaurants.

Southern Water has no objections to proposal.

Southern Gas Networks advise that the developer should, where required, confirm the position of mains using Hand Dug Trial Holes and safe digging practices should be in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services".

Environment Agency has commented regarding the Flood Risk/ Contamination/ Waste Management and Water Quality and has recommended planning conditions in regard to these matters.

Development Plan Policies and Planning Brief

Kent and Medway Structure Plan 2006

Policy SP1	(Kent's Environment)
Policy SS1	(Spatial Strategy)
Policy TP2	(Location of New Development)
Policy TP11	(Pedestrians and Cyclists)
Policy TP12	(Access to the Primary Road Network)
Policy TP19	(Vehicle Parking Standards)
Policy NR9	(Pollution Impacts)
Policy NR6	(Development Sensitive to Pollution)
Policy NR8	(Water Quality)
Policy NR10	(Development and Flood Risk)
Policy HP3	(Previously Developed Land)
Policy QL1	(Quality of Design)
Policy QL2/QL3	(Public Realm)
Policy EP10	(Sustainable Tourism Development)
Policy EP11	(Tourism Development and Regeneration)
Policy EP12	(Tourism Accommodation)

Medway Local Plan 2003

Policy S1	(Development Strategy)
Policy S2	(Sustainable Development)
Policy S4	(Quality of Built Environment)
Policy BNE1	(General Principles)
Policy BNE2	(Protection of Amenity)
Policy BNE3	(Noise Sensitive Development)
Policy BNE5	(External Lighting)
Policy BNE6	(Structural Landscaping)
Policy BNE7	(Access for All)
Policy BNE23	(Contaminated Land)
Policy BNE37	(Wildlife Habitats)
Policy ED1	(Existing Employment Areas)
Policy ED12	(New Tourist Facilities)
Policy ED13	(Hotels)
Policy T1	(Highways Impact)
Policy T2	(Provision of Safe Access)
Policy T3/T4	(Pedestrian and Cycle Facilities)
Policy T12	(Traffic Management)
Policy T13	(Vehicle Parking Standards)

Gillingham Waterfront Planning Brief June 2004 (Final adoption July 2004)

Planning Appraisal

This application raises the following main issues for consideration:

- Principle of Development
- Siting, massing and design
- Amenity
- Highway matters
- Other matters

Principle and mix of Development

The principle of the development of this site for a hotel has already been established by the outline planning permission granted under application MC2004/1214. This outline permission also established the siting of development on the site. The hotel siting at that time was as a single building that consisted of a hotel/restaurant/bar that wrapped around the western side of the new access road junction and attached to a residential block.

Although this application is not submitted as details pursuant to the outline permission, it is considered that the proposal to create a hotel in this part of the site is in line with the approved outline permission and as such there is no objection to the principle of the development.

The outline application considered in detail matters of flood risk, archaeology, contamination and redevelopment of employment land across the whole site and the location of a hotel as part of the mixed use of the redevelopment of the site. As this is not a reserved matters application it is necessary to impose conditions again that reflect those issues where appropriate.

Siting, Massing and design

In consideration of the redevelopment of the former Akzo Nobel site it is envisaged that the development will create a vibrant new waterfront destination for Gillingham. The Development Brief considered that this would be achieved through well-planned innovative design and utilising sympathetic materials the development will provide access to the waterfront with interesting vistas, streetscapes and significant areas of public realm.

Members will be aware that the Committee of 18 October 2006 approved the design framework and design codes for the Gillingham Riverside development, which this development needs to be assessed against.

Since the approval of the Development Brief there has been the approval of two blocks of student accommodation to the eastern side of the application site, which are currently under construction. These buildings were approved at 6 storeys high with a white render finish and horizontal panels of red trespas tiles and vertical panels of grey trespas tiles and the use of architectural masonry at ground floor level. The upper storey is clad with grey trespas tiles.

The student accommodation buildings were considered to be well located in relation to Pier Road, the street scene and in relation to each other. The active frontages would make the space/ public realm around the buildings vibrant.

In terms of the hotel development the applicant has used a strong 'tower' feature at the eastern end of the main body of the building. The glazed part of the tower, including main entrance, faces into the site but is however apparent from Pier Road to the east due to the open treatment of the western side of the junction. In addition the design is well detailed with

the use of a strong tower feature and glazed link to the main body of the building, the building uses horizontal projecting banding and an interesting and unusual design of fenestration.

The hotel is proposed as 6 storeys high, which is the same number of storeys as the adjacent student accommodation. The finish materials for the building have not yet been agreed and an appropriate condition is recommended requiring details to be submitted and approved prior to commencement.

The design of the hotel allows these adjacent buildings to create a unified streetscape but at the same time maintains a distinctly separate identity for the different uses.

The hotel development is to be set further back from Pier Road than the student accommodation by between a further 1m and 3.5m. This will allow for additional landscaping to the front of the hotel. The submitted landscaping proposal will need further revision following final agreement of the student accommodation landscaping to ensure a unified landscaping identity along Pier Road. This matter is to be controlled by planning condition.

The hotel is considered to be a well-designed and attractive building with good external detailing (subject to minor negotiation), vibrant colours, fenestrations and proportions. It is considered that it will relate well to the scale and design of the student blocks and will aid the establishment of a new streetscape along this part of Pier Road.

An area has been retained by Berkeley Homes at the junction of the access road, outside of the site of the proposed hotel, for the location of an entrance feature to this Gillingham riverside area. The entrance feature and landscaping treatment of this area will also serve to filter the view from the public highway of the hotel parking area.

Internally, it is appreciated that the size of the rooms are small at around 16.1 metres square. The applicant company builds and manages hotels on the behalf of various operators and advises that the hotel accommodation scale and layout is designed to meet the standard for a number of hotel operators and as such the size of the rooms and other internal provisions is considered to be acceptable.

It is considered that in addition to the development brief the proposal adheres to the detailing of the design Framework and design codes and the terms of the adopted development plans policies of BNE1 and QL1.

Amenity

It is considered that given the isolated location of the application site and the substantial distance from the surrounding residential properties the proposal would not cause unacceptable harm to the amenities of the nearby residential dwellings.

The existing industrial units to the west of the application site are not sensitive to overshadowing due to their commercial nature and lack of associated outdoor operational space.

Pier Road is a very busy and noisy road and future occupiers could be affected by the noise from the road. In addition there are surrounding industrial and commercial uses in close proximity to this site. Conditions are required to ensure an acceptable level of noise is experienced in bedrooms and living areas of the hotel.

Measures will need to be agreed via conditions to control noise and dust affecting neighbours during the construction phase of the development.

Subject to the relevant conditions the development is considered to comply with the relevant Development Plan policies regarding amenity matters.

Highway matters

The current application proposes 105 car parking spaces (6 of which are for disabled parking) and covered parking for 10 bicycles. The applicant has also provided a plan demonstrating HGV access around the car park for service vehicles, waste collection and coach drop off/collection.

The adopted Vehicle Parking Standards for hotels is a maximum of 1 car parking space per room and cycle parking to be determined on individual merits. The proposed level of parking of 105 parking spaces for 120 bedrooms and parking for 10 bicycles is considered to be acceptable for this development.

Under the outline planning permission MC2004/1214 a total of 79 parking spaces were allocated for use by the hotel. The applicant's agent advises that the additional parking spaces for the hotel have been gained partly by optimising the parking area design and partly the 'encroachment' of 14 parking spaces formerly allocated for use by block 'M' in phase 1.

There is a parking requirement across the wider site for a parking ratio of 1:1 (residential parking). The parking spaces across the wider site will not be allocated to individuals but managed by the parking management staff that will be based at the site. (The parking management regime has been agreed as part of the under the outline application consideration and legal agreement.)

The applicant's agent has justified the loss of 14 of the parking spaces associated with block M as the student accommodation application (MC2007/1025) saw the provision of an additional 32 parking spaces over that agreed for this block in the outline application. It was agreed under this application that these spaces are to be utilised as parking for the wider site (not for student parking). In this way parking ratios requirements for the wider site will remain at 1:1 and the re-allocation of the 14 spaces to support the hotel operation is accepted.

Kent Police have raised concern that there may be the temptation for students or their visitors to park in the hotel car park but the applicant's agent confirms that car park access will be controlled by a barrier.

It is considered that the parking and access arrangements for the proposed hotel would be acceptable, and would accord with Policies T1, T2, T12 and T13 of the Local Plan.

Other matters

Air Quality – parts of this site that front Pier Road will be subject to a poorer air quality than sectors that are further from the road. The submitted document makes reference to this matter but it has already been considered at the earlier stages of the redevelopment of this site and as such is accepted.

Contamination – there is the need to ensure that the remediation strategy agreed for the outline planning application MC2004/1214 is implemented also on this site and that the outstanding matters of capping and the importation of material for soft landscaping areas are agreed and carried out in accordance with the agreed details. This can be achieved through planning condition. Similarly a condition is required re piling

Employment – this development will provide employment for 20 full-time staff and 12 part-time staff – which will contribute towards the overall employment expectations on the greater site of around 200 jobs.

Flood Risk – The conditions requested by the Environment Agency are recommended to be imposed

Ecology – Similar conditions to those imposed on the outline approval are recommended regarding bat bricks and bird boxes

Training and workforce Development - The applicant has confirmed that he agrees to pay the developer's contribution of £4,000, which reflect the requirements of the adopted 'Guide to Developer's Contributions' (adopted April 2008) and as identified by the relevant party that a contribution is relevant. The mechanism for payment of the contributions is to be secured by planning condition

Conclusions and Reasons for Approval

The proposed hotel is acceptable in principle reflecting the outline permission granted. It is of a height commensurate with the student accommodation under construction and has been well designed. There will be no impact on amenity and 105 parking spaces is acceptable to serve the development. Appropriate conditions are recommended to address all outstanding matters of detail. The application conforms to the above mentioned Development plan policies and is therefore recommended for approval.

This application would normally fall to be determined under Officers delegated powers but it is being referred for determination by the Development Control Committee as that Committee has determined the outline application and the other applications relating to the student accommodation fronting Pier Road.

6 MC2008/1566

Date Received: 19th September 2008

Location: 208-214 Windmill Road Gillingham ME7 5PE

Proposal: Outline application for demolition of existing buildings and construction of nine apartments

Applicant: Mr P Giles Apartment 9 102 The Lakes Larkfield Kent ME20 6GY

Agent: Mr M Phillips Architecture One LLP 1 King Mews Crow Lane Rochester Kent ME1 1RE

Ward: Gillingham South

Recommendation - Approval with Conditions

(as amended by plans received on 3 November 2008)

- 1 Approval of the details of external appearance of the building and the landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
- 2 Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted in writing to the Local Planning Authority for approval. Such application for approval shall be made to the Authority before the expiration of three years from the date of this permission and the reserved matters shall be carried out in accordance with the approved details.
- 3 The development to which this permission relates must be begun no later than the expiration of 2 years from the final approval of reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
- 4 The development to which this permission relates must be begun no later than the expiration of 2 years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
- 5 No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is occupied and shall thereafter be retained. Development shall be carried out in accordance with the approved details.
- 6 Prior to the first occupation of the development hereby permitted, vision splays of 2.0 metres x 2.0 metres shall be provided on both sides of the vehicular access points and no obstruction of sight more than 0.6 metres above carriageway level shall be permitted within the splays thereafter.

- 7 Prior to any occupation of the development, details of the design, location and capacity of secured covered cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be provided in accordance with the approved details prior to the first occupation of the building.
- 8 Prior to the commencement of the development hereby permitted, a scheme to minimise the transmission of noise from the use of the living room of flat 5 to the bedroom of flat 2, shall be 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.

For the reasons for this recommendation for approval please see planning appraisal section and conclusion at the end of this report.

Site description

The application site is located within the defined urban boundary of Gillingham in a predominantly residential area. The land slopes down to the south and west and Windmill Road has on street parking restricted to permit holders only. The Medway Maritime Hospital is located on the northern side of Windmill Road with residential properties to the southern side. The residential properties in the street are mainly 2-storey terraced however the immediate vicinity of the site has detached and semi-detached 2-storey dwellings creating a mixed street scene.

The application site is currently occupied by a detached bungalow along with its residential curtilage. The site is set above the highway and there is currently one off road parking space in a detached garage. The garden is lawn and planting. There is a retaining wall on the front boundary with planting and fencing on the boundaries surrounding the rear garden.

Proposal

The proposal seeks outline consent for demolition of the existing buildings and construction of one block comprising nine apartments. The application originally proposed 12 units but has been amended following negotiations. This application seeks approval of the access, layout and scale with appearance and landscaping reserved for future consideration.

The plans show the front elevation of the building would be set back approximately 0.7m - 1.3m from the front boundary. The building varies between 10m – 14m in depth. There is a parking area to the rear providing off road parking for four vehicles. This area is access by means of a driveway on the northern side of the building. There is also a communal amenity space shown to the rear measuring approximately 3m x 3.5m. The building would have two elements, the main measuring between 11m – 12m in height to the ridge and the second measuring approximately 10.5 metres in height to the ridge.

The appearance of the building is not being considered at this stage however the plans show a building that would appear to be a terrace of three units. Layout and scale is for consideration at this stage and clearly that will influence appearance to a degree. Both elements of the building would have accommodation arranged over three floors. The elevation detailing currently shows bay windows on the front elevation along with three entrance doors, a dormer window and entrance feature over the vehicular access.

The flats would be one bedroom and arranged over the three floors of the building resulting in the units have internal an internal floorspace of between 41.06m² – 48.44m². On the ground floor there would be 3 flats, with access from a front door. That front door will also provide access to an internal stairway that will lead to the upper accommodation. At first floor there will be 3 flats with a further 3 within the second floor and roof area.

Site Area/Density

Site area: 0.046 ha (0.113 acres)

Site density: 195 dph (79 dpa)

Representations

The application has been advertised in the press and on site and neighbour notification letters have been sent to the owners / occupiers of 174, 176, 182, 188, 190, 198, 202, 206, 216 and 218 Windmill Road and 75, 76, 80 and 82 Longfellow Road. The Kent Police architectural Liaison officer, Primary Care Trust, EDF Energy and Southern Gas Networks have been consulted.

Replies on original scheme for 12 flats

Thirteen letters of representation were received objecting to the application and raising the following concerns: -

- Over intensification of the land – likely increase in persons from 2 to 24 and subsequent pressures on parking, noise and traffic
- Lack of amenity space for flats
- Smell caused from a refuse store serving 12 units
- Use of the existing rear garden as a car park is out of keeping with the surrounding area
- Light pollution
- Noise generated from driveway and gates (if electric) would impact occupants of 206 Windmill Road.
- Reduction in light and views enjoyed by 206 Windmill Road
- Loss of privacy to surrounding dwellings.
- Impact on the structural integrity of 206 and 216 Windmill Road.
- Visually out of keeping with the existing Victorian and early 20th Century housing.
- Traffic pressure on surrounding roads
- Busier road would result in increased danger to pedestrians.
- If approved there should be restrictions on working times on site due to residential setting.
- Will the proposed soakaway be sufficient on site?
- Little consideration has been given to landscaping
- Loss of view from 76 Longfellow Road
- Developers may not sell units due to financial crisis
- Overdevelopment of site
- Flat 12 would not have a proper bathroom
- Flats are not appropriate in the area, which only has houses.
- There is no disabled access or alternative fire escape

- Additional bathrooms would put pressure on the existing sewerage system
- Parking area to rear too small
- Pressure for on street parking
- Increased potential for anti-social behaviour and crime
- Issues raised concerning the proximity of a working chimney at 216 Windmill Road.
- Loss of sunlight and privacy to 202 Windmill Road
- Loss of view from 80 Longfellow Road

Cllr Juby has written to raise the following concerns on the application and to require its determination by Committee rather than under delegated powers:

- Overdevelopment of the site
- The lack of parking provisions placing even further pressure on “on-road” parking in an area where parking is already a problem
- The height of the building is inconsistent with the existing street scene
- If granted, the proposed building will overlook No’s 206 and 216 rear gardens
- From the plans, vehicle access to the rear parking areas looks too narrow and could cause safety concerns for pedestrians trying to enter the building.’

Re-consultation following the submission of revised drawings

Seven letters of objection have been received raising the following comments: -

- Objections remain as previously stated.
- 9 units are excessive and the development is too large.
- Parking and environmental issues.
- Units would not sell in the current market.
- Anti-social behaviour
- Loss of view from number 206
- Loss of light and privacy at 202
- 9 apartments are not in keeping with the street scene
- Modern apartment block not in keeping with existing Victorian and Edwardian dwellings.
- In bad weather danger to drivers due to the adverse camber of the junction.
- Increased danger to pedestrians and cyclists going to and from Chatham Hill.
- Increased pressure on local services.
- Would prefer no parking provision in the back garden however with 9 flats there would not be sufficient on-street parking.

Cllr Juby has written objecting to the revised plans on the following grounds:

- The revised plans seems to indicate that there is even less parking provision than on the original plans and this will put even further pressure on “on-road” parking in an area where parking is already a problem
- Represents an overdevelopment
- I still have concerns that the properties will overlook the rear gardens of No’s 206 and 216 Windmill Road
- Even on the revised plans, the vehicle access to the rear parking areas looks narrow and could cause safety concerns for pedestrians trying to enter the building

- I still have some concerns about the proposed buildings being inconsistent with the existing street scene.

Cllr Sheila Kearney has called the application in to committee for the following reasons:

- Over intensification.
- Parking - putting further pressure on the already oversubscribed 'on road' parking.
- Narrowness of the access to the rear parking area.
- Overlooking the neighbouring gardens and the closeness of the proposed building to the side windows of no. 206 Windmill Road.

Other Comments Received

Southern Gas Networks has written providing information regarding gas mains on site and matters to be considered during construction.

Kent Police Architectural Liaison Officer has written to advise that he has no significant concern with the application though raises the following points:

- Recommend the gates are of an automatic operation so drivers are not required to alight vehicles
- Utility metres and mailboxes should be located externally
- Front boundary treatment should be designed to deter congregation.
- Additional on site parking is recommended.

Development Plan Policies

Kent and Medway Structure Plan 2003

Policy QL1	(Quality of Development & Design)
Policy HP4	(Housing: quality and density of development)
Policy TP19	(Vehicle Parking Standards)

Medway Local Plan 2003

Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)
Policy BNE3	(Noise)
Policy H4	(Housing in Urban Areas)
Policy T13	(Parking Strategy)

Planning Appraisal

The determining issues in relation to this application relate to:

- Principle and density
- Street scene and design;
- Neighbour amenities; and
- Highway matters

Principle and Density

The site is located within the urban boundary of Gillingham. Both national and local policies support the development and creation of residential units on these sites in favour of countryside locations. The site is currently occupied by a residential unit and is located within a residential area. The existing property is a bungalow in an area of terraced properties and is of a low density within a central urban area where density is generally high. Government and local policy is to maximise and make effective use of such inner urban sites at an appropriate density.

The density of the development equates to approximately 195 dwellings per hectare (dph). While this is higher than surrounding development, it does make more effective and efficient use of the land than the existing bungalow and the determining issues will relate to whether the development proposed is acceptable in terms of layout, amenity and highway matters and if so then the density would be considered appropriate.

Therefore the proposal is considered acceptable and in accordance with policy HP4 of the Kent and Medway Structure Plan 2006 and policy H4 of the Medway Local Plan 2003.

Street scene and design

The street scene mainly comprises of 2/3-storey terraced dwellings along with some semi-detached or detached properties. In terms of scale the proposed building would be of a comparable height to the existing dwellings in the street and it would respect the stepping down of the built form from north to south on Windmill Road. The overall massing and scale of the building would fill in a gap in the street frontage and be more complementary to Windmill Road than the existing bungalow. The building would also be set back from the pavement edge by a similar distance to other existing dwellings in the street. In terms of layout and scale therefore the building would be in keeping with the character and appearance of the street scene.

The appearance of the building is reserved for future consideration however the elevation drawings submitted with the application illustrate that a building design complementary to the street scene can be achieved on site based on the layout and scale proposed.

The proposal is considered acceptable and in accordance with policy QL1 of the Kent and Medway Structure Plan 2006 and policy BNE1 of the Medway Local Plan 2003.

Neighbours Amenities

As the detailed design of the houses is reserved for future consideration, a full assessment of the impact on neighbouring properties in terms of positions of windows and loss of privacy issues cannot be made. However it is likely, given the proposed layout and the indicative elevations that the principal windows would be on both the front and rear elevations, rather than on the side. The internal layout of the flats gives a very clear indication as to the likelihood of window locations and this has then been shown on the illustrative plans. One window is shown on the ground floor plan in the northern elevation serving flat 3 however boundary treatment would adequately protect the privacy of 206 Windmill Road. There would be overlooking down the gardens, but as the properties in the area are all two storey this situation already exists and would not be exacerbated to any unacceptable degree by the proposed development.

There are no windows in the side flank of 216 Windmill Road that face the application site. In the rear elevation there is one window at first floor level with a ground floor rear projection. The section of the proposed building immediately adjacent to 216 would not project as far as this first floor window and due to the slope of the land the ground floor projection at 216 would be located at a lower ground level than the proposed building. As such there would be no detrimental loss of outlook or daylight at this dwelling. Number 216 is located to the south of the site and as such there is no concern raised regarding overshadowing.

The proposed building would be set off of the boundary with number 206 by approximately 2.8 metres with the pitched roof over the access feature being located up to the boundary at ground floor level. Number 206 has two windows in the side elevation facing the application site which appear to serve a stairwell and attic room. The attic room also has roof lights in the rear roof slope. The building would project approximately 2.5 metres further than the recessed section on the rear elevation of 206. Taking into consideration the siting of the proposed building in relation to habitable room windows it is considered there would be no detrimental loss of outlook or daylight at the property. The rear garden of 206 Windmill Road faces southeast and due to this orientation and the path of the sun a shadow would not be caused by the development on that property until late in the afternoon. The roof ridge on the proposed building is also lower than on 206 due to the land sloping down to the south. It is considered any overshadowing would not be significant and is considered acceptable.

The access driveway would be located to the side of the building adjacent to the boundary with number 206 Windmill Road. This driveway would provide access to 4 spaces within the rear garden area. Due to the limited use of the drive in relation to accessing only 4 car parking spaces it is not considered that there would be an unacceptable impact on the amenities of adjacent properties through the parking and manoeuvring of vehicles along the access and within the rear garden area.

The size of the units is considered acceptable and would provide sufficient living space for the prospective occupiers. The flats would have sufficient levels of outlook, daylight and privacy. The amenity space to the rear is limited in size however this space coupled with the presence of the Great Lines open space within walking distance of the site would provide sufficient levels of amenity for future occupiers.

The proposal is considered acceptable in terms of amenity considerations and is in accord with policy QL1 of the Kent and Medway Structure Plan 2006 and policy BNE2 of the Medway Local Plan 2003.

Highways

Whilst the on-site parking provision is low, the site is in an accessible location close to local facilities and the A2 bus corridor. In addition, there is a substantial amount of controlled on street parking in the vicinity. On this basis, it is not considered that overspill parking from this development would prejudice highway safety.

The access width is acceptable for the small number of vehicles likely to be accessing the site, and there is satisfactory visibility where it meets Windmill Road. Conditions can secure the provision and retention of vision splays and the provision of cycle storage facilities.

The proposal is considered acceptable with regard to the impacts on the highway and is in accord with policy TP19 of the Kent and Medway Structure Plan 2006 and policy T13 of the Medway Local Plan 2003.

Conclusions and Reasons for Approval

The site is located within the defined urban boundary and as such the principle of residential development is acceptable. The building would be of an acceptable size and massing and the proposal is acceptable in amenity, highway and all other material planning considerations. The proposal therefore accords with the relevant provisions of the Development Plan and the application is accordingly recommended for approval.

This application would normally fall to be determined under officers' delegated powers, but is being reported for Members' consideration following requests from Cllr Mrs Kearney and Cllr Juby and due to the number of letters of received expressing a view contrary to the officers' recommendation.

7 MC2008/1718

Date Received: 24th October 2008

Location: 53-55 Orion Road Rochester ME1 2UH

Proposal: Outline application for the construction of six self contained flats over existing commercial use (demolition of existing maisonette) re-submission

Applicant: Mr P Giles Torchacre LLP Oakleigh Farm House Buckland Road Higham Kent ME3 7HY

Agent: Mr D Stoneman Architecture One LLP 97B Maidstone Road Rochester Kent ME1 1RL

Ward: Rochester South & Horsted

Recommendation - Approval with Conditions

- 1 Approval of the details of external appearance of the building, the means of access thereto and the landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
- 2 Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted in writing to the Local Planning Authority for approval. Such application for approval shall be made to the Authority before the expiration of three years from the date of this permission and the reserved matters shall be carried out in accordance with the approved details.
- 3 The development to which this permission relates must be begun no later than the expiration of 2 years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

For the reasons for this recommendation for approval please see planning appraisal section and conclusions at the end of this report.

Site Description

This application relates to part of a block of four retail units on corner of Orion Road and Leander Road (53, 55, 57a and 57b). As originally built, two units, 53 and 57b, had a first floor with self-contained flats above. Each flat was accessed via an external staircase to side and had mono-pitched roof. Units 55 and 57a were single storey with flat roofs.

Two of the retail units, 53/55, are occupied as a single unit and comprise a supermarket (Class A1); the authorised uses of both 57a and 57b are as a hot food take-aways (Class A5). The former was used as a take-away until it closed to allow building work to take place

over, whilst the latter benefits from an extant planning permission granted in 2005 under reference (MC2005/0546). At present these units are unoccupied.

In 2005 planning permission was granted to demolish the existing flat over 57b and to construct a further two storeys linking in with the upper floors above 57a to provide 6 one bedroom flats (3 on each floor). That development was constructed in brickwork with white stained boarding and has now been completed.

To the east, the site is bounded by Kelly House, a two storey building comprising elderly person's accommodation. To the south and west are houses, whilst to north, on the opposite side of Leander Road, there are flats. There are also two other shops with flats over on the opposite corner of the crossroads. Immediately to the south of the application site, there is a communal parking area to serve the shops and the surrounding area. This parking area could accommodate up to 15 cars. A service area to the rear of these shops is accessed via this parking area.

Proposal

As previously stated, planning permission has been granted and development carried out for 6 x one bedroom flats in two additional storeys above 57a and 57b Orion Road (MC2005/0685). A proposal to demolish the existing flat and to construct a development of 9 x one bedroom flats in three additional storeys above 53 and 55 was submitted and subsequently withdrawn by the applicant, when advised it was likely to be refused (MC2008/1072)

The building proposed under that scheme would have had a mansard roof and rise to a height of 13 metres. This would have compared to a height of 9.5 metres for the flats which have been built over 57a and 57b Orion Road and to a ridge height of 8.5 metres for the existing mono-pitched roof, which is to be demolished.

The current proposal is for a building comprising 6 x one bedroom flats. The building as now proposed would have a flat roof and rise to a height of 10.2 metres. This is slightly higher than the height of the flat roofed building over 57a and 57b Orion Road, to accommodate a brick parapet. In addition to works above the existing shop, the proposal also includes a three storey side extension, measuring 2.5 metres wide by 4.5 metres deep and rising to a height of 9.3 metres. This extension would accommodate an internal stairway giving access to all 6 flats and a secure cycle storage area on the ground floor. The proposed building would be constructed in brick with cladding on the upper floors.

Relevant Planning History

ME/77/532	Proposed supermarket, shop unit and storage. Approved 13 September 1977 Not implemented (no record of scheme which has been carried out can be found).
ME/81/239	Use of part of existing shop as take-away fish and chips shop. Approved 5 May 1981
ME/83/156	Single storey side and rear extension. Approved 6 May 1983

ME/87/833	Proposed first floor extension over existing ground floor. Approved 29 September 1987
ME/88/438	Proposed first floor extension over existing ground floor. Approved 13 September 1988
ME/88/1414	Single storey rear extension (53). Approved 31 January 1989
MC2003/2391	Construction of first floor extension to provide a two bedroom self-contained flat, external staircase and new shop access to rear (57) Approved 29 June 2004
MC2004/0887	Change of use from shop (Class A1) to hot food take-away (Class A3) Refused 18 June 2004
MC2005/0546	Change of use from shop (Class A1) to hot food take-away (Class A5) Approved 13 May 2005
MC2005/0685	Construction of first and second floor extension to provide six 1-bedroomed flats and three storey extension to side to facilitate access stairs (demolition of first floor flat) 57a and 57b Orion Road Approved 6 July 2005
MC2008/1072	Outline application for the construction of nine flats over existing commercial use (demolition of existing maisonette) Withdrawn

Representations

The application has been advertised on site and neighbour notification letters have been sent to the owners/occupiers of 39 and 62-82 (even) Leander Road; Flats 1-22 (consec) Kelly House, Leander Road; 40, 53/55 Orion Road. Kent Police Architectural Liaison Officer has also been consulted.

A petition (92 signatures) and one individual letter have been received on the grounds that:

- The proposal would add to problems of parking in the area;
- Loss of daylight/sunlight to flat opposite;
- The existing flats which were built three years ago are still not fully occupied.

A non planning consideration has been raised stating that some of the existing flats are being used by drug addicts and prostitutes and that there have been at least two police raids.

A letter has been received from Kent Police Architectural Liaison Officer making the following observations on the proposal:

- The communal access is situated in a recessed area adjoining the bin store. This area is already a point for unauthorised congregation and anti-social behaviour and with the access as shown these problems could continue;

- Access incorporating audio and visual links to the proposed flats is recommended to reduce opportunities for unauthorised circulation;
- Utility meters and mail boxes should be located externally to reduce the need for unnecessary access and potential bogus callers;
- There is no specific provision for residents parking and this may result in vehicles being parked remote from their owners' addresses and more vulnerable to crime. It may also lead to inappropriate parking;
- The overhang to the front could create a shelter which could again become a point for unauthorised congregation and anti-social behaviour
- There could be possible overlooking to and from the recent built flats.

Development Plan Policies

Kent and Medway Structure Plan 2006

Policy QL1	(Quality of Development and Design)
Policy TP19	(Vehicle Parking Standards)

Medway Local Plan 2003

Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)
Policy BNE8	(Security and personal safety)
Policy H4	(Housing in Urban Areas)
Policy T13	(Vehicle Parking Standards)

Planning Appraisal

The issues for consideration in respect of this application are:

- Whether the development is acceptable in principle;
- The design and appearance of the development;
- Amenity considerations; and
- Parking.
- It is also necessary to assess how this application addresses the concerns raised with regard to the previous proposal.

The principle of the development

The site lies within the urban area, as defined on the Proposals Map to the Medway Local Plan 2003 and within a predominantly residential area, a 1950's former Local Authority Housing Estate. Policy H4 of the Local Plan supports the principle of residential development in this location, including infilling, and the use of upper floors above commercial premises, providing a clear improvement to the local environment will result. The proposal is for both infilling and for the use of upper floors above commercial premises and therefore, subject to a clear improvement in the local environment, the principle of the development is acceptable.

Design and appearance

The original building, comprising four retail units, with two mono-pitched roofed flats above, was typical of its era (1970's), but had little design merit. When the application for the flat roofed building over 57a and 57b (MC2008/0685) was determined, it was considered that the development would enhance the character of the locality by improving the appearance of that part of the building and it would be of a similar character to the nearby three storey flats in Association Walk. Whilst the appearance of the building was improved, it is considered that the development over 57a and 57b presents a somewhat bland appearance to Orion Road which if continued onto the other frontage of the building, would be somewhat overbearing. In design terms it was accepted that there needs to be a similar development over 53 and 55 to restore a balance to the appearance of the entire building and to improve the appearance to Leander Road. When the previous application (MC2008/1072) was considered, it was felt that in order to attempt to avoid the blandness of the other part of the block, features should be introduced such as the upper floors overhanging the ground floor, brick piers and the mansard roof.

That previous proposal was for nine flats, and was for a taller building rising to a height of 13 metres compared to 9.5 metres for the previously approved scheme. It was felt that this would result in an over-intensive form of development, and accordingly the application was due to be refused on the grounds that the proposal would be out of character with its surroundings in terms of scale, mass, bulk and detailing and as such would be contrary to the provisions of Policy QL1 of the approved Structure Plan and Policy BNE1 of the Local Plan.

By reducing the number of flats from nine to six and reducing the height of the building from 13 metres to 10.2 metres, it is considered that the current application reduces the scale mass and bulk of the proposed building to a level that would be acceptable in this location, having regard to other development in the locality, particularly the flat blocks to the south-east in Association Walk. Accordingly, no objection is raised to the current application under the provisions of Policy QL1 of the approved Structure Plan and Policy BNE1 of the Local Plan.

Amenity considerations

When the previous application was considered, a concern was raised regarding the potential loss of light and overshadowing to the flats opposite the application site on the north side of Leander Road. That development comprises four flats (62-70 (even) Leander Road. These flats are set back well into their grounds with a 12 metres deep front garden; taking into account the width of the road, this means that there would be a gap of 26 metres between the proposed flats and these existing flats. Under the circumstances, it was considered that there would not be a significant impact on those flats in terms of light. In terms of distance 26 metres would satisfy the minimum privacy distance specified in Kent Design, although that distance only applies to back to back distances. The distance between the existing and proposed flats remains the same as for the previous application, but as the height of the proposed building would now be lower, the impact in terms of overshadowing onto Leander Road would be less.

There would be a gap of 36 metres to the flank wall of the property to the west, 39 Leander Road and accordingly there will be no unacceptable impact in terms of light or privacy. The

other property that could be affected is Kelly House, which would be 6 metres to the east of the proposed stairwell and 8.5 metres to the east of the proposed block-. However there are no windows in the flank wall of Kelly House and the proposed building would only project forward marginally to the front and rear of the existing building line. Again, therefore, there would be no issues in terms of light or privacy.

Finally, regard should be paid to the impact of the proposed flats onto the existing flats over 57a and 57b Orion Road. As the proposed flats are to the north-west of the existing flats, there would be no overshadowing as a result of the proposed development. Any potential overshadowing would be from the existing flats towards the proposed flats, but this would only affect the two rear flats, would not be significant and would only occur in the afternoon. The Kent Police Architectural Liaison Officer has raised a concern regarding potential overlooking. In this regard, there would be no direct overlooking; any potential overlooking would be at a 45 degree angle and the bow windows on the existing flats, looking towards the proposed flats, are obscure glazed.

Accordingly, no objection is, therefore raised to the proposal in terms of neighbour amenity under Policy BNE2 of the Local Plan.

Highways

The current adopted vehicle parking standards require the provision of 1.5 spaces per dwelling (maxima) within the urban area. Applying current standards to the original development would result in a requirement of one space per 18 square metres floorspace for retail premises. With each shop unit measuring approximately 10 metres by 7 metres this would give a floorspace of 70 square metres, 280 square metres in total, resulting in a requirement of 15 spaces (maxima) to serve the shops. Including the two flats, the original development would have required up to 18 spaces. The parking area immediately to the south of the site could, when fully occupied accommodate up to 15 vehicles.

The recent flat development over 57a and 57b would have required up to an additional 9 spaces. When that application was determined, it was considered that although no specific parking was to be provided to serve the proposed flats, the existing space was under utilised and, having regard to the fact that the site was reasonably close to public transport, no additional parking was sought and no highway objection was raised. The current proposal for a further 6 flats would result in a requirement for up to a further 9 spaces, making a total for the whole development of 33 spaces (maxima) for the site. However, as the site is relatively close to local shops and public transport facilities with a frequent bus service through the area; the existing parking area is under utilised and there is a reasonable amount of on street parking available in the vicinity, this level of parking is considered to be adequate to serve both the existing and proposed developments.

In the supporting statement "Transport/parking" the applicants' agent comments that the site is well served by public transport with bus service and a rail service within 2 miles. A cycle storage area would be provided to encourage occupants to use cycles. Furthermore, it is considered that any demand for additional parking could be met on surrounding roads.

Having regard to the afore-mentioned considerations, no objection is raised in terms of parking under Policy TP19 of the Structure Plan and Policy T13 of the Local Plan.

Other matters

The application includes a bin store with capacity for 1 x 1,100 litre euro bin for re-cycling and 2 x 1,100 litre euro bin for refuse. This is located in a storage area in front of the stairwell. The Kent Police Architectural Liaison Officer has expressed a concern regarding the location of the bin store and he has suggested moving the entrance forward and relocating the bin store. This has been discussed with the applicants' agent, but this is considered to be the only practical location for the bin store. The applicant does however advise that the entrance and bin store would be gated and secure, thereby preventing unauthorised access.

Conclusion and Reasons for Approval

It is considered that the proposed development is acceptable in terms of principle, design and appearance, neighbour amenity and parking and as such would comply with the provisions of Policies QL1 and TP19 of the approved Structure Plan and Policies BNE1, BNE2, BNE8, H4 and T13 of the Local Plan and the application is accordingly recommended for approval.

This application would normally fall to be considered under the officers' delegated powers but has been reported for Members' consideration on account of the number of letters of representation received contrary to the Officers' recommendation and at the request of Cllr. Clarke.

8 MC2008/0802

Date Received: 14th May 2008

Location: Hesperia Grain Road Lower Stoke Rochester ME3 9RE

Proposal: Construction of a two storey front/side extension and detached garage to front (demolition of attached garage to side)

Applicant: Mr A Marshall Hesperia Grain Road Lower Stoke Rochester Kent ME3 8JY

Agent: Mr D Graves D M G Designs 30 Woodside Green Cliffe Woods Rochester, Kent ME3 8JY

Ward: Peninsula

Recommendation - Approval with Conditions

(as amended by plans received on 8th September 2008)

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The area shown on the permitted drawings for vehicle parking shall be kept available for such use and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.
- 3 Details and samples of any materials to be used externally and any means of enclosure shall be submitted to and agreed in writing by the Local Planning Authority before development is commenced and development shall be carried out in accordance with the approved details.
- 4 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include planting plans, written specification and schedule of plants noting species and proposed numbers/densities and implementation programme, approved works shall be carried out prior to the first use of any of part of the proposed development or in accordance with a programme agreed with the Local Planning Authority.
- 5 Full details of front boundary treatment (fencing) to secure the frontage of the property shall be submitted to and approved in writing by the Local Planning Authority prior to the hardstanding shown on the approved plan being constructed unless otherwise agreed in writing by the Local Planning Authority. The approved fencing shall be installed prior to the first use of the hardstanding.

For the reasons for this recommendation for approval please see Planning Appraisal section and conclusions at the end of this report.

Site Description

The application site is a corner plot, located on the eastern side of Lower Stoke at the junction of Grain Road with the A228.

The area surrounding Hesperia is residential in character to the northwest but rural to the southeast and consists predominantly of mix of detached and semi detached properties of varied design. There are no on street parking restrictions within the local vicinity, however, the number of driveways would make continuous on street parking difficult.

To the northern side of the road development is more spacious and set back from the road more than the southern side where development is more close knit and dense.

The applicant's property is a detached two-storey property located on the southern side of the highway with a hard standing driveway and space for two vehicles to the front. To the side of the property is a hipped roof extension and store buildings within the rear / side garden, which itself is laid to lawn and is screened from neighbouring gardens and the A228 by 1.5, 1.8m and 2m close boarded fences. The side garden is bounded by a mix of shrubs and a tree that appears to be in a poor condition.

Proposal

The applicant seeks approval for the construction of a two storey side / front extension and a detached hipped roof garage to the front of the property. The side / front extension will have a depth of approximately 7.1m, whereby it projects beyond the front elevation by approximately 1.1m, is proposed to have a width of approximately 3.2m and have a height to the ridge of approximately 6.3m. This extension will comprise an enlarged kitchen / diner and an additional utility at ground floor and an additional bedroom with ensuite at first floor. The detached garage will be sited approximately in line with the front elevation of the proposed side extension and have a depth of approximately 7.5m, a width of approximately 3m and a height of approximately 3.5m. To facilitate the alterations, the existing side single storey extension and sheds are proposed to be demolished.

Representations

A neighbour notification letter has been sent to the owner and / or occupier of Olive Cottage, Grain Road.

Stoke Parish Council has written objecting to the application on the basis that the proposed garage would provide a loss of view at the road junction.

Development Plan Policies

Kent and Medway Structure Plan 2006

Policy QL1	(Quality of Development and Design)
Policy TP19	(Vehicle Parking Standards)

Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)
Policy T1	(Impact of Development)
Policy T13	(Vehicle Parking Standards)

Planning Appraisal

Street Scene and Design

The majority of the proposed extension will be to the side of the property and to the front, albeit with a modest projection, and will therefore have some impact on the street scene. By virtue of the width, roof shape and depth of the side / rear extension, and distance off of the boundary to Grain Road, the development is considered in keeping with the street scene. Furthermore, the roof shape and design corresponds with the existing dwelling.

The proposed garage has been designed (as amended) to fit in with the house and with the removal of the sheds and existing extension, will still leave a satisfactory level of garden land to serve the property. The garage will be on the corner of the property slightly forward of the house towards the road and could be considered to be unduly prominent in the street scene. This concern is however addressed through the conditions recommended regarding landscaping and boundary treatment which will soften and screen the development and make it acceptable.

The proposal therefore is in accordance with the provisions of Development plan policies QL1 and BNE1.

Amenity Considerations

The two-storey side extension and detached garage by virtue of their siting on the opposite side to Olive Cottage, will not impinge upon the daylight, sunlight, outlook and privacy of the neighbouring property Olive Cottage. There are no other properties that would be affected by the proposal.

It is therefore considered that the proposal complies with the provisions of Policy BNE2 of the Development Plan.

Highways

The proposal will provide for an additional bedroom, but the proposal also provides for a garage and an additional area of hardstanding, while retaining the existing hardstanding area to the front of the property. Accordingly at least two additional parking spaces will be provided to serve the property. While this exceeds the Councils parking standards, in view of the location of the property within the rural area, this is considered acceptable. Indeed it will assist in reducing pressure for on street parking to serve visitors to the property.

In relation to the concern raised by the Parish Council, the garage will not impact unacceptably on site lines at the junction of Grain Road with the A228 when considering existing boundary treatment, while there is a gain in removing pressure for on street parking in close proximity to the junction. There is therefore no conflict with development plan policies TP19, T1 and T13 and accordingly no objection is raised.

Conclusions and Reasons for Approval

The proposed extension and garage have been well designed to reflect similar development within the local vicinity, to not impact on residential amenity and to be acceptable from a highway safety aspect. The proposal therefore accords with the provisions of the above-mentioned Development Plan Policies and is recommended for approval.

The application would normally be considered under delegated powers but is being referred to Committee due to the representation from Stoke Parish Council.

9 MC2008/0808

Date Received: 25th November 2008

Location: Mockbeggar Farm Town Road Cliffe Woods Rochester ME3 8EU

Proposal: Change of use of building A from agriculture to B8 use and buildings B-F from agriculture to B1 business use, minor alterations to buildings and associated parking.

Applicant: Mockbeggar Developments Ltd C/o Agent

Agent: Mr G K Simpkin Graham Simpkin Planning 2 The Parade Ash Road Hartley Longfield Kent DA3 8BG

Ward: Strood Rural

Recommendation - Approval with Conditions

(as amended by plans received on 20th June, 30th October and 25th November 2008)

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position, design, materials and type of boundary treatment to be erected along point 4 on drawing no. 1382/15B and additional planting and screening adjacent to the road frontages and south east of building G. The boundary treatment shall be completed before any of the buildings are occupied and shall thereafter be retained, and the landscaping shall be undertaken within the first planting season following first occupation. Development shall be carried out in accordance with the approved details thereafter maintained.
- 3 Details and samples of any materials (to include details of all joinery) to be used externally and any means of enclosure shall be submitted to and agreed in writing by the Local Planning Authority before development is commenced and development shall be carried out in accordance with the approved details.
- 4 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) Building A shall be retained for Class B8 (storage and distribution only), buildings B1, B2, C1, C2, D, E, F shall be retained for Class B1c (light industry) use only.
- 5 The use hereby permitted shall only operate between the hours of 07:00 to 19:00 Mondays to Saturdays and closed on Sundays or National Holidays.
- 6 There shall be no servicing of the buildings, no goods shall be loaded or deposited and no service vehicles shall arrive, depart, be loaded or unloaded, within the application site before 07:00 or after 19:00 Monday to Saturday, and at no time on

Sundays or National Holidays, unless otherwise agreed in writing by the Local Planning Authority. No power driven machinery shall be operated on the premises other than inside the building with all doors and windows closed.

- 7 No development shall take place until a management plan in respect of the future maintenance of the buildings, boundary treatment, landscaping, signage and vehicle and pedestrian hard surfaced areas, and CCTV has been submitted and approved in writing by the Local Planning Authority. The site shall be maintained in accordance with the approved management plan.
- 8 None of the units hereunder approved shall be altered, enlarged (through the combining of units) or sub-divided without the prior written consent of the Local Planning Authority.
- 9 No air conditioning units shall be erected on any building or within the site unless prior written approval is granted by the Local Planning Authority.
- 10 No materials, plant or other equipment of any description shall be stored in the open other than in areas and to such heights as have been approved in writing by the Local Planning Authority.
- 11 Prior to commencement of the development hereby permitted an investigation shall be undertaken to determine the nature and extent of any contamination. The results of the investigation together with a risk assessment by a competent person and details of a scheme to contain, treat or remove any contamination as appropriate, shall be submitted for the written approval of the Local Planning Authority. The approved scheme shall be fully implemented and a completion report issued by the competent person referred to above, stating how remediation has been completed and that the site is suitable for the permitted use, shall be provided to the Local Planning Authority prior to first occupation of the development hereby permitted.
- 12 No security or any other form of external lighting shall be installed without first obtaining the prior written consent of the Local Planning Authority.
- 13 Prior to the commencement of development and any works which may affect bats and/ or their habitat, a full survey should be carried out in order to inform a detailed mitigation strategy which shall be submitted to and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved strategy with any amendments agreed in advance in writing with the Local Planning Authority.
- 14 Prior to the commencement of development details of the installation of an artificial bat roost and a nesting box for barn owls to be provided within the completed development shall be submitted to and approved in writing by the Local Planning Authority. The approved arrangements for accommodation of bats and barn owls shall be installed prior to the first use of any part of the development hereby permitted and shall thereafter be retained.
- 15 The area shown on the permitted drawings for vehicle parking, cycle and disabled and HGV parking shall be provided prior to occupation of any part of the development and shall thereafter be kept available for such use and no permanent

development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

- 16 No development shall commence until full details of 5 secure covered cycle and motor bike spaces; and securable external refuse stores have been submitted to and approved in writing by the Local Planning Authority. The cycle and motor bike spaces; shower facilities and refuse stores shall be provided prior to first occupation of any of the buildings to which they relate and shall be subsequently maintained in accordance with the approved details.
- 17 Prior to first occupation of the proposed development details of signage relative to the site and the accesses to the various buildings shall be submitted to and approved in writing by the Local Planning Authority. The signage shall be implemented in accordance with the approved details prior to first occupation of any part of the development.
- 18 Prior to first occupation of the proposed development a Travel Plan for the site, including details of proposals to reduce single occupancy car use and encourage the use of alternative modes of transport, shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved details upon first occupation of the development and thereafter reviewed within one month following each anniversary of its implementation in consultation with the Local Planning Authority.

For the reasons for this recommendation for approval please see planning Appraisal section and conclusions at the end of this report.

Site Description

Mockbeggar farm lies south of the village of Cliffe Woods on the eastern side of Town Rd and south of Bunters Hill Rd. Although situated within the open countryside the area is not covered by any specific landscape protection policies. A cluster of buildings of varying styles forms the farmyard. To the west and north are public roads, beyond which are orchards and gardens of private residential buildings.

Within the application site there are a range of agricultural buildings having a total floor area of some 1981.77m². The buildings are arranged around a concrete hard surfaced yard. In addition, there is an attractive pair of semi-detached 2 storey cottages close to the entrance on the Town Road frontage with No.1 used as offices, and No.2 used as residential accommodation.

To the south side of the yard (outside the application site) is a modern complex of cold storage and packing facilities that have a main access from Town Road just to the south side of the access to the application site. The packhouse building, has a HGV loading bay on the western side which accesses directly onto the Town Road.

To the south side of these modern buildings is a residential unit called Storrside that will remain with the farm.

To the south and east of the farm complex are three campsites (mainly caravans) used by the agricultural workers who pack and work on the farm. Many of these workers are short-term seasonal workers and one of the tenant farmers, Mr Parkes operates the camp.

Building 1 is used as the farm office.

Building 2 is occupied as a dwelling, called Dairy Cottage.

Building A is a modern farm building, which measures approximately 4 metres in height to eaves when measured from ground level and approximately 5.5 – 6 metres in height to ridge level. This building is gabled east to west and is clad in profile metal sheeting. This building was used for general storage and abuts building B.

Building B (to be split into B1 and B2) is an older and larger barn, which measures approximately 5 – 6 metres to eaves and approximately 8 metres to ridge. It is gabled north to south and was used for general storage.

Building C (to be split into C1 and C2) is built off from building B and is of a similar construction, being an older and larger barn type structure. The building is partly empty and partly used for packing.

Building D is located to the east of building C and measures approximately 3 metres to eaves and 5 metres to ridge. This building is gabled north to south and is used as a workshop. Many general maintenance tools were contained within this building as well as an area for the repair of farm vehicles.

Building E is attached to building D on the eastern side and would appear to have been a lean to type extension to building D. This building measures approximately 2 metres to eaves and ties in just under the eaves line of building D. This building was used as a chemical store.

Building F is a brick built structure, which is constructed from a yellow stock brick and gabled north to south. This building measures 3 metres in height to eaves level and 4.5 – 5 metres to ridge height.

Building G (Split into G1 and G2) (Now excluded from the proposal) is a typical atcost barn. It is constructed from a concrete frame with a brick plinth up to 1 metre in height. Above this the building is clad in corrugated sheeting under a corrugated roof. This building is used to store farm equipment and as general storage. To the east of this building is a lean to type structure (Pole barn), which is open fronted, and falls outside of the application site.

The buildings within the northern yard, comprising of the application site, have not been used since 2003 apart from a small amount of overspill storage only because the buildings are empty. The agents advises that there is no agricultural need for these buildings which, apart from 2 buildings, were all erected before World War II and do not now meet the requirements of modern agricultural.

Proposal

This proposal (as amended) seeks planning permission to convert building A from agricultural use to a B8 (storage and distribution) use and buildings B to F from agriculture to Class B1

business use, together with minor alterations to the buildings and associated parking. As some of these buildings are proposed to be sub divided there would result in nine separate buildings available for Class B1 usage ranging from 65m² up to approx 250m². 62 car parking spaces would be created for the development around the farm buildings, of which 8 will be reserved for the farm pack house building.

The agent describes the scheme as representing a farm diversification that will help to assist in maintaining the viability of the agricultural holding and make use of a wasted resource by providing suitable accommodation for small businesses.

As the proposed use of the buildings is speculative no staffing levels or hours of usage have been quoted. Minor external alterations to the buildings are proposed:

Building A: A new fire exit door will be inserted in the northwest corner of the building.

Building B (split into B1 and B2): A new personnel door serving unit B1; and a new roller shutter door plus a new personnel door inserted in the building's north east corner to serve unit B2. New staircases in both units to first floor. Externally, an access ladder up to the first floor to the front of unit B to a personnel door above the main double doors on the southern elevation will be removed; two new first floor windows inserted in the northern and eastern elevation to serve unit B2.

Building C (Split into C1 and C2): A new personnel door serving unit C1; and a new roller shutter door plus a new personnel door inserted in the building's northern elevation to serve unit C2. One new first floor window in the eastern elevation to serve unit C2.

Relevant Planning History

ME95/0759	Storage of caravans for accommodation of seasonal pickers. Approved 7 February 1996
MC2003/1753	Change of use of agricultural buildings to mixed B1, B2 and B8 use and conversion of existing dwelling house into offices (demolition of one outbuilding) at Mockbeggar, Town Road, Cliffe. Refused 10 November 2003
MC2004/0048	Change of use of agricultural buildings to mixed B1, B2 and B8 use (demolition of one outbuilding) at Mockbeggar, Town Road, Cliffe. Refused 26 March 2004
MC2004/0082	Change of use from residential dwelling to office (Class B1) at No.2 Dairy Cottages, Mockbeggar Farm, Town Road, Cliffe Refused 3 March 2004
MC2004/0373	Storrside, Town Road (sited within Mockbeggar Farm) Demolition of existing dwelling and construction of a pair of semi-detached houses. Refused 19 April 2004.

Representations

The application has been advertised on site and neighbour notification letters sent to the owners/occupiers of 1 and 2 Dairy Cottages, North and South Storrside, Mockbeggar Farm Shop, Mockbeggar, Little Mockbeggar, Cliffe Grange, 1 and 2 Lee Green Cottages and 1 and 2 School Cottages, all in Town Road; The Old Court and The Stables in Two Gates Hill; Blue House Cottage in Bunters Hill Road.

The Environment Agency, Natural England, Southern Water and the Council's Agricultural Advisor have also been consulted.

Medway Council's Agricultural Adviser has written and notes that all the buildings comprised as part of this application are effectively empty and unused for farming, or fruit packing purposes, despite this being a time when one would expect a lot of activity in respect of the main strawberry season. The yard between buildings D and G is also empty apart from a few rubbish skips.

The advisor comments that there appears to have been a notable decline in packing activity at the premises since the 2003 harvest, just before the change of use of these buildings was last considered, and this is confirmed in the submission of the fruit output figures, showing total fruit production at about half the 2003 level. This is despite the premises being used for some packing of locally grown fruit other than that grown at Mockbeggar Farm itself.

The advisor notes that the packing facility currently utilises, for its packaging materials, only the building previously labelled as H and the adjoining former apple store labelled as I (existing packing store to the south of the application site). Mr Parkes confirmed on site to the advisor that the only buildings used at the Farm for his tenanted farming operation per se (as opposed to fruit packing, which is operated by a different company) is the open-fronted low pole barn range set on three sides around the open triangular yard, just east of the building G.

Whilst this range may be regarded as minimal provision for a farming operation comprising some 100 acres (40ha) of soft fruit, Mr Parkes has indicated that as a tenant farmer (and given the availability of his other buildings at Brompton Farm,) it has proved sufficient for his basic requirements and he envisages no other requirement for building space at Mockbeggar Farm under the currency of his tenancy.

The advisor does suggest that all the buildings A to G are likely to remain unused for farming purposes for as long as the current farming operations persist between landlord/tenant. Mr Brice has indicated that the applicant would be prepared to enter into any agreements that might withdraw the farm's permitted development rights for further buildings on the farm. The difficulty with that, however, is that the applicants are not themselves the legal owners of the farm; they are different legal entities, albeit to an extent involving a number of the same persons. Furthermore, neither the applicants nor the farm owners are technically the occupiers of the farm and the General Permitted Development Order provisions refer to developments reasonably necessary for units of occupation, i.e. the tenanted land in this case.

The advisor accepts that buildings A to F, now offer little or no prospective benefit for either the farming operation or for fruit packing purposes for the foreseeable future.

However, he did have concerns as to the potential loss of building G, as this appears to be a potentially useful, secure, enclosed farm store (and considerably better than the pole barn range further to the east). Because of its location it could fit in well with the farming operation, and its retention for a farming use (having regard to the access arrangements indicated above) would effect, in his view, a more natural separation between farm/ fruit packing and the proposed business uses, so as to avoid potential conflict between the two, than the arrangements currently proposed. Without building G, the 100 acres of fruit farmed at Mockbeggar Farm has no secure enclosed building in its own right, and if for any reasons at some future date, the separately-owned Brompton Farm were no longer available to the tenant, Mockbeggar Farm may require a proper farm store of this type.

Following negotiations with the applicant, Building G has now been removed from the proposed development and will be retained available for agricultural use to serve the adjoining farmland. The area between building G and the packhouse material store (H) has also been excluded thus allowing that area to remain exclusive for access to building G and the packhouse buildings from the east.

The agricultural advisor confirms his acceptance of this situation and advises that the previously presented offer of a section 106 agreement, in light of the revised scheme, is now no longer relevant as building G remains potentially available for future farming use. The case for the conversion of buildings A to F can be considered on its own merits in the normal way with regard to the relevant planning policies.

Dickens Country Protection Society has written to question whether this is an appropriate use for these buildings and raises concerns about the generation of large lorry movements.

Frindsbury Extra Parish Council has written to advise that they raise no objections to the application proposal.

Cliffe and Cliffe Woods Parish Council has written to object to the development on the grounds of loss of rural amenity in an area of significant and quality agricultural provision. Loss of these properties will increase the need to transport produce over larger distances for preparation, storage and supply.

The agent has responded to the Parish Council as follows:

1. The proposals relate only to buildings that have not been used during the past 4 years for any farming activities. The land previously comprising Mockbeggar Farm is now farmed by three separate tenants who have building facilities elsewhere to store their agricultural machinery etc.
2. The packhouse and cool storage facility is to be maintained at Mockbeggar and is outside of the scope of this application site. The preparation, storage and distribution of produce undertaken in the packhouse will continue, although the throughput of produce has declined over the years due to changes in agricultural practice in the locality that have resulted in a reduction in the amount of soft fruit grown.
3. The buildings with the application site have become run down, and the application provides an opportunity to bring them back into use for some beneficial employment generating activity. The actual usage is within class B1 that is an industrial use that can take place next door to where somebody lives without causing loss of their amenity. In this context, it is not considered that there will be a loss of rural amenity within the immediate area. The agricultural use of the surrounding land will continue

to be split between the three tenants, who are able to continue farming the land without the need for buildings on this site.

4. Finally, the buildings within the application site are generally unsuitable for modern agricultural needs particularly in respect of food handling where standards have changed considerably during the past 50 years. This was the reason for building the more modern complex that is still in use for preparation and cool storage of soft fruit.

Southern water has written that they do not wish to make any comments.

Natural England has written to advise that the survey information provided by the applicants indicates that not only were bats present in season but that they might be present as a breeding roost. Natural England supports the need for further observations, as outlined in section 4.4 of the report, the results of which to be used to inform a detailed mitigation strategy.

Therefore, subject to the their recommended condition, Natural England is satisfied that these proposals should not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range (as defined in Regulation 44 of the Habitat Regulations):

One letter of concern has been received making the following comments:

- Although there is recognition of the need for Mockbeggar Farm to remain viable, a quote within the Design and Access Statement is refuted in that there are four houses in the near vicinity of the farm.
- Concern over noise, as they already hear the hum of refrigerated lorries loading in the evenings.
- Request that noisy work is only permitted between 8:00 and 18:00 weekdays and none at the weekend.
- Concern over traffic generation and especially as the Mockbeggar crossroads is already an awkward junction, with obscured sightlines and fast moving traffic. Councillors may wish to consider whether access from Bunters Hill Land or further down the B2000 would be preferable. Speed control measures to enforce the 40mph limit would also be helpful.
- Concern that the scale and type of development does not detract from the rural nature of the area, and that the setting and character of the farm remains true to its surroundings i.e. a working fruit farm with surrounding buildings in an area of Victorian houses and cottages.

National Planning Guidance

PPS1:	Delivery and Sustainable Development
PPS1A:	Planning System & General Principles
PPG4:	Industrial and commercial development and small firms
PPS 7:	Sustainable Development in Rural Areas
PPS9:	Biodiversity and Geological Conservation
PPG13:	Transport
PPS23:	Planning and Pollution Control
PPG24:	Planning and noise

Development Plan Policies

Kent and Medway Structure Plan 2006

Policy SP1	(Sustainable Pattern of Development)
Policy SS8	(Development in the Countryside)
Policy EN1	(Protecting Kent's Countryside)
Policy EN3	(Protection and enhancement of Countryside Character)
Policy EN8	(Protection, Conservation & Enhancement of Biodiversity)
Policy QL1	(Quality of Development and Design)
Policy EP7	(Development of employment uses in Rural Areas)
Policy EP8	(Farm diversification)
Policy NR5	(Pollution Impacts)
Policy TP3	((Transport and the Location of Development)
Policy TP11	(Facilities for Pedestrians and Cyclists)
Policy TP12	(Development and Access to the Primary/ Secondary Road Network)
Policy TP15	(Development Traffic & Heavy Goods Vehicles)
Policy TP19	(Vehicle Parking Standards)

Medway Local Plan 2003

Policy BNE1	(General Principals for Built Development)
Policy BNE2	(Amenity Considerations)
Policy BNE3:	(Noise Standards)
Policy BNE5	(Lighting)
Policy BNE7	(Access for all)
Policy BNE23	(Contaminated Land)
Policy BNE25	(Development in the Countryside)
Policy BNE27	(Re-use of Buildings in the Countryside)
Policy BNE28	(Farm Diversification)
Policy BNE37	(Wildlife Habitats)
Policy BNE39	(Protected Species)
Policy T1	(Impact of New development on the Highway Network)
Policy T2	(Access to the Highway)
Policy T13	(Vehicle Parking Standards)

Planning Appraisal

Having regard to the provision of the Development Plan, it is considered that the main issues arising from the proposal are as follows:

- The principle of the change of use of the agricultural barns to Class B1 and Class B8 uses (and farm diversification);
- The suitability of the farm buildings for reuse;
- Impact on the established character the rural countryside and the local landscape
- Impact on wildlife;
- Impact on the amenities of the occupiers of nearby residential units/buildings;
- Highway safety and car parking implications and access issues.

Principle and Farm Diversification

The applications in 2003 and 2004 for the conversion of the buildings (the subject of this application plus others) to class B1, B2 and B8 uses was refused on the basis that it had not been proven at that time that the buildings were not required for an agricultural use and therefore their loss at that time would result in pressure for new agricultural buildings to be constructed which would be harmful to the open countryside

Planning Policy Statement No 7 (Sustainable Development in Rural Areas): Policies SS8, EP7 and EP8 of the Kent and Medway Structure Plan 2006; and Policies BNE27 and BNE28 of Medway Local Plan 2003 supports farm diversification and the re-use of redundant agricultural buildings particularly for economic development purposes, where considered sustainable and where the buildings are appropriately located and constructed and provided the building is of a permanent, substantial construction, is structurally sound and will not need major or complete reconstruction and the change of use helps to conserve the character, appearance, fabric and setting of the building and for purposes that assist the local economy and enhance the vitality of rural life, including commercial, tourism, recreational and other activities.

The site lies within the rural area and within the open countryside and is outside any recognised rural settlement as defined in the adopted Local Plan. The proposal therefore falls to be assessed against the criteria identified under the Development Plan policies that seek to protect the countryside for its own sake and to prevent development within the rural area unless a special justification can be made or there is an overriding need for it.

The application is for the conversion and alterations of redundant agricultural buildings comprising of building A to a B8 use and buildings B to F to Class B1 business use.

Following a site visit in connection with this current application, the Agricultural Advisor comments that all the application buildings are effectively empty and unused for farming, or fruit packing purposes. He advises that there appears to have been a notable decline in packing activity at the premises since the 2003 harvest, confirmed in the submission of the fruit output figures, showing total fruit production at about half the 2003 level.

The advisor is of the opinion that all the buildings A to F are likely to remain unused for farming purposes for as long as the current farming operations persist between landlord/tenant. He accepts that buildings A to F, now offer little or no prospective benefit for either the farming operation or for fruit packing purposes for the foreseeable future.

It is considered that as the proposal now excludes building G, which will be retained for potential agricultural usage, that the application appears to relate to genuine farm diversification proposals designed to assist the overall viability of the enterprise. The proposals would utilise buildings that are in part obsolete by design and in part no longer required for the same agricultural use as in the past. Thus the proposals are not expected to give rise to any need for new replacement building space.

The proposed development will help to secure the long-term agricultural future of the farm and in principle the reuse of buildings in the countryside and farm diversification are acceptable in policy terms.

The proposal, due to the changes over the last 4 years, is now acceptable in principle and accords with the Development Plan policies referred to above.

The suitability of the farm buildings for reuse

PPS7 and Policy BNE27 of Medway Local Plan 2003 supports the re-use of redundant agricultural buildings provided the building is structurally sound and of permanent nature and the change of use helps to conserve the character, appearance, fabric and setting of the building and for purposes that assist the local economy and enhance the vitality of rural life, including commercial, tourism, recreational and other activities. The Kent and Medway Structure Plan Policy SS8 supports the reuse of redundant agricultural buildings whilst Policy EP7 places a particular emphasis on the conversion of redundant rural buildings for use by small-scale businesses

Consideration must be given for the need to retain the buildings. In themselves the structures are relatively modern agricultural buildings and are not Listed or within a Conservation Area, which would encourage their preservation.

In view of the advice by the agricultural advisor above it is considered that the buildings would be appropriate for an alternative re-use other than for farming. It would be preferable for the barns to be preserved (for any potential future agricultural use, should the farming economy change in the long term future) and in principle they should be candidates for conversion for a sympathetic new use.

The seven buildings that are the subject of the application are in varying states of repair. A report commissioned by a consulting structural engineers forms part of the supporting documentation (it is noted that it is not a full structural survey, but a visual inspection survey). This report confirms that all seven buildings are permanent and substantial and show no evidence of major structural instability despite little apparent maintenance and are capable of conversion without major or complete reconstruction, subject to compliance with the Building Regulations. Reference is made to the need for advice from a specialist contractor as some of the buildings contain asbestos based material before any works are carried out.

As the barns do not need excessive works undertaken to them, they are considered to be an ideal candidate in relation to Policies EP7 of the Kent and Medway Structure Plan and Policy BNE27 of the adopted Local Plan, which allows for the provision of small-scale businesses in the rural area within certain provisos.

Accordingly the proposal would seem to accord with the relevant Development plan Policies as well as Planning Policy Statement No.7.

Design and Impact on the Countryside

Government and Development Plan policies state that any development in the countryside should seek to maintain or enhance it

It is considered that the reuse of the buildings, and which involves very minor external alterations, including repair and maintenance or the increase in vehicles driving to the site, and which will be mainly hidden from public view when parked, being surrounded by agricultural buildings, will not have a detrimental impact upon the character of the countryside.

In fact, the general appearance of the application site is gradually deteriorating due to lack of funds for the repair and maintenance of these substantial buildings. It is considered that the proposed alternative use of the buildings will enable them to be generally upgraded and repaired, and thereafter maintained from the income generated from their letting for business use.

There is little scope for landscaping within the compound of farm buildings, however there are margins along the road frontages where some additional planting could be incorporated and which the applicant has offered, as well as a small area to the south east of Building G which could provide space for some localised tree planting.

In terms of design, appearance and impact on the landscape the proposal is, therefore, viewed as being in compliance with the relevant Government Guidance and Development Plan policies.

Impact on Wildlife and Nature Conservation Issues

Paragraph 47 of Planning Policy Guidance No.9 states that: "the presence of a protected species is a material consideration when a Local Planning Authority is considering a development proposal which, if carried out, would be likely to result in harm to the species or its habitat." Paragraph 12 of Planning Policy Statement No.7 reiterates these aims. Policy EN3 of the Kent and Medway Structure Plan and Policies BNE37 and BNE39 seek to protect wildlife habitats, features and statutory protected species.

Consideration under the relevant Acts must also be given to ensure the protection of Bats and their habitats.

A bat and owl survey has been undertaken. The presence of bats was identified and conclusions drawn that there was enough evidence to suggest that not only were bats present in season but that they might be present as a breeding roost.

Despite the absence of any barn owls, it is also strongly recommended that, by ways of mitigation and providing habitat for owls in the future, it may be possible to incorporate a nesting box for barn owls somewhere into or onto the buildings when redevelopment has been completed, provided that the structures can accommodate such facilities.

In response to the submitted bat and barn survey report, Natural England have no objections to the proposed development, although they still require a number of conditions and informatives to minimise the risk of harm to any visiting bats and to encourage the erection of bat and barn owl boxes.

The Council is satisfied, subject to the conditions recommended, that wildlife will not be affected by the proposal and therefore the development complies with the relevant Government Policy and Development plan Policies.

Impact on Amenities

Planning Policy Guidance PPG24 "Planning and Noise" advises that new development involving noisy activities should be sited away from noise sensitive land uses.

Policies SS8 and QL1 of the Kent and Medway Structure Plan and Policies BNE1, BNE2, BNE25 and BNE27 of the adopted Local Plan seek to ensure that the amenities of existing residents are safeguarded.

Policy BNE27 requires the reuse of buildings in the countryside to ensure that the nature, scale and intensity of the proposed use is not detrimental to residential and/ or rural amenity or the character of the area.

It is considered that the principal issue in this case is the effect of the proposal on the living conditions of neighbouring residents in terms of noise and general disturbance.

It is considered that by limiting the usage of the site to predominantly Class B1 will limit any impact from noise, smell, vibration, smoke etc. The potential increase in noise from vehicle movements at the site has been considered. It is not considered that the activities associated with the change of use will significantly affect the aural amenity of the neighbouring residential properties. However a suitable condition restricting hours of usage to 07:00 to 19:00 Monday to Saturday, closed on Sundays and National Holidays is recommended for both the B1 and B8 uses.

In amenity terms the proposal is therefore viewed as being acceptable and complies with the cited Development Plan Policies.

Site contamination

Due to the former use of the site there may be potential for contamination to be found on the site.

It is therefore recommended that a condition should be imposed upon any forthcoming permission for the development of this site requiring a site investigation to determine the nature and extent of any contamination and the implementation of any necessary remediation measures. The imposition of such a condition would ensure that the proposal would be in accordance with Policies NR5 and NR6 of the Kent and Medway Structure Plan 2006 and Policy BNE23 of the Medway Local Plan 2003.

Highways Impact, Traffic and Car Parking

In terms of car parking provision, Policies T19 of the Kent and Medway Structure Plan, and T13 of the adopted local Plan set out parking standards (as maxima). Policies TP12 and TP15 of the Kent and Medway Structure Plan, and Policies T1 and T2 of the adopted Local Plan deal with the impact of additional traffic caused by development and seek to ensure that the Highway network is adequate in terms of capacity and safety.

Access to the site by road is via the B2000 that links with the A289 and the Wainscott by pass thereby providing good road links to the A2, M2, Medway Tunnel and Medway in general.

The farm will continue to be accessed both from the B2000 and from Bunters Hill Road. Fencing will be provided within the site to stop the through movement of traffic and assist clarity over the areas for delivery and collection of produce. Further signage may be required in this respect. Conditions are recommended to cover both these aspects.

The proposed industrial units will be accessed solely from the B2000. With regard to traffic movements, it is noted that historically the site generated significant volumes of traffic particularly when the application site provided the main focal point for the farm activity. All of the produce would have been taken away by lorry and all of the supplies brought in by HGV lorries. In addition, the workforce would have accessed the site on a daily basis travelling from home to work each day.

As a consequence the traffic using the original access has been greatly reduced whilst various road improvements over the years have resulted in a safer access.

With regard to the proximity of the Mockbeggar crossroads with its obscured sightlines and fast moving traffic, it is noted that the accident database indicates that this section of the B2000, from which the site takes its principal access, has a low accident record: there are no accidents recorded involving vehicles using the access in the past 3 years. One accident occurred at the Mockbeggar crossroads in 2006, however this appears not to have resulted from any deficiencies in the layout of the junction. In any event, the access is situated a reasonable distance (around 40m) from the junction, and visibility from the access is good. On this basis, no objections are raised to the use of the access for the purposes of serving the proposed development.

Whilst accessing the development via Bunters Hill Road would certainly appear possible, it would increase the possibility of conflict between commercial/farm vehicles and smaller vehicles associated with the proposed development and would require more vehicles to use the Mockbeggar crossroads. Clearly, utilisation of the existing access would mean that vehicles avoid using the junction. In general terms the accident record of the B2000 has improved significantly in recent years and further speed reduction measures, in the form of a mobile safety camera, will be introduced in the near future.

It is considered on balance that the access is suitable to serve the needs of the site, as proposed, when compared to the historical use of the site and in view of improvements to the public highway

In terms of traffic generation created by the business units, it is not envisaged that this should intensify the use of the site to such an extent as to warrant a refusal of planning permission. The ground floor area of the proposed development falls well below the threshold for a formal traffic assessments and this, combined with the relatively low number of anticipated staff (it is envisaged that as low-key small business, approx 20 to 30 people could be employed within the units) and the historic use of the access, leads to the consideration that the material increase in traffic generated by the proposed development will be relatively low. That said, a travel plan will certainly assist in encouraging car share and more sustainable travel, and this can be secured by condition.

In terms of vehicle parking, the maxima allowance for Building A (storage and distribution) with a floor space of 387.4m² equates to 3.5 car parking spaces plus 1 commercial vehicle space and 1 bicycle space. The maxima allowance for the other buildings to be used for Class B1c (light industrial) with a floor space of 1185m² equates to 40 car parking spaces and 3 bicycle spaces.

The submitted drawing shows the courtyard areas surrounded by the barns being available for car parking. This can accommodate 62 car parking spaces, which is more than enough to accommodate the proposed uses as well as the remaining agricultural uses, especially

bearing in mind that the majority of the work force for the farm are students who are accommodated on the site and therefore do not have to travel to and from work by private car.

No highway objection is therefore raised and in car parking terms the proposal is viewed as being acceptable.

Recommendation and reasons for Approval

The proposed buildings have been proven not to be necessary for the continued agricultural needs of the farm and most are now vacant. The re-use for business purposes, particularly where that supports the diversification of the farm, enabling the farming element to continue, is supported through planning policy. The proposal, subject to conditions, is also acceptable from an amenity and highway safety perspective. The application therefore accords with the above mentioned development plan policies and National planning policy and is recommended for approval.

This application would normally fall to be considered under officers' delegated powers but has been reported for Members' consideration due to letters received from the Cliffe and Cliffe Woods Parish Council and the Dickens Country Protection Society raising objections contrary to the officers recommendation.

Date Received: 16th May 2008

Location: Merryboys House, Merryboys Road Cliffe Woods Rochester Kent ME3 7TP

Proposal: Refurbishment of existing building with the insertion of two dormer windows to provide B1 use.

Applicant: Mr Gill 100c Wrotham Road Gravesend Kent DA11 0QH

Agent: Mr R Ward Ward Associates The Hoo Hook Green Wrotham Road Meopham Kent DA13 0HP

Ward: Strood Rural

Recommendation - Refusal

(as amended by plans received on 4th December 2008)

- 1 The application site is outside the confines of the settlement of Cliffe Woods and within the Countryside. The existing building is of no architectural or historic interest and is of a limited construction. It is considered that the proposal represents more than a conversion and would require significant work to the extent that it would constitute a rebuilding within the countryside. The construction of a new building within the countryside, including the widening and upgrading of the access track and the 2 dormers proposed would be inappropriate and harmful to the character of the area. The proposal is therefore contrary to the provisions of Policies SS8, EN1, and QL1 of the Kent and Medway Structure Plan 2006 and BNE1, BNE25, BNE26, and BNE27 of the Medway Local Plan 2003.
- 2 The proposed use, by its nature, would result in an intensification in the use of the land and building which would be harmful to the amenities of the occupiers of residential properties in the immediate area. The proposal is therefore contrary to the provisions of Policies SS8 and QL1 of the Kent and Medway Structure Plan 2006 and BNE2 and BNE26 of the Medway Local Plan 2003.

Site Description

The application site is situated to the south of Merryboys Cottages and Merryboys Lodge, and is accessed via a gated entrance off Merryboys Road, Cliffe. The application site forms part of a larger holding that extends to 3840 square metres, measuring approximately 0.948 acres. The larger holding has over many years been used for workshops, storage, agriculture and equestrian amongst others.

At present the holding is occupied by four buildings. This application relates to the existing building occupying part of the site known as 'Plot 2', being an area of 672 square metres of the overall site.

The surrounding built environment comprises a small cluster of traditional two-storey residential dwellings to the north of the site fronting the Merryboys Road and Cliffe Woods Primary School to the south. To the east and west of the site there is open land.

Proposal

The proposed development in relation to Plot 2 is for the refurbishment, extension (by way of the insertion of dormers) of an existing single-storey building for B1 industrial use extending to a total of 98.37 square metres (gross external area). There will be no increase in the external footprint of the building. It is proposed to include two new dormers to provide light to the existing mezzanine level to match those existing on the building on Plot 1.

The proposed refurbishment would use external materials to match the existing building on Plot 1 to give an agricultural look to the building. The existing corrugated cladding on the lean-to structure to the rear is to be removed and replaced with new black stained boarding on composite panels.

Relevant Planning History

75/245	Erect four new stables for instructional riding centre. Approved 6 June 1975.
75/601/A	Continuation of use of existing building for light, industrial use. Approved 11 March 1977
87/1201	Proposed conversion of stables to a one-bed detached bungalow. Refused 26 January 1988
89/0529	The stationing of a mobile home for occupation, in connection with adjoining stables. Refused 12 September 1989
91/0301	Rebuilding of a stable block Approved 1 July 1992.
92/0087	Retention of workshop and horse shelter. Approved 8 September 1992
95/0216	Erection of a detached hay store and retention of existing building for use as changing/rest room. Approved 16 August 1995
95/0283	Change of use from workshop to car repair garage. Refused 26 July 1995
96/0401	Change of use from workshop to agricultural plant repair. Refused – Development Plan Departure 4 June 1997
MC2000/0894	Outline application for the erection of 9 dwellings. Refused 2 August 2000 Dismissed at Appeal 11 January 2001

Plot 1

MC2008/0655

Construction of a two storey side extension and refurbishment of an existing building for B1 use

Refused 4 September 2008

Representations

The application has been advertised on site and individual neighbour notification letters have been sent to the owner/occupiers of 1, 2, 3 & 4 Merryboys Cottages, Cooling Common, Merryboys House, The Cottage Merryboys Farm, and Merryboys Lodge, Cooling Common, Merryboys Road, Cliffe.

Dickens Country Protection Society and Cliffe and Cliffe Woods Parish Council have also been consulted on the application.

18 Letters of representation have been received from neighbours of the application site raising the following concerns and objections:

- Concern over use of access between Merryboys Lodge and no. 1 Merryboys Cottages as would result in loss of privacy.
- The use of the site for industrial purposes would be severely detrimental to the rural character of the area and on adjacent residential dwellings.
- Rumour of use as an MOT testing centre, which would be inappropriate in the Countryside.
- Merryboys Road is a country lane, which would be entirely unsuitable for any amount of sustained commercial traffic.
- Industrial use would result in detriment to the peace and quiet enjoyed by residents of the area.
- The stables should be left to the horses.
- Increase in noise and pollution would result from the proposal.
- Entrance to site is on a busy junction, which could be dangerous.
- Potential increase in traffic.
- Poor access to the site.
- Potential impact on school to rear of site.
- The dormer windows are not necessary and are an unsuitable addition to a 'barn'.
- No site notices have been erected by the site/lack of publicity for the applications..

Dickens' Country Protection Society objects to the application on the grounds that it is out of keeping with the rural location and concerns raised over access to the site.

Cliffe and Cliffe Woods Parish Council object to B1 use on the grounds of:

- Inadequate access.
- Not in keeping with rural location on the boundary of village envelope, with local residential properties and a school bordering the site.

Development Plan Policies

Kent and Medway Structure Plan, 2006:

Policy SP1	(Conserving and Enhancing Kent's Environment and ensuring a Sustainable pattern of Development)
Policy SS8	(Development in the Countryside)
Policy EN1	(Protecting Kent's Countryside)
Policy EN3	(Protecting and Enhancing Countryside Character)
Policy QL1	(Quality of Development and Design)
Policy EP7	(Development of Employment Uses in Rural Areas)
Policy TP19	(Vehicle Parking Standards)

Medway Local Plan, 2003:

Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)
Policy BNE3	(Noise Standards)
Policy BNE23	(Contaminated Land)
Policy BNE25	(Development in the Countryside)
Policy BNE26	(Business Development in Rural Settlements)
Policy BNE27	(Re-use of Buildings in the Countryside)
Policy ED3	(Other Employment Sites)
Policy T1	(Impact of Development)
Policy T2	(Access to the Highway)
Policy T13	(Vehicle Parking Standards)

Government Guidance:

Planning Policy Statement 7: Sustainable Development in Rural Areas.

Planning Appraisal

Principle

As a valuable resource, the Countryside needs to be protected for its own sake and development that will result in detriment to the rural character and environment will be resisted. Nevertheless, the countryside supports a range of activities and some necessary change is to be expected as activities develop or decline. In particular, national agricultural policy has altered, land is being taken out of agricultural production and diversification of rural enterprises may be required to help sustain the economy of rural areas.

The wider land holding itself is no longer in agricultural use and has been subject to a number of applications for use of the land, including residential, in the past. It is important, in this instance, that a balance is struck between the requirement to protect the countryside (by maintaining and enhancing its environment) and the need to support rural activities and communities (as supported by PPS7: Sustainable Development in Rural Areas). To strike this balance, only certain forms of development will be allowed in the countryside. Diversification of the rural economy by the introduction of employment or other uses into existing rural

buildings is a permissible exception to the usual rural policy of restraint in the Countryside. Policy BNE26 allows for business development through the re-use of existing buildings, provided that normal policies for protecting the countryside are not undermined. Consequently, Local Plan Policy BNE27 supports the re-use and/or adaptation of buildings provided they are both of permanent construction and do not need major re-building (due to their being in poor physical condition).

The proposal includes for the re-use of an existing building on site. The applicant has undertaken a structural survey that has demonstrated that the building, subject to re-cladding and re-roofing could be converted for use for light industrial purposes. Indeed, it is known that at some time in the past the building has been used for a business involved in wrought iron gates and other items. That use has long ceased and the building appears to have been vacant for some time.

The building is of no architectural or historic value. Its importance in the countryside is limited. While the applicants do contend that the building can be converted and it has been used for some form of business activity in the past, to be brought into modern day use would require the main building to be re-clad and to be insulated to comply with building regulations. The applicants are also proposing to insert dormer windows which are not features that would be consistent with former agricultural buildings and would be out of character with the countryside. The lean to is currently open sided with corrugated roof and the "conversion" of this would require a new roof and walls. In addition there would need to be provided within the building toilet and kitchen facilities that are not currently there. It is not considered therefore, in the light of the works necessary to convert the building that this would be a conversion in terms of the policy advice but more of a re-building in the countryside and as such would be contrary to the countryside protection policies.

In addition to the above, the proposal also includes the widening and upgrading of the access to the building. This would result in the urbanisation of the site that would be harmful to the character and appearance of the Countryside.

It is therefore considered that the proposal is contrary to the provisions of policies SS8, EN1 and QL1 of the Kent and Medway Structure Plan 2006 and BNE1, BNE25, BNE26 and BNE27 of the Medway Local Plan 2003.

Amenity Considerations

The building subject of this application, known as Plot 2, sits to the south west of the application site, away from residential dwellings but in reasonable proximity to Cliffe Woods Primary School. Concern has been raised that the re-use of this building will result in overlooking and detriment to neighbour privacy. This will not be the case from the building at Plot 2 as it is situated some distance away from the nearest residential dwelling (approximately 55 metres away) and is well screened by existing boundary treatment along the southern boundary and is unlikely to cause detriment to the neighbouring school. The proposal will not result in loss of sunlight and day light above and beyond what is already experienced by neighbours of the site.

Nevertheless, noise is a potential issue and concern has also been raised regarding impact on amenity from noise created by vehicle movements to and from the site. It is considered that noise from vehicles would result in disturbance to neighbouring amenity.

The access proposed is to the side of residential properties within a quiet rural area. The proposal by virtue of the re-building of both buildings and the upgrading of the access road would clearly facilitate an intensification in the use of the land and buildings. This intensification, even if there was control over the hours of working, would be harmful to the amenities of the neighbouring occupiers and residential properties in the area. As such the proposal is considered unacceptable in terms of Local Plan Policies BNE2 and BNE3 and Structure Plan Policy QL1.

Land contamination

The former use of the site could have given rise to contamination. The Medway Local Plan contains a policy on contaminated land, Policy BNE23. The Policy requires that proposals for development of land likely to be contaminated be accompanied by the findings of a site examination, which identifies contaminants. Although this application involves development of a Brownfield Site, the proposed development is for a commercial use. This is considered to pose a lesser risk to human health than if the proposal was for residential development. The need for a desk top study at the application stage is therefore considered to be less critical and in these circumstances it is considered that contamination issues can be adequately controlled by way of an appropriately worded condition.

The application is considered to be acceptable under the provisions of Local Plan Policy BNE23.

Highways

In terms of capacity the highway network serving the site can accommodate the development proposed without detriment to highway safety. Sufficient car parking can also be provided within the site to serve the needs of the development. Accordingly no objections are raised in this regard.

The proposal is considered in accordance with Local Plan Policies T1, T2 and T13 and Structure Plan Policy TP19.

Conclusions and Reasons for Refusal.

The building has no architectural or historic value. The conversion could not be undertaken without substantial work which would in effect result to all intents and purposes a re-building, with the addition of dormers. A new building in this location would be contrary to the Countryside protection policies while the dormers would be uncharacteristic of a converted former agricultural building. The intensification in the use of the site would also result in harm to the amenities of neighbouring occupiers and residential properties in the area in general. The proposal is therefore contrary to the provisions of the above mentioned Development Plan policies and is recommended for refusal

The proposal would normally fall to be determined under delegated powers but has been brought before Members' for consideration as they recently considered the application for plot 1.

11 MC2008/0945

Date Received: 6th June 2008

Location: Merryboys House, (Plot 3) Merryboys Road, Cliffe Woods, Rochester, Kent. ME3 7TP

Proposal: Proposed refurbishment and change of use of an existing building to Class B1

Applicant: Mr J Gill 100C Wrotham Road Gravesend Kent DA11 OQH

Agent: Mr R Ward Ward Associates The Hoo Hook Green Wrotham Road Meopham Kent DA13 0HP

Ward: Strood Rural

Recommendation - Refusal

(as amended by plans received on 4th December 2008)

- 1 The application site is outside the confines of the settlement of Cliffe Woods and within the Countryside. The immediate area is characterised by a small cluster of residential properties, with other low key uses, such as small scale equestrian uses, and agricultural land. It is considered that the proposed use would be inappropriate and harmful to the character of this rural area. The proposal is therefore contrary to the provisions of Policies SS8, EN1, and QL1 of the Kent and Medway Structure Plan 2006 and BNE1, BNE25, BNE26, and BNE27 of the Medway Local Plan 2003.
- 2 The proposed use, by its nature, would result in an intensification in the use of the land and building which would be harmful to the amenities of the occupiers of residential properties in the immediate area. The proposal is therefore contrary to the provisions of Policies SS8 and QL1 of the Kent and Medway Structure Plan 2006 and BNE2 and BNE26 of the Medway Local Plan 2003.

Site Description

The application site is situated to the south of Merryboys Cottages and Merryboys Lodge, and is accessed via a gated entrance off Merryboys Road, Cliffe. The site is part of a larger land holding that extends to 3840 square metres, measuring approximately 0.948 acres. The buildings and land in the wider land holding have over many years been used for workshops, storage, agriculture and equestrian amongst others.

At present the holding is occupied by four buildings. This application relates to the existing building occupying part of the site known as 'Plot 3', being an area of 237 square metres of the overall site. This building was quite clearly designed and used in the past as a stable block, and is of brick and tile construction. The building has not been used as stables for some time and seems to be put in part to some form of limited storage use at the present

The surrounding built environment comprises a small cluster of traditional two-storey residential dwellings to the north of the site fronting the Merryboys Road and Cliffe Woods Primary School to the south. Open lands sits east and west of the site.

Proposal

This application seeks full planning permission for the refurbishment and change of use of the former stable building to Class B1. Elevationally the main change relates to the front elevation, where it is proposed to remove all the existing stable doors and windows, to rebuild the front elevation and insert new windows in that elevation. Internally the building will be one workshop area with a toilet and washroom area.

The access to the building is also proposed to be widened and upgraded.

Relevant Planning History

75/245	Erect four new stables for instructional riding centre. Approved 6 June 1975.
75/601/A	Continuation of use of existing building for light, industrial use. Approved 11 March 1977
87/1201	Proposed conversion of stables to a one-bed detached bungalow. Refused 26 January 1988
89/0529	The stationing of a mobile home for occupation, in connection with adjoining stables. Refused 12 September 1989
91/0301	Rebuilding of a stable block Approved 1 July 1992.
92/0087	Retention of workshop and horse shelter. Approved 8 September 1992
95/0216	Erection of a detached hay store and retention of existing building for use as changing/rest room. Approved 16 August 1995
95/0283	Change of use from workshop to car repair garage. Refused 26 July 1995
96/0401	Change of use from workshop to agricultural plant repair. Refused – Development Plan Departure 4 June 1997
MC2000/0894	Outline application for the erection of 9 dwellings. Refused 2 August 2000 Dismissed at Appeal 11 January 2001

Plot 1

MC2008/0655

Construction of a two storey side extension and refurbishment of an existing building for B1 use
Refused 4 September 2008

Representations

The application has been advertised on site and individual neighbour notification letters have been sent to the owner/occupiers of 1, 2, 3 & 4 Merryboys Cottages, Cooling Common, Merryboys House, The Cottage Merryboys Farm, and Merryboys Lodge, Cooling Common, Merryboys Road, Cliffe.

Dickens Country Protection Society and Cliffe and Cliffe Woods Parish Council have also been consulted on the application.

16 letters of representation have been received in relation to this application. The following concerns have been raised:

- Concern over use of access between Merryboys Lodge and no. 1 Merryboys Cottages as would result in loss of privacy.
- The use of the site for industrial purposes would be severely detrimental to the rural character of the area and on adjacent residential dwellings.
- Rumour of use as an MOT Testing Centre, which would be inappropriate in the Countryside.
- Merryboys Road is a country lane, which would be entirely unsuitable for any amount of sustained commercial traffic.
- Industrial use would result in detriment to the peace and quiet enjoyed by residents of the area.
- The stables should be left for the horses (original use).
- Extension will result in detriment to neighbour privacy.
- The site is within the Green Belt, hence refusal of previous residential development.
- Increase in noise and pollution would result from the proposal.
- Entrance to site is on a busy junction, which could be dangerous.
- Potential increase in traffic.
- Poor access to the site.
- Potential impact on school to rear of site.

Dickens' Country Protection Society objects to the proposal on the grounds that this is out of keeping with the rural location and there are concerns about access.

Cliffe and Cliffe Woods Parish Council raise objection to the proposal on the grounds of:

- Inadequate access
- Not in keeping with rural location.

Development Plan Policies

Kent and Medway Structure Plan, 2006:

Policy SP1 (Conserving & Enhancing Kent's Environment and ensuring a Sustainable pattern of Development)

Policy SS8	(Development in the Countryside)
Policy EN1	(Protecting Kent's Countryside)
Policy EN3	(Protecting and Enhancing Countryside Character)
Policy QL1	(Quality of Development and Design)
Policy EP7	(Development of Employment Uses in Rural Areas)
Policy TP19	(Vehicle Parking Standards)

Medway Local Plan, 2003:

Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)
Policy BNE3	(Noise Standards)
Policy BNE23	(Contaminated Land)
Policy BNE25	(Development in the Countryside)
Policy BNE26	(Business Development in Rural Settlements)
Policy BNE27	(Re-use of Buildings in the Countryside)
Policy ED3	(Other Employment Sites)
Policy T1	(Impact of Development)
Policy T2	(Access to the Highway)
Policy T13	(Vehicle Parking Standards)

Government Guidance:

Planning Policy Statement 7: Sustainable Development in Rural Areas.

Planning Appraisal

Principle

As a valuable resource, the Countryside needs to be protected for its own sake and development that will result in detriment to the rural character and environment will be resisted. Nevertheless, the countryside supports a range of activities and some necessary change is to be expected as activities develop or decline. In particular, national agricultural policy has altered, land is being taken out of agricultural production and diversification of rural enterprises may be required to help sustain the economy of rural areas.

The wider land holding itself is no longer in agricultural use and has been subject to a number of applications for use of the land, including residential, in the past. It is important, in this instance, that a balance is struck between the requirement to protect the countryside (by maintaining and enhancing its environment) and the need to support rural activities and communities (as supported by PPS7: Sustainable Development in Rural Areas). To strike this balance, only certain forms of development will be allowed in the countryside. Diversification of the rural economy by the introduction of employment or other uses into existing rural buildings is a permissible exception to the usual rural policy of restraint in the Countryside. Policy BNE26 allows for business development through the re-use of existing buildings, provided that normal policies for protecting the countryside are not undermined. Consequently, Local Plan Policy BNE27 supports the re-use and/or adaptation of buildings provided they are both of permanent construction and do not need major re-building (due to their being in poor physical condition).

The proposal is for the conversion of a former stable block. It is of substantive brick and tile construction and is capable of being converted without major modification. Notwithstanding that the applicants propose to take out the stable doors and windows and effectively rebuild the front elevation, inserting new windows and a door. Internally all the partitions will be removed to provide one open workshop area, although there will be a toilet and wash area provided. The adjacent land is no longer used as a paddock and indeed the stables have not been used as such for some years.

Notwithstanding that the building could be easily converted and has been vacant for a while, the land to the north and west was previously the paddock which was served by the stables. This land does not have a use proposed for it at present and if it were to return to some form of paddock or open use it may require stables or buildings to go with it. If the stables have been converted by then it would mean the construction of further structures in the countryside which would be harmful to the open character of the area and the countryside in general.

In addition the proposal includes the widening and upgrading of the access track to serve the more intensive use proposed by this application and that widening and upgrading would provide for a more urban feature that would be detrimental to the character of the countryside in which it is located.

The application would therefore be likely to give rise to pressure for further building in the countryside and result in an urbanisation which would be harmful to the rural character of the area. The proposal is therefore contrary to the provisions of Local Plan Policies BNE1, BNE25, BNE26, BNE27 and ED3 and Structure Plan Policies SS8, QL1, EN1, EN3 and EP7.

Amenity Considerations

The building subject of this application is away from residential dwellings but in reasonable proximity to Cliffe Woods Primary School. Concern has been raised that the re-use of this building will result in overlooking and detriment to neighbour privacy. This will not be the case from the building at Plot 3 as it is situated some distance away from the nearest residential dwelling (approximately 67 metres away, with the structure at Plot 1 blocking its view) and is well screened by existing boundary treatment along the southern boundary and is unlikely to cause detriment to the neighbouring school. The proposal will not result in loss of sunlight and day light above and beyond what is already experienced by neighbours of the site.

Nevertheless, noise is a potential issue and concern has also been raised regarding impact on amenity from noise created by vehicle movements to and from the site. It is considered that noise from vehicles would result in disturbance to neighbouring amenity.

The access proposed is to the side of residential properties within a quiet rural area. The proposal by virtue of the re-building of both buildings and the upgrading of the access road would clearly facilitate an intensification in the use of the land and buildings. This intensification, even if there was control over the hours of working, would be harmful to the amenities of the neighbouring occupiers and residential properties in the area. As such the proposal is considered unacceptable in terms of Local Plan Policies BNE2 and BNE3 and Structure Plan Policy QL1.

Land contamination

The former use of the site could have given rise to contamination. The Medway Local Plan contains a policy on contaminated land, Policy BNE23. The Policy requires that proposals for

development of land likely to be contaminated be accompanied by the findings of a site examination, which identifies contaminants. Although this application involves development of a Brownfield Site, the proposed development is for a commercial use. This is considered to pose a lesser risk to human health than if the proposal was for residential development. The need for a desk top study at the application stage is therefore considered to be less critical and in these circumstances it is considered that contamination issues can be adequately controlled by way of an appropriately worded condition.

The application is considered to be acceptable under the provisions of Local Plan Policy BNE23.

Highways

In terms of capacity the highway network serving the site can accommodate the development proposed without detriment to highway safety. Sufficient car parking can also be provided within the site to serve the needs of the development. Accordingly no objections are raised in this regard.

The proposal is considered in accordance with Local Plan Policies T1, T2 and T13 and Structure Plan Policy TP19.

Conclusions and Reasons for Refusal

While the building is vacant and is capable of conversion without the necessity for total re-building, the proposal is likely to result in pressure for further building on the wider site and the widening and upgrading of the access track would be an urbanisation. This would be harmful to the rural character of the area and the countryside in general. The intensification in the use would be harmful to the amenities of neighbouring residents. The proposal is therefore contrary to the provisions of the above mentioned development plan policies and is recommended for refusal.

The proposal would normally fall to be determined under delegated powers but is being reported for Committee determination as members recently considered the application for Plot 1.

12 MC2008/1389

Date Received: 14th August 2008

Location: Land at 68 Horsted Avenue Chatham Kent

Proposal: Conversion of existing garage into 2 bedroomed bungalow

Applicant: Mrs Roberts Unit 12 Riverside Estate Sir Thomas Longley Road
Medway City Estate Kent ME2 4DP

Agent: Mr M Phillips Architecture One LLP 97B Maidstone Road Rochester
Kent ME1 1RL

Ward: Rochester South & Horsted

Recommendation - Refusal

- 1 The proposal would result in an undesirable form of tandem development which would be unduly prominent in the street scene and out of character with its surroundings. As such the proposal would be contrary to the provisions of Policy QL1 of the Kent and Medway Structure Plan 2006 and Policies BNE1 and H9 (vi) of the Medway Local Plan 2003
- 2 The proposal fails to make adequate provision for private amenity space to serve the proposed development and as such would be contrary to the provisions Policy QL1 of the Kent and Medway Structure Plan 2006 and Policies BNE2 and H9 (v) of the Medway Local Plan 2003
- 3 The proposal, as submitted, fails to demonstrate adequate provision for parking to serve the existing dwelling at 68 Horsted Avenue and could result in indiscriminate on street parking close to the junction which would be detrimental to highway safety, the free flow of traffic and residential amenity. As such, the proposal would be contrary to the provisions of Policy T1 of the Medway Local Plan 2003.

Site Description

68 Horsted Avenue is a 1930's end of terrace property on the corner of Horsted Avenue and Pattens Lane. The property fronts onto Horsted Avenue with a return frontage to Pattens Lane. There is a change in levels so that the rear garden is approx. one metre lower than the street level of Pattens Lane. There is a gap of approx. 6m from the flank wall of the dwelling to the boundary to Patterns Lane, which is defined by a fence approx. one metre high.

A single storey flat roof rear extension and a large outbuilding, comprising a garage, have recently been erected in the rear garden of the property. These structures, when they were erected, prior to 1 October 2008, were within the curtilage of the property and fell within the provision of Part 1 (Classes A and E) of the General Permitted Development Order 1995, which was in force at the time and therefore did not require planning permission.

There is one vehicular access to the site, off Horsted Avenue close to the junction. The whole area between the buildings and Pattens Lane has been blocked paved.

This application relates specifically to the outbuilding, which is a single storey brick structure with a low pitched roof. It measures 11.2m by 5.5m, rising to a ridge height of 3.8m. There is a gap of approx. 6m between the flank wall of the outbuilding and the rear of the dwelling, as extended. It is submitted that the building is used as a garage and store, but the storage use is no longer required.

[The application site as submitted was described as 'Building adjacent to 25 Pattens Lane' No reference was made in the original application to 68 Horsted Avenue, although it is clear that this building has been erected within the curtilage of that property. It is unclear from the submitted application as to whether or not the application building and 68 Horsted Avenue are still in the same ownership.]

The surrounding area is characterised by 1930's terraced housing. The application property is the end property of a terrace of four such houses (60-68 (even) Horsted Avenue). There is a similar terrace of six houses to the north-west (15-21 (odd) Pattens Lane). On the south-west side of Pattens Lane there are three shop units (108-112 even), one of which 110 is a fish and chips shop (Class A5). There is also the Huntsman PH, and further shops in to the south-east (27-31 Pattens Lane). There is a more recent housing development on the opposite side of Pattens Lane (Redland Shaw) on a former industrial site.

Proposal

The proposal is to convert the building to a two bedroom bungalow. The submitted drawing shows that the existing garage door would be removed and replaced by a new window and door. The accommodation within the building would comprise a lounge/dining room, kitchen, two bedrooms and a bathroom and toilet. The submitted drawing shows that the area in front of the building would be grassed and planted; two parking spaces are shown in front of the building, on the block paved area. No information has been given in the submitted application as to what alternative parking arrangements are to be made for 68 Horsted Avenue.

Site Area/Density

Site area (including 68): 0.037 ha (0.93 ha)
Site density (including 68): 53 d.p.h. (21.4 d.p.a.)

Relevant Planning History

MC2004/2071	Outline application with all matters reserved for the erection of one dwelling Refused 20 October 2004
MC2004/2072	Outline application with all matters reserved for the erection of 6 one bed flats Refused 20 October 2004
MC2004/2493	Outline application for construction of two 1-bedroomed flats with parking Refused - 3 February 2005 Dismissed on appeal - 18 August 2005

Representations

The application has been advertised on site. Neighbour notification letters have been sent to the owners/occupiers of 66 Horsted Avenue, 25-31 (odd Pattens Lane; The Huntsman PH 106 Pattens Lane, 108-112 (even) Pattens Lane.

No representations have been received.

Development Plan Policies

Kent and Medway Structure Plan 2006

Policy QL1	(Quality of Development and Design)
Policy HP4	(Housing: Quality and Density of Development)
Policy TP19	(Vehicle Parking Standards)

Medway Local Plan 2003

Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)
Policy H4	(Housing in Urban Areas)
Policy H9	(Backland and Development)
Policy T1	(Impact of Development)
Policy T13	(Parking Standards)

Planning Appraisal

Principle

The site comprises part of the residential curtilage to an existing property and lies within the identified urban area. Policy H4 of the Local Plan supports the principle of residential development in this location, providing a clear improvement to the local environment will result. The proposal also amounts to a new dwelling immediately behind the other sharing the same vehicular access and in this regard would also amount to tandem development. The proposal, therefore, also falls to be assessed against the criteria specified in Policy H9 of the Local Plan.

Previous applications

There have been three previous applications relating to this site, all of which have been refused (see Planning History). However, all of those schemes differed from the current scheme in so far as they related to new build, as opposed to the use of an existing building, and they all involved the creation of a new access onto Pattens Lane, unlike the current scheme which utilises the existing access onto Horsted Avenue.

The first of these schemes (MC2004/2071) was an outline application for the erection of one dwelling. This was for an additional property onto the end of the terrace with the flank wall close to the boundary to Pattens Lane, and two parking spaces to the rear of the site, with access onto Pattens Lane. This was refused on the grounds that:

“1 The proposed development would detract from the current sense of openness at the corner of Pattens Lane and Horsted Avenue and would be harmful to the character

and appearance of the area by virtue of the building projecting beyond the existing side elevation of 68 Horsted Avenue. The proposed development is therefore contrary to Policies ENV15 and ENV16 of the Kent Structure Plan 1996, Policies H4 and BNE1 of the Medway Local Plan 2003 and Policy QL1 of the Kent and Medway Structure Plan (Deposit Plan) 2003.

- 2 The proposed development by virtue of its siting and proposed width would interfere with an already sub-standard sight line on the north western side of the junction between Horsted Avenue and Pattens Lane for vehicles emerging onto Pattens Lane. The proposed development would therefore be prejudicial to highway safety and is contrary to Policy T1 of the Medway Local Plan 2003."*

The second application (MC2004/2072) was an outline application for the erection of 6 one bedroom flats, involving the demolition of the existing building and its replacement by a larger building in the same position containing four flats, together with a further two flats at the end of the garden. The area between the two buildings was shown as parking for four cars, with a further two spaces besides the buildings. Again, vehicular access would be via Pattens Lane. The application was refused on the grounds that:

"1. The proposed development would detract from the current sense of openness at the corner of Pattens Lane and Horsted Avenue and would be harmful to the character and appearance of the area by virtue of Block A projecting beyond the existing side elevation of 68 Horsted Avenue. The proposed development is therefore contrary to Policies ENV15 and ENV16 of the Kent Structure Plan 1996, Policies H4 and BNE1 of the Medway Local Plan 2003 and Policy QL1 of the Kent and Medway Structure Plan (Deposit Plan) 2003.

2 The proposed development would have an alien and discordant appearance within the streetscene which would be poorly related to its surroundings due to the flat roof design for Block B and the flat roof element to the rear of Block A. The proposal is therefore contrary to Policy ENV15 of the Kent Structure Plan 1996, Policies BNE1 and H4 of the Medway Local Plan 2003 and Policy QL1 of the Kent and Medway Structure Plan (Deposit Plan) 2003.

3 Prospective occupiers of the proposed development would experience a poor level of amenity by reason of unacceptable levels of direct overlooking arising between Blocks A and B as a consequence of the limited spacing between these blocks and the limited level of private amenity space provision on the site. The development is therefore contrary to the provisions of Policy ENV15 of the Kent Structure Plan 1996 and Policy BNE2 of the Medway Local Plan 2003 and Policy QL1 of the Kent and Medway Structure Plan (Deposit Version) 2003.

4 The proposed development by virtue of the siting of Block A and the parking spaces respectively to the side of Block A and in front of Block B would interfere with an already sub-standard sight line on the north western side of the junction between Horsted Avenue and Pattens Lane for vehicles emerging onto Pattens Lane. The proposed development would therefore be prejudicial to highway safety and is contrary to Policy T1 of the Medway Local Plan 2003."

The third application (MC2004/2493) was an outline application for 2 one bedroom flats, essentially the rear part of application MC2004/2072, again with vehicular access via Pattens Lane. That application was refused on the grounds that:

“1. The proposed development would deprive the occupiers of 68 Horsted Avenue of an acceptable level of amenity space provision to the detriment of the amenities of the occupiers of that property. The proximity of the proposed building to the rear elevation of 68 Horsted Avenue would result in a poor outlook for the occupiers of the existing property. The location of the amenity area for the proposed flat block relative to the rear elevation of 68 Horsted Avenue would result in a loss of privacy for the occupiers of the existing and proposed properties by reason of the potential for overlooking from the amenity area into the rear elevation of 68 Horsted Avenue and vice versa to the detriment of the amenities of the occupiers of 68 Horsted Avenue and the proposed development. The proposed development would therefore be prejudicial to amenity and is therefore contrary to the provisions of Policy ENV15 of the Kent Structure Plan 1996 and Policy BNE2 of the Medway Local Plan 2003 and Policy QL1 of the Kent & Medway Structure Plan (Deposit Plan) 2003.

2. The proposed forecourt parking arrangements would give rise to vehicles being parked parallel to Pattens Lane and in the absence of adequate manoeuvring space to serve this parking area the development would give rise to vehicle movements that would be prejudicial to highway and pedestrian safety. The proposed development is therefore contrary to Policy T2 of the Medway Local Plan 2003.”

That application was dismissed on appeal.

Whilst it is necessary to have regard to these decisions, as the current proposal is significantly different from the previous schemes, the same grounds of refusal would not necessarily apply.

Tandem development

The previous applications, all involved the creation of a new vehicular access onto Pattens Lane and therefore could be regarded as frontage development. The current proposal involves one property immediately behind the other, utilising the existing vehicular access and in this regard could be considered as tandem development. The proposal, therefore falls to be assessed against each of the criteria specified in Policy H9 of the Local Plan, although in doing so regard should be paid to the fact that visually the site fronts onto Pattens Lane. Taking each of these in turn:

- (i) The only windows would be on the south-west facing elevation towards the boundary wall and fence facing towards Pattens Lane. No other windows are proposed and therefore, there would be no overlooking of any neighbouring properties;
- (ii) The proposed unit would use the existing vehicular access which currently accesses the garage and parking area of the existing dwelling. No change to this access is proposed and in this regard no objection is raised;
- (iii) The access would now serve two dwellings, instead of one and there would not be a significant increase in noise and disturbance from traffic using the site as the site is close to the junction with Pattens Lane, which is a heavily trafficked road with shops and a public house nearby;

- (iv) There are no natural features on the site which would be lost as a result of the proposed development;
- v) A small garden area is shown to serve the proposed bungalow. A small garden area is also shown between the flank wall of the application building and the rear wall of the existing house. This garden area is hidden behind a fence and totally enclosed. The garden to the proposed bungalow in contrast would be at the front and directly looked down on from the road. There would be no privacy for this garden area and in this regard an objection is raised in terms of inadequate private amenity space;
- vi) The character of the area is of predominantly 1930's terraced houses, with shops and a public house opposite and further shops in Pattens Lane (27-31). There is a more recent housing development on the opposite side of Pattens Lane (Redland Shaw) on a former industrial site. There are no bungalows in the immediate vicinity. It is considered that the introduction of an additional dwelling, in the form of a bungalow would be out of character with the surroundings. Furthermore, although the proposal would amount to Tandem development, the building is very prominent and the application would have significant impact on street scene.

Street scene and Design

As the application relates to an existing building, the proposal in itself raises no design issues. Nevertheless in assessing the application, it is necessary to consider the impact of the development on the street scene.

The application building was erected under permitted development rights as an outbuilding in the rear garden of no. 68 Horsted Avenue. Whilst that development was not subject to any planning control it should be acknowledged that it had a significant impact on the street scene. The size of the rear garden on that property was significantly reduced by that development, together with the rear extension and the hard surfacing on a large area of the curtilage. Furthermore, being a corner property, the application building, extension and hard surfaced area are very prominent, particularly for pedestrians in Pattens Lane, but it is also quite prominent when viewed from the front of the drive, in Horsted Avenue. If an application had been submitted to erect the building for use as a bungalow, it would have been refused on the grounds of the impact on the street scene.

The fact that the building, although recently erected, exists, is not considered to be justification for now allowing it to be used for a purpose other than its intended use, ancillary to the residential occupation of 68 Horsted Avenue. Although harmful to the character of the area already, the building is clearly ancillary to the main dwelling, but being converted to a separate dwelling with the alterations to doors and insertions to windows will reveal the building as an independent dwelling and accentuate the fact that it is out of character with the street scene and area in general. An objection is therefore raised to the proposal in terms of its impact on the street scene and the character of the area under Policy QL1 of the Structure Plan and Policies BNE1 and H9 (vi) of the Local Plan.

Amenity Considerations

As previously stated (H9 (i)), the proposal would not result in any unneighbourly overlooking. Similarly, as the building already exists and is single storey, there would not be any loss of light or outlook to neighbouring properties.

Nevertheless, as previously stated (H9 (v)), an amenity issue arises on account of the small garden area which it is proposed would serve the bungalow. This garden area would be situated at the front of the proposed bungalow and directly overlooked from the road. An objection is therefore raised in this regard under Policy QL1 of the Structure Plan and Policies BNE2 and H9 (v) of the Local Plan on account of the failure to provide adequate private amenity space to serve the proposed development.

Highways

There is a large hard-surfaced area at the site, capable of accommodating several cars. The submitted drawing shows two parking spaces in front of the proposed bungalow, which would be adequate to serve that property. The remainder of the hard surfaced area would provide access to these spaces. No information is given as to what arrangements are to be made for replacement parking to serve the existing dwelling. The proposal is likely to result in indiscriminate parking in close proximity to the busy junction and this would be likely to result in detriment to Highway Safety. An objection is raised under Policies BNE2 and T1 of the Local Plan.

Conclusions and Reasons for Refusal

The proposal represents an unacceptable form of Tandem development that would result in harm to the character of the area and street scene in general, a poor level of amenity being provided and detriment to highway safety. The proposal therefore conflicts with the above mentioned Development Plan policies and is recommended for refusal.

This application would normally fall to be considered under Officers' delegated powers but has been reported for Members' consideration for reasons of propriety because a member of staff within the Development Control Service is a resident within the vicinity of the application site.

13 MC2008/1454

Date Received: 29th August 2008

Location: Land adjacent 98 Kingswood Road Gillingham ME7 1DX

Proposal: Construction of one 3-bedroomed dwelling

Applicant: Mr A Hawkins A R Hawkins 187 Edwin Road Gillingham Kent ME8 0AH

Agent:

Ward: Gillingham North

Recommendation - Approval with Conditions

(as amended by drawings received on 1st October 2008 and 7th November 2008)

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is occupied and shall thereafter be retained. Development shall be carried out in accordance with the approved details.
- 3 Details and samples of any materials to be used externally and any means of enclosure shall be submitted to and agreed in writing by the Local Planning Authority before development is commenced and development shall be carried out in accordance with the approved details.
- 4 The area shown on the permitted drawings for vehicle parking shall be kept available for such use and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.
- 5 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 6 to 9 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the Local Planning Authority until condition 9 has been complied with in relation to that contamination.

6 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

7 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

8 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, 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 occupation of the development.

- 9 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 6, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 7, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition 7 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 8.

For the reasons for this recommendation for approval please see planning appraisal section and conclusion at the end of this report.

Site Description

The application site is located within the defined urban boundary of Gillingham. The area is residential in nature and close to the town centre. The residential properties in the area are mainly 2-storey terraced dwellings. The nearby streets have on street parking.

The application site is bounded on the northeastern boundary by the Chatham Dockyard Railway, which is a spur off of the main line leading to Chatham Docks. Immediately south of the site is an access road providing access to a number of garages and the rear entrances to properties on the eastern side of Kingswood Road. The land is level though drops down steeply to the railway line to the northeast. Currently the site appears to be used as domestic garden and there is a mix of fencing and planting on the boundaries of the site.

Proposal

The proposal is for the construction of a 3 bedroom detached dwelling. The dwelling would be approximately 10 metres in depth and 6 metres in width with a gable feature in the front elevation. The dwelling would be set back 2.8 metres from the pavement edge with the rear garden being approximately 9 metres in depth and 8 metres in width. One off road parking space is proposed to the rear of the property. The dwelling would have a lounge, hall and kitchen / dining room at ground floor level and 3 bedrooms and a bathroom at first floor level.

The application was initially for the construction of 2 one-bedroom dwellings but revised drawings have been submitted following concerns raised regarding overdevelopment of the site.

Site Area/Density

Site area: 0.017 ha (0.042 acres)
Site density: 59 dph (24 dpa)

Representations

The application has been advertised on site and neighbour notification letters have been sent to the owners / occupiers of 76, 78, 88, 90, 92, 93, 94, 95, 96, 97, 98, 99, 101 and 103 Kingswood Road and Flagstaff House, East End Road, Chatham Docks.

9 letters of objection were received in relation to the original proposal for two 1 bed units raising the following comments: -

- Intrude on privacy and block light to 98 Kingswood Road in the kitchen, bathroom and bedroom.
- Overcrowding due to the number of buildings and proximity to number 98.
- Covenants on the land restrict built form.
- Access to the site would result in the loss of the ornate bollards to the front of the site, which is part of the heritage of Gillingham.
- Parking spaces are too small for vehicle movement.
- Site is semi-natural and not a Brownfield site and contrary to the development plan.
- One-bedroom properties not needed.
- Access is not a right of way
- Land unstable
- Loss of light to 93 Kingswood Road
- Existing sewer and water network inadequate
- Parking problems will be made worse.
- Bend in the road is dangerous for drivers.
- Wildlife affected in the area
- Access need to allotments and garages
- Increase in noise by persons living in the properties
- Land previously used as garden and not built on
- Land to the rear relieves parking pressure on Kingswood Road by providing off road parking areas.
- No services run to the site (electric, water, sewer or drainage)
- Loss of privacy and noise disturbance to 96 Kingswood Road
- Building materials should not block vehicle movement in Kingswood Road
- Out of character with the other Victorian properties in the street.
- Entrance doors would lead onto a busy access road
- Single occupancy properties out of keeping with the family dwellings in the street
- Pedestrian and vehicle safety concerns

2 petitions, one with 39 signatures and one with 6 signatures on have been received raising the following concerns: -

- The land has always been designated as allotments and gardens.
- Single person dwellings would be out of keeping with family housing in the street
- Loss of natural greenery, which enhances the neighbourhood
- Further dwellings would increase parking problems in the area
- Change the Victorian character of the road.

Following the submission of revised plans and re-consultation the following comments have been received.

9 letters of objection (1 from an additional address not commenting on the initial consultation) raising the same concerns are previously.

1 petition received with 45 signatures on raising the following concerns: -

- The land has always been designated as allotments and gardens.
- The road has sufficient family accommodation.
- Loss of trees and shrubs, which enhances the neighbourhood
- Another dwelling would increase parking problems in the area
- Change the Victorian character of the road.

Development Plan Policies

Kent and Medway Structure Plan 2003

Policy QL1	(Quality of Development & Design)
Policy HP4	(Housing: quality and density of development)
Policy TP19	(Vehicle Parking Standards)

Medway Local Plan 2003

Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)
Policy BNE3	(Noise)
Policy BNE23	(Contaminated Land)
Policy H4	(Housing in Urban Areas)
Policy T13	(Parking Strategy)

Planning Appraisal

The determining issues in relation to this application relate to:

- Principle and density
- Street scene and design;
- Neighbour amenities;
- Highway matters; and
- Contamination issues

Principle and Density

The site is located within the urban boundary of Gillingham. Both national and local policies support the development and creation of residential units on these sites in favour of countryside locations. The site appears to have been most recently used as domestic garden and is within a residential area.

The density of the development equates to approximately 58 dwellings per hectare (dph). Government guidance state development should reach at least 50 dwellings per hectare in urban areas and therefore the density accords with this guidance. The density of the

surrounding terraced development is greater than that proposed, but notwithstanding that it is considered acceptable.

It is therefore considered that the development is acceptable in principle and that the density is appropriate for this location. The proposal is in accordance with policy HP4 of the Kent and Medway Structure Plan 2006 and policy H4 of the Medway Local Plan 2003.

Street scene and design

The street scene in Kingswood Road is made up of 2-storey terraced dwellings that are similar in design but not of a uniform appearance. The proposed dwelling would also be 2-storey and set a similar distance from the pavement edge to that of the existing terrace on this side of Kingswood Road. The proposed property is separated from the existing terrace by the access to the site and this separation facilitates the provision of a detached dwelling rather than an extension to the terrace. The massing, scale and design of the building attempts to pick up on characteristics in the street and provide for a property that would sit comfortably with the character of the area. This will be assisted through control over materials which is conditioned.

The proposal is considered acceptable and in accordance with policy QL1 of the Kent and Medway Structure Plan 2006 and policy BNE1 of the Medway Local Plan 2003.

Amenity Considerations

Number 98 Kingswood Road is located to the south of the application site and as such due to this orientation and the path of the sun there would be no detrimental impact with regard to overshadowing. The rear elevation of the proposed dwelling would be set further forward than number 98 and therefore there would be no detrimental impact with regard to outlook or daylight. No windows are proposed to face number 98 and therefore there would be no loss of privacy.

Consideration should also be given to the level of amenity that would be created for future occupiers of the dwelling. The positioning and arrangement of fenestration in the proposed dwelling would result in acceptable levels of outlook and daylight at the property. The positioning of windows in the rear elevation of number 98 Kingswood Road would allow overlooking of the rear garden of the proposed property. However overlooking from first floor windows is common in the area and this is not considered significant enough to justify refusal. The rear garden area is large enough for a family property.

The site is positioned adjacent to the Chatham Dockyard Railway however this is infrequently used and no concern is raised regarding noise levels on site.

The proposal is considered acceptable in terms of amenity considerations and is in accord with policy QL1 of the Kent and Medway Structure Plan 2006 and policies BNE2 and BNE3 of the Medway Local Plan 2003.

Highways

It is proposed to provide 1 off road parking space to serve the proposed property. Parking is generally provided on street in this area and like many parts of the urban area of Medway there is pressure on parking generally. The provision of one space will therefore ensure that pressure on street parking is minimised from this development. In addition the site is

centrally located in easy reach of Gillingham Town Centre and Gillingham Railway Station along with a number of bus routes.

Satisfactory vision splays can be achieved from the access and so the proposal will not impact on highway safety.

The proposal is acceptable with regard to the impacts on the highway and is in accord with policy TP19 of the Kent and Medway Structure Plan 2006 and policy T13 of the Medway Local Plan 2003.

Contamination Issues

In the past there have been uses, such as an allotment, which could have given rise to contamination. An appropriate condition is accordingly recommended. The proposal is acceptable with regard to the impacts regarding contaminated land and is in accord with policy BNE23 of the Medway Local Plan 2003.

Conclusions and Reasons for Approval

The site is located within the defined urban boundary and as such the principle of residential development is acceptable. The dwelling would be of an acceptable size and massing and the proposal is acceptable in amenity, highway and all other material planning considerations. The proposal therefore accords with the relevant provisions of the Development Plan and the application is accordingly recommended for approval.

This application would normally fall to be determined under officers' delegated powers, but is being reported for Members' consideration due to the number of letters of received expressing a view contrary to the officers recommendation.

14 MC2008/1516

Date Received: 5th September 2008

Location: Port Medway Marina Station Road Cuxton Rochester ME2 1AB

Proposal: Engineering works to infill three underpasses under railway and stabilise railway banks by infilling with imported inert material and diversion of public footpath

Applicant: Port Medway Marina Ltd Port Medway Marina Station Road Cuxton Rochester Kent ME2 1AB

Agent: Ms A Bloomfield Bloomfields Limited 66 College Road Maidstone Kent ME15 6SJ

Ward: Cuxton & Halling

Recommendation - Approval with Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The infilling works hereby permitted shall not be commenced until the replacement route for the affected section of RS206 has been laid out in accordance with details that have been submitted to and approved in writing by the Local Planning Authority and has been made available for public use.
- 3 Within 14 days of the commencement of the infilling operations hereby permitted, the Local Planning Authority shall be notified in writing of the commencement. All works in connection with the development shall cease within twelve months of the date of commencement.
- 4 A log of all vehicles delivering materials to the site shall be kept and shall be made available for inspection by the Local Planning Authority within 48 hours of any written request. No more than 20 deliveries of infill material shall be taken by the site on any one day.
- 5 No construction works and no deliveries in connection with the development hereby permitted shall take place outside of the hours of 08:30 - 18:00 (inclusive) on Mondays - Fridays, and not at all on Saturdays, Sundays and Public Holidays.
- 6 Notwithstanding the submitted details, the existing access to the marina shall not be relocated unless full details of any proposed new access have first been submitted to and approved in writing by the Local Planning Authority, in which case development shall be carried out in accordance with the submitted details and thereafter maintained in such form.

- 7 Prior to the commencement of development, a biodiversity mitigation and enhancement scheme shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include:
- Details of measures to protect retained habitat, trees and other vegetation;
 - Details of any necessary measures to prevent construction works (including noise and disturbance from construction works) from negatively impacting on protected species or to mitigate such impact if it is unavoidable;
 - Details of a replacement planting scheme (including size, species and numbers or density of plants);
 - Details of other biodiversity enhancement measures such as installation of nesting boxes;
 - Timetable for implementation of biodiversity mitigation and enhancement works; and
 - Scheme for long-term management of biodiversity enhancement areas.

Development shall be carried out in full accordance with the submitted details and timetable. The management scheme shall be implemented in accordance with approved details.

- 8 Prior to commencement of development, a construction code of practice shall be submitted to and approved in writing by the Local Planning Authority detailing measures to control noise and dust impacts arising from the construction phase of the development. Construction shall be carried out in full accordance with the code of practice.
- 9 Prior to the commencement of development, details of all proposed fencing shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and shall thereafter be maintained in such form unless any variation has first been agreed in writing by the Local Planning Authority.
- 10 Prior to the commencement of any infilling operation, full details of the type or types of material(s) to be used in association with these works shall be submitted to and approved in writing by the Local Planning Authority. Only materials approved for this purpose pursuant to this condition shall be used in association with the permitted infilling works.
- 11 Prior to commencement of infilling works, details of a sampling regime to ensure infilling material is suitable for its purpose shall be submitted to and approved in writing by the Local Planning Authority. The sampling regime shall be implemented in accordance with the approved details and within two months of infilling being complete a closure report containing the results of this sampling shall be submitted to the Local Planning Authority for approval. Should the results of the sampling indicate that unsuitable material has been imported then a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority within two months of the results becoming available, and shall be implemented in accordance with an agreed timescale.

- 12 No development shall take place until traffic management measures for the junction of Station Road and the A228 in relation to HGV movements have been implemented in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

For the reasons for this recommendation for approval, please see the planning appraisal section and conclusions at the end of this report.

Site Description

Port Medway Marina is located on the northwest bank of the River Medway, just outside of Cuxton village and to the south of the Medway Valley railway line. The application site itself is two thin strips of land either side of the railway line, and incorporates three underpasses and part of the route of Public Right of Way RS206.

The strip of land to the south of the railway, including the affected part of RS206, is located in a ditch between the railway embankment and the Marina. The depth of this varies but at points along the route it is very enclosed. The railway embankment has overgrown vegetation, and the boundary to the Marina is formed of fencing of mixed design. At places there are buildings and vehicle parking areas backing directly onto the footpath. To the north of the railway, land slopes gently upwards away from the river and the application site sits amongst these gentle land level changes.

Proposal

The proposal is for engineering works comprising the infill of the ditch to the south of the railway and the three underpasses, and also for the replacement of footpath RS206 on the northern side of the railway. Information in support of the application states that the infilling work is required to improve the stability of the railway bank and to increase security and reduce maintenance requirements in respect of the railway.

Some of the submitted documents refer to use of the in-filled area to provide a relocated access for the marina. However, no details of the route etc. of this have been provided on the plans.

Relevant Planning History

90/0452	Piling to provide new pontoon and mooring facilities Approved 05 July 90
90/0645	Infilling of land with inert material Approved 26 November 90
93/0904	Siting of portable buildings for use as offices, security unit, showroom, store, toilet block and the reclamation of land for use as amenity area No decision on system
MC1999/5791	Lawful Development Certificate for retention of portable building and residential moorings Refused 05 November 03

MC2000/1008	Ecological mitigation works to create a tidal lagoon, including excavation, removal of spoil and new planting Approved with conditions 29 September 00
MC2004/2084	Retention of floating offices and chandlery Approved with conditions 29 November 04
MC2005/1032	Application for Lawful Development Certificate (existing) for the stationing and mooring of eight house boats Current application
MC2005/1310	Construction of a detached single-storey building for use as boathouse Approved with conditions 09 January 06

Representations

The proposal has been advertised on site and in the press, and notification letters have been sent to the owners/occupiers of: 28, 30, and Cuxton Railway Station, Station Road; and 1 and 2 Factory Cottages and Plots 1-12 Caravan Site, Sundridge Hill. The following have also been consulted: Environment Agency; Medway Ports Authority; EDF Energy; Network Rail; Southern Gas Networks; the Open Spaces Society and Kent Wildlife Trust.

Eight letters from seven households have been received objecting to the proposal or stating no objection but raising concerns, on the following summarised grounds:

- The diversion of RS206 should be dealt with under the Highways Act and a Diversion Order made;
- Closure of the railway crossing at Station Road should be a separate matter;
- It is not clear from the plans where the three underpasses to be filled are, as the PRoW only passes through one;
- The submitted application makes references to a masterplan – what is the status of this document and can it be viewed?;
- The existing footpath is in a very bad state and this should be rectified;
- Noise, disturbance and dirt from delivery lorries will impact on residents of Station Road and Hillcrest Drive;
- The proposal would lead to RS206 being unavailable for an extended period of time which would deprive the public of an important pedestrian route;
- The ecological report is not thorough enough and there is no consideration of the impact of the expansion of the Marina on local wildlife;
- Do not accept that concerns with flooding are at a low to moderate level given continued rising in river depths;
- The owner of the Marina has undertaken previous works which caused a great deal of misery to local residents and this proposal will be no different;
- Station Road is unsafe as it is and this will make it worse;
- The width of Station Road has been overstated in the application details;
- Although traffic increase is stated to be temporary the expansion of the Marina will surely lead to permanent traffic increases;
- The traffic studies submitted are out of date and also do not consider other proposed and approved building work in the area;
- The crossing of the A228 is unsafe and more HGV traffic will make this worse; and
- Traffic predictions do not take into account traffic from existing use of the Marina.

A petition of 22 signatures (from 18 addresses) has also been received objecting to the development on the following summarised grounds:

- The proposal would lead to increased danger to pedestrians and residents from road traffic;
- The hours of delivery are too long and do not take into account hours of darkness in winter;
- The road is not as wide as stated in the application;
- The traffic information submitted is out of date; and
- References to a masterplan for the Marina with no further clarification of proposals are considered to be underhanded. Expansion of the Marina would increase traffic permanently, not temporarily as claimed in the application.

Cuxton Countryside Group object on the grounds that the footpath ought to remain on its current alignment after the infilling, as this would allow re-instatement of the river view but would retain the historical route of the path, which was originally instated by the railway board to serve workers who had been using the tracks as a route home.

Cuxton Parish Council do not object but have commented that the proposal will result in the loss of any safe way for pedestrians to cross the railway. They are not convinced that Station Road is suitable to take the weight of the proposed HGVs. The diverted footpath should be linked up with the riverside walk through Medway Valley Leisure Park.

Kent Wildlife Trust disagree with some of the ecological assessment. They consider that the proposal has potential to negatively impact on the Local Wildlife Site adjacent to the motorway bridge. However, they do not object in principle to the development and consider that a requirement should be imposed for a biodiversity enhancement plan to mitigate any impacts.

The **Open Spaces Society** agrees in principle with the diversion of RS206 in as far as it increases the safety of users by removing the need to cross the railway, and in terms of reducing maintenance problems for Network Rail. However, they raise concerns with some of the statements in the supporting documentation and consider that some of them are misleading. They are also concerned that no community consultation was undertaken prior to the proposal being submitted.

Medway Ports Authority has written confirming no objection to the proposal.

The **Environment Agency** initially objected to the proposal on the basis that the information submitted was not sufficient to determine whether there would be any increased flood risk or whether there was potential for historic contamination to be affected. Following receipt of further information from the applicant, both of these objections were withdrawn.

The Medway Access Forum has written stating that the PROW should remain in use at all times and the diversion should have a dry surface, be signposted and be in place before the existing path is closed.

Development Plan Policies

Kent and Medway Structure Plan 2006

Policy SS3	(Strategic Gaps)
Policy SS8	(Development in the Countryside)
Policy EN3	(Protecting and Enhancing Countryside Character)
Policy EN7	(County and Local Wildlife Designations)
Policy EN8	(Protecting, Conserving and Enhancing Biodiversity)
Policy EN12	(River Corridors)
Policy QL1	(Quality of Development and Design)
Policy QL17	(Green-space Networks and Rights of Way)
Policy TP15	(Development Traffic and Heavy Goods Vehicles)
Policy NR10	(Development and Flood Risk)

Medway Local Plan 2003

Policy BNE2	(Amenity Protection)
Policy BNE6	(Landscape Design)
Policy BNE7	(Access for All)
Policy BNE23	(Contamination)
Policy BNE25	(Development in the Countryside)
Policy BNE31	(Strategic Gap)
Policy BNE34	(Areas of Local Landscape Importance)
Policy BNE36	(Strategic and Local Nature Conservation Sites)
Policy BNE37	(Wildlife Habitats)
Policy BNE39	(Protected Species)
Policy L10	(Public Rights of Way)
Policy T1	(Impact of Development)
Policy T2	(Access to the Highway)
Policy CF13	(Tidal Flood Areas)

Screening opinion

The proposed development does not fall within any of the classes with Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended). As such there is no requirement for an EIA to be undertaken in respect of this development.

Planning Appraisal

Principle of development

Although the application site is located within the open countryside, the nature of the works proposed is that they require a rural location, because the issues of stabilisation of the railway embankment and diversion of the footpath can only be addressed where they arise. The use of the in-filled area as access to the marina does not strictly fall under this criterion, but as a relatively minor alteration to the operational area of an established rural business it is considered that this is also appropriate in a countryside location, subject to detailed consideration of the impacts. As such, the principle of the proposal is considered to be

acceptable under the provisions of Policy SS8 of the Structure Plan and Policy BNE25 of the Local Plan.

Policy SS3 of the Structure Plan and Policy BNE31 of the Local Plan, relating to Strategic Gaps, require that development should not result in a significant expansion of the built confines of existing settlements, or degrade the function of the areas in separating existing built-up areas; it is considered that the nature of this proposal would not result in either of these occurring and as such the proposal is also acceptable in principle in terms of these Policies.

Visual impact

The visual impact of the proposal is relatively limited. The proposed infilling itself, once landscaped, will result in a change to topography but in the context of the wider area this would have limited impact on the character of the area including the special characteristics that warrant its designation as an Area of Local Landscape Importance. Up to three fences are proposed (either side of the railway line, and between the new access and the Marina) but no details of these have been submitted. This can be required by condition and it is considered that a suitable compromise between the needs of security and the rural appearance of the area can be reached.

The vegetation along both sides of the railway includes a number of small trees. No detailed survey of these has been submitted. However, while the appearance of vegetation is important to the general character of the area, very few if any of these trees are worthy of retention as individual specimens and as such it is considered that conditions requiring replacement planting will overcome any impact from the loss of this vegetation. The surfacing of both the new access and the diverted footpath also needs to be taken into account and again can be controlled by condition.

Amenity Considerations

Footpath users

The existing footpath is located in a ditch between two embankments, which at places are quite high and combined with vegetation, fencing and occasional buildings on the Marina side this results in an oppressive and enclosed environment for users, with no views out to the surrounding countryside. There is a requirement for users of the footpath to cross the railway twice; once at the Station Road level crossing and again through an underpass adjacent to Factory Cottages. This underpass is dark, low ceilinged and does not promote a feeling of safety for users.

The proposed relocated route of the footpath would provide a considerable improvement in respect of amenity for users. Being set at railway level or higher, and in an area of relatively level land, there would be no feeling of enclosure and views of the river and the surrounding countryside would be available. The underpass is considered the most unsafe aspect of the existing route and this would no longer be necessary. As put forward by some objectors, it could be argued that most of these benefits would also accrue from a reinstatement of the footpath on its current line once the infilling is complete, and this would still deliver the increased stability for the railway as required by Network Rail. However, the proposal must be considered on its individual merits and not in comparison to an alternative proposal that may never come forward. Furthermore, not having to cross the railway line twice remains a benefit for users whether by underpass, footbridge or level crossing, and the overall diversion

of the route would be minor. It is therefore considered that the proposal complies with the requirement of Policy L10 of the Local Plan that PRowS should not be diverted “unless an acceptable alternative route of **comparable or improved** amenity can be provided”.

Limited weight is given to the applicant’s claims that the diversion would allow more equitable access to all potential users (such as those with pushchairs or the disabled) as only this stretch of footpath would be improved and the remainder of the route which it links to would remain difficult to access other than for the able-bodied. Nevertheless, the opportunity to secure an improvement in accessibility for this stretch should be taken and if improvements then come forward elsewhere on the linking sections of the route this would then create a significant benefit.

None of the above negates the need for the proper legal procedures in respect of PRowS diversion to be followed, and for any criteria under those regulations to be met.

Local residents

The physical works proposed will have minimal impact on surrounding residents, given their nature and location. However, there will be some impact at construction phase, both from the works themselves and from delivery of materials, which it is proposed would be via Station Road in HGVs. The applicants have proposed a number of limitations to HGV movements and construction work, namely:

- A maximum of 20 loads in 20 tonne lorries per day (i.e. a total of 40 movements including return trips)
- Works to be completed within 1 year (of this, only 80 days are likely to have actual work taking place, but the longer time period is needed due to the work being weather dependent)
- Deliveries to site to be from Monday to Friday only
- Hours of operation to be from 08:00 to 18:00

It is considered that these limitations would adequately limit the impact on amenity from traffic movements associated with the works. However, in view of the close proximity to a residential area through which the delivery vehicles must travel, a later start time of 08:30 is recommended. It is also recommended that a scheme to control noise and dust from the workings themselves should be implemented, and again a condition can be imposed requiring this.

Given the limited time period where the disturbance would occur and the limitations proposed, it is not considered that the impact on amenity of surrounding residents would be so significant as to merit a refusal of the application. The proposal is therefore considered to be in accordance with the relevant provisions of Policy QL1 of the Structure Plan and Policy BNE2 of the Local Plan.

Highways

The proposed works will not have any impact on traffic generation once complete, but there will be an impact from HGV deliveries during construction phase. Access would be via Station Road which is relatively narrow, serves a number of residential properties and has a sharp bend just prior to the entrance to the site. The junction of the A228 and Station Road also has acknowledged capacity constraints. The limitations on vehicle movements and their

temporary timescale will go some way to overcome these concerns. However, in view of the existing concerns regarding the junction with the A228, consideration should be given to temporary traffic management measures for this junction. Subject to this it is not considered that there would be any significant impact on highway safety such as would merit a refusal of planning permission. The proposed limitations and traffic management measures can be controlled by condition.

As noted above, the proposed diversion of the PRow would be required to follow all proper legal procedures and the granting of planning permission would not prejudice this separate procedure.

Some of the submitted information states that the main vehicular access into the site is to be diverted onto the in-filled area. However, no details of this have been submitted. While there would be no increased traffic movements as a result of the proposal and there is therefore unlikely to be any significant highway safety concern relating to the principle of the relocation of the access, the total lack of information means that it is not possible for this to be properly assessed and a condition is therefore recommended preventing relocation of the access unless and until such details have been submitted and approved.

Subject to conditions as noted above, the proposal is considered to be acceptable in terms of its impact on highway safety and efficiency, and in this respect it is in accordance with the relevant provisions of Policy TP15 of the Structure Plan and Policies T1 and T2 of the Local Plan.

It is noted that some objections refer to the closing of the level crossing. To clarify this, all that is proposed is that users of the footpath will no longer have to cross it. As the level crossing serves a number of other properties to the south of the railway it would have to be retained.

Ecology

The application site partially overlaps a local wildlife site adjacent to the M2 bridge. There is also potential impact on biodiversity in terms of the proposed scrub clearance along the sides of the railway. Information submitted in support of the application states that:

- The trees on site are not considered suitable for bat roosts as they are too young and without crevices etc. or any significant ivy growth.
- The scrub alongside the railway has potential for breeding birds.
- There is no evidence of badgers, and no suitable habitat within the application site for reptiles, amphibians or dormice.
- The saline lagoons created adjacent to the M2 bridge provide habitat for tentacled lagoon worms but these would be unaffected by the proposals and there is no suitable habitat for the worms within the site itself.
- No nationally or county-wide scarce plants were recorded on the application areas and they are not listed in the description of the local wildlife site.

Generally speaking the conclusions of this information are supported. A condition preventing any shrub clearance during bird breeding season will be sufficient to prevent harm to protected species during construction. However, the limited importance ascribed to the scrub habitat is not supported and it is not considered that the loss of this habitat has been sufficiently considered as part of the proposals. A replacement planting scheme to include

biodiversity enhancement is considered necessary to mitigate the partial loss of this habitat and is in accordance with national, regional and local policies which seek to maximise potential for biodiversity within development proposals.

Other Issues

Flood risk

The application site is located on the edge of a flood risk area, and the Environment Agency initially raised concerns that the infilling of the area between the embankments and the underpasses might affect land drainage and flood storage capacity. Following the submission of more detailed information from the applicant, the Environment Agency has confirmed that this is no longer a concern.

Contamination

The material to be imported for the infill is to be inert, and this can be controlled by appropriate conditions. Information has been submitted to demonstrate that minimal historic contamination is likely in the area and as such no objection is raised under the terms of Policy BNE23 of the Local Plan.

Masterplan

A number of the submitted documents and letters of representation make reference to a masterplan for the marina. This document has been prepared on behalf of the applicants to demonstrate their future plans for development. It has no formal planning status and no planning permission or other agreement has been given in relation to the proposals contained within it. These proposals remain to be considered on their own merits as and when they come forward and do not form any part of the current application.

Conclusions and Reasons for Approval

The main impact of the proposed works will be during the construction phase in terms of potential noise and disturbance and impact on highways. It is considered that conditions can be imposed to limit these impacts to an acceptable level. The diversion of the public footpath is considered acceptable given the improvements to amenity that will result and the fact that it is a minor diversion in the overall route. While there will be some ecological impact through loss of habitat, this can be mitigated by replacement planting and biodiversity enhancement. Accordingly the proposal is considered to be acceptable and is in accordance with the abovementioned Development Plan Policies.

The application would ordinarily fall to be determined by officers' delegated powers but is referred to committee due to the level of representations received contrary to officers' recommendation, and also at the request of Cllr Hicks who has been approached by the Local Access Forum and the Parish Council and as a result feels that the issues raised in this application should be most properly considered by Committee.

15 MC2008/1565

Date Received: 17th September 2008

Location: 100 High Street Rochester ME1 1JT

Proposal: Listed Building Consent for a hand painted sign and non non-illuminated hand painted double sided projecting sign.

Applicant: Mr E Haque 134 Scotney Gardens St Peters Street Maidstone Kent ME16 OGR

Agent: Mr P Brown Outreach Sign Services Limited 16 Swan Street Leicester Leics LE3 5AW

Ward: Rochester West

Recommendation - Approval with Conditions

(as amended by plans received on 31st October and 10th November 2008)

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 Notwithstanding the submitted plans, a plan showing the location of the bracket to hang the projecting sign, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works.

For the reasons for this recommendation for approval, please see the Planning Appraisal section and conclusions at the end of this report.

100 High Street, Rochester is situated in the retail core and within Rochester City Conservation Area. The properties are mixed in design and type and are a range of ages. There are a variety of signs visible in the close vicinity and many are hand painted with non-illuminated projecting signs on traditional brackets.

The application site is a Grade II listed, mid-terrace timber framed building dating back to the seventeenth century. The current signage is painted on to the timber facia which matches that at number 102 High Street. Number 98 has painted signage.

Proposal

This is an application for Listed Building Consent for a hand painted fascia sign and non non-illuminated hand painted double sided projecting sign. The proposed lettering will be approx. 2m wide and 0.4m high. The projecting sign will be approx. 0.6m deep and 0.45m high.

Relevant Planning History

MC2008/1522	Listed Building Application for interior refurbishment and external alterations to shop front, siting of 2 external air conditioning condensers and erection of a 300mm extract duct to rear Withdrawn
MC2008/1523	Installation of a new shop front together with 2 air conditioning units, 2 external condenser units and 1 extract grill to the rear Withdrawn
MC2008/1610	Installation of hand painted sign and non-illuminated hand painted double sided projecting sign Approved 20 November 2008.
MC2008/1851	Listed Building Application for interior refurbishment and external alterations to shop front, siting of two external air conditioning condensers and 2 cold room condensers and erection of 300mm extract duct to the rear For consideration on this agenda
MC2008/1852	Installation of a new shop front together with 2 air conditioning units and 1 extractor grill to the rear For consideration on this agenda

Representations

The application has been advertised on site and in the press. Neighbours notification letters have been sent to the owners and occupiers of Cutting Crew, 102 and 102, 105, Dental Surgery, 105, Ground Floor, 105 and 103 High Street and 98 and Cry Jewellers, 98 High Street and 41 La Providence, Rochester, Kent.

Three letters have been received raising the following objections:

- Allowing such a business in the High Street would be out of keeping with the character of the street and will degrade the area
- The bright orange colour of Subway signage would not be suitable in this conservation area. A projecting sign with the Subway logo would not sit happily with the historic flavour of the High Street

Development Plan Policies

Kent and Medway Structure Plan 2006

Policy QL1	(Quality of Development and Design)
Policy QL6	(Conservation Areas)
Policy QL8	(Buildings of Architectural or Historic Importance)

Policy BNE1	(General Principles for Built Development)
Policy BNE12	(Conservation Area)
Policy BNE17	(Alterations to Listed Buildings)
Policy BNE19	(Advertisements on Listed Buildings)

Planning Appraisal

Effect on Listed Building, its Setting and General Design

In terms of the effect on the listed building and its setting, the proposed hand painted sign, hand painted projecting sign and traditional bracket is considered in keeping with the character of the building, its setting and the conservation area. There are other hand painted signs which complement the character of the area in the vicinity and the proposal is considered to do the same. The proposed signage is considered appropriate in terms of its design and siting. The proposal will not result in the obscuring or alteration to any architectural details or traditional materials.

The application was originally for a non illuminated fascia sign and projecting sign however, this was not considered appropriate and negotiations were undertaken with the applicant and Conservation Officer to ensure the sign is hand painted directly onto the existing fascia. However, the exact position of the proposed bracket still needs to be finalised and an appropriate condition is recommended. This will involve a site visit with the applicant.

The proposal complies with the objectives of Policies QL1 of the Kent and Medway Structure Plan 2006 and BNE1, BNE12, BNE17 and BNE19 of the Medway Local Plan 2003 with regards to the impacts on the listed building, its setting and design.

Conclusions and Reasons for Approval

The proposed signage as amended to be hand painted onto the existing fascia with a hand painted projecting sign, will reflect the quality of signage in the conservation area and be appropriate for this important listed building. The proposal accords with the above mentioned Development Plan policies and is recommended for approval.

This application would ordinarily fall to be determined under officers' delegated powers but has been referred for Members' consideration due to the number of objections received.

16 MC2008/1852

Date Received: 7th November 2008

Location: 100 High Street Rochester ME1 1JT

Proposal: Installation of a new shopfront together with 2 air conditioning units, 2 external condenser units and 1 extract grill to the rear (Resubmission of MC2008/1523)

Applicant: Ms Patel KS Development Ltd 2 James Whatman Court Turkey Mill Ashford Road Maidstone Kent ME14 5PP

Agent: Khamkar HAY Designs Ltd 1 Kingsley Street Leicester Leicestershire LE2 6DY

Ward: Rochester West

Recommendation - Approval with Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 Prior to the commencement of development and notwithstanding the submitted plans, a plan showing full details of the proposed shopfront showing window sills, mouldings and the set back of the door at a scale of 1:20 shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be undertaken in accordance with the approved details.
- 3 Prior to the commencement of the development hereby permitted, an acoustic assessment shall be undertaken to determine the impact of noise arising from fixed plant at the development site. Noise from commercial premises should be controlled, such that the noise rating level (LA,T) emitted from the development does not exceed the background noise level (LA90,T), by more than 3dB. All measurements shall be defined and derived in accordance with BS4142: 1997. The results of the assessment and details of any mitigation measures shall be submitted and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is brought into use and thereafter be maintained in accordance with the approved details.
- 4 Prior to the commencement of the development hereby permitted, a scheme for the extraction and treatment of cooking fumes, including details for the control of noise and vibration from the system, shall be submitted and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is brought into use and thereafter be maintained in accordance with the approved details.

For the reasons for this recommendation for approval, please see the Planning Appraisal section and conclusions at the end of this report.

100 High Street, Rochester is situated in the retail core within Rochester City Conservation Area. There is restricted car access and parking. The properties are mixed in design and type and are a range of ages. There are a variety of shopfronts visible in the close vicinity but most are traditional. Many have projecting signs hung on traditional brackets.

The application site is a Grade II listed, mid-terrace timber framed building dating back to the seventeenth century with later additions which have hidden the original structure. The current shopfront is recessed however neighbouring properties are not and probably date from about 1900.

Proposal

This application is for the installation of a new shopfront together with two air conditioning units, two external condenser units and one extract grill to the rear. The shopfront will be brought forward in line with those at neighbouring properties and will have one single door. The two air-conditioning units will be approx. 0.8m high and 0.9m wide and will project approx. 0.4m from the rear. They will be stacked one on top of the other. The extract grill will be sited approx. 1.9m above ground level above the air conditioning condensers. The two external condenser units will be mounted at floor level and will be 0.3m high, 0.3m wide and will project approx. 0.4m from the rear.

The difference between this application and that which was withdrawn is that the proposed shopfront has been brought forward in line with the front of the building.

Relevant Planning History

MC2008/1523	Installation of a new shopfront together with 2 air conditioning units, 2 external condenser units and 1 extract grill to the rear Withdrawn
MC2008/1522	Listed building application for interior refurbishment and external alterations to shop front, siting of 2 external air conditioning condensers and 2 cold room condensers and the erection of a 300mm extract duct to rear Withdrawn
MC2008/1565	Listed Building Consent for a hand painted sign and non non-illuminated hand painted double sided projecting sign For consideration on this committee
MC2008/1610	Installation of hand painted sign and non-illuminated hand painted double sided projecting sign Approved 20 November 2008.
MC2008/1851	Listed building consent application for the interior refurbishment and external alterations to shop front, siting of two external air conditioning condensers and two cold room condensers and the erection of a 300mm extract duct to rear (Resubmission of MC2008/1523) For consideration on this committee

Representations

The application has been advertised by way of a site notice and press notice.

Neighbour notification letters have been sent to the owners and occupiers of 96, 98, 102, 103, Jeanette Illes-North, 103, 104, 105, Ground Floor, 105 and 103 High Street and 98, 170, 93, Mrs Bumbles Tea Rooms, 132, Dot Café, 172 and 97 High Street and 41 La Providence, French Hospital, 14 High Street, 16 Mill Close, 2 Eden Mews, Rochester, 34 Station Road, Cliffe, Kent and Millar Ankas, The Guard House, Historic Dockyard, Chatham, Kent.

English Heritage and the City of Rochester Society have been consulted on the application.

3 letters have been received objecting to the application on the following grounds:

- A modern fast food chain will damage the atmosphere of the High Street
- The closeness of the outlet presents a serious threat to 97 High Street from litter, vomit and urine
- There will be late night customers, noise, vandalism and pollution
- 97 High Street is listed and has been a target of vandalism from late night revellers
- Customers will eat their purchases on the fourcourt of the premises
- Subway will take away business from other local businesses
- Change of the shop front to a modern design will change the character of the High Street

Development Plan Policies

Kent and Medway Structure Plan 2006

Policy QL1	(Quality of Development and Design)
Policy QL6	(Conservations Areas)
Policy QL8	(Buildings of Architectural or Historic Importance)
Policy TP19	(Vehicle Parking Standards)

Medway Local Plan 2003.

Policy BNE1	(General Principles of Development)
Policy BNE2	(Impact on Amenity)
Policy BNE3	(Noise)
Policy BNE12	(Conservation Areas)
Policy BNE14	(Shopfronts)
Policy BNE17	(Alterations to Listed Buildings)
Policy BNE18	(Setting of Listed Buildings)
Policy T13	(Car park standards)

Planning Appraisal

Street scene and design

In terms of street scene, the proposed shop front is not dissimilar to others within the close vicinity, most notably the two adjacent properties and therefore the principle is considered

acceptable. The proposed shopfront is to be painted black and therefore will be in keeping with the existing building and the Conservation Area. However, the drawings submitted fail to demonstrate in detail the full extent of works to the shop front and while acceptable in principle it is important to get the fine detail precisely correct and an appropriately worded condition is recommended. The proposed air conditioning condensers, cold room condensers and extract fan will be situated to the rear and therefore will not be visible from the street. These structures will be sited on a later Victorian addition to the building and will not negatively impact on the older and more important part of the Listed Building. To the rear of the property there are a few outbuildings and the land slopes up to the back. The boundary treatment to the northwest is approx. 2m high and therefore the proposal will not be readily visible from neighbouring gardens.

The proposal complies with the objectives of Policies QL1 of the Kent and Medway Structure Plan 2006 and BNE1 of the Medway Local Plan 2003 and with regards to the impacts on street scene and design.

Neighbouring Amenities

The proposed new shopfront, by virtue of its position, not projecting any further than the existing shop will have no detrimental impact in terms of loss of outlook, privacy, sunlight or daylight for any neighbour.

This application is for alterations and additions to the building and is not for a change of use. It is not reasonable to control in this application aspects relating to hours of operation or deliveries. However the extract grill and air conditioning units etc can be noisy if not maintained and an appropriate condition is recommended. In addition it is important to control details of the method and maintenance of the means for extracting cooking fumes and again an appropriate condition is recommended.

The proposal complies with the objectives of Policies QL1 of the Kent and Medway Structure Plan 2006 and BNE2 and BNE3 of the Medway Local Plan 2003 with regards to the impacts on neighbours' amenities.

Conclusions and Reasons for Approval

The shop front proposal is in keeping with the character of the area, while the units to the rear will not impact negatively on the character of the building or neighbour amenities subject to the conditions recommended. The proposal therefore accords with the above mentioned Development Plan policies and is recommended for approval.

This application would ordinarily fall to be determined under officers' delegated powers but has been referred for Members' consideration due to the number of objections received and at the request of Cllr Baker who considers that matters relating to the sensitivity of the site in a conservation area are best considered by Committee.

17 MC2008/1851

Date Received: 7th November 2008

Location: 100 High Street Rochester ME1 1JT

Proposal: Listed building application for interior refurbishment and external alterations to shop front, siting of 2 external air conditioning condensers and 2 cold room condensers and the erection of a 300mm extract duct to rear (Resubmission of MC2008/1522)

Applicant: Ms Patel KS Developments Ltd 2 James Whatman Court Turkey Mill Ashford Road Maidstone Kent ME14 5PP

Agent: Khamkar HAY Designs Ltd 1 Kingsley Street Leicester Leicestershire LE2 6DY

Ward: Rochester West

Recommendation - Approval with Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 Prior to the commencement of development and notwithstanding the submitted plans, a plan showing full details of the proposed shopfront showing window sills, mouldings and the set back of the door at a scale of 1:20 shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

For the reasons for this recommendation for approval, please see the Planning Appraisal section and conclusions at the end of this report.

100 High Street, Rochester is situated in the retail core within Rochester City Conservation Area. There is restricted car access and parking. The properties are mixed in design and type and are a range of ages. There are a variety of shopfronts visible in the close vicinity but most are traditional. Many have projecting signs hung on traditional brackets.

The application site is a Grade II listed, mid-terrace timber framed building dating back to the seventeenth century with later additions which have hidden the original structure. The current shopfront is recessed however neighbouring properties are not and probably date from about 1900.

Proposal

This is a Listed building consent application for the interior refurbishment and external alterations to shop front, siting of two external air conditioning condensers and two cold room condensers and the erection of a 300mm extract duct to rear. The internal refurbishment will include the covering up of the existing fireplace with Perspex and the screeing of the floor to

the back of the shop. The shopfront will be brought forward in line with those at neighbouring properties and will have one single door. The two air-conditioning units will be approx. 0.8m high and 0.9m wide and will project approx. 0.4m from the rear. They will be stacked one on top of the other. The extract grill will be sited approx. 1.9m above ground level above the air conditioning condensers. The two external condenser units will be mounted at floor level and will be 0.3m high, 0.3m wide and will project approx. 0.4m from the rear.

Relevant Planning History

MC2008/1523	Installation of a new shopfront together with 2 air conditioning units, 2 external condenser units and 1 extract grill to the rear Withdrawn
MC2008/1522	Listed building application for interior refurbishment and external alterations to shop front, siting of 2 external air conditioning condensers and 2 cold room condensers and the erection of a 300mm extract duct to rear Withdrawn
MC2008/1565	Listed Building Consent for a hand painted sign and non non-illuminated hand painted double sided projecting sign For consideration on this Committee
MC2008/1610	Installation of hand painted sign and non-illuminated hand painted double sided projecting sign Approved 20 November 2008.
MC2008/1852	Installation of a new shopfront together with 2 air conditioning units, 2 external condenser units and 1 extract grill to the rear (Resubmission of MC2008/1523) For consideration on this Committee

Representations

The application has been advertised by site notice and press notice.

Neighbours notification letters have been sent to the owners and occupiers of 102 and 102, 103, 104, 105, 105, Ground Floor, 105 and 103, Mrs Bumbles Tea Rooms, 132, 170, 172 High Street and 93, 96, 97, 98 and 98 High Street and 41 La Providence, French Hospital, 14 High Street, 2 Eden Mews, 16 Mill Close, Rochester, 34 Station Road, Cliffe and Richard Watts, Miller Ankas, The Guard House, Historic Dockyard, Chatham, Kent.

English Heritage and the City of Rochester Society have been consulted on the application

2 letters have been received raising the following objections to the application:

- A modern fast food chain will damage the atmosphere of the High Street
- The closeness of the outlet presents a serious threat to 97 High Street from litter, vomit and urine
- There will be late night customers, noise, vandalism and pollution
- 97 High Street is listed and has been a target of vandalism from late night revellers

- Customers will eat their purchases on the fourcourt of the premises
- Subway will take away business from other local businesses
- Change of the shop front to a modern design will change the character of the High Street

Development Plan Policies

Kent and Medway Structure Plan 2006

Policy QL1	(Quality of Development and Design)
Policy QL6	(Conservations Areas)
Policy QL8	(Buildings of Architectural or Historic Importance)

Medway Local Plan 2003

Policy BNE1	(General Principles for Built Development)
Policy BNE12	(Conservation Areas)
Policy BNE17	(Alterations to Listed Buildings)
Policy BNE18	(Setting of Listed Buildings)

Planning Appraisal

Effect on Listed Building, its Setting and General Design

In terms of the effect on the listed building and its setting, the proposed air-conditioning units, condensers and extract will be attached to the rear and therefore will not be visible from the street. Due to the position of the condensers and grill they will not be visible from outside of the site. They will be attached to a Victorian extension which is of no particular interest and no objection is raised.

The internal alterations consist of the covering of the fireplace and screeing the floor in the middle room. This will not harm the character of the building and no objection is raised. The walls are to be covered in MDF and while this is acceptable it is important that the existing door and match-boarding are not covered. This can be controlled by condition.

The proposed shopfront is to be brought forward in line with the front of the property and have a door in the middle with glazing panels to each side. There is no objection to this providing the design is carefully considered. The submitted plans lack in detail and therefore a condition is recommended to ensure that, notwithstanding the submitted plans, full details of the proposed shopfront are submitted to, and approved in writing, by the Local Planning Authority.

The main difference between this and the previously withdrawn application is the screeing of the floor at the middle of the property and the alteration to the shopfront. These have been improved in negotiation with officers

The proposal complies with the objectives of Policies QL1, QL6 and QL8 of the Kent and Medway Structure Plan 2006 and BNE1, BNE12, BNE17 and BNE19 of the Medway Local Plan 2003 and with regards to the impacts on the listed building, its setting and design.

Conclusions and Reasons for Approval

The proposed alterations and additions to this listed building have been carefully designed and sited so as to not negatively impact on the character of the building while allowing the use of the property to function and meet modern needs. Subject to the conditions recommended the proposal accords with the provisions of the Development Plan and is recommended for approval.

This application would ordinarily fall to be determined under officers' delegated powers but has been referred for Members' consideration as it relates to the preceding application on this agenda that has 3 representations contrary to the recommendation. In addition Cllr Baker has called to committee as he feels the sensitive conservation issues should be considered by Committee.
