

PLANNING APPLICATIONS FOR 2 SEPTEMBER 2009

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ME4 6LG

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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 MC2009/0479

Date Received: 16th April 2009

Location: Land to the West of Eastern by-pass A228/A289 [north side of Hoo Road] Wainscott, Rochester, Kent.

Proposal: Revised application for approval of part of Phase 1 reserved matters [siting, design, external appearance & landscaping] pursuant to outline permission MC2005/0671 (as amended by MC2007/0032) for proposed replacement of units 46-50 & 58 with 12 No. units

Applicant: Crest Nicholson (Eastern) Limited C/O Agent

Agent: Miss N Wells Barton Willmore 35 Kings Hill Avenue Kings Hill West Malling Kent ME19 4BW

Ward: Strood Rural

Recommendation of Officers to the Development Control Committee, to be considered and determined by the Development Control Committee at a meeting to be held on the 2nd September 2009.

Recommendation - Approval with Conditions

(as amended by drawings and email received on 31 July 2009, 29 May 2009 and 6 April 2009)

- 1 The en-suite windows on the south west elevation in plot 282 and north east elevation in plot 284 (as numbered on drawing WS950_PA_100 rev J) shall be fitted with obscure glass and shall be non-opening apart from any top hung fan light, and shall thereafter be retained as such.
- 2 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 other than those shown on the approved plans shall be installed in the flank walls of plots 273, 277 and 281 herein approved without the prior written approval of the Local Planning Authority.
- 3 Prior to the commencement of the development hereby permitted, a scheme for protecting the amenity/garden areas from transport related noise that implements the measures described in the noise assessment reference 067713 dated 5 September 2007 and the supplementary note dated 3 December, shall be submitted to and approved in writing by the Local Planning Authority. The details submitted shall include an implementation programme and all works which form part of the approved scheme shall be completed in accordance with the approved details and implementation programme.

- 4 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 shall include details of acoustic protection sufficient to ensure internal noise levels (LAeq,T) no greater than 35dB in bedrooms or combined study/bedrooms and 40dB in living rooms with windows closed. Where the internal noise levels (LAeq,T) will exceed 35dB in bedrooms or combined study/bedrooms and 40dB in living rooms with windows open, the scheme shall incorporate appropriately acoustically screened mechanical ventilation. The details submitted shall include an implementation programme and all works which form part of the approved scheme shall be completed in accordance with the approved details and implementation programme.
- 5 No development shall commence until details of wheel washing facilities for construction vehicles have been submitted to and approved in writing by the Local Planning Authority. Such agreed facilities shall be retained on site for the duration of the building works unless otherwise agreed in writing 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

The application site is located on the north side of Hoo Road and forms part of a wider site with outline permission for residential development, which spans both sides of Hoo Road and is bounded by the A289 Wainscott Bypass to the east and the existing built-up area of Wainscott to the west. Hoo Road at its eastern end forms a spur off the Four Elms roundabout (the junction between the A228 (Four Elms Hill) and A289).

Phase 1 of the application is located closest to the Four Elms roundabout. The application site previously comprised arable farmland; construction of the approved residential development on this site has started. This phase has common boundaries with the A289 and Hoo Road and does not adjoin any of the existing residential development of Wainscott. The site is generally flat, although the western portion slopes gradually up, so that the Bypass is in a cutting at the site boundary, with a highway verge between.

Proposal

The proposal is a revised application for approval of part of Phase 1 reserved matters [siting, design, external appearance & landscaping] pursuant to outline permission MC2005/0671 (as amended by MC2007/0032) for proposed replacement of units 46-50 & 58 with 12 No. units.

The proposal seeks to replace plots 46 to 48, which are three large 4 bedroom detached houses with a terrace comprising of two 3 bedroom and two 2 bedroom houses and a two bedroom flat above parking spaces. A single garage is proposed at one end of the block and a double garage at the other end. Parking spaces are also provided to the front of each garage with a further two under the flat.

In replacement of plots 49 and 50 two pairs of semi-detached houses are proposed two with three bedrooms and two with four bedrooms a garage and a parking space to the front of the garage.

The proposal also seeks to replace plot 58 with a terrace of one 3 and two 2-bedroom houses with an attached double garage. In total there would be an increase in six units taking the overall total of phase 1 from 86 units to 92 units.

The tiles proposed:

- Redland Heathland “Autumn” (small format concrete tiles)
- Alpha 10 Clay “Chevreuse” (large format clay tile)

The Heathland “Autumn” tiles would be used on the primary road frontages and key frontage buildings within the site including plots 278 to 281, with the “Chevreuse” being used on the remaining road frontage buildings including plots 273 to 277 and 282 to 284.

The bricks to be used on the amended houses are the mellow red with plots 278 and 279 with Imerys Phalempin Horsham mix tile hanging and plot 275 weather boarding.

The scheme differs from the one previously reported to Committee on 22 July 2009 in that one pair of 3 bedroomed houses has been changed to a pair of 4 bedroomed houses.

Relevant Planning History

Land to the West of Eastern by-pass A228/A289 (both sides of Hoo Road)

MC2005/0638	Town & Country Planning (EIA) Regulations 1999 for a screening opinion to determine whether or not the construction of a residential development with a health centre and ancillary retail require an Environmental Impact Assessment Determined EIA not required 20 April 2005
MC2005/0671	Outline application for residential development, health centre, retail facilities, parking facilities, open spaces, acoustic barrier, new access and landscaping Approved 26 September 2006
MC2007/0032	An application for A) the variation of conditions 1 (Submission of Reserved Matters), 9 (Archaeology), 10 (Acoustic Mitigation), 11 (Land Contamination) and 15 (Scheme of Street Lighting) to allow for the phased submission of reserved matters pursuant to the outline planning permission and subsequent implementation of the development; B) The removal of Conditions 4 (Details of Hard and Soft Landscaping), Condition 6 (Materials), 7 (Details of Boundary Treatments), 16 (Provision of Additional Land at Wainscott Primary School) and 21 Junction and Other Highway Improvements) of planning application MC2005/0671 an outline application for residential development, health centre, retail facilities, parking facilities, open spaces, acoustic barrier, new access and landscaping Approved 15 March 2007

MC2007/1147	Application for approval of reserved matters [external appearance, landscaping, siting & design] pursuant to outline application MC2005/0671 (as amended by MC2007/0032) relating to Phase 1a (public open space) Approved 11 March 2008
MC2007/0821	Application for approval of reserved matters (siting and design) pursuant to outline permission MC2005/0671 (as amended by MC2007/0032) for construction of 86 units and associated garages, parking and ancillary works (Phase 1) Approved 11 March 2008
MC2008/0607	Application for approval of phase 1 reserved matters (external appearance and landscaping) pursuant to outline planning consent MC2005/0671 as varied by application MC2007/0032 for construction of 86 units Approved 27 June 2008
MC2008/1536	Application for approval of reserved matters (siting and design) pursuant to outline permission MC2005/0671 (as amended by MC2007/0032) for construction of 188 dwellings and associated garages, parking and ancillary works Current application
MC2008/1663	Revised application for approval of Phase 1 reserved matters (external appearance) pursuant to outline permission Approved 9 January 2009
MC2008/2042	Revised application for approval of reserved matters (External Appearance, Siting, Design and Landscaping) pursuant to outline permission MC2005/0671 as varied by MC2007/0032 for replacement of semi-detached dwellings (plots 30 31) with a terrace of three 2-bedroomed dwellings Withdrawn

Representations

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

- 1 and 2 The Bays, Cezira, Denison House, Elm Cottage, Elm Lodge, and Gezira, Hoo Road;
- 1, 1a, 3, 5, 9-27 (odd), 31-37 (odd), 37a, 41, 43-45, 47, 49, 49a, 51-71 (odd) and Wainscott Primary School, Wainscott Road;
- 2, 2a, 3-6, 8, 9, 10-16 (inc), 18-21 (inc), 24, 25, 26, 28, 29, 30, 32, 34-38 (inc), 40, 42-48 (inc), 50, 52, 53, 54, 56 and 58 Higham Road;
- 4 Wainscott Walk;
- 6 Hollywood Lane; and
- The Parks Medical Practice, Miller Way

1 letter from 1 household has been received relating to:

- Over crowded site
- Previously replaced semi-detached houses with a terrace block have obstructed views and the spacing around the houses has been lost
- Phase 1 is already over-developed any increase is not acceptable

The local resident concerned has advised on her correspondence that her email of representation was on behalf of many residents but has been treated as a single representation. – *While her email has the footnote “for local residents” it does not refer to any residents meeting, nor makes any reference to any authority or position in a residents association and is signed solely by the resident herself*

Frindsbury Extra Parish Council have written with the following comments:

- At the public enquiry the inspector allowed development on this site for 280 units. Following acquisition of the site by Crest Nicholson 450 units were originally proposed but were finally reduced to 375. This application is now increasing that number by 7. There may in the future be another similar application, further increasing the number of units, which would be difficult not to resist if this application was granted
- The Parish Council accepts that permission has been given for 95 units more than were in the Local Plan (an increase of 34%) but considered that to be the finite number for this development.
- In addition the Parish Council is of the opinion that to increase the number of 2 and 3 bed units at the expense of larger family 4 bed units is a reaction to the present economic climate that will compromise the ability in the future of residents to acquire larger properties as their families grow and is also detrimental to the social mix of future residents in the parish.

Kent Fire and Rescue Service have written with the following comments:-

- Provided the revision does not place any part of the proposed premises beyond 45m from the fire appliances nearest parking point the fire service has no additional comments than those made under application reference MC2007/0032 that access and water supplies (hydrants) must comply with approved document B, B5

Following consultation on the recently received amendment the **Parish Council** has written to advise that their objections remain.

Development Plan Policies

South East Plan 2009

Policy SP3	(Urban focus and urban renaissance)
Policy H4	(Type and Size of New Housing)
Policy H5	(Housing Design and Density)
Policy T4	(Parking)

Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)
Policy BNE3	(Noise Standards)
Policy BNE6	(Landscape Design)
Policy T13	(Vehicle Parking Standards)

Screening Opinion

The purpose of a screening opinion is to establish whether an Environmental Impact Assessment (EIA) is required.

Application MC2006/1706 determined that under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 Act an environmental impact assessment was not necessary for reserved matters planning application pursuant to outline consent MC2005/0671. On that basis it is concluded that a screening opinion is not required for this current application.

Planning Appraisal

Background

Members will recall that at their meeting of 22July they considered this application and resolved to refuse it due primarily to concerns over the mix of development on site. That refusal notice was not issued following a discussions between the Development Control Manager and the applicants and then by agreement with the planning spokes. Following the decision the Development Control Manager met with the applicants to talk through the Committees concerns. As a consequence of that the applicants made a presentation to members to explain their proposals for phase 1 and indeed for their entire site, clarifying matters relating to mix. Members were then able to seek clarification of many matters which would then enable the application to be reported back and the Committee to make a new and better informed decision. In addition the application has been amended to change 2 of the proposed 3 bedroomed units to 2 4-bedroomed units.

The application is now being reported back for members to re-assess whether they still wish to follow their previous decision or whether, in light of the additional information and amendment, they wish to make a different decision. The report that follows sets out much of the information that was included in the presentation that was not available previously nor set out in the previous report.

Principle

The principle of development on this site has been accepted in application MC2005/0671 *“Outline application for residential development, health centre, retail facilities, parking facilities, open spaces, acoustic barrier, new access and landscaping”* which received approval on 26 September 2006 and application MC2007/0821 *“Application for approval of reserved matters (siting and design) pursuant to outline permission MC2005/0671 (as amended by MC2007/0032) for construction of 86 units and associated garages, parking and ancillary works”* The Wainscott Development Brief adopted in April 2004 covers the area of the above outline and sets out the main constraints / opportunities for the site as a whole and for the area the subject of the current application:

- The site is in a prominent urban fringe location and as such, development would create not only a gateway to Wainscott, but also a very prominent visual gateway in approaching the Medway towns.
- It is bounded by the A228 bypass and as such will require a degree of protection from noise and air pollution.
- There is a gradual level change falling eastwards from Wainscott Road to the by-pass. Land dips to a couple of metres below the by-pass level at the Four Elms roundabout.
- The exposed nature of the site allows for long panoramic cross-site views to and from the surrounding countryside (section 4.1)

While it is acknowledged that the number of houses is incrementally increasing from 86 units to 92 units in phase 1 this in itself is not a reason to refuse the scheme. If the development was acceptable in all other respects (to be examined below) it is not considered that this would be unacceptable with regard to policy guidance on density.

In summary in principle there is no overriding objection to the increase in the number of units, the acceptability of the scheme will therefore rest on matters of detail.

Setting of the development

The site is in a very prominent location on the edge of the built up area of Medway, adjacent to the busy bypass. It is also extremely prominent in long distance views from the high ridge above the site in Chattenden. In visual terms this development will form a key gateway to the built up area of Medway for many people. It is thus important to ensure that it sits comfortably and attractively in its wider setting.

The brief clearly outlines the key principle (Para 5.4.3) that boundaries of the site should be a strong and positive feature (not just a landscape zone that screens the development). It suggests that buildings should face outwards or sideways and emphasises this with a diagram showing buildings facing outwards onto a road and landscaped bund at the edge of the site

Design Principles

The government and other agencies have recently published a number of reports about the poor standard of new housing design in the south-east. National policy guidance such as PPS1 and PPS3 also reinforce the need for quality design in new developments. PPS1 states, “*Good design ensures attractive, usable and adaptable places and is a key element in achieving sustainable development*”. All of this raises the ‘bar’ of acceptable housing design higher than was required at the time the outline application for this site was determined and it is therefore appropriate to take a fresh look at the layout.

Housing Mix

The applicants have advised in their design and access statement that they are continually re-appraising the housing mix in order to better meet current market conditions. They advise that there is currently a concern due to worsening economic conditions. The applicants – Crest Nicholson confirm that sales of the larger four bedroom units have not been forthcoming. They advise that there been virtually no interest in any 4-bed homes at

Wainscott at present and that there is also a ceiling on the price households will pay for houses in Wainscott, the current level of which makes the larger 4-bed houses unviable at present. However, there is some limited interest in smaller terraced/semi-detached houses.

They anticipate that the economic situation and the demand for a large number of the larger four bed units will not change in the near future, hence replacement with smaller units is sought to better reflect current market demand.

The table below sets out the changes proposed as a result of the revised plans:

Dwelling Type	Approved	Proposed	Change
2 Bed apartment	9 (10.5%)	9 (9.8%)	-
2 Bed Mews House	9 (10.5%)	10 (10.9%)	+1
2 Bed House	8 (9.3%)	12 (13%)	+4
3 Bed House	39 (45.3%)	44 (47.8%)	+5
4 Bed House	21 (24.4%)	17 (18.5%)	-4
Total	86	92	+6

Six 4-bed units would be replaced with a mixture of 2-bed flats, 2-bed mews houses, 3-bed houses and 4-bed houses. Whilst the number and proportion of 4-bed houses would reduce, the number of 3-bed houses would increase.

The additional 3-bed houses are substantial family homes, particularly the five Kelvendon, Kenley and Sussex house types, which are the larger 3-bed designs. Each of these five houses would have a garage plus driveway parking and the majority would have gardens in excess of 100sqm.

A total of 61 units on Phase 1 would be either 3-bed or 4-bed houses, equivalent to 66.3% of the phase, providing a very substantial number of homes suitable for families. This would actually represent an increase of two 3/4 bed homes, and a reduction of only 3.4% by proportion.

Overall Site Mix for Phases 1, 2 and 3

The above mix for Phase 1 of the development and the changes proposed should be seen in the context of the wider proposals for Hoo Road. The most recent plans for phases 2 and 3 are also for consideration on this agenda and have undergone significant changes during the life of the application. The overall result has been a reduction of nine units compared to the first submission, which is considered to in some way offset the additional units proposed in Phase 1. Further, phase 2/3 recently revised, provides an increase from 12 to 24 four-bed homes, an increase of 8.5%.

The mix of dwellings currently proposed in Phase 2/3 is set out in the table below. This includes a significant number of 4-bed homes and almost 60% of all units would be 3/4 bed homes, suitable for families.

Unit Size	Number of Units	% of Units
1 Bed Flat	9	5%
2 Bed apartment	15	8.4%
2 Bed Mews	23	12.9%
2 Bed House	28	15.6%
3 Bed House	79	44.1%
4 Bed House	25	14%
Total	179	-

The total mix for phases 1-3 would be as follows:

Unit Size	Number of Units	% of Units
1 Bed Flat	9	3.3%
2 Bed apartment	24	8.6%
2 Bed Mews House	33	12.2%
2 Bed House	40	14.9%
3 Bed House	123	45.4%
4 Bed House	42	15.6%
Total	271	-

Phases 1-3 combined would provide 42 four-bed houses and 123 three-bed houses, a total of 165, 60.9% of all units.

PPS3 encourages Local Planning Authorities to plan for a mix of housing and goes on to state that:

23. *Developers should bring forward proposals for market housing which reflect demand and the profile of households requiring market housing, in order to sustain mixed communities. Proposals for affordable housing should reflect the size and type of affordable housing required.*

Crest are considered to have attempted to fulfil this criteria through their progress marketing and selling homes at the Hoo Road Site. As discussed above the sales have revealed that there is virtually no demand for 4-bed houses.

24. *In planning at site level, Local Planning Authorities should ensure that the proposed mix of housing on large strategic sites reflects the proportions of households that require market or affordable housing and achieves a mix of households as well as a mix of tenure and price. For smaller sites, the mix of housing should contribute to the creation of mixed communities having regard to the proportions of households that require market or affordable housing and the existing mix of housing in the locality.*

Paragraph 24 relates to “large strategic sites” and in the Medway context it is considered that the Hoo Road site does not fall within this definition. Nonetheless, the Council has no Strategic Housing Market Assessment (SHMA) against which to assess whether the proposals for Hoo Road would reflect local requirements, therefore it is considered that the amendments to the housing mix sought by Crest are reasonable and in line with both national and local policy requirements.

Street Scene and Design

The proposals will affect an important area of the site – “The Avenue” which forms part of the principle road network and the entrance to the site in Phase 1 both visually and physically connecting the Green and the Public Open Space. The amended plans propose to remove two detached properties and replace them with two sets of semi-detached houses. The houses have been set between 1.2 and 2.3m from the back edge of the pavement which gives a more spacious feel, akin to that in the approved plans and is considered to be acceptable in terms of siting and design. Plots 278 and 279 have been designed to have a dual frontage, which gives interest to both street frontages.

The proposed terraces in plots 46 – 48 and 58 while more cramped than that previously approved is not considered out of keeping with the rest of the development and is deemed acceptable in street scene terms and in accordance with policy BNE1 of the local plan and QL1 of the structure plan.

Neighbourhood Amenities

Phase 1 is the northern most parcel of the overall site and as such is situated away from any existing residential properties. Due to the distances involved it is considered that there would be no negative impact on the existing neighbours with regard to overlooking, daylight, sunlight and outlook.

The internal layout generally offers a good degree of accommodation for the prospective occupiers and garden sizes are in excess of 35m² for the 2-bed houses increasing to between approx. 60 – 100m² for the 3-bed houses.

It is recommended that some of the proposed windows are conditioned to contain obscure glazing and some of the flank walls are conditioned to ensure there are no new windows inserted to ensure that there is no neighbourly overlooking at a later stage.

Parking areas have been sensibly laid out to ensure that the walking distance from an allocated space to the residence is kept to a minimum.

The rear of houses are a minimum of 11m from the flank wall of other houses which ensures that there is no issue created with regard to outlook from habitable room windows. The plans are therefore in accordance with policy BNE2 of the local plan.

Noise

The previously approved application (MC2007/0821) was supported by an environmental noise assessment. The report demonstrated that the site fell within noise exposure category NEC B and C during the day and night.

The report recommends various mitigation measures to ensure that internal and external noise levels are achieved. This is achieved by using varying heights of fencing to gardens, the installation of higher specification glazing to habitable rooms and mechanical ventilation. The recommendations in the report were satisfactory, however, a condition was added to the approval to ensure amenity/garden areas were protected from transport related noise, it is considered that this should be reapplied to any forthcoming consent.

Air Quality

The previous approved application (MC2007/0821) was supported by a supplementary air quality assessment dated August 2007.

This assessed the air quality for the whole of the development site and focussed on the pollutants nitrogen dioxide (NO₂) and particulates (PM₁₀). Predicted concentrations for 18 receptors in Phase 1 indicated that the annual mean concentrations are below the 40µg/m³ National Air Quality Objectives (NAQO).

Highways

The outline application for this site agreed the main access and transport issues. The amendments to this scheme are for the replacement of houses, which does not affect the internal road layout. Each unit is provided with at least one parking space with 7 of the units each provided with a garage and a parking space. This equates to 20 parking spaces for the 12 units – a ratio of 1.66 per dwelling. Specific details of parking levels were not included in the outline application, although there was an indication that 1.5 spaces per dwelling would be the target. Although the amended Phase 1 provision is marginally above this standard (set in the Local Plan), 1.5 spaces per dwelling relates to areas of high accessibility. It is considered this site falls into the 'medium' category. In addition, the larger house types generally have two parking spaces each and one visitor parking space is also provided. Overall, therefore, the parking provision is considered acceptable and in accordance with Local Plan Policy T13.

Conclusions and reasons for approval

The principle of development on this site is established through the outline planning permission [MC2005/0671 (as amended by MC2007/0032)], which permitted consent for residential development, health centre, retail facilities, parking facilities, open spaces, acoustic barrier, new access and landscaping and also through permission MC2007/0821 (as amended by MC2008/0607 and MC2008/1663) for reserved matters (siting and design) for construction of 86 units and associated garages, parking and ancillary works. This current reserved matters application is considered to be acceptable in terms of siting and design having regard to its visual impact and the effect on the amenities of the occupiers of neighbouring and nearby properties, highways and parking. The application is, therefore, considered to be in accordance with the provisions of policies SP3, H4, H5, and T4 of the South East Plan 2009, policies QL1, QL2, and TP19 of the Kent and Medway Structure Plan and Policies BNE1, BNE2, BNE3, BNE6 and T13 of the adopted Local Plan, and is accordingly recommended for approval.

This application would normally fall to be determined under Officers' delegated powers but is reported for Members' consideration because of the number of representations that have been received contrary to the officer recommendation and due to the fact that Committee have previously made a determination in relation to this application.

2 MC2008/1536

Date Received: 10th September 2008

Location: Phases 2 & 3, Land to the West of eastern By-pass A228/A289 (northern side of Hoo Road), Wainscott, Rochester, Kent

Proposal: Application for approval of reserved matters (siting and design) pursuant to outline permission MC2005/0671 (as amended by MC2007/0032) for construction of 179 dwellings and associated garages, parking and ancillary works

Applicant: Crest Nicholson (South East) Limited Crest House 30 High Street Westerham Kent TN16 1RG

Agent: Mr G Flintoft Barton Willmore Planning Partnership 35 Kings Hill Avenue Kings Hill West Malling Kent ME19 4BW

Ward: Strood Rural

Recommendation of Officers to the Development Control Committee, to be considered and determined by the Development Control Committee at a meeting to be held on the 2nd September 2009.

Recommendation - Approval with Conditions

(as amended by plans received on 6 March, 28 July 2009, 6, 7, 12 and 17 August 2009)

- 1 The ensuite window on the north east elevation in plot 154 shall be fitted with obscure glass and shall be non-opening apart from any top hung fan light, and shall thereafter be retained as such.
- 2 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 eastern elevation of plot 168, south western elevation of plot 168, north eastern elevation of plot 186, south western elevation of plot 189, south western elevation of plot 203, south western elevation of plot 204, north eastern of plot 205, eastern elevation of plot 243 and south western elevation of plot 248, herein approved without the prior written approval of the Local Planning Authority.
- 3 Prior to the commencement of the development hereby permitted, a scheme for protecting the proposed development from transport related noise, shall be submitted and approved in writing by the Local Planning Authority. The scheme shall include details of acoustic protection sufficient to ensure internal noise levels (LAeq,T) no greater than 35dB in bedrooms or combined study/bedrooms and 40dB in living rooms with windows closed. Where the internal noise levels (LAeq,T) will exceed 35dB in bedrooms or combined study/bedrooms and 40dB in living rooms 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.

- 4 No development shall commence until details of wheel washing facilities for construction vehicles have been submitted to and approved in writing by the Local Planning Authority. Such agreed facilities shall be retained on site for the duration of the building works unless otherwise agreed in writing with the Local Planning Authority.
- 5 Prior to the commencement of this phase of development, details shall be submitted to and approved in writing by the Local Planning Authority to show provision for cycle parking/storage for the occupiers of the flats at units 119-124, 155-166 and 230-235. The cycle parking/storage shall be provided in accordance with the approved details prior to the first occupation of these units and shall thereafter be maintained in such form.
- 6 Prior to the commencement of these phases of development hereby approved, a plan to show all affordable housing units together with a schedule of affordable housing accommodation shall be submitted to and approved in writing by the Local Planning Authority. The affordable housing units shall be provided as approved unless otherwise first agreed in writing by 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

The application site is part of a larger area with outline permission for residential development. It comprises two-thirds of the area to the north of Hoo Road, backing onto the existing properties in Higham Road and occupying roughly half of the boundary with the A228 Wainscott Bypass to the east. It has a short road frontage to Hoo Road. The site itself is fairly level, but the bypass gradually drops from being roughly level with the site at Four Elms roundabout to being some distance below it in a cutting by the northern edge, with a highway verge between.

Proposal

This is an application for approval of reserved matters (siting and design) pursuant to outline permission MC2005/0671 (as amended by MC2007/0032) for construction of 179 dwellings and associated garages, parking and ancillary works.

The submitted application comprises the following elements:

- 9 one bed flats, 15 two bed flats, 23 two bed mews houses, 28 two bed houses, 79 three bed houses and 25 four bed houses
- Mainly two-storey houses (some with additional roof level accommodation via dormer windows) in a mixture of terraced, semi-detached and detached. Flats are also proposed, linking some blocks of terraces over parking/accesses, above parking spaces in rear parking courtyards and three three-storey blocks dotted around the site.

- There is an average of 1.74 parking spaces per dwelling across the application site, mainly in rear parking courtyards, with a few roadside allocated bays and a few properties having private garaging/parking within their plot.
- A bund with trees and under storey woodland planting is proposed to the boundary between the site and the Wainscott Bypass, with a native hedgerow and level grass strip inside this. The bund adjoins a road with properties facing onto it and out of the site. Properties are set a minimum of 25m from the road edge. The bund would be approximately 8m wide and would, provide acoustic attenuation as well as be a visual feature. As the land level rises towards the north the bund would taper out and the natural slope of the land would be used as a noise attenuation measure.
- Design of house types is generally simple and traditional with gable projections, bay windows and entrance canopies as features on some elevations.

External appearance will be considered at a later date. Landscaping is not submitted for consideration at this stage. However, an indicative landscape strategy has been submitted. Within this phase, landscaping areas include the boundary to Wainscott Bypass, a tree-lined “avenue” along the main access into the site leading to the open space. There is also an area of landscaping around each of the blocks of flats, and some small incidental areas around parking spaces.

The following elements have changed from the previous revision submitted on 6 March 2009 as a result of detailed discussions with the applicant on design related matters:

- Plots 196/197/198 set back
- Plot 171 revised to Sandown
- Central Square amended
- Car Ports and pergolas added to car spaces opposite Plot 265 etc.
- Apartments 230-235 elevated as Plots 119-124
- Road between Plots 127 & 147 terminated in Mews
- Parking redistributed locally, provided at an increased ratio of 1.74 spaces per dwelling (total 312 spaces)
- Plot 151 feature plot at end of road
- Plots 236-238 rear elevations amended

Particular changes have occurred to units centrally located within the scheme which comprise a focal block, now known as plots 155-166:

- Plan realigned to ensure continuity of ridgeline
- Southern wing eaves level reduced (2.5 storey) and addition of dormers
- Bay windows to central apartments joined to form stronger element
- Simplification of elevation by use of two materials i.e. Brickwork and Boarding
- Staircases remodelled to remove need for 'cat slide' roof over

For a comparison of how the application has changed since the first submission in August 2008 see the table below:

Unit Size	Number of Units	% of units	Number of Units	% of Units	Number of Units	% of Units
	21 August	21	6 March	6 March	29 July	29 July

	2008	August 2008	2009	2009	2009	2009
1 Bed Apartment	14	7.4%	12	6.5%	9	5%
2 Bed Apartment	26	13.8%	18	9.7%	15	8.4%
2 Bed Mews House	23	12.3%	19	10.2%	23	12.9%
2 Bed House	17	9%	38	20.4%	28	15.6%
3 Bed House	96	51.1%	77	41.4%	79	44.1%
4 Bed House	12	6.4%	22	11.8%	25	14%
Total	188	-	186	-	179	-

Site Area/Density

Site area: 4.06ha (10.03 acres)

Site density: 44.08 d.p.h (17.84 dpa)

Relevant Planning History

Site to North of Hoo Road

ME/93/0715 Outline application for the construction of a food superstore (including class A3 restaurant), one non-food retail warehouse (Class A1) petrol filling station (with ancillary shop) car wash, ancillary access road and car parking and provision of a new roundabout
Appeal on grounds of non-determination
Dismissed 19th January 1998

ME/94/0241 Outline application for the construction of a food superstore (including class A3 restaurant), one non-food retail warehouse (Class A1) petrol filling station (with ancillary shop) car wash, ancillary access road and car parking and provision of a new roundabout
Appeal on grounds of non-determination
Refused 26th February 1997

ME/96/0643 Outline application for four A1 retail units and one A3 drive-through restaurant unit with ancillary parking and service areas
Appeal on grounds of non-determination
Withdrawn

MC1999/5612	Outline Application for residential development Refused 13 December 1999
MC1999/5613	Outline Application for residential development Refused 13 December 1999
MC2003/1557	Outline application for residential development with proposed new access, acoustic barrier and landscaping Undetermined to date

Site to the South of Hoo Road

MC2003/1139	Outline application for housing, open space and provision of health centre on eastern side of Hoo Road Refused 29 October 2003
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Land to the West of Eastern by-pass A228/A289 (both sides of Hoo Road)

MC2005/0671	Outline application for residential development, health centre, retail facilities, parking facilities, open spaces, acoustic barrier, new access and landscaping Approved 26 September 2006
MC2005/0638	Town & Country Planning (EIA) Regulations 1999 for a screening opinion to determine whether or not the construction of a residential development with a health centre and ancillary retail require an Environmental Impact Assessment Determined EIA not required 20 April 2005
MC2007/0032	An application for A) the variation of conditions 1 (Submission of Reserved Matters), 9 (Archaeology), 10 (Acoustic Mitigation), 11 (Land Contamination) and 15 (Scheme of Street Lighting) to allow for the phased submission of reserved matters pursuant to the outline planning permission and subsequent implementation of the development; B) The removal of Conditions 4 (Details of Hard and Soft Landscaping), Condition 6 (Materials), 7 (Details of Boundary Treatments), 16 (Provision of Additional Land at Wainscott Primary School) and 21 Junction and Other Highway Improvements) of planning application MC2005/0671 an outline application for residential development, health centre, retail facilities, parking facilities, open spaces, acoustic barrier, new access and landscaping Approved 15 March 2007
MC2007/0821	Application for approval of reserved matters (siting and design) pursuant to outline permission MC2005/0671 (as amended by MC2007/0032) for construction of 86 units and associated garages, parking and ancillary works Approved 11 March 2008

MC2007/1147	Application for approval of reserved matters [external appearance, landscaping, siting & design] pursuant to outline application MC2005/0671 (as amended by MC2007/0032) relating to Phase 1a (public open space) Approved 11 March 2008
MC2008/0607	Application for approval of phase 1 reserved matters (external appearance and landscaping) pursuant to outline planning consent MC2005/0671 as varied by application MC2007/0032 for construction of 86 units Approved 27 June 2008
MC2009/0479	Revised application for approval of part of phase 1 reserved matters (siting, design, external appearance and landscaping) pursuant to outline permission MC2005/0671 (as amended by MC2007/0032) for proposed replacement of units 46-50 and 58 with 12 no. units. For consideration on this agenda

Representations

The application (and the revised plans) has been advertised on site and in the press. Neighbour notification letters have been sent to the owners and occupiers of 1, 2, 2a, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 145, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 52, 54, 56 and Higham Road. 1, 1a, 2, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 37a, 41, 43-45, 47, 49, 49a, 51, 53, 55, 57, 59, 61, 63, 65, 67, 69, 71, 111, Gezira, Denison House, Elm Lodge, Elm Cottage, Cezira, Wainscott Primary School, 1 and 2 The Bays, Winton House Wainscott Road. 2, 4 and 6 Hollywood Lane

The Frindsbury and Wainscott Community Association; the Primary Care Trust; Southern Gas Networks; the Environment Agency; Kent County Constabulary; Kent County Council's Archaeological Officer; EDF Energy; Transco; and Southern Water have been notified of the application.

The following letters have been received prior to the final set of revised plans:

30 letters have been received two of from the same household relating to:

- Previous objections were not taken into account on the application MC2007/0821, question over the point in raising any objections when those responsible for considering the applications do not have regard for the very legitimate concerns of the community
- Irresponsible fashion in which MC2007/0821 was approved – set a precedent for the remainder of the Wainscott sites for development therefore pointless raising any objections to this current application
- Needs to be clear justification for seeking substantially higher figures – the onus is on the applicant to do this
- To date there is no justification for this which should be provided
- Urge the Local Authority to robustly defend the planning figures identified in the Medway Local Plan
- Houses seem to have been squeezed in

- Too many houses
- Only two small pockets of greenery have been sited for garages
- Three houses behind Hoo Road are unacceptable
- Lack of green spaces
- Query over how the increased traffic on Hoo Road will be addressed
- Drawing showing rear of Hoo/Higham Road is incorrect
- Concern over destruction of trees
- Lack of communication with residents

Mrs Hill has advised on her correspondence that her email of representation was on behalf of many residents but has been treated as a single representation. – *While her email has the footnote “for local residents” it does not refer to any residents meeting, nor makes any reference to any authority or position in a residents association and is signed solely by Mrs Hill*

Frindsbury and Wainscott Community Association have written with the following comments:

- Gross unnecessary over development of a greenfield site
- Local Plan provided for 184 dwellings on this site – see no reason for such an unacceptable increase which will bring the total now to 274 dwellings
- Question the value of the planning process and feel our Members are entitled to some explanation from the planners and councillors for the circumventing of the adopted local plan

Lower Medway Internal Drainage Board have written with the following comments:

- The Board's comments have not changed since the original application
- The Board has no objection to the application provided that – all surface water drainage from the site discharging to a local watercourse is attenuated for the 1:100 year storm with a limited discharge of 7 l/s/ha or the equivalent run off from the greenfield site for the 1:2 year storm and that the application meets with the Environment Agency's requirements
- The board also recommend that Local Planning Authority ensure that provisions are in place for the maintenance of the attenuation pond

Southern Water have written to advise that additional off site sewers or improvements to existing sewers will be required to provide sufficient capacity to service the development and recommend appropriate conditions.

Representation received from **Frindsbury Extra Parish Council** relating to:

- Inaccuracies in para 4.7 of the Planning Appraisal of the Planning Statement relating to PPD13 – the general store/post office and dry cleaners closed sometime ago and there are 3 Primary Schools not 2
- Concern over the levels of parking provision – Over 57% of the proposed properties have 3 or more bedrooms a number of these properties do not have any parking spaces and a lack of visitor parking – this would exacerbate parking problems

Kent Fire and Rescue have written relating to:

- Fire brigade access does not seem to be satisfactory for blocks F and J (some plots) and plots 208 and 210 – Travel distance, 45m from parking to furthest point within premise, road widths must be at least 3.7m and a turning point for the fire appliance must mans max reversing distance of 20m
- 45m travel distance may be exceeded to some premises with a 2nd floor
- The emergency access road and its entry point from the main road do not appear wide enough
- Applicant should contact fire services, water services team with its fire hydrant system

Following further correspondence the **Kent Fire and Rescue Service** have written to advise that the means of access is considered satisfactory.

Environment Agency have written relating to:

- Recommend limiting the surface water run-off by the 1 in 100 year critical storm so that it will not exceed the run off from the undeveloped site and not increase the risk of flooding off-site
- Developer is advised to discuss this matter with the Environment Agency

Kent Police Architectural liaison officer has written relating to:

- None of the statements to accompany this application details to any tangible extent how crime prevention has been considered or incorporated within the design of the siting and layout
- Care is needed to ensure the proposed traffic calming measures are adequate with will fulfil their purpose
- Significant concerns regarding the number of parking spaces afforded for both residents and visitors – could result in inappropriate or confrontational parking practices or affect highway safety. Recommended that the parking ratio is increased
- Parking courtyards are not gated and could be entered by anyone, may become congregation points for antisocial behaviour, fly tipping or similar
- Rear parking courts may reduce street activity through residents using back gates into their properties
- Enhancements to some parking courtyards are suggested
- Concern over rear alleyways, recommended that routes are extinguished and the use of alleyways is avoided or minimised. If they are necessary then secure and robust purpose built alleygates should be utilised with auto closing and lockable capabilities
- Robust and efficient lighting scheme to BS5489 should be incorporated
- Dwellings with gable elevations overlooking parking areas, primary routes or public space should include gable windows to regularly occupied rooms to maximise surveillance
- Blocks of flats with communal access should beneficially incorporate audio/visual entry systems
- Utility metres are recommended to be located externally close to the front build line and in view or within secure access controlled lobbies
- Recommended that perimeter treatments comprising knee height fencing, bollards or similar are erected to reduce creation of multiple desire lines being created and also discourage vehicular access or parking to its edges.

Development Plan Policies

South East Plan 2009

Policy BE1	(Management for an urban renaissance)
Policy CC1	(Sustainable Development)
Policy H4	(Type and size of new housing)
Policy H5	(Housing design and density)
Policy KTG1	(Core strategy)
Policy T1	(Manage and Invest)

Medway Local Plan 2003

Policy S2	(Strategic Principles)
Policy S6	(Planning Obligations)
Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)
Policy BNE3	(Noise)
Policy BNE6	(Landscape Design)
Policy BNE8	(Security and Personal Safety)
Policy BNE22	(Environmental Enhancement)
Policy BNE23	(Contaminated Land)
Policy H1	(New Residential Development)
Policy H3	(Affordable Housing)
Policy H4	(Housing in Urban Areas)
Policy H10	(Housing Mix)
Policy L4	(Provision of Open Space in New Residential Developments)
Policy L7	(New Playing Fields)
Policy T1	(Highway Impact of Development)
Policy T2	(Access to the Highway Network)
Policy T3	(Provision for Pedestrians)
Policy T4	(Cycle Facilities)
Policy T13	(Vehicle Parking Standards)

Supplementary Planning Guidance

Wainscott Development Brief (April 2004)

Planning Appraisal

Principle of Development and mix of housing

The application site is covered by the outline permission for residential development MC2005/0671 and as such the principle of this proposal has already been accepted. The outline application put no limits on the number of units to come forward, and although Local Plan Policy H1 suggests an indicative capacity over the whole site of 282 units, it is made clear that this is not a target or a maximum figure, only an initial estimate as to what the site can accommodate, which was made prior to publication of both the current and the previous editions of PPS3 and their advice on density. The Wainscott Development Brief for the site contains no advice on housing numbers beyond reiterating the guidance in the Local Plan. However, it does provide detailed advice on the form of development envisaged on the site, which should be followed by any proposal.

Setting of the Development

From outside of the site itself, there are two key viewpoints of Phases 2 & 3; views of Hoo Road and of the bypass edge, where in both cases the development completes the site frontage adjacent to the previously approved Phase 1.

In respect of Hoo Road, the frontage has been designed to mirror that approved as part of Phase 1. This provides a clear entrance feature around the main access road into the site and provides an active frontage to this main road. The siting of the properties allows a generous landscaping strip, and again this mirrors the approved layout of Phase 1.

In respect of the bypass edge, this is the most prominent part of the site and the Development Brief clearly sets out the principles that development must accord to in addressing this feature. These principles have been incorporated into the proposed development and are acceptable.

Layout, Architecture and Public Realm

In order to provide an attractive and legible development, there is a need to celebrate gateways, corners, junctions and vistas with particular architectural forms and to develop streets with particular architectural themes (common boundary lines, similar forms, and detailing). This is reinforced in paragraph 5.4.1 of the brief. The amended plans have recognised the importance of this and now provide for a much more attractive scheme. On entering the site you are led up a tree lined avenue that continues the theme from phase 1. The buildings that front onto this road are set between 1m and 3m from the back edge of the pavement. Between the pavement and the road is a green verge approx. 2m in width, which is proposed to be lined with trees. It is proposed to mirror this arrangement on the other side of the road in phase 1. The houses that front onto "The Avenue" are a mix of detached, semi-detached and terraced. Some of the buildings also front onto Hoo Road and have been designed to turn the corner and have a dual active frontage onto both roads.

The Avenue terminates in a large green open space fronted by large houses set back from the road by small front gardens. These houses are nicely proportioned and will provide a pleasant setting to the green. The proposed buildings define the edge of the green and provide a sense of place and enclosure.

At the western end of the open space the road narrows to form a largely pedestrian area with access to plots No's 96 and 168. The vista terminates in a 3 storey block of flats, which have undergone extensive design alterations to not only the elevations but also to the setting to allow for a generous area of landscaping to the front. While this landscaped area is not being considered under this application but has been reserved for later comment, it is considered to be a welcome area within the scheme and allows a spacious setting to the flat block. The flats themselves have been designed to look interesting, the design incorporates a large amount of glazing and the use of projecting bays at first floor level.

A hierarchy of roads have been used in the scheme with wider primary routes, narrowing secondary roads and shared surface "mews" streets. On street parking has been included into the scheme to allow a good ratio of parking and also to ensure that it has been designed in to prevent future indiscriminate parking, which can blight the final design. Overall it is considered that a good use of house types has been incorporated into the scheme.

The treatment of the rear garden boundaries to the houses in Higham Road needs careful consideration and will be considered at the detailed landscape stage but the proposed landscaping on the indicative plans is thought to add interest to what could become an untidy boundary.

The use of barn-style carports to the south east of the site opposite plots 265, 239-243 (inclusive) has been carefully thought-out and is a nice feature within the street scene. While the more open pergolas, a feature used in phase 1, allow for planting to climb and soften the parking area.

Overall it is considered that the scheme is well designed and accords with the provisions of Policy BNE1 of the Medway Local Plan 2003

Neighbourhood Amenities

Phases 2 and 3 run behind the houses in Higham Road and Hoo Road and as such the amenity of the surrounding neighbours must be taken into account. The scheme has been designed to have minimum window-to-window distances of 25m and as such it is considered that there is no direct loss of privacy between the proposed houses and those in the surrounding streets. Due to the distances involved it is also considered that there would be no negative impact on the existing neighbours with regard to daylight, sunlight or outlook.

While it is acknowledged that the houses at plots 236 – 238 (inclusive) appear closer to the properties in Hoo Road they are set in excess of 25m from them and as such it is not considered that they would lead to a loss of privacy to these homes.

The internal layout generally offers a good degree of accommodation for the prospective occupiers. Garden sizes are generally in excess of 40m² for the 2-bed houses increasing to more than 160m² for the 4-bed houses.

It is recommended that some of the proposed windows are conditioned to contain obscure glazing and some of the flank walls are conditioned to ensure there are no new windows inserted to ensure that there is no neighbourly overlooking at a later stage.

Parking areas have been sensibly laid out to ensure that the walking distance from an allocated space to the residence is kept to a minimum.

The houses have been designed to ensure that most of the rear of houses are a minimum of 11m from the flank wall of other houses which ensures that there is no issue created with regard to outlook from habitable room windows.

The development has been designed and layout not to cause any unacceptable impact on amenity for neighbouring or prospective occupiers and is in accordance with Policy BNE2 of the Medway Local Plan 2003

Noise

The application is supported by an Environmental Noise Assessment dated 12 August 2008 reference 067713/v3.

The site is exposed to road traffic noise from the A289 Wainscott Bypass and the B2108 Hoo Road. The noise assessment demonstrates that the majority of the site is within noise exposure category (NEC) B during the day and the night, although part of the site is within NEC A during the day. However, there are two small strips running parallel to Hoo Road and the bypass that fall into NEC C during the day and the night.

The acoustic appraisal makes reference to a number of methods employed to reduce the noise levels within the site. These comprise of acoustic screening in the form of earth bunding, orientation of buildings and acoustic fencing.

Gardens – The layout has ensured that gardens do not face the bypass and thus are not exposed to high levels of road traffic noise. The report recognises that a few plots will be marginally above the criterion. However, the difference in terms of a subjective assessment will not be noticeable. It is therefore considered that the overall design is satisfactory and has adequately protected the aural amenity of the residential gardens.

Glazing and Ventilation – The assessment also recommends high specification glazing to some plots, to ensure that reasonable internal noise levels as defined by British Standard 8233: Sound insulation and noise reduction for buildings - Code of Practice, will be achieved in habitable rooms with windows closed. Levels will also be commensurate with the World Health Organisation Guidelines (WHO) for Community Noise. However, with windows open for rapid ventilation and summer cooling as required by section 8.4.7.4 of BS 8233, an adequate level of amenity will not be achieved. In addition, both BS 8233 and the WHO require that maximum internal noise levels should not normally exceed 45 dB LAmax. A number of residential units will not meet this level with windows open for rapid ventilation and summer cooling, as specified in BS 8233. The assessment has indicated that acoustic airbricks or acoustic trickle vents could be used but has highlighted the Local Authority requirement for acoustically screened mechanical ventilation. It is recommended that a condition is added to ensure internal amenity is protected from transport related noise.

Air Quality

The application is supported by a revised air quality assessment prepared by Peter Brett associates.

The air quality assessment demonstrates that the annual mean concentrations of nitrogen dioxide (NO₂) and particulates (PM₁₀) in the proposed year of opening (2010) are likely to be below the National Air Quality Objectives across the development site.

Highways

Following the submission of this reserved matters application last year, detailed negotiation has taken place with the developer regarding the level of car parking provided as part of the scheme. Officers considered that the ratio of 1.3 spaces per dwelling originally proposed was inadequate to serve the needs of the development. Such a low level of parking would, in all likelihood, have generated indiscriminate parking in many areas of the development, causing inconvenience to other road users and pedestrians. Overspill parking would also have had an impact in visual terms.

As a result of this negotiation the number of parking spaces proposed has risen from 250 to 312, a significant increase that provides a new parking ratio of 1.7 spaces per dwelling. This compares with a ratio of 1.65 per dwelling approved as part of the reserved matters

application for Phase 1 of the development. Furthermore, it accords with the DCLG research paper of 2007, which provides a clear and robust method for calculating residential parking demand and also reflects differences in car ownership in different areas. This research suggests, for example, that 3 bedroom houses in a suburban location such as Wainscott would have a parking demand of 1.7 spaces per dwelling. The number of parking spaces allocated to the larger dwellings in particular has been increased; however, of equal importance is the greater number of unallocated parking spaces now proposed for casual/visitor use, which has been spread evenly across the phases. A number of visitor spaces have been provided in bays directly adjacent to the street, without compromising carriageway widths, which will permit convenient access to nearby dwellings and significantly reduce the likelihood of indiscriminate parking on footways or in such a way that would impact upon the free flow of traffic. The presence of dedicated bays adjacent to the roads will introduce a degree of activity within the street scene, and the fact that they can be seen from nearby properties will provide a secure environment that encourages their use.

In terms of road layout the hierarchical pattern from previous phases is carried forward, with 5.5 metre roads forming the primary routes and secondary and tertiary streets of varying widths between 3.7 metres and 4 metres. A shared surface arrangement is proposed in the centre of the phase, which provides a pedestrian-friendly connection with the public open space approved as part of phase 1. Further measures may be required to prevent vehicular access beyond the driveways to plots 168 and 96, and indiscriminate parking adjacent to plots 95 and 169. This can be addressed in the landscaping reserved matters application.

Overall, this proposal makes a satisfactory provision in terms of off-street and on-street car parking, together with an acceptable road layout that balances the basic requirements of vehicle access with the need to maintain low speeds and encourage pedestrian and cycle movement. On this basis, no objection is raised in respect of the transport policies of the Local Plan.

Other Matters

Requests for contributions have been sought, however this is a reserved matters application. All contributions were dealt with under the outline application and cannot be considered at this stage.

Conclusions and reasons for approval

The principle of development on this site is established through the outline planning permission [MC2005/0671 (as amended by MC2007/0032)], which permitted consent for residential development, health centre, retail facilities, parking facilities, open spaces, acoustic barrier, new access and landscaping. This reserved matters application is considered to be acceptable in terms of siting and design having regard to its visual impact and the effect on the amenities of the occupiers of neighbouring and nearby properties, highways and parking, and in terms of a contribution towards real time information displays on the new bus stops. The application is, therefore, considered to be in accordance with the provisions of Policies BE1, CC1, H4, H5, KTG1 and T1 South East Plan 2009 and Policies S2, S6, BNE1, BNE2, BNE3, BNE8, BNE23, H1, H3, H4, H10, L4, L7, T1, T2, T13 and CF6 of the adopted Local Plan, and is accordingly recommended for approval.

This application would normally fall to be determined under Officers' delegated powers but is reported for Members' consideration because of the number of representations that have been received contrary to the officer recommendation and as the Committee recently expressed some concern over proposed amendments to phase 1 and had a presentation from Crest regarding their proposal for the entire development.

3 MC2009/0020

Date Received: 15th January 2009

Location: Former Ancaster Garage site, Station Road, Strood, Rochester, Kent ME2 4BD

Proposal: Re-development of site to provide 333sqm commercial floorspace falling within use classes B1, D1 or D2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and 68 flats with car parking and amenity space

Applicant: Bellway Homes Ltd C/o Agent

Agent: I Phillips Cunnane Town Planning 67 Strathmore Road Teddington Middlesex TW11 8UH

Ward: Strood North

Recommendation of Officers to the Development Control Committee, to be considered and determined by the Development Control Committee at a meeting to be held on 2nd September 2009.

(as amended by drawing received on 6th July 2009)

Recommendation – Approval subject to:-

A The applicant entering into an agreement under Section 106 of the Town and Country Planning Act to secure:

- (i) The provision of 18 units of affordable accommodation;
- (ii) A contribution of £30,000 towards education
- (iii) A contribution of £97,905 towards open space
- (iv) The applicant entering into an agreement under Section 278 of the Highways Act to secure:
 - 1. Reconstruction/resurfacing of the footway along the site frontage, including the removal of the existing access points and reinstatement of standard height kerbing;
 - 2. Reconstruction/resurfacing of the footways on both sides of Marsh Street, including the replacement of damaged kerbs;
 - 3. Reconstruction/resurfacing the footway on the southern (site) side of Albert place; and
 - 4. The provision of raised tables on Marsh Street and Albert Place at their junctions with Station Road, in order to slow vehicle-turning movements and provide level pedestrian access across the junctions.

- (v) The applicant contribution to the full cost of restrictions on the north-eastern side of Mash Street and the north-eastern and south-western side of Albert Place along their entire length.

B The following conditions:

- 1 The development hereby permitted shall be begun before the expiration of five 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 positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed as approved before any part of the development is occupied and shall thereafter be retained.
- 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 hard surfacing materials (Including the surfacing of vehicle parking and manoeuvre areas) and minor artifacts and structures. 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.
- 5 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than individually owned domestic gardens, shall be submitted to the Local Planning Authority and approved in writing prior to the occupation of any part of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.
- 6 The area shown on the permitted drawings for vehicle parking shall be laid out and surfaced in accordance with the approved details prior to the first occupation of any of the residential / commercial units hereby approved 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 these reserved parking / secure cycle spaces.
- 7 Notwithstanding the submitted details, access to the development shall be by means of dropped kerb pavement crossings. No development shall commence until details of the dropped kerb pavement crossings, together with the provision of 2m by 2m vision splays and entry treatments within the site on the back edge of the footway, have been submitted to and approved in writing by the Local Planning

Authority. The approved details shall thereafter be implemented prior to first occupation of any part of the development and maintained in such form thereafter.

- 8 Prior to commencement of any development on the site, details of the servicing and delivery arrangements for the commercial unit/s shall be submitted to and approved in writing by the Local Authority. The approved details shall thereafter be implemented upon first occupation of the development and thereafter maintained.
- 9 Prior to commencement of any development on the site, details of the means of securing the covered cycle storage shall be submitted to and approved in writing by the Local Authority. The approved cycle stores shall thereafter be implemented in accordance with the approved detailing and made available for use prior to first occupation of any part of the development.
- 10 Prior to the commencement of the development hereby permitted, a scheme for protecting the proposed development from transport related noise that implements the measures described in the noise assessment prepared by Conrad Acoustics reference 597-002 dated 27 November 2008 shall be submitted 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.
- 11 Prior to the commencement of the development hereby permitted, an acoustic assessment shall be undertaken to determine the impact of noise arising from the commercial floor space. 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 BS 4142: 1997. The results of the assessment and details of any mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before any part of the commercial element of the development is brought into use and shall thereafter be maintained in accordance with the approved details.
- 12 No goods shall be loaded, unloaded, stored or otherwise handled and no vehicles shall arrive or depart, within the application site outside the hours 07:00 to 19:00 Monday to Friday, 08:00 to 18:00 Saturday or at any time on Sunday or Bank / Public Holidays unless otherwise approved by the Local Planning Authority.
- 13 The use of the commercial premises hereby permitted shall only operate between the hours of 08.00 and 19.00 Mondays to Saturdays inclusive and shall not operate on Sundays or Bank / Public Holidays unless otherwise approved by the Local Planning Authority.
- 14 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 15 to 18 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 18 has been complied with in relation to that contamination.

15 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'.

16 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.

17 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.

- 18 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 15, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 16, 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 16 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 17.

- 19 Prior to the commencement of development a scheme for the diverting of the public sewers that are within the application site shall be submitted to and approved in writing by the Local Planning Authority. The public sewers shall be diverted in accordance with the approved plans and the timetable set out in the approved scheme unless otherwise agreed in writing by the Local Planning Authority.
- 20 Prior to the commencement of development a scheme for the storage and disposal of commercial waste shall be submitted to and approved in writing by the Local Planning Authority. All refuse facilities approved commercial and residential shall be provided prior to first occupation of any part of the development and maintained thereafter.
- 21 Prior to the commencement of development a scheme dealing with surface water drainage from the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to first occupation of any part of the development and maintained thereafter.
- 22 The development shall be constructed using the flood-proofing measures details on page 23 of the Flood Risk Assessment submitted and hereby approved and maintained thereafter.
- 23 Notwithstanding the approved drawings the finished floor levels for the commercial premises on the ground floor are to be set no lower than 3.7 metres above Ordnance Datum (AOD).
- 24 Notwithstanding the approved drawings the finished floor levels of the residential units are to be set no lower than 7.17m AOD
- 25 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:

- balconies and their external fixings and details of the colour scheme;
- windows and external doors including wall/window junctions, sills and window heads;
- roof/wall junctions (including and soffits, fascias and barge boards).
- any external rain water goods;

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.

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 relates to the former Ancaster Garage site on the northwestern side of Station Road between Albert Place and Marsh Street, Strood. It has a frontage of approximately 55 metres to Station Road and depth of 60 metres. The site was previously occupied by a single storey industrial style building that was used for car sales, but the building has been demolished and the site is currently surrounded by fencing. The application site is the same site as that subject to all the previous planning applications (MC2005/1608, MC2006/0570 and MC2006/0748).

The application site is bounded to the north-west by the Showmen's Guild of Great Britain's Winter quarters, which is occupied by up to 32 showmen's caravans during the winter and up to 13 caravans during the summer. To the northeast, on the opposite side of Albert Place is a recently completed development site of 28 flats, Consort House and Osborne House. To the southeast, on the opposite side of Station Road, is Strood Station, on an embankment.

To the southwest, on the opposite side of Marsh Street is a tyre-fitting business. Illustrative proposals for a development of 23 flats are shown on the application drawing, but these do not form part of the application. The land to the rear of the tyre fitting place was included in the application site for application MC2006/0748. Beyond this land is the London (Victoria)-Chatham-Dover line, also on an embankment.

Proposal

Under planning reference MC2006/0748 planning permission for the demolition of existing buildings and construction of 3/4 storey blocks comprising 67 flats and associated parking was granted on 30 April 2007. The accommodation within that development comprised 61 flats on the Ancaster Garage site in 3 x three/four storey blocks and a further 6 flats in a three storey block to the south-west of Marsh Street. The approved scheme cannot be implemented due to concerns raised by the Environment Agency relating to the risk of tidal flooding. The current application seeks to address these concerns by providing no residential accommodation at ground floor level.

The application, as submitted, relates purely to the Ancaster site and comprises a development of commercial floorspace on the ground floor with 68 flats above. The submitted drawings also show development on the neighbouring tyre-fitting site, but this is purely illustrative and does not form part of the application.

The building would measure approximately 54.3 metres in depth by 47.1 metres in width. The building would be set back from Station Road and Marsh Street by approximately 2 metres and from Albert Place by 6 metres. The building would be approximately 12.5 metres in height at the rear and a maximum of 20 metres fronting onto Station Road. It would be a mix of 4 and 5 storey and in the main have a flat roof.

This accommodation within the proposed development would comprise the following:

Ground floor: 333sq. m. of commercial floorspace on the ground floor for Class B1, D1 and/or D2 uses. This floorspace is shown as a single unit, but could easily be sub-divided should the need arise. 61 car parking spaces, including 4 disabled persons spaces would be provided together with 4 stairwells (2 including lifts), 4 bin stores, 3 cycle stores (70 cycles), a plant room and amenity space to the side of the building. 44 of the car parking spaces would be under cover.

First floor: – 20 flats comprising 6 x one bedroom and 8 x two bedroom private flats; 3 x two bedroom Housing Association 3 x two bedroom shared ownership flats. The 6 affordable flats would be separated from the private flats at first floor level and be to the rear of the site. The private flats would surround a courtyard on three sides and there would be a terrace for the residents of these flats.

Second floor: – 22 flats comprising 4 x one bedroom and 10 x two bedroom private flats; 4 x two bedroom Housing Association 4 x two bedroom shared ownership flats.

Third floor: – 22 flats comprising 4 x one bedroom and 14 x two bedroom private flats; 4 x two bedroom Housing Association flats.

Fourth floor: – 4 flats 1 x one bedroom and 3 x two bedroom private flats.

Site Area/Density

Site area: 0.33 ha (0.81 acre)

Site density: 206 u.p.h. (83 u.p.a.)

Relevant Planning History

MC2005/1608	Demolition of buildings and construction of two blocks (one four storey & one 3/4/5 storeys) comprising 78 one and two bedroom flats with car and cycle parking facilities Non-determination appeal dismissed 21 September 2006
MC2006/0570	Demolition of buildings and construction of two blocks (one four storey & one 3/4/5 storeys) comprising 75 one and two bedroom flats with car and cycle parking facilities Refused 28 th June 2006 Appeal Withdrawn
MC2006/0748	Demolition of existing buildings and construction of 3/4 storey blocks comprising 67 flats and associated parking Approved 30 April 2007

Representations

The proposal has been advertised on site and in the press as a major development. Neighbour notification letters have been sent to the owners/occupiers of 1 to 5 (consecutive) Victoria Street; 21-26 (consec) Station Road; 1-10 Consort House, Albert Place; 1-18 Osborne House, Albert Place; 1-16 Hanover House, Albert Place; Network Rail, Cook

Associates, and the Showman's Guild of Great Britain. Letters have also been sent to the Primary Care Trust, EDF, Southern Water Services, Kent Police Architectural Liaison Officer, the County Archaeological Officer and City of Rochester Society.

The **Environment Agency** initially wrote **objecting** to the application on the grounds that the application fails to meet the requirements of Part C of the flood risk exception test of PPS25 as the Flood Risk Assessment fails to demonstrate that the development will be safe because of the lack of safe egress. The Agency also sought a condition relating to contaminated land.

Subsequent to that letter the **Environment Agency** has again written advising that although concern was raised relating to the lack of a safe dry egress, there will be a safe refuge for both residents and occupiers of the commercial buildings and due to the nature of the tidal flooding of the site and the proximity that refuge should be achieved upon sufficient warning. Although under normal circumstances this would imply failure of Part C of the exception test, it is recognised that the latest proposals offer a substantial improvement of the previous development with respect to flood risk and the **objection is removed**.

Kent Police Architectural Liaison Officer has written making the following comments:

- The site is located within a Dispersal Area under the Anti-social behaviour Act 2003 and significant consideration needs to be taken to minimise the opportunity for criminal activity;
- The design incorporates beneficial features – secure gated access, internal courtyard, defensible space and primary commercial entrances fronting Station Road;
- The level of parking (0.79 spaces per dwelling) could result in inappropriate or confrontational parking and could lead to vehicles being parked remotely leaving them vulnerable to crime. Parking would also be required in conjunction with residents parking and this could lead to conflict;
- There should be a robust and efficient lighting scheme to all communal, parking, undercroft, footpath and internal circulation areas;
- Landscaping should have sound maintenance to ensure shrubs don't grow over 1m and planting does not restrict surveillance;
- Cycle and bin stores should have self-closing and self-locking doors;
- Other suggestions are made with regard to security within the building.

NHS Medway has written requesting a contribution of £31,820.60 based on a figure of £191 per person or £467.95 per dwelling. The contribution would be towards the provision of a new health facility and Keystone, Strood or any other appropriate development in the vicinity.

Southern Water has written advising that a public sewer may cross the site. It may be possible to divert the sewer.

Southern Gas Networks Ltd. has written with a plan showing the location of gas mains in the vicinity.

The County Archaeological Officer has written advising that the site has previously been the subject of an archaeological watching brief during ground preparation and decontamination works. No further archaeological work is required in response to the present application.

The Showman's Guild of Great Britain has written re-iterating its concern in relation to the previous application:

- The height of the proposed flats would amount to an invasion of privacy on their site
- 24/7 access for HGV's along Marsh Street should be maintained
- Residents of the proposed flats could object to the use of their site. They are not prepared to accept any challenge to the legitimate use of their site which they have occupied since 1958
- A one/two storey development would be acceptable.

Development Plan Policies

South East Plan 2009

Policy SP3	(Urban Focus and Urban Renaissance)
Policy H5	(Housing Design and Density)
Policy KTG1	(Core Strategy)
Policy KTG2	(Economic Growth and Employment)
Policy T4	(Parking)

Medway Local Plan 2003

Policy S1	(Development Strategy)
Policy S4	(Landscape and Urban Design)
Policy S6	(Planning Obligations)
Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)
Policy BNE21	(Archaeological Sites)
Policy BNE23	(Contaminated Land)
Policy ED3	(Other employment sites)
Policy H3	(Affordable Housing)
Policy H4	(Housing in Urban Areas)
Policy H5	(High Density Housing)
Policy T13	(Vehicle Parking Standards)

Planning Appraisal

The issues for consideration in respect of this application are:

- Principle;
- Density;
- Design and Appearance;
- Amenity Considerations;
- Noise;
- Impacts on the Highway;
- Pedestrian Accessibility;
- Contaminated Land; and
- Infrastructure contributions.

Principle

Residential

The site is located within the urban area of Strood as defined on the Medway Local Plan 2003 in an area of mixed use, although there is a significant residential element. National guidance and local policy support the creation of residential units in locations such as these in favour of countryside locations. The site has been in commercial use for many years, although prior to that it was a residential area, having been bombed during the Second World War. In addition previous applications that have been approved for the site involve residential developments. The residential element of the proposal would, therefore, comply with Policy H5 of the South East Plan 2009 and Policy H4 of the Medway Local Plan 2003.

Employment Use

The application site is not within an allocated employment site under Policies ED1 or ED2 of the Local Plan. However, it was last used for employment purposes in the form of car repairs and sales, although this use has now ceased and the buildings demolished. However, it is close to the town centre with employment uses and to Strood Station. There is currently an employment use (a tyre fitting business) on the adjoining land. Policy ED3 of the Local Plan supports the replacement of premises on existing employment sites, but restricts this to Class B1 uses unless it can be demonstrated that other types of employment would not be detrimental to residential amenity.

Whilst the application proposes 68 flats is also proposes the creation of 333sqm of commercial space falling within classes B1, D1 and D2. The end use of the proposed employment area is not known at present and could be a single user or sub-divided. Using English Partnerships Employment Densities Guide, this could provide employment for up to 18 people with a B1 use, but should this be used for other purposes such as Class D2 (gym) this could be as low as 4. The use of the ground floor as commercial within the defined uses would therefore be broadly consistent with the adopted policies.

Due to the potential flood risk the ground floor of the proposed building would not be suitable for residential use. The alternative would be 'dead frontage' so the development of the ground floor of this site for employment purposes addresses the concerns of the potential flood risk and retains an active frontage, improving upon the existing situation on site. However consideration should be given to the effect of the commercial use on the residential amenity of occupiers of the building in terms of noise and disturbance and also the effect it would have on the highway network. These aspects are discussed later in the report however subject to these issues no objection is raised with regard to policy ED3 of the Medway Local Plan 2003.

Density

Regard should also be paid to current government advice, as contained within PPS3 "Housing". Policy H5 of the Regional Plan and Policy H5 of the Local Plan both seek to promote higher densities, at or near town centres or near public transport access points.

The density of the proposed development, at 206 units per hectare (83 units per acre) compares with a density of 180 units per hectare (73 units per acre) for the previously approved scheme, 212 units per hectare (88.7 units per acre) for the first appealed scheme for 78 units (MC2005/1608); 202 units per hectare (82 units per acre) for the refused scheme

for 75 units (MC2006/0570); and 140 units per hectare (56.6 units per acre) for the neighbouring development in Albert Place.

Having regard to the aforementioned Government advice, the proximity of the site to the town centre and public transport facilities no objection is raised in principle to a high density development on this site. However, high density should not be achieved at the expense of the design and quality of the development, the provision of amenity space and parking. The current proposal has only resulted in the increase in the number of units by one from the extant permission and it is considered that the density would form an appropriate balance in terms of density, design, amenity space and parking. Accordingly no objection is raised with regard to policy H5 of the South East Plan 2009 or policy H5 of the Medway Local Plan 2003.

Design and Appearance

The proposed scheme would essentially replicate the broad design principles of the previously approved scheme under MC2006/0748. The proposed scheme differs from that previously approved with the addition of commercial space at ground floor level and as such the height of the building would increase and there will be the commercial frontage at ground floor level onto Station Road. However the design of the residential element in the proposed scheme (floors one to four) would be very similar to the design of the previously approved building in terms of the fenestration, flat roof and taller elements fronting Station Road. The street scene in Station Road is mixed with the railway line to the southeast and a mix of residential and commercial on the northwestern side. It is considered that Station Road would be able to accommodate a building of such height, scale and design appropriately and the contemporary design would help enhance and improve the appearance of the street scene. The building would be set back from the pavement edges on all sides allowing a mix of hard and soft landscaping to be introduced and the various elements of low railing to the front would also contribute to an attractive setting for the building. The cycle stores and bin stores are also shown to be integral within the building and as such reduces the need for a collection of outbuildings that could result in clutter within the site. However no bin stores are shown for the commercial element and a condition is recommended for the submission of such details.

The building would also provide attractive frontages to both Albert Place and Marsh Street, which, particularly in the case of Marsh Street, are currently lacking effective street scene frontages.

Accordingly the proposal is considered acceptable with regard to the design and impact on the character of the area and in accordance with policy BE1 of the South East Plan 200 and policy BNE1 of the Medway Local Plan 2003.

Amenity considerations

When the previous application was considered, the flats in Albert Place were under construction. Nevertheless, regard was paid to impact of the proposed development on that development in terms of privacy, light and outlook. The siting of the building would be similar to that previously approved and, as such there would be a similar impact in terms of privacy from that previously approved. The window-to-window distance would be approximately 20 metres and it is considered this would afford suitable levels of privacy and outlook for both the flat developments in Albert Place and in the proposed scheme.

In the previous application the applicants undertook an assessment of the potential overshadowing of Albert Place and of the Showman's Guild site to the rear using sunlight indicators for latitude of 51 degrees north on 21 March. That assessment found that a small corner of the Showman's Guild site would be in shadow for about 3.5 hours in the morning, until just past 11.00 a.m. Some of the ground floor flats in Albert Place would be in shadow for between 2 and 2.5 hours during the afternoon. No such assessments have been submitted with this application however it is considered that as the impact to overshadowing was so slight in the previous scheme the increase in the height of the building by one storey would, whilst increase overshadowing, not do this to such a degree that would make it significant and as this is considered acceptable.

Consideration should also be given to the amenity of future occupiers of the units. The smallest of the units would achieve an internal floorspace of at least 46.4m² for a 1-bedroom unit and at least 57.3m² with most achieving over 61.3m² for a 2-bedroom unit. The arrangement of fenestration would provide sufficient levels of outlook and light for the units. Revised plans were submitted during the course of the application to amend the sizes and positions of some of the windows located within the 'internal corners' of the building. Clearly due to the design of the building and internal layout windows serving different units may face towards each other, however any impacts have been minimised by the slight amendments and as such on balance it is considered this relationship is acceptable.

Accordingly the proposal is considered acceptable with regard to the impacts on residential amenity and is in accord with policy BNE2 of the Medway Local Plan 2003.

Noise

The site is close to a heavily trafficked district distributor road, two railway lines, and a tyre fitting centre and it is acknowledged that the occupiers of the proposed dwellings could be subjected to appreciable levels of noise. To address this, the applicants' have submitted an acoustic appraisal. The acoustic appraisal demonstrates that most of the site falls within noise exposure category (NEC) B during the day and night. However, part of the site that is closest to Station Road and the railway are within NEC C during the day and the night.

Policy BNE3 of the Local Plan states that where noise levels fall within category B, the applicant should demonstrate that adequate mitigation measures are included in the proposal to reduce noise to a satisfactory level. Where noise levels fall within category C, the development will not be permitted unless either (a) the site is allocated for residential development or (b) there are no alternative quieter sites available. Policy BNE3 also states that noise sensitive development should be designed to minimise the impact of existing noise sources. Consideration has been given to the layout and design of the development to minimise the impact of road and rail traffic noise. However, the proposed layout places habitable rooms overlooking the busy Station Road. With high specification glazing, good internal noise levels as defined by British Standard 8233: "Sound insulation and noise reduction for buildings – Code of Practice", will be achieved in living rooms and bedrooms respectively, with windows closed. Levels will also be commensurate with the World Health Organisation Guidelines (WHO) for Community Noise. However, with bedroom windows open for rapid ventilation and summer cooling as required by section 8.4.7.4 of BS 8233, an adequate level of amenity will not be achieved.

The acoustic assessment recommends a typical format of construction that would ensure that the internal noise levels within the residential units will conform to the “good” design range identified by British Standard 8233: Sound insulation and noise reduction for buildings – Code of Practice and the World Health Organisation guidelines for community noise. The scheme of mitigation would include: -

1. Habitable rooms with windows on the Southwest, Southeast and Northeast facades of Blocks B and C are fitted with 10/12/4 mm double glazing, acoustic ventilators and acoustically screened mechanical ventilation units.
2. All other habitable rooms to blocks A and D and on the Northwest façade of Blocks B and C are fitted with standard thermal double glazing with acoustically screened trickle ventilators.

There is also the potential that noise from activities associated with the proposed commercial units may give rise to disturbance to the flats above the development. To address this it is recommended that a condition be attached to any planning permission requiring an acoustic assessment to be undertaken to determine the impact of noise arising from the commercial floor space. Conditions are also recommended controlling the hours for loading, unloading and operation of the commercial premises.

The report and recommended mitigation scheme are considered acceptable and in accordance with policy BNE3 of the Medway Local Plan 2003. It is recommended that an appropriate condition be attached to any planning permission requiring the submission and implementation of a scheme for protecting the proposed development from transport related noise.

Impacts on the Highway

The adopted vehicle parking standards require the provision of an average of 1.5 spaces (as maximum) for development within an area of high transport accessibility, together with 1 cycle space per 5 units. The commercial element of the proposed development would require the provision of up to 11 spaces for a Class B1 use. The level of parking for a D1 or D2 use would depend on the exact nature of the proposed use and cannot be quantified at this stage.

The submitted drawing shows 61 car parking spaces to serve 68 flats, a ratio of 0.89 car parking spaces per unit compared to 0.79 spaces under the previously approved scheme. 6 of these spaces would be for disabled persons use. In addition, there would be sufficient cycle storage for one space per unit.

No specific on-site parking provision is made for the proposed commercial use. However, the site is in a highly sustainable location close to the town centre and public transport. The site is also close to public parking facilities, and in particular the pay and display provision on the southern side of Station Road, opposite the site. This parking area is approximately 123m in length and could accommodate up to 25 cars. There are frequently spaces available in this parking area and the on street parking in this location is satisfactory to serve the needs of the development.

It is, however, important that this designated on-street parking area is utilised by visitors to the proposed development. At the present time, a significant amount of indiscriminate parking occurs on Marsh Street and Albert Place, which needs to be addressed to ensure that visitors

to the proposed development do not park in Marsh Street and Albert Place where this would impact upon highway safety in the vicinity of the proposed access points, reduce manoeuvrability and potentially block footways. It is necessary for restrictions to be implemented on both sides of Albert Place and in Marsh Street, to prevent parking and waiting at any time. This will ensure a satisfactory level of manoeuvrability at proposed access points to the development and guarantee a safe and convenient means of pedestrian and cycle access. It will also ensure that the emergency services are able to access the site easily. It is recommended that a condition be applied to any consent that requires the developer to agree a mechanism with the Council for the provision of these parking restrictions (including their funding), which should be implemented prior to first occupation of the development. This could be incorporated into a Section 106 agreement.

The commercial element of the proposal is also likely to generate a servicing and delivery requirement. With the appropriate waiting restrictions installed on Marsh Street and Albert Place, this will not result in highway safety issues on these roads. Similar waiting restrictions are already in situ on the northern side of Station Road. On this basis, it is likely that deliveries will take place either from the on-street parking area opposite the site or from within the site itself, where the applicant indicates that some parking provision will be made under a space-sharing arrangement with the residential parking. It is recommended that a condition be attached to any consent that requires details of the servicing and delivery arrangements for the commercial unit/s to be submitted and approved in writing by the Local Authority prior to commencement of the development.

Access to the development remains unchanged from the previous application. It is recommended that a condition is attached to any consent requiring the new access points to the development to be via dropped kerb pavement crossings, with appropriate entry treatments within the site on the back edge of the footway to slow vehicle access and egress. A condition is also recommended that secures the provision of the secure, covered cycle parking shown on the submitted plan. In particular, we need to be satisfied that an appropriate means of securing the stores is provided.

On this basis of the above the scheme is considered acceptable with regard to the impact on the highway and policy T4 of the South East Plan 2009 and policies T1, T2, T4 and T13 of the Medway Local Plan 2003.

Pedestrian accessibility

The addition of commercial space to this development, whilst maintaining the same number of residential units as previously considered, is likely to significantly increase the number of pedestrian movements to and from the site, particularly as the applicant has limited on-site car parking in order to encourage non-car modes of travel. The current level of pedestrian provision in the immediate vicinity of the site is poor and a number of measures are necessary to enhance pedestrian accessibility and ensure the development complies with Policy T3 of the Local Plan. The following works are recommended:

1. Reconstruction/resurfacing of the footway along the site frontage, including the removal of the existing access points and reinstatement of standard height kerbing
2. Reconstruction/resurfacing of the footways on both sides of Marsh Street, including the replacement of damaged kerbs
3. Reconstruction/resurfacing the footway on the southern (site) side of Albert place

4. The provision of raised tables on Marsh Street and Albert Place at their junctions with Station Road, in order to slow vehicle-turning movements and provide level pedestrian access across the junctions.

Provided these enhancements are agreed and implemented prior to first occupation, it is considered that the development makes satisfactory provision for safe and convenient pedestrian access, in accordance with Policy T3 of the Medway Local Plan 2003.

Contaminated Land

The applicant has submitted a Validation report for contamination hotspots and underground storage tank removal undertaken by Card Geotechnics dated September 2007. This report, which details the remediation, which has been undertaken at the site to date, is acceptable. The applicant now needs to undertake the remaining remediation work at the site, which includes the installation of gas protection measures in the properties and the installation of a capping layer underlain by a geotextile marker layer in areas of soft landscaping. The applicant should also implement the recommendations made regarding the installation of the water supply pipes at the site. The applicant will need to submit a closure report for the site once the remediation works have been completed and a piling method statement if piled foundations are to be used on the site to the local planning authority for approval prior to works commencing at the site.

Accordingly the proposal is considered acceptable with regard to contamination issues subject to the imposition of appropriately worded conditions and in accordance with policy BNE23 of the Medway Local Plan 2003.

Infrastructure contributions

Affordable Housing

Policy H3 of the Medway Local Plan states that within urban areas, where developments include 25 or more dwellings, affordable housing will be sought as a proportion of the development. Paragraph 5.5.12 of the Local Plan identifies the Council's minimum target of 25% for the provision of affordable housing.

The application recognises the need to provide an element of affordable housing. 18 affordable two bedroom units are proposed: 6 on the first floor in a 'separate' block to the rear, 8 on second floor, at the rear of the building physical attached but with separate access and internal circulation to the private flats at the front, and 4 on the second floor, again with separate access and internal circulation. 11 of these units would be for rent and 7 for shared ownership. The affordable element represents 26.5% of the total development, which would meet the 25% requirement.

Financial Contributions

The application is for more than 10 units and therefore, in accordance with the Council's Guide to Developer Contributions the Council would be seeking developer contributions. As a result of the relevant consultations the following have been requested:

Education - £30,000

Greenspaces - £97,905 - The contributions would be towards improvements to the play facilities and open space at Broomhill Park Strood and formal sports provision within Strood North Ward.

The council had originally requested a greater number of financial contributions relating to other aspects of social infrastructure. However the applicants have provided details concerning the financial viability of the site that the councils property section do not dispute and in this instance it is considered appropriate to request the same level of contribution as requested in the previously approved scheme subject to a clause in the Section 106 agreement that would allow the viability of the scheme and level of contribution to be reassessed if construction of the scheme does not commence within agreed timescales. Due to the viability of the scheme and the current market conditions the applicants have requested a 5-year consent is granted rather than the standard 3 years and in this instance this is considered appropriate.

Accordingly, subject to the applicant entering into a Section 106 agreement to secure the provision of affordable housing and financial contributions, no objection is raised to the proposal under Policies H3 or S6 of the Medway Local Plan 2003.

Conclusions and Reasons for Approval

The site is located within the defined urban boundary on land previously having a commercial use and as such the principle of the mixed-use 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. It is therefore recommended that the proposal be approved subject to the imposition of appropriate conditions. 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 history of the site and that the Committee have determined previous applications.

4 MC2009/0896

Date Received: 24th June 2009

Location: Black Lion 23 Mill Road Gillingham ME7 1HL

Proposal: Construction of six 2-bedroomed terraced properties (in two blocks of three) together with parking and associated highway alteration to provide a new access to the site (demolition of single storey side extension of the Black Lion PH) on land currently forming part of Black Lion Public House

Applicant: Mr R Hall Sarumdale Limited 102 London Road Burgess Hill West Sussex RH15 8NB

Agent: Mr G Wood Portico Architecture & Interiors The Old Forge
Upper Street Hollingbourne Maidstone Kent ME17 1UW

Ward: Gillingham North

Recommendation of Officers to the Development Control Committee, to be considered and determined by the Development Control Committee at a meeting to be held on the 2nd September 2009.

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 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.
- 3 No development shall take place 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, including the boundary treatment adjacent to block B. The boundary treatment shall be completed as approved before any part of the development is occupied and shall thereafter be retained.
- 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 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, refuse or other storage units, 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.

- 5 No development shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.
- 6 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 east and west flank walls of both terrace blocks A and B herein approved without the prior written approval of the Local Planning Authority.
- 7 Details of the entrance feature between the Black Lion Public House and No. 21 Mill Road shall be submitted to and approved in writing by the Local Planning Department prior to commencement of the development herein approved. The entrance feature shall then be built in accordance with the approved plans and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.
- 8 No part of the development shall be occupied until the off-site works as shown on approved drawing SK101 Issue 03 to include kerb build out, bollards, strengthening of existing footway area and amendments to the on-street parking bays have been implemented.
- 9 Prior to commencement of the development, details of physical measures to reduce vehicle speeds on the access road adjacent to the back edge of the Mill Road footway shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to first occupation of any part of the development and thereafter maintained.

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 the land to the rear of the Black Lion Public House, which currently serves as its amenity garden. The land is L-shaped and extends to the south behind the rear gardens of nos. 9-21 Mill Road. To the east of the site lie the rear gardens of properties on Fox Street. To the west lies the rear gardens of Mill Street whilst to the south lies what appears to be an abandoned works building, which forms part of an allocated housing site GL147 as identified in Policy H1 of the Medway Local Plan.

The Mill Road houses fronting the application site to the west, date from the Eighteenth century and are distinctly characteristic. No.21 is the end of the terrace of these houses and is adjoined by a single-storey extension serving the pub. The pub extension appears to be the original site of no.22, which was destroyed, along with no.21 during World War II, though no.21 had been rebuilt to a similar height and standard as the remaining terrace.

The application site lies within the Brompton Conservation Area.

Proposal

The application proposes to demolish the single storey side extension of the Public House and to form a new access to serve a development comprising of six 2-bedroomed terraced properties (in two blocks of three) together with parking and associated highway alteration to provide a new access to the site.

A terrace of three houses is proposed to the southern end of the site sited east to west. The entrances to the houses face north with approx. 10.4m rear gardens proposed to the south with rear/side access provided. Each unit would comprise a living room, separate kitchen and downstairs toilet, with the bathroom and bedrooms on the first floor.

A second terrace of three houses is proposed to the northern end of the site, again sited east to west. The terrace is set approx. 23m from the terrace to the south with rear gardens approx. 9m in depth. Each unit would comprise a living room, separate kitchen and downstairs toilet, with the bathroom and bedrooms on the first floor.

Seven parking spaces are proposed in the centre of the site accessed from a 3.7m wide road (at the narrowest point). An archway is proposed to the entrance of the access to add some visual interest.

The application differs from that previously refused (MC2008/1037) through the replacement of the block of 4 flats with a terrace of three properties and through a difference in the layout of the site by the siting of the parking between the two terraces in the centre of the site compared to the siting of the parking at the northern end of the site previously.

Site Area/Density

Site area: 0.135 ha (approx)
Site density: 44.44 dph (approx)

Relevant Planning History

GL/80/283	Toilet block with internal access and games room Approved 06 November 1980
GL/80/283A	Single storey bar extension to side. Refused 22 March 1985
GL/80/283B	Single storey side extension to bar. Approved 27 June 1986
MC2005/2273	Demolition of 20 and 21 Mill Road and construction of a two storey block comprising twelve 1 and 2-bedroomed flats for the elderly Refused 03 January 2006
MC2005/2375	Conservation Area Consent to demolish nos. 20 and 21 Mill Road to provide access Refused 19 January 2006

MC2006/1746	Demolition of 20 and 21 Mill Road and flat roofed areas of Public House Withdrawn
MC2006/1775	Conservation area consent for the demolition of 20 and 21 Mill Road and flat roofed area of Black Lion Public House Refused 10 November 2006
MC2008/1037	Change of use of residential land currently forming part of the Black Lion Public House site and construction of two 2-bedroomed and two 1-bedroomed flats and three 2-bedroomed terraced houses with new access (demolition of single storey side extension) Refused 16 October 2008

Representations

The application has been advertised on site and in the press. Neighbour consultation letters have been sent to the owners and occupiers of 3 to 25 Mill Road (inclusive), 3a, 6 to 42a (evens) Fox Street.

Two written objections have been received raising the following concerns:

- Parking insufficient and likely to cause highway problems
- Transport statistics are old and irrelevant
- Gap to the development seems very tight
- Privacy
- Security
- Over crowded
- Already refused on 7 counts

Kent Fire and Rescue Service have written with the following comments:

- The proposed hammer head turning point is not large enough in the portion directly in front of block 'B'
- Recommend re-design to extend the 6m to 10m

Following further discussions the **Fire Officer** has written:

- The measurements for the fire appliance on the scale drawing was actually 1.25 meters shorter than the actual fire appliance length.
- If the hatched area shown on the drawings indicating a footway is constructed to take the load of an HGV and the boundary wall around the property 'B' is no higher than 500mm then the fire appliance can turn around.
- It does however need that full space.
- The line on the submitted drawings shows a measure of 6m approx, from centre of turning circle. Adopting my proposals will allow that 6m to be extended to 7.25m which will be sufficient. (The fire engine would then be tight back against the wall, but able to exit the close).
- The low wall allows any ladders extending over the rear of the fire appliance to protrude over the garden perimeter.

- The submitted drawings obviously show sufficient swing front and rear for the projected shorter fire engine but actual size means a turning arch/circle is different and hence the initial objection.

Kent Police Architectural Liaison Officer has written making the following comments:

- The impact of the two pubs on residential amenity should be assessed
- Access control gates should be incorporated
- Any further pedestrian permeability should be restricted
- Additional windows should be incorporated over the courtyard e.g. Block A west elevation to increase surveillance
- The rear alleys to the houses could become congregation areas for anti-social behaviour
- Evident that the Design and Access statement does not reflect or evidence to a great extent how Crime prevention or any associated measures have been incorporated into the development – there is generally a requirement for this with new applications

Development Plan Policies

South East Plan 2009

Policy SP3	(Urban Focus and urban renaissance)
Policy KTG1	(Core Strategy)
Policy BE6	(Management of the Historic Environment)

Medway Local Plan 2003

Policy BNE1	(Built Environment)
Policy BNE2	(Amenity Protection)
Policy BNE3	(Noise Standards)
Policy BNE6	(Landscape Design)
Policy BNE12	(Conservation Areas)
Policy BNE13	(Demolition in a Conservation Area)
Policy BNE14	(Development in a Conservation Area)
Policy H1	(New Housing Areas)
Policy H4	(Housing in Urban Areas)
Policy H9	(Backland and Tandem Development)
Policy T1	(Impact of Development)
Policy T2	(Access to the Highway)
Policy T13	(Parking Standards)

Planning Appraisal

Principle

The site lies within the urban area where the principle of a residential development is accepted. The density of the scheme is within the range set out in PPS3. While the scheme represents backland development it does not mean that it is unacceptable but that it must be considered against policy H9 of the Medway Local Plan 2003, which will be explored below.

Conservation Area, Street Scene and Design

Any development must accord with Policy BNE1 of the adopted Local Plan in being appropriate in terms of mass, siting and design. In addition, Policy BNE12 of the Local Plan seek special attention for development in Conservation Areas, to preserve and enhance their character and appearance.

Map records date nos.10-21 Mill Road from 1756 to which no.21 forms the northern end of the terrace. No.21 is adjoined to the pub by a single-storey side extension serving the pub. To provide access to the proposed development the single storey extension to the Public House will be demolished. This alters from the previous 2005 and 2006 applications which sought the demolition of No's 20 and 21 Mill Road which was not considered acceptable due to their contribution to the Conservation Area.

Turning to the proposed demolition of the single storey extension of the Public House, as this does not relate to the entire building and is only partial demolition of the building, the demolition is exempt from planning control and the merits or otherwise of its removal are not a material consideration in the determination of this application.

In turning to the proposed development, the buildings would be sited behind the properties in Mill Road and would not be seen from the public highway. They would therefore not form an intrinsic part of the street scene. Nevertheless the site lies within the Conservation Area where Policy BNE14 states that development should *“achieve a high quality of design which will preserve and or enhance the area's historic or architectural character and appearance”*.

Consideration has to be given to development plan policy BNE1 of the adopted local plan. This policy seeks to ensure that the design of the development is appropriate in relation to the character, appearance and functioning of the built and natural environment by reason of its use, scale, mass, proportion, details, materials, layout and siting. Furthermore, the Council has to be satisfied that the development respects the scale, appearance and location of buildings, spaces and the visual amenity of the surrounding area. In addition to this PPS1 supports the need for good design.

The design of the scheme is considered to be of a plain and standard appearance but in view of its location, will not detract from the character of the conservation area. Good use of detailing and high quality materials would lift the somewhat plain design and create a more interesting development.

It is unfortunate that the area between the terrace buildings is set out to parking spaces, however this is an unavoidable consequence of modern life and the need to supply some parking. The location works well with regard to the access and on balance it is broken up with areas of soft landscaping which is considered acceptable. It is recommended that a condition is placed on any grant of planning permission to ensure that a detailed landscaping scheme is achieved to include the detailing of the boundary treatment.

Having regard to the character and setting of the Conservation Area, the proposal in its entirety is not considered to cause a detrimental or unacceptable impact upon the Conservation Area and would therefore be in accordance with the provisions of Policies BNE1, BNE12, BNE13 and BNE14 of the Local Plan.

Trees

There are a number of trees on site, none of which are subject of a tree preservation order. Any issues relating to the trees can be considered as part of submissions pursuant to a landscaping condition.

Amenity Considerations

In referring to Policy H9 and BNE2 of the adopted Local Plan, backland development that would result in an unacceptable loss of privacy to adjoining properties will not be acceptable. The clever design of the layout achieves in excess of 21m between the two blocks of proposed terraces and sets the terrace properties at right angles to the houses in Mill Road therefore meeting the privacy distances recommended in Kent Design. In addition to this the rear elevations of the properties in Mill Road are very unusual with very few having windows in the rear elevation which would also reduce any overlooking from the existing properties to the proposed properties.

At its closest point, the proposed flank wall of the terrace buildings to the south of the site would be set approximately 9m from the single storey rear elevations of properties in Mill Road and approx. 12.2m from the two storey rear elevations of the main dwellings. Likewise at its closest point, the proposed flank wall of the terrace buildings to the north of the site would be set approximately 15m from the single storey rear elevations of properties in Mill Road and approx. 18m from the two storey rear elevations of the main dwellings. Due to the distances involved and the fact that the rear of the terrace properties in Mill Road do not have a regular pattern of habitable windows as one might expect in the rear of terraces due to the mansard roof design, it is not considered that there would be any significant loss of outlook.

No flank wall windows are proposed in either end of the terrace blocks, which prevents any overlooking. It is recommended that a condition is added to any approval to restrict any windows being inserted at a later date.

The distance from the proposed houses to the properties in Fox Street would be in excess of 25m and at this distance the proposed dwellings are considered to have an acceptable impact upon the privacy, outlook and light loss amenities to these properties.

In turning to the amenities of the future occupiers. The room sizes are considered adequate for suitable habitation and no objection is raised. It is acknowledged that owing to the limited width of the site, the proposed external amenity land for the houses is limited, however they are considered to be adequate for two bedroom houses at between 43 and 51m² and are in excess of those of the properties to the front of the site in Mill Road

The layout of this development has positioned the new houses away from the public house and pub garden and it is therefore considered that the noise from the public house will not adversely affect the aural amenity of the residential occupiers.

Having regard to the amenity considerations, it is considered that the proposal does not represent an inappropriate backland development and is regarded as being in accordance with the provisions of Policies BNE2 and H9 of the Medway Local Plan 2003.

Contaminated Land

The applicant has submitted information relating to the current use of the site. It is considered that there is no risk of contamination from the current and historical use of the site and therefore contaminated land is not considered to be an issue.

Highways

Traffic Generation – The applicant has used industry approved trip generation software to estimate the likely traffic generated by a development of six private houses. This indicates that the proposed development would generate 3 vehicle trips during each peak period, which equates to 1 vehicle movement every 20 minutes. A total of 23 vehicle trips is expected to be generated over a 12 hour period (0700 - 1900), which equates on average to an additional vehicle movement about every 30 minutes. The accident database indicates that there were no personal injury accidents along Mill Road in the vicinity of the site in the past three years. On this basis, it is considered that this low level of additional traffic will neither materially impact upon traffic flows on the local network nor significantly add to the risk of road traffic accidents.

Access – Mill Road is subject to a 30mph speed limit. Government guidance contained within the DCLG/DfT publication 'Manual for Streets' recommends the provision of a sightline of 43 metres in each direction from the centre point of the access 2 metres from the back edge of the footway. The application plans indicate that a sightline of 2 metres by 80 metres can be provided, subject to the construction a 2 metre wide kerb build-out of at the point of access. This sightline distance is also achievable from a distance of 2.4 metres from the back edge of the footway build-out. Whilst parking bays will be within these vision splays, Manual for Streets advises that parking in visibility splays is common in built-up areas, and some encroachment may be acceptable in circumstances where speeds are low. Mill Road is a traffic calmed residential road and therefore such encroachment is considered acceptable. Unrestricted sightlines of 2 metres by 33 metres, commensurate with vehicle speeds of 25mph, are also shown on the plans, which are taken to centre of the carriageway in order to avoid any vehicles parked alongside the kerb. It is likely that vehicle speeds in the vicinity of the site are lower than 30mph due to the proximity of traffic calming features, turning movements associated with the leisure centre access nearby, the Brompton Road junction and zebra crossing and the speed reducing curved approach from the Brompton Road direction.

The width of the proposed access where it meets the back edge of the footway is shown to be 5.2 metres. After a distance of approximately 4 metres the access narrows to a minimum of 3.7 metres, whereupon it widens again to 5 metres within the site's parking and turning area. The initial section of the access, for a distance of 6 metres, is below the 4.1 metre width required to permit two cars to pass each other. Given the low level of traffic generated by the proposed development, the frequency of simultaneous vehicle access and egress manoeuvres is likely to be very low. Should this occur, however, a vehicle leaving the parking area has good forward visibility of a vehicle turning in to the access from Mill Road, and the width of the access beyond the pinch point will allow the vehicles to pass. Any waiting on Mill Road to enable a vehicle to leave the site is very unlikely to have a significantly detrimental impact upon the free-flow of traffic, given the presence of traffic calming features and on-street parking bays in the vicinity, which ensure vehicle speeds remain at low levels.

The applicant has provided additional information to address concerns regarding pedestrian to vehicle visibility at the proposed access. Drivers of vehicles leaving the site will be able to see 2 metres on either side of the centre of the access from a distance of 2 metres back within the site. This pedestrian visibility splay accords with government guidance on visibility to the rear of a footway crossing. The width of the proposed speed cushion adjacent to the Mill Road footway will encourage drivers to position their vehicle in the centre of the access, in addition to controlling their exit speed.

The applicant has also provided additional information to address concerns relating to the proximity of the proposed access to the nearby access serving the leisure centre car park. The junction separation distance between these access points is shown to be approximately 30 metres, which is significantly in excess of the 15 metre requirement for an opposite right-left junction spacing on to a major access road stated in the Kent Design Guide 2000.

Taking into consideration the low level of traffic generated by the proposed development and the low vehicle speeds on Mill Road maintained through traffic calming features, it is considered that visibility from the access is acceptable subject to the construction of the kerb build out. It is recommended that the completion of the off-site highway works prior to occupation of the development is secured by (Grampian) condition. On this basis, the proposed access is not considered detrimental to highway safety and the free flow of traffic, and no objection is raised in respect of Policy T2 of the Local Plan.

Parking and internal layout – Off-street parking is provided for 7 cars, a ratio of one space per dwelling that is considered acceptable given the site's town centre location and the proximity of Gillingham railway station and mainline bus routes. If on-site parking spaces were not available, visitors would be required to park in short-term parking bays on Brompton Road or 'pay and display' in the leisure centre car park on Mill Road. This accords with guidance contained within 'Manual for Streets', which advises that in town centres where there is good accessibility by non-car modes, and where on-street parking is controlled, it is often appropriate to omit visitor car-parking spaces. The application plans include tracking diagrams that demonstrate a fire appliance can access the development, turn and leave the site in a forward gear. Discussions with the fire safety office concluded with an agreement to construct the footway adjacent to Block B to the same specification of the access road and ensure that the boundary treatment adjacent to it is below 0.5 metres in height. This would allow sufficient space for a fire appliance larger than that shown on the tracking diagrams to manoeuvre safely within the site. It is recommended that this is dealt with under a landscaping condition imposed on any approval.

In summary the scheme is considered to be in accordance with policies T1, T2 and T13 of the Medway Local Plan 2003.

Conclusions and Reasons for Approval

The proposal is considered acceptable in design, amenity, highway and in terms of all other material planning considerations. It is therefore recommended that the proposal be approved subject to the imposition of appropriate conditions. The proposal therefore accords with the provisions of policies SP3, KTG1 and BE6 of the South East Plan 2009 and Policies S4, BNE1, BNE2, BNE3, BNE12, BNE13, BNE14, H1, H4, T1, T2, T13 and H4 of the adopted Local Plan and the application is accordingly recommended for approval.

The application would normally be determined under delegated powers but is being referred for member consideration due to the fact members previously considered the last scheme.

5 MC2009/0496

Date Received: 20th April 2009

Location: 25 Church Street Hoo St Werburgh Rochester ME3 9AH

Proposal: Construction of single storey rear extension to facilitate use of existing hardware store as tea and coffee house and relocation of hardware store to rear, new shopfront and 1.8m high access gates and railings to side boundary (demolition of detached store and office)

Applicant: Mr T Taggart 25 Church Street Hoo St. Werburgh Rochester Kent ME3 9AH

Agent: Mr S Pokora PEP Architectural Ltd 240 Wilson Avenue Rochester Kent ME1 2SW

Ward: Peninsula

Recommendation of Officers to the Development Control Committee, to be considered and determined by the Development Control Committee at a meeting to be held on the 2nd September 2009.

Recommendation - Refusal

- 1 The proposed extension, in conjunction with the existing extension and that which was approved under MC2007/1428 would result in an overdevelopment of the site which by virtue of its size footprint and elongated design would result in a development that has an adverse and detrimental impact on the character and appearance of the street scene and the surrounding area in general. The proposal is therefore considered contrary to the provisions set out in South East Plan Policy BE1 and Local Plan Policy BNE1.

Site Description

The application site is a two-storey, end of terrace property located along Church Street within the confines of the village of Hoo. At ground floor, the property operates as an A1 retail unit and at first floor provides residential accommodation. The property has already been extended at ground floor level with a single storey rear extension with pitched roof. There are a number of out buildings to the rear. Vehicular access is via Vicarage Lane.

Proposal

The application seeks full planning permission for the construction of a single storey rear extension to facilitate use of existing hardware store as tea and coffee house and relocation of hardware store to rear, new shop front and 1.8m high access gates and railings to side boundary (demolition of detached store and office).

The aim of the proposal is to relocate an existing hardware store from no 25 Church Street to an existing extension to the rear, with a further extension to accommodate storage and administrative functions. This will involve creating a new open and softened frontage to Vicarage Lane. The existing shop façade and interior will be renovated and used as a tea and coffee house.

Relevant Planning History

78/46	New Shop front Approved 8 March 1978
88/441	Use of premises and yard for a car repair business (related to adjoining shop). Approved 5 July 1988
MC2006/0718	Construction of single storey rear extension to existing shop. Refused 20 July 2006
MC2007/1428	Construction of single storey rear extension to existing shop. Approved 2 October 2007

Representations

The application has been advertised by the posting of a site notice and the individual neighbour notification letters to the owner/occupiers of no's 4, 10, 19, 19a, 21, 23, & Flat A 25 Church Street and 1, 2, 3 & 18 Vicarage Lane, Hoo St Werburgh, Rochester.

2 letters of representation have been received raising the following concerns:

- Church Street and Vicarage Lane have double yellow lines which are ignored by drivers daily.
- People park on the kerb right on the corner of Church Street and Vicarage Lane when visiting the shop, causing extreme danger on a blind corner leading to Vicarage Lane.
- Why does the village need another tea shop when there is a bakers two doors up with a tea shop.
- Will access in Vicarage Lane provide car parking?
- At present there are 34 shops in Hoo, 8 of them are involved in the food and drink area of retail. Is there a need for another one?
- There is no provision for parking so customers will park on the corner causing obstruction.

4 letter of support has been received advising that the tea room and hardware store would be a great facility to have in the village and believe that supporting small local businesses is very important.

Development Plan Policies

The South East Plan 2009

Policy BE1 (Management for an Urban Renaissance)

Medway Local Plan 2003

Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)
Policy R18	(A2 & A3 Uses and Change of Use)
Policy T1	(Impact of Development)
Policy T13	(Vehicle Parking Standards)

Planning Appraisal

Principle

The site is located close to the centre of the village of Hoo.

The proposal also includes for a change of use from A1 to A3 within the existing ground floor accommodation of the application site. The existing A1 use will be located within the existing rear extension area so there will not be a loss of a retail use. Generally, changes of use from Class A1 to A3 (Restaurant and Café uses) at ground floor level will be permitted except where such a use would cause harm to amenity or highway considerations or where cumulatively there would be a problem caused. In this instance the proposal is not far from a public car park and any approval could be conditioned to control hours of opening.

The application site itself is located off the main High Street area of Hoo. There is a public house further down Church Street on the opposite side of the road from the site itself. It is not considered that the introduction of a small tea room would result in an unacceptable impact to the area, and being situated a suitable distance away from other such uses along the High Street would not result in a detrimental cumulative impact.

There are no objections to the principle of the change of use of the site to accommodate tea room, hardware store and office space. The application is considered acceptable under the provisions set out under Local Plan Policy R18.

Street Scene and Design

The application site is a corner plot located at the junction of Vicarage Lane and Church Street. The southern side of the property is visible from the road. There is a large shed/store located along the rear (eastern) boundary of the site, which is to be demolished as part of this proposal, to which there are no objections raised. The proposed extension itself would project from the existing rear extension, across the whole rear yard area of the site itself, finishing at the eastern boundary of the site. The proposed extension would have a pitched roof, which would be of the same height as the existing rear extension.

As the proposed extension would project across the whole rear area of the site it is considered that it would result in an overdevelopment of the site. The south elevation of the proposed extension results in a monotonous addition to the street scene in Vicarage Lane, which is unacceptable and out of character with the area.

The site has planning approval, under MC2007/1428, for a smaller extension to the rear off the existing extension to the building. There was no objection raised to this especially given the remaining area to the rear being left undeveloped. This current application includes for an additional section of development, resulting in the whole of the site being 'built upon'. This is overdevelopment of the site and out of character with other development in the area, especially given the close proximity to residential dwellings to the east of the site.

The proposed extension, in conjunction with the existing extension and that which was approved under MC2007/1428 would result in a development that is arbitrary and has a detrimental impact on the appearance of the street scene. The proposal is therefore considered contrary to the provisions set out in South East Plan Policy BE1, Structure Plan Policy QL1 and Local Plan Policy BNE1.

Amenity Considerations

The proposed extension would project from the rear elevation of the existing extension. However, it should be noted that the applicant is also the owner of number 23 (the property to the north) and that when application MC2007/1428 was submitted he included part of the rear garden of Number 23 within the red line of the application site related to the previously approved extension at 25 Church Street. There is no formal consent for the change of use of that parcel of land to the rear of 23 Church Street to be included within the curtilage of application site and certainly no consent to use that area as storage as indicated on the submitted plans. However, whilst the extension to the rear of the application property already has an overbearing impact on neighbours' amenities, due to the anomaly in land use explained above and the inclusion of part of the rear garden into the red boundary of the application site the it is not considered that the Council can justify a refusal on the impact of the proposed extension on the residential amenities of the neighbouring occupiers due to a greater mass and bulk along the common boundary.

Highways

It is considered that whilst the proposal might attract car trips in addition to the retail use, the dwell time associated with a tea and coffee house (assuming no take-away element) is likely to mean that the potential for indiscriminate parking is low. It is considered that the existing parking restrictions in the area adequately protect the junction and some distance beyond. The nearby public car park would also cater for the needs of the development. On this basis there are no objections to the proposal on highway and parking grounds and the development is in accordance with the provisions set out in Structure Plan Policy TP19 and Local Plan Policies T1 and T13.

Conclusions and Reasons for Refusal

While the principle of the A3 use is acceptable subject to conditions to protect amenity and there will be no loss of A1 use, the extensions proposed will be harmful to the character of the area. The proposal is therefore in conflict with Policies BE1 of the South East Plan and BNE1 of the Medway Local Plan and is accordingly recommended for refusal.

The application would normally be determined under delegated powers but is being referred for determination by Committee due to the extent of representations received expressing views contrary to the recommendation.

This application was considered by Members at the Development Control Committee on the

1st July 2009, when it was determined to defer a decision to enable a Members' site visit to be held.

This application was considered by Members at the Development Control Committee on the 22nd July 2009, when it was determined to defer to seek clarification over the precise development proposals following confusion caused during the Member site visit.

6 MC2009/0761

Date Received: 5th June 2009

Location: Mierscourt Primary School Silverspot Close Rainham Gillingham ME8 8JR

Proposal: Application under Regulation 3 of The Town and Country Planning General Regulations 1992 for a new nursery extension, replacing existing mobile nursery accomodation (resubmission of MC2009/0551)

Applicant: Miers Court Primary School Silverspot Close Rainham Kent ME8 8JR

Agent: Medway Council Building and Design Services Civic HQ Gun Wharf Chatham Kent ME4 4TU

Ward: Rainham South

Recommendation of Officers to the Development Control Committee, to be considered and determined by the Development Control Committee at a meeting to be held on 2nd September 2009.

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 school building.
- 3 In this Condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs a) and b) below shall have effect until the expiration of 5 years from the date of occupation of the building for its permitted use.
 - a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with British Standard 3998 (Tree Work).
 - b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.

c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this Condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written consent of the Local Planning Authority.

- 4 Two replacement trees shall be carried out in the first planting season following the first use of the extension to the building hereby approved. Any tree, which within 5 years of planting is removed or becomes seriously damaged or diseased, shall be replaced in the next planting season with another of a similar size and species, unless the Local Planning Authority gives written consent to any variation to this.
- 5 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 proposed means of enclosure; hard surfacing materials; external furniture, play equipment. Soft landscape works shall include any relevant 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 An updated school travel plan shall be developed in accordance with the timescale and action plan submitted as part of this planning application. The updated travel plan shall include a description of the proposed works and how this may impact on travel to school arrangements; the number of vehicles accessing the school grounds; reference to staff, pupils and visitors to the site using the Sure Start facilities and it shall be put into effect by March 2011 at the latest. Thereafter it shall be kept in use as altered where necessary by annual monitoring and review findings and consequent plan updates.
- 8 Prior to the commencement of the development hereby approved details of cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided on site prior to the first use of the extension hereby approved and shall be retained as such thereafter.

- 9 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a method statement, undertaken by a competent person and obtained written approval from the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with and set out the time frame for this in relation to the development.
- 10 The extension hereby approved shall be used for the purpose of a day nursery business with a maximum of 5 staff and 24 pupils and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). The Nursery use shall only operate between the hours of 08:00 to 18:00 weekdays and not at weekends.
- 11 The mobile unit the subject of this planning application shall be used for the purpose of Sure Start facilities in connection with Mierscourt school (and the applicant is reminded that this mobile unit only has a temporary consent up to 30 September 2011) and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). The Sure Start facilities shall only operate between the hours of 08:00 to 18:00 weekdays and Saturdays only and activities shall be staggered so as not to clash with peak school drop-off and pick-up periods, such details of which shall be incorporated into the required updated School Travel Plan in condition No.7.

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

Site Description

Mierscourt Primary School occupies a fairly large site, which is surrounded by houses to the north and west with rural land across Mierscourt Road to the east. The ground of the school is higher to the south lowering gently down to the north.

The School is a single storey complex with separate playgrounds and a large playing field, on the corner of Mierscourt Road, Harvesters Close and Silverspot Close from which vehicular access is gained. This access is on the brow of a hill and in-between two cul de sac junctions off Silverspot Close. A car park is located off the front school entrance adjacent and to the north of the application site.

The school buildings are typical of their time being mainly brick built, including large areas of windows with panelling below, and being flat roofed with a large wooden fascia.

Boundary treatment fronting Mierscourt Road and Silverspot Close is palisade fencing approximately 2 metres in height and painted dark green. There is also extensive tree and hedgerow planting approximately 3 metres in height behind the length of the Silverspot Close boundary, as well as numerous trees within the school grounds, including a row of conifers on a steep bank immediately in front of the application site.

There is no parking restrictions in place outside the school entrance.

There are currently two attached mobile classrooms located close to the front entrance of the school and to the north of the application.

Proposal

This application seeks Planning Permission under Regulation 3 of The Town and Country Planning General Regulations 1992 for the construction of a new purpose built permanent nursery attached to the west of the existing school. This will allow the existing nursery facility to be relocated from the existing mobile unit (to the north of the site) to the new build. The mobile will then be occupied by a Sure Start facility currently not available within the local area.

The new extension will be sited on an existing hard standing area and will incorporate an office, kitchen, store, toilets and internal play area of 100m². It will have an overall length of 19.3 metres, depth of 8.4 metres, height of 3.1 metres to the roof apex. Fenestration and materials will match existing. Total floor area of 150m². Two trees will be required to be removed to facilitate this development. Additional fencing will be required to enclose the proposed external play area associated with the nursery on an existing landscaped area, whilst there will also be access to the adjacent play area facility to the east and north of the main school building.

There are no plans for large amounts of external lighting on the extension, with minimum amount of lighting being provided (bulk head lights fitted onto the external walls of the new extension) as necessary to provide safe, visible access to and around the facilities during school and sure start hours.

Four key access issues revolve around the extension and Sure Start facility being:

- a) Parent drop-off and pick up for pupils. This is managed through the secure main school reception.
- b) Management of community access to the Nursery facilities separate from school facilities. Access to the Nursery will be managed through the secure Nursery entrance.
- c) Access to the Sure Start Facility will be managed through the former Nursery Mobile.
- d) Community access is managed through the secure main entrance to the school so as not to compromise the school play area.

The proposed development will use the same access arrangements as the school. However this will be managed by programming the community facilities so that:

- There is a doubling up in use: facilities are used by parents, for example, after dropping off or picking up their children at the school, and
- Programming Sure Start activities so they do not clash with peak school drop-off and pick-up periods.

The school opening and closing times are:

Main gates open, pupils arrive	8:40 to 9:00am
Pupils leave	3:15 to 3:30pm
After school club closes	4:30pm

25 car parking spaces exist on site. No additional car parking spaces are proposed.

Existing teaching staff numbers of 16 also remains unchanged, whilst the head teacher has confirmed that there are also 15 teaching assistants (three of which do not have a car) and at midday dinner ladies and after school hours a cleaner. The maximum number of school staff on the site at any one time is 31. The school caters for 377 pupils aged 4 to 11 years, although the capacity is for 409 pupils.

The existing private pre-school nursery (on site for 8 years) operates 8:00 to 18:00. It caters for a maximum of 24 children by 5 staff who share the school's car park. The relocation of the nursery from the mobile building to the new extension will have no impact on pupil or staff numbers. The nursery will remain as a private business and its function is different from the Sure Start facilities proposed, which are explained below.

The Sure Start Element

The mobile will be used as a Sure Start centre, being a facility for local people, who will be well within walking distance to the site.

The applicant's Supporting Planning Statement states the educational case and need for the Sure Start facility:

Sure Start is a cross-departmental unit of the Government launched in December 2002. It works with local authorities, local communities and voluntary and private sector organisations to deliver:

- The best start in life for every child;
- Better opportunities for parents;
- Affordable, good quality childcare;
- Stronger and safer communities;
- The Government's commitment to halve child poverty by 2010.

Medway's youngest residents are set to benefit from the introduction of many more Sure Start Children's Centres throughout Medway. A number have already been approved (MC2007/0713, MC2007/0915, MC2007/1145, MC2007/2295).

The purpose of the Sure Start Centre would be to serve the local community with a focus on services for very young children (0 to 5 years) and their parents/carers as an integral part of the schools role. The centre is led by the head teacher of the school and is staffed by people working directly for the school and others who are based elsewhere, for example health service workers, visiting mid wives, speech therapist. Some of the services provided will take place at the centre whereas others will take place elsewhere, such as other nearby schools, health centres and at the homes of families.

The Sure Start Scheme would provide accommodation for information and advice for parents (through the main school reception facilities) whilst in the Mobile unit there will be drop-in and support services for parents and families, exclusively for local families with young children, for example weekly sessions from health visitors and midwives; story time session for toddlers; monthly benefits advice by Jobcentre plus.

An additional member of staff will be employed to coordinate family support services. The leaders of the regular weekly groups (health visitors) will not exceed three at any one time. The visitors to the regular weekly groups will not exceed around 20 parents/ carers at any one time – many of which will be parents of children already at the Mierscourt School, and will be attending groups. All visitors will live within walking distance and car use will be strongly discouraged.

The majority of groups and sessions will occur within school opening hours. There will be very rare occasions when the sessions will take place out of school hours – consistent with the current operation of the Primary school, which provides a range of after-school activities for pupils, plus evening parents meetings, school performances etc.

The application includes supporting statements, a school travel plan (dated march 2006), and an Arboricultural Report comprising of a Tree Survey, an Arboricultural Impact Assessment, and Tree Protection Plan. Site contamination has also been considered along with sustainability principles, acoustic and noise impact assessment.

Relevant Planning History

94/0241	Siting of additional mobile classroom. Approved 24 th August 1994.
MC1999/5527	Erection of single storey IT extension. Approved 13 th September 1999.
MC2000/0572	Siting of a mobile classroom for use as a pre-school nursery. Approved 11 th October 2000.
MC2000/1365	Construction of library extension. Approved 25 th October 2000.
MC2001/1122	Application for a variation of condition 1 of permission MC2000/0572 for a pre-school nursery to extend the temporary consent for a further year to 30 September 2006. Approved, 22 nd August 2001.
MC2002/2091	Application under Regulation 3 of The Town & Country Planning General Regulations 1992 for the construction of a single storey extension comprising three classrooms, glazed link and ancillary accommodation (south elevation) and adopted store (north elevation). Approved 14 January 2003.
MC2003/1244	Regulation 3 application for the erection of 2 covered canopies. Approved 29 July 2003.

MC2004/2433	Application under Regulation 3 of the Town and Country General Planning Regulations 1992 for the installation of 2.1 metre high security fencing and gates to section of school perimeter, and changes by entrance to provide a parents waiting area, adjacent to Mierscourt Road, Silverspot Close and adjacent to footpath linking Mierscourt Road with Wheatcroft Grove. Approved 21 December 2005
MC2006/0909	Variation of condition 1 of planning consent MC2001/1122 (MC2000/0572 also refers) to extend the temporary consent for a further period of 5 years to 30 September 2011. Approved 7 July 2006
MC2006/1040	Application under Regulation 3 of the Town and Country General Planning Regulations 1992 for the erection of 2.1metre high fleur de lys security fencing. Withdrawn.
MC2007/0911	Application under Regulation 3 of the Town and Country General Planning Regulations 1992 for construction of two class room extensions and covered play area. Approved 19 July 2007
MC2009/0551	Mierscourt Primary School Silverspot Close Rainham Gillingham ME8 8JR Application under Regulation 3 of The Town and Country Planning General Regulations 1992 for a new nursery extension, replacing existing mobile nursery accommodation. Withdrawn as scheme revised 2009.

Representations

The application has been advertised on site and neighbour notification letters have been sent to the occupiers and owners of 1, 2, 5, 25, 26, 27, 28, 29, 30, 32, 33, 50, 51, 52, 53, 55, 91, 93 Silverspot Close, the Surgery 94 Silverspot Close and No.95 Silverspot Close; 2a to 2d, 4, 10, 14 Harvesters Close.

Letters of representation: 18 letters of objection (from 12 households) have been received on grounds of:

- Object on the grounds of insufficient car parking and that parents already indiscriminately park on the pavements obstructing the drives of local residents and block accesses to the small cul- de- sacs in Silverspot Close and Harvesters Close at certain times of the day, mainly 8:00 am to 9:15am and at 14:45pm to 15:45pm;
- The existence of the school is a problem to local residents with associated litter, and on-street car parking problems;
- The parents should be encouraged to walk their children to school;
- Concern that the nursery and Sure Start centre will involve additional staff and visitors and traffic generation to the site but with no provision of additional car parking in the school grounds consequent existing problems will be aggravated;

- Concerns over danger that all this on-street car parking causes to highway safety and especially in regard to the junction with Mierscourt Road where severe bottle necks of traffic occur and reference is made to a number of serious accidents in Mierscourt Road and the inability of ambulances to drive down local roads
- Object to the proposed extension on an area of playground and which is currently used by parents dropping off their children and then waiting for their children at the end of the day;
- Object to the extension and its play area as it will be nearer to dwellings and noise will be a nuisance along with visual intrusion;
- Concern that the new building will increase possible vandalism and anti-social crime at the school;
- The school should look at options of a different entrance onto their site, such as from Mierscourt Road, either and /or vehicular and pedestrian;
- Object to the fact that the mobile unit was originally only granted a temporary consent, and now it is to be used as a Sure Start Centre, what will happen after 2011 when the temporary planning permission expires;
- Consider that the submitted documentation is factually incorrect with reference to only 17 staff, as the school's website shows that there are an additional 16 Learning and cleaning staff, as well as the nursery and part time staff that have not been included in the figures which is considered to be nearer the 40 mark;
- As the school does not permit parents to enter the school for a health and safety reason, they cluster at the school entrance, concern that the introduction of a Sure Start facility will enable unrestricted access to the school grounds;
- A more appropriate location for the Sure Start facility should be found, such as Parkwood Green Health Centre;
- Object on the grounds that the site is located in a predominantly residential area where occupiers could reasonably expect a level of amenity and that the proposed development for a nursery and Sure Start centre together with the cumulative effect of previous developments at the school, is all too much in terms of noise, disturbance, nuisance and safety issues;
- A full survey and assessment of the current traffic and parking problems is required, along with a residents site meeting, preferably at 3:30pm on a weekday;
- Originally peak periods for traffic, parking and noise issues centred on only the basic school opening and closing times, however since the nursery opened as it has opening and closing times that are staggered from the main school, it has had a detrimental effect on residents as the parking and traffic issues now occur for much longer periods of time and this is aggregated by the early morning breakfast club at 7:45am;
- The School's own Travel Plan acknowledges that there is a car parking and traffic problem and many of the initiatives suggested in it have not been implemented and the plan has had very little impact;
- Due to the large number of visitors to the school site at certain times, the privacy of local residents has been compromised;
- The on going parental car parking reduces the available road width to the detriment of road safety;
- Object to any fencing around the new exterior play area, as it will be detrimentally visible to local residents;
- Concerned that as the location of the extension is on a steep slope that ground works will be required to level the site and no details of these have been provided; *(on site it was noticed that the extension will be built on an area of level ground adjacent to the main school building)*

- Object to the fact that no new additional car parking on the school grounds will be provided;
- Object to the loss of a current infant all weather playground, where will children play in bad weather; (*On site, the head showed the case officer various existing external areas where children can play and the Head considered that sufficient areas of all weather play ground will remain*)
- Parking problems also occur at weekends associated with local football teams using the school grounds;

National Planning Guidance

PPS1: Delivery and Sustainable Development

PPS1A: Planning System & General Principles

PPG17: Planning for Open Space, Sport and Recreation

PPS 23: Planning and Pollution Control.

Development Plan Policies

South East Plan 2009

Policy SP3	(Urban Focus and Urban Renaissance)
Policy KTG1	(Core Strategy)
Policy CC1	Sustainable Development)
Policy CC6	(Sustainable Communities and Character of the Environment)
Policy S3	(Education and Skills)
Policy S6	(Community Infrastructure)
Policy BE1	(Management for an Urban Renaissance)
Policy T1	(Manage and Invest)
Policy T4	(Parking)

Medway Local Plan 2003

Policy BNE1	(General Principals for Built Development)
Policy BNE2	(Amenity Considerations)
Policy BNE7	(Access for all)
Policy BNE23	(Contaminated Land)
Policy BNE43	(Trees & Development Sites)
Policy L3	(Protection of Open Space)
Policy CF2	(New community facilities)
Policy T1	(Impact of New development on the Highway Network)
Policy T2	(Access to the Highway)
Policy T3	(Provision for Pedestrians)
Policy T4	(Cycle Facilities)
Policy T13	(Vehicle Parking Standards)
Policy T14	(Travel Plans required for new or expanded educational facilities)

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:

- Matters of principle
- Design and impact upon the street scene
- Impact on trees
- Car parking and highway implications.
- Contamination Issues

Principle

The site is located within an urban area therefore there is no overriding planning policy objection to its development.

Local Plan Policy CF2 and Policy S3 and S6 of the South East Plan seek to encourage the development of community facilities, including education provided that these facilities are of an appropriate scale, have minimal impact on neighbouring amenity and are accessible by a variety of means of transport.

It is considered that given the proposed extension is to house a nursery which has already operated at the school premises for the last eight years and that the extension will be attached to an existing education facility that this element of the proposal is acceptable in principle.

Much of the school grounds are subject to Policy L3 of the MLP 2003, which relates to the protection of open space. The site for the proposed extension is not actually protected under policy L3 being an area of existing concrete play ground to the west of the main school building. Therefore there are no objections to the proposal in terms of policy L3.

The aims of the Sure Start Centre are also fully compliant with Governmental aims for sustainable communities as it will offer services to the local community.

It is noted that the mobile unit, proposed to be used as the Sure Start Centre was originally granted a temporary planning permission (MC2000/0572) to be used as a classroom by the Rainbow Preschool on 11th October 2000 until 30th September 2005. The permission was temporary due to the structure not being of a design that would be considered an acceptable permanent feature on the school grounds. This was renewed under MC2001/1122 for a further temporary consent up to 30th September 2006 and then again under MC2006/0909 up to 30th September 2011.

It is still considered that the principle of the mobile unit being a permanent fixture at the school grounds would not be ideal due to the materials used. However it has a renewed temporary consent up to 30th September 2011 and as such there is no in principal objection to the retention of the unit on the site, albeit for a different occupier. However it is considered prudent to remind the applicant by way of an appropriate condition that the mobile unit only has a temporary consent.

In view of the above, the principle of the proposed development is therefore considered acceptable and the acceptability of the application rests on matters of detail.

Street Scene and Design

Policies BNE1 of the adopted Local Plan and BE1 of the South East Plan set out criteria for the assessment of proposals in terms of their impact on the built environment and design quality.

With regard to the continued use of the mobile unit for the Sure Start Centre no external alterations are proposed. The structure is vaguely visible from the street though due to the existing palisade fencing and the extensive planting fronting Silverspot Close and as it is painted green, it does not cause detrimental visual harm to the appearance of the street scene.

In terms of design at the school there is a range of single storey buildings at the school of varying design and size. The design of the temporary structure is not ideal due to the materials used and flat roof however it is considered satisfactory for a temporary period. Therefore the retention of the mobile unit for the Sure Start Centre will not harm the character of the school. As the planning permission for the mobile expires in 2011, a relevant condition and informative are considered prudent to remind the applicant of this fact and the need for a more permanent built form to be found as a solution.

Harvesters Close rises from east to west in the proximity of the application site in relation to the proposed extension to the main school building with the net effect that for much of its length the application site is set well below the level of Harvesters Close. There are a number of tall conifer trees to the north of the proposed extension along with a length of hedging and trees along the school boundaries fronting both Harvesters and Silverspot Close and to the rear of properties in Silverspot Close backing onto the school site.

Given the low level design of the proposed extension reflecting the style and character of buildings already on site, along with the sunken nature of the site and existence of boundary screening along both the Harvesters Close/Mierscourt Road and Silverspot frontages this will assist in ensuring that any visual impact on the street scene will be nominal.

Any visual impact on the adjacent properties in Harvesters Close and Silverspot Close to the west and south of the proposed extension will also be minor taking into account the orientation of these properties to the proposal, the existing tall tree and hedgerow planting to the rear of their gardens, low level design and set back of the proposed building from the boundary.

It is not anticipated that any associated fencing would cause a problem either for the same reasons, although a condition will require details of fencing to be submitted for approval in writing prior to its erection.

The extension will be constructed with materials and fenestration to reflect the main school building, which is built of red stock bricks, brown cladded roof. As the extension is a low level structure, designed to match in with the existing school it will blend in with the school.

In terms of design and appearance, the proposal complies with the above-mentioned Development Plan policies.

Trees

The proposed development would result in the loss of an existing Hornbeam and Whitebeam trees in front of the school, therefore the development needs to be considered in terms of Policy BNE43 of the Medway Local Plan 2003, which seeks to safeguard existing trees of merit when considering new development.

Whilst these trees are in a reasonable condition and do provide some screening to the existing school building it is considered that the loss of the two trees will not be of significant detriment to the character of the school site or the local area, particularly on a site such as this, which accommodates numerous trees of high amenity value. Their loss could also be mitigated through some new tree planting.

Subject to the replacement planting of the tree, which will be secured by condition (and to which the applicant has agreed to), the impact of the development on trees is considered acceptable.

Subject to the recommendations given in section 13 of the submitted Arboricultural report regarding tree protection during construction being applied, all subject trees shown for retention on the Tree Protection Plan can be successfully retained within the development proposals. Relevant tree protection conditions are therefore recommended.

In these circumstances the development is considered acceptable with regard to the advice given the above-mentioned Development Plan policies.

Impact on Amenities

Policies BNE1 and BNE2 of the adopted Local Plan seek to ensure that the amenities of existing residents are safeguarded. 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.

The closest neighbours are those living at the houses to the west in Silverspot Close and at Harvesters Close to the south.

Due to the siting of the mobile unit away from any nearby dwellings, its size and existing boundary treatment it will not cause detrimental impact in terms of outlook, daylight, sunlight or privacy.

Due to the distance of the proposed nursery extension from 94 Silverspot Close by 12 metres and by 23 metres from the properties in Harvesters Close, it is not considered that the extension or any associated fencing will have any adverse impact on neighbours by way of loss of privacy, loss of light or overbearing impact caused by the proposed development.

It is noted that the applicants advise that the proposed relocation of the existing nursery from the mobile unit into the school extension will not bring any increase in staff or pupil numbers.

The concerns of local residents are acknowledged, however, common to many schools around Medway, the existing parking problems that occur at peak times are not unusual to Mierscourt School and it is considered that the introduction of a Sure Start facility at the school will not exacerbate this existing situation.

The site is already a primary school and many of the people using the new facility are already likely to be visiting the site to drop off and pick up their children.

The Sure Start drop in and support services will result in further shared trips to the school by existing parents (that is a significant proportion of parents will already be visiting the school and nursery), a smaller percentage of parents with pre-school children as well as some additional visitors, such as mid wives and health visitors. Based on the experience gained from other Sure Start facilities, approximately 70% of users will be families who already have a connection with the school and will already be visiting the school or nursery.

One additional member of staff will be employed to coordinate family support services. The leaders of the regular weekly groups (health visitors) will not exceed three at any one time. The visitors to the regular weekly groups will not exceed around 20 parents/ carers at any one time. The Sure Start facility will not be permanently staffed.

The nature of the Sure Start facilities and floor area available will mean that the facilities are self limiting in that only one group can operate at any one time, for example one group may cater for a maximum of 15 parents and their children, whilst the next group may be a midwife holding a class for 5 babies and their parents.

In addition, to which the applicant has agreed that visitors to the Sure Start facilities can be staggered so as to avoid the peak school arrival and leaving times, and this is something that can be tied in to an updated School Travel Plan (and secured by condition).

With regard to noise and disturbance to local residents, in the context of the existing school use of the site (there are currently approximately 31 staff and 377 children, plus 5 staff and 24 children at the existing nursery equating to a maximum total of 36 employees on the school site at any one time) it is not considered that the additional Sure Start facilities will create unacceptable levels of additional noise and disturbance to neighbours. The main use of the facilities will obviously be during the school day rather than in the evenings or at weekends and the existing staff car park is considered adequate to deal with this continuing staff level.

It is noticed that there is a substantial tree and hedgerow screen along the school's boundaries, which assists in ameliorating any noise.

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

Highways Impact, Traffic and Car Parking

In terms of car parking provision, Policies T4 of the South East Plan, and T13 of the adopted local Plan set out parking standards (as maxima).

Policy T1 of the South East 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.

Policies CC1 and CC6 of the South East Plan seek measures to promote sustainable development. This can include measures to reduce reliance on the use of cars.

Policy T14 of the Medway Local Plan encourages the widespread use of Travel Plans for business and schools. This is something that Medway actively encourages and supports and Medway's Safer Journeys Team offer support and advice for schools to develop their Travel plans.

The Council's adopted parking standards specify maximum parking provision for schools of 1 space per member of staff plus a drop off area. The school and nursery together currently has a maximum of 36 staff on site at any one time and no more are proposed.

The school currently operates below the maximum standard with only 25 car parking spaces (a difference of minus 11), and at the time of the case officers site visit during the day (mid morning, 10:00am), most of these spaces were fully occupied (except four which were vacant).

The case officer undertook two site visits, one at approx 15:00 to 15:30pm on a school day where it was seen that there were very many cars parked on surrounding roads and in particular in Silverspot Close as well as clusters of parents waiting around the school gates.

A second site visit was undertaken at 10:00 am on a school day and it was noticed that both Silverspot Close and the adjacent roads were clear of traffic.

Therefore officers do acknowledge and are fully aware of the current problems experienced by residents and consideration must be given as to whether the scheme now being put forward will exacerbate that problem to any material degree.

The application is partly for a new building to house a nursery (which currently resides in the existing mobile unit) and therefore this facility could be considered existing and currently deals with its own parking demands. There is no planned increase in staff or pupil role associated with the nursery and this can be conditioned to that effect.

As far as the Sure Start centre is concerned it is noted that 1 member of staff is required for the coordination of the Sure Start facilities and a maximum of 3 health visitors could be on-site at any one time. Users of this facility would be locals and as such it would not attract additional vehicular movement to the site.

Although the Sure Start facilities will also generate trips outside the core times, mainly within the school day, at these times the pressure on the local highways is much reduced and so there are unlikely to be any significant problems. The hours of use of these drop-in style facilities are likely to be during the day and not in the evenings when there should be parking available on these local roads.

On balance it is not considered that this development at would result in a significant increase in traffic detrimental to highway safety. On the whole, despite the large number of residents' objections (particularly regarding increase in cars and lack of parking) it is considered that it would be difficult to justify refusal of this application on highways grounds.

It is also noted that the Council's Transport Planner had confirmed that there has only been one reported police traffic accident in three years, and this was in 2007. It is not considered that the nearby roads are dangerous to highway safety. It is further noted that the problem of access for ambulances etc is no different from the situation of any local roads around all schools in Medway.

The request of local residents for consideration of another vehicular and pedestrian access to the school from Mierscourt Road has also been considered. However, as this is faster local distributor road, it would not be acceptable to encourage on-street parking on this road, in addition to which there would be added concerns of the security of children whilst on school grounds.

It is not envisaged that there is a requirement to increase the amount of available car parking spaces. To do this would sacrifice areas of green landscape, and which is a particular attractive feature of the school providing health and visual amenity benefits. The fundamental uses of the site (school and nursery) are already functioning and the relocation of the nursery and the provision of Sure Start facilities will not impact on existing car parking available for staff.

However, it is considered appropriate in line with Government Guidance and sustainability, to encourage the provision of secure covered cycle spaces and an appropriate condition is recommended to that effect.

As part of the submission, the school has submitted a School Travel Plan (dated March 2006), which sets out a timescale and action plan up to 2011 to encourage the increase in the number of children walking and cycling to school by 2011.

In regard to the schools existing car parking/ traffic problems, mainly highlighted via letters of representations, it is considered that a condition should be put on any consent granted to the effect that the school is required to update their previous School Travel Plan in association with Medway Council's School Travel Plan Advisor to ensure that the school is managing travel to the site as far as practicably possible to reduce the number of cars being driven to the site.

As already stated the school is also willing to accommodate local residents as much as possible (and it is noted that the Sure Start facility is to serve local residents) and has agreed that visitors to the Sure Start facilities can be staggered so as to avoid the peak school arrival and leaving times, and this is something that can be tied in to an updated School Travel Plan (and secured by condition).

In terms of school travel initiatives, the Council's School Travel Plan Officer also confirms that the school is fairly proactive and has participated in the following:

- **Zigzag Banner campaign** [March - May 2009] Initiative designed to alleviate congestion at the school entrance.
- **Walk to School Month** [October 2008] Mierscourt participated in a challenge day and came 5th overall in Medway, with 82% of the entire school walking [268 pupils]. This is a huge improvement from the 61% the school achieved in 2005 Walk to School Week [as stated in their travel plan].
- **Bikeability** [2008] The school participated in this scheme last year as another means of encouraging sustainable travel.

Although the frustration of local residents is appreciated, the suggestion by residents that the School Travel Plan initiatives have had very little impact is not a fair comment. However, whilst there is room for more improvement, the School is actively taking steps to achieve the sustainable travel aims highlighted within their travel plan as well as the Council's Travel Plan.

In summary, subject to conditions mentioned above, the traffic and parking impacts of the development are therefore considered acceptable including with regard to the advice given in Policies T1, T2, T3, T4, T13 and T14 of the Local Plan and policies T1, T4, CC1, CC6 of the South East Plan.

Site contamination

The applicant has considered contamination as part of their planning application and has found no potential sources of contamination present at the site. The information submitted by the applicant, is considered acceptable. However, a condition is recommended in case any contamination is found during construction.

The proposal as submitted is therefore complainant with Policy BNE23 of the Medway Local Plan 2003 and Planning Policy Statement 23: Planning and Pollution Control.

Recommendation and reasons for Approval

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

It is considered that the proposal would result in a form of development that would be in accordance with policies which seeks to encourage community facilities, would maintain the character of the street scene and the school building, and would not adversely affect the amenities of the occupiers of neighbouring properties.

The application is considered to be acceptable in accordance with the provisions of Policies SP3, KTG1, CC1, CC6, S3, S6, BE1, T1 and T4 of the South East Plan, May 2009 and Policies BNE1, BNE2, BNE7, BNE23, BNE43, L3, CF2, T1, T2, T3, T4, T13 and T14 of the adopted Local Plan and is accordingly recommended for approval.

This application would normally fall to be considered under officers' delegated powers but has been reported for Members' consideration due to the number of representations received contrary to officers recommendation; and at the request of Councilor Doe as he would like members to consider the parking issue in relation to the scheme being proposed.

This application was considered by Members at the Development Control Committee on the 12th August 2009, when it was determined to defer for a member site visit.

7 MC2009/0724

Date Received: 1st June 2009

Location: Land adjacent to Hallwood House Kestrel Road Chatham Kent

Proposal: Removal of existing garages and construction of six dwellings consisting of three 2 bedroomed and three 3 bedroomed dwellings with associated parking and 1.8m high close board fencing with secured gates

Applicant: MHS Homes Broadside Leviathan Way Chatham Kent ME5 8TQ

Agent: Mr Carter Mark Carter Design Priestfield Stadium Redfern Avenue Gillingham Kent ME7 4DD

Ward: Lordswood & Capstone

Recommendation of Officers to the Development Control Committee, to be considered and determined by the Development Control Committee at a meeting to be held on 2nd September 2009.

Recommendation - Approval with Conditions

(as amended by plans received 30th June 2009)

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 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.
- 3 No development shall take place 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 buildings are occupied and shall thereafter be retained. Development shall be carried out in accordance with the approved details.
- 4 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 flank walls of plots 1 and 6 herein approved without the prior written approval of the Local Planning Authority.
- 5 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 proposed finished levels of contours; car parking layouts, other vehicle and pedestrian access and circulation areas; lighting along the frontage and rear of the site; hard surfacing materials; minor artifacts and structures (e.g. refuse or other storage units, etc); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc); retained historic landscape features and proposals for restoration where relevant.] 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 No development shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.
- 8 In this Condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs a) and b) below shall have effect until the expiration of 5 years from the date of occupation of the building for its permitted use.
 - a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with British Standard 3998 (Tree Work).
 - b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.
 - c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this Condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written consent of the Local Planning Authority.

- 9 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.
- 10 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 11 to 14 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 14 has been complied with in relation to that contamination.
- 11 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'.
- 12 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.

- 13 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.

- 14 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 11, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 12, 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 12 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 13.

- 15 Prior to the commencement of development details of a sprinkler system to protect in relation to potential fire, shall be submitted to and approved in writing by the Local Planning Authority. The approved system shall be installed prior to the bringing into use of the building and thereafter shall be retained and maintained.

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

Site Description

The site is made up of garages fronting onto Kestrel Road, with an area of grass and hardstanding directly behind. The character is mixed, with a car parking directly opposite, to the north is Hallwood House which comprises of 28 bed sits, and to the south a row of terrace houses in Cygnet Road.

To the west of the site is an area of grass that links to the square of grass to the south west of the site to the front of 21 – 29 Cygnet Road. Behind the area of grass is an area of hardstanding that does not appear to have a purpose; behind this are two flats above garages accessed from Valiant Road.

The neighbour at 37 Cygnet Road has a shed on the boundary with a 1.8m close boarded/open boarded fence; there are no flank wall windows in the house. Hallwood House has two windows in the flank facing the site; these appear to relate to landing/stairwell windows.

Proposal

Removal of existing garages and construction of six dwellings consisting of three 2 bedroomed and three 3 bedroomed dwellings with associated parking and 1.8m high close board fencing with secured gates.

The houses have been arranged in a terrace of six facing onto Kestrel Road set approx. 10.5m behind the rear wall of the garages that are being retained. Six parking spaces have been arranged to the front of the dwellings separated by grass and existing trees. The gardens to the rear are proposed to be between 7.7 and 11.5m in depth and approx. 4.5 to 6m in width. A concrete path is proposed to the rear of the houses separating them from the gardens of the flats above garages at 20 and 25 Valiant Road.

To the north the existing access is proposed to be retained, this separates the site from Hallwood House by approx. 2.5m.

Site Area/Density

Site area: 0.10 ha (0.25acres)

Site density: 60 uph (24upa)

Representations

The application has been advertised by a site notice and neighbour notification letters have been sent to the owners and occupiers of 1 – 25 Hallwood House, 17 – 25 (odds) and 14 – 20 (evens) Valiant Road, 21 – 37 (odds) Cygnet Road), 1a – 47 (inclusive) Kestrel Road, St David's Church, and The Kestrel PH Kestrel Road. Consultation letters have also been sent to Kent Fire and Rescue, The Environment Agency and Kent Police Architectural Liaison Officer.

Two individual letters of objection has been received from two properties, in summary raising the following areas of concern:

- Suffer enough noise from the shops
- Younger children have nowhere to go and use the green that is being proposed to be built on
- Hugely impact on the surrounding houses
- Cannot see how you can build 6 houses on this small piece of land

A petition has been received with 18 signatures objecting to the scheme and raising concerns over the pitch of the roof of the terrace block.

Comments from **Kent Police Architectural Liaison Officer** include:

- Removal and development of the unused garages may be beneficial and residential accommodation here may afford additional surveillance and legitimate activity over the area
- Vehicle allocation of 1 space per dwelling appears slightly limited when considering that the units are either 2 or 3 bedrooomed – incorporation of additional in-curtilage parking is suggested for consideration
- Plots 5 and 6 will be significantly positioned behind an existing garage block that is to be retained. Their positioning may slightly restrict surveillance onto that active frontage and courtyard effect around the existing square on Kestrel Road
- Adequate and robust lighting will be required
- Close boarded fencing to 1.8m with trellis topping to 2m is recommended for use in the rear gardens
- May be beneficial to omit proposed rear garden gates from the scheme proposal, their inclusion may leave the rear of properties more vulnerable
- Recommended a degree of set back or defensible space be incorporated between build lines and public space e.g. plot 1
- Incorporation of gable windows to plots 1 and 6 may also discourage inappropriate activity and could afford a degree of surveillance

Comments from Kent Fire and Rescue include:

- Existing access “to be retained” is of insufficient width for fire access
- Some upper floor rooms may be in excess of 45m from a fire appliance parking point particularly plot 6

Development Plan Policies

South East Plan 2009

Policy SP3	Urban focus and urban renaissance
Policy T4	Parking

Medway Local Plan 2003

Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)
Policy BNE23	(Contamination)
Policy H4	(Housing in Urban Areas)
Policy T1	(Impact of Development)
Policy T2	(Access to the Highway)
Policy T13	(Vehicle Parking Standards)

Planning Appraisal

Principle

The site is located within an urban area with residential properties to either side. Policy H4 of the Local Plan says that infilling in existing residential areas will be permitted providing that a clear improvement in the local environment will result.

The development of the current site for housing purposes is considered acceptable in principle with regard to these policies. In addition, although the proposed density is high at 60 dwellings per hectare, if the development was acceptable in all other respects (to be examined below) it is not considered that this would be unacceptable with regard to policy guidance on density. The site is served by public transport, with bus stops nearby, and is fairly close to Lordswood centre and its various services.

The loss of garages also needs to be taken into account. The applicant has supplied information on the users of the garages and advises there are 23 garages in Kestrel Road of which 2 are currently void. Of the people that responded 6 garages are used for the storage of vehicles and 6 are used for the storage of items other than a vehicle of these 12 garages just 3 are used by people that live in the immediate locality. From the information received and the fact that 9 garages will remain for use it is considered that there is no objection to the loss of the garages. In addition to this there is a large public car park, which has a maximum stay of 20 hours, which can be used for the parking of vehicles.

In summary in principle there is no overriding objection to the development of the site for residential purposes and the acceptability of the scheme will therefore rest on matters of detail.

Visual Impact

The site is located between two established residential blocks – terraces to the south and Hallwood House to the north. These adjacent houses have a solid appearance, built of brick and render with tiled roofs.

Consideration has to be given to development plan policy BNE1 of the adopted local plan. This policy seeks to ensure that the design of the development is appropriate in relation to the character, appearance and functioning of the built and natural environment by reason of its use, scale, mass, proportion, details, materials, layout and siting. Furthermore, the Council has to be satisfied that the development respects the scale, appearance and location of building-s, spaces and the visual amenity of the surrounding area. In addition to this PPS1 supports the need for good design.

The proposed terrace is of a different design to the existing housing stock in the area and of a more modern appearance while still respecting the scale of the housing in the area through the reduced ridge height seen in the amended plans.

It is unfortunate that the parking spaces have been sited at the front of the development, however this is an unavoidable consequence of modern life and the need to supply some parking. The location works well with regard to the access and on balance it is broken up with areas of soft landscaping which is considered acceptable

In summary it is considered that this design and layout would be in accordance with the advice given in Policies BNE1 and H4 of the Local Plan.

Amenity Considerations

The relationship between the proposed building and neighbouring properties must be considered. The proposed building is sited slightly forward of 37 Cygnet Road and projects approximately 1.9m further to the rear. There would be a separation distance of approximately 2.8m between the proposed building and the main sidewall of no. 37. This

property does not have any flank wall windows facing onto the site and there are no windows proposed in the flank wall of plot 6 and as such it is considered that there would be no new issue with regard to overlooking or loss of privacy.

Due to the position and orientation of the block and the separation distance between plot 6 and no. 37 it is not considered that the proposed building would result in unacceptable harm to neighbours in respect of loss of light or overbearing impact.

Plot 1 is set slightly further forward of Hallwood House to the north with a separation distance of approx. 2.6m. There are two flank wall windows in Hallwood House facing towards the site one at first floor, one at ground floor, which appear, relate to landing/hallway windows. There are no flank wall windows proposed for plot 1 and it is considered that due to the siting of the windows in Hallwood House there would only be a partial view into the rear garden of plot 1. It is deemed that this is not in its own a reason for refusal due to the use of the rooms the window relates to, the oblique view from the windows and the fact that prospective occupiers of that house would move in with the knowledge of these windows. Due to the position of the block and the separation distance between plot 1 and Hallwood House it is not considered that the proposed building would result in unacceptable harm to neighbours in respect of loss of light or overbearing impact.

With regard to noise and disturbance clearly any development on the site will increase its current impact in this respect, as it is presently under-used. However it is not considered that the residential development of the site, would result in unreasonable levels of noise and disturbance for other local residents.

In summary the development is considered to be in accordance with the advice given in Policy BNE2 of the Local Plan.

Contamination

The applicant has submitted a Desk Study (Kestrel Road Garages, Chatham, Kent undertaken by Soils Limited dated 24 February 2009 (report reference: J11070) in support of their planning application. The desktop study includes a site history, site walkover, information on the geology and hydrogeology at the site. A conceptual site model has been developed for the site. The desktop study recommends that a site investigation is undertaken to support the conceptual site model.

The site is located within a source protection zone III, and as such the Environment Agency have been consulted.

The report, which has been submitted by the applicant, is acceptable, however the recommendations made in the report need to be implemented by the applicant in respect to the intrusive investigation at the site. A suitably worded condition is recommend to be placed on any approval to ensure the recommendations are implemented in accordance with the report.

Highway Considerations

The proposed development would provide for six off road spaces. This would provide for a ratio of 1 space per house. This level of parking provision is in accordance with the maximum adopted parking standards of an average of 1.5 spaces per dwelling across a site for all dwellings in urban areas. As with any site there can be no guarantee that future

occupants would use the on-site parking provided, however it would be unreasonable to refuse permission on the basis of parking provision when the amount to be provided would accord with adopted standards and due to the fact that there is a large car park opposite which appears to offer free unrestricted parking to motor cars.

In summary the parking and highway impact of the development is therefore considered acceptable including with regard to the advice given in Policies T1, T2, and T13 of the Local Plan and Policy T4 of South East Plan 2009.

Conclusions and reasons for approval

The proposed development will not be out of context with its surroundings and is not considered to cause any adverse negative impacts with regard to the neighbour amenities or highways and it is considered to be acceptable for the reasons outlined above. It is therefore recommended that the proposal be approved subject to the imposition of appropriate conditions. The proposal therefore accords with the provisions of Policies SP3 and UTG1 of the South East Plan 2009 and Policies BNE1, BNE2, T1, T2, T13, H4 and H5 of the adopted Local Plan and the application is accordingly recommended for approval.

The application would normally fall to be determined under delegated powers but has been referred to Committee is because of the number of representations contrary to the recommendation.

The application was reported to Committee on 12th August when members determined to defer consideration to enable a member site visit to be undertaken.

8 MC2009/0677

Date Received: 26th May 2009

Location: 622- 624 Lower Rainham Road Rainham Gillingham ME8 7TX

Proposal: Change of use from garden nursery to storage of fencing materials and demolition of existing bungalow and the construction of two dwellings with access road (Resubmission of MC2008/1441)

Applicant: Mr Dowle 622 Lower Rainham Road Rainham Kent ME8 7TX

Agent: Mr T Rogers Seymour Rogers Associates 231 Hempstead Road
Hempstead Gillingham Kent ME7 3QH

Ward: Rainham North

Recommendation of Officers to the Development Control Committee, to be considered and determined by the Development Control Committee at a meeting to be held on the 2nd September 2009.

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 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 3 to 6 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 6 has been complied with in relation to that contamination.
- 3 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'.

- 4 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.
- 5 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.

- 6 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 3, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 4, 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 4 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 5.

- 7 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.
- 8 No part of the residential development shall take place 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 as approved before any of the buildings are occupied and shall thereafter be retained.
- 9 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.
- 10 In relation to the storage of fencing materials no goods shall be loaded, unloaded, stored or otherwise handled and no vehicles shall arrive or depart, within the application site outside the hours 08:00 to 18:00 Monday to Friday, 09:00 to 18:00 Saturday or at any time on Sunday or Bank Holidays.
- 11 The use of the part of the site for the storage of fencing materials shall only operate between the hours of 08:00 - 18:00 Mondays to Fridays inclusive and between the hours of 09:00 - 18:00 on Saturdays and 10:00 - 17:00 on Sundays or National Holidays.
- 12 No materials shall be stored in the open within 3 metres of any site boundary to a height exceeding 2 metres unless agreed in writing by the Local Planning Authority.
- 13 Within 3 months of the date of this permission 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; means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artifacts and structures (e.g. storage units), 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.

- 14 All hard and soft landscape works shall be carried out as approved. The works shall be carried out in accordance with the programme agreed with the Local Planning Authority approved under condition 13.. 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.
- 15 Within 1 month of the date of this permission details illustrating how the commercial vehicles will turn on the site shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented within 2 months of approval and thereafter maintained.
- 16 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 flank wall(s) of the dwellings herein approved without the prior written approval of the Local Planning Authority.
- 17 Notwithstanding the submitted details the roof lights proposed in the western roof slope of the housing on plot A shall be installed as high level windows with an internal floor to cill height of 1.7m and shall thereafter be retained as such.
- 18 The two bathroom windows on the side elevation of plot B shall be fitted with obscure glass and shall be non-opening apart from any top hung fan light.

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 on the southern side of Lower Rainham Road and dissected by the urban boundary of Rainham as defined in the Medway Local Plan 2003. Lower Rainham Road has a rural character with the Riverside Country Park and agricultural land located on the northern side and some built development, dominated by residential dwellings on the southern side. The land is generally level and there is no on street parking.

One detached bungalow and a former garden nursery currently occupy the application site. The element of the site closest to the Lower Rainham Road is currently occupied by the bungalow and an area of hard standing that previously provided the car park for the nursery and are both within the urban boundary as defined in the Local Plan. The section of the site to the rear (south) of the bungalow is located in open countryside and on land also designated as being an Area of Local Landscape Importance. The applicant resides in the bungalow and previously ran the garden nursery business. The garden nursery consisted of a small number of sheds and poly tunnels. Approximately 18 months ago the garden nursery business ceased and the site has recently been used for the storage of fencing materials in association with the owners most recent employment.

Proposal

The proposal is for the retrospective change of use from garden nursery to storage of fencing materials and the demolition of existing bungalow and the construction of two dwellings with access road (resubmission of MC2008/1441).

The dwelling in plot A (located towards the eastern boundary) would be set back from the highway by at least 20.6 metres with the area in front providing a parking area for 2 vehicles and a landscaped front garden. The property would be between 8.5 metres and 14 metres in depth with a maximum width of 10 metres. The rear garden area is shown to be 10 metres in depth and approximately 12.2 metres in width. The property would be 2 storey but with the first floor located within the roof space. The dwelling would measure 2.4 metres to the eaves and 6.7 metres to the ridge. The internal arrangement of the property shows a hall, study, kitchen, dining room, lounge and cloakroom at ground floor level and 4 bedrooms, 1 family bathroom and 1 en-suite bathroom at first floor level.

The dwelling in Plot B (located towards the western boundary) would be set back at least 9.5 metres from the highway with off road parking to the front for 2 vehicles along with a landscaped area. The dwelling would be between 9.2 metres and 12.7 metres in depth and 7.9 metres in width. To the rear a private garden is shown that would be at least 17.5 metres in length and approximately 9 metres in width. This property would be a traditional 2 storey dwelling with a front single storey projection and gable feature. The dwelling would measure approximately 5 metres to the eaves and 8 metres to the ridge. The internal arrangement would provide a hall, study, kitchen, utility room, dining room, lounge and cloakroom at ground floor level and 4 bedrooms, a family bathroom and en-suite bathroom at first floor level.

The access road would run in between the two proposed dwellings and be approximately 3 metres in width. The access to the site would utilise the existing vehicle crossover. The road would provide access to the section of the site to the rear of the dwellings, subject to the change of use element of the application.

In terms of the non-residential element the applicant has confirmed that there is no retail element involved and no members of the public visit the site. The use involves the storage of fencing materials on site along with the construction of some fencing panels and trellis. The hours of business are 07:00 – 18:00 Monday – Friday and 08:00 – 16:00 Saturdays with no business on Sundays. In terms of vehicle movements the applicants have indicated that two transit vehicles are used and are loaded in the late afternoon to carry out business the following morning and suppliers deliver materials 2 or 3 times per month. The applicant has provided various documentation that indicates this activity may have been carried out previously as an ancillary use to the garden nursery.

Site Area/Density

Site area: 0.34 ha (across the entire site) 0.08 (the element of residential development)
Site density: 5.8 dph (25 dpa)

Relevant Planning History

GL/71/196A	Rear extension and alterations Approval, 8 th August 1980
GL/71/196E/232	Outline application for one detached bungalow Approval, 21 st July 1988
MC2007/1341	Outline application for construction of 3 detached chalet bungalows (demolition of existing bungalow). Refused, 21 st September 2007

Representations

The application has been advertised on site and neighbour notification letters have been sent to the owners/occupiers of 612, 614, 616, 618, 620, 626, 628 and 630 Lower Rainham Road.

6 letters of representation have been received (from 4 addresses) raising objection to the application and specifically the following concerns:

- Noise, dust and traffic created by the commercial business
- Already traffic problems on the road
- Plot B ground floor side door to face 620 would impact privacy and amenity (through noise disturbance) to 620.
- First floor windows to face 620 could be reduced in size and obscure glazed to help with privacy issues.
- Should be no later extensions, windows or parking areas to rear of plot B.
- Design and access is inaccurate with vehicle size and movements exceeding those stated and causing harm in terms of noise and disturbance and traffic problems.
- Deliveries, loading and unloading take place in the early morning and unsocial hours.
- Previous use was a low-key operation and not intensively used.
- Previous operation was not all year round, for limited times of the day and involved stocking bedding plants, shrubs and roses etc.
- Commercial and residential activities in such close proximity would conflict
- Conditions placed on any approval could not be monitored effectively
- Granting the use would be contrary to the weight restrictions of lorries on the Lower Rainham Road.
- Amenity and highway concerns for occupiers of new dwellings
- Application contrary to PPG24 and policies BNE2 and BNE3 of the Medway Local Plan 2003.
- Various conditions recommended if the application is deemed acceptable.

Development Plan Policies

South East Plan 2009

Policy C4	(Landscape and Countryside Management)
Policy T4	(Parking)

Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)
Policy BNE3	(Noise)
Policy BNE25	(Development in the Countryside)
Policy BNE26	(Business Development in Rural Settlements)
Policy BNE34	(Areas of Local Landscape Importance)
Policy ED3	(Other Employment Sites)
Policy H4	(Housing in Urban Areas)
Policy T1	(Impact of Development)
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 residential element of the proposal is located within the defined urban boundary of Rainham. Lower Rainham Road has a collection of residential dwellings located along it and the application site is currently partially occupied by a detached bungalow. Both national guidance and local policy support the creation of residential units in locations such as this. The density of the development would equate to 25 dph (when examining just the element for residential development). This is below the government target of between 30-50dph however it is comparable with the density of surrounding development and whilst the site is defined as being within the urban boundary the proximity to the open countryside and Area of Local Landscape Importance means a density such as this is acceptable.

The site is not designated as an employment site within the Medway Local Plan and as such consideration should be given to policies ED3 and BNE26 of the Medway Local Plan 2003. Policy ED3 states change or alterations to premises should be restricted to Class B1 operations as long as there is no detriment to visual or residential amenity or traffic volumes. Policy BNE25 relates to rural sites and business development in locations such as this and again highlights the need to consider amenity and character of an area.

Accordingly the proposal is considered acceptable in terms of broad principle subject to a full consideration of the impacts in terms of visual amenity, residential amenity and highway movements. The application has been considered against the provisions of policy C4 of the South East Plan 2009 and policies H4, ED3 and BNE25 of the Medway Local Plan 2003.

Street scene and design

The street scene in Lower Rainham Road is mixed with both bungalows and 2-storey dwellings of differing ages, style and size. The building line is also varied. The properties would be set back from the highway sufficient distance to provide areas of landscaping to the front and plot B would be set in a similar distance from the highway as, the adjacent, 620

Lower Rainham Road. The heights of both properties are also broadly comparable with the heights of the immediately adjacent dwellings (620 and 626 Lower Rainham Road). Both properties are shown to be of appropriate scale and proportion to the plot sizes and the fenestration, detailing and materials shown would result in an attractive pair of dwellings.

The fencing / landscaping business would be located to the rear of the dwellings and as such its appearance would not contribute the character of the Lower Rainham Road. However consideration should be given to the impact of the use on the countryside and Area of Outstanding Natural Beauty. The application does not involve the addition of any built form on the site and as such the existing collection of buildings would be used to carry out the use. The existing collection of buildings is limited in size and in poor condition and as such open-air storage may be used. In the case of the previous use a certain element of equipment and associated materials would have been on site and stored outside. The extent of such storage may cause detrimental effects on the character of the area. No details have been provided with the application and as such a condition is recommended to ensure any open-air storage is limited in height and a landscaping condition is recommended to ensure appropriate screening.

Accordingly the proposal is considered acceptable and in accordance with policy BE1 of the South East Plan 2009 and policies BNE1, BNE25 and BNE34 of the Medway Local Plan 2003.

Neighbours Amenities

Consideration should be given to the impact on amenity caused by the construction of the proposed dwellings and the fencing business as well as the level of amenity that would be afforded to future residents of the site.

The dwelling proposed in plot A would be located adjacent to 626 Lower Rainham Road, a detached bungalow. This dwelling has a series of windows in the side elevation facing the application site, however only 1 serves a habitable room and acts as a primary window. This is a bedroom window and would be located adjacent to the driveway spaces as the proposed dwelling would be set further back into the site than the location of this window. Patio doors are located in the rear elevation of the dwelling at ground floor level and using the 45-degree rule the proposal is acceptable. As such no objection is raised in regard to a loss of outlook or daylight to the property. One window is proposed at ground floor level in plot A to face 626 Lower Rainham Road along with 2 roof lights serving bathrooms in the roof. Sufficient boundary treatment would afford privacy at ground floor level and a condition is recommended to ensure the roof lights are high level.

The dwelling proposed in plot B would have a front elevation roughly inline with the front elevation of 620 Lower Rainham Road. Windows serving habitable rooms are located in the rear elevation of the dwelling however the 'L' shaped design of the rear section of plot B means the projection of the dwelling past the rear elevation on number 620 would be an acceptable distance to retain acceptable levels of outlook and daylight. One kitchen window and 2 bathroom windows are proposed in the side elevation facing 620. Any impacts from these would be overcome by boundary treatment and obscure glazing the first floor bathroom windows and appropriate conditions are recommended.

Due to the limited projection of the properties behind the rear of existing neighbouring properties and the separation distance there would be no detrimental impact in terms of overshadowing. Overlooking would be possible from first floor windows to neighbouring gardens however due to the presence of other 2-storey dwellings and first floor windows in the area this would be a largely mutual impact and no objection is raised.

The sizes of the two dwellings would provide 2 properties of an acceptable size to provide suitable living accommodation. The rear garden areas would also be large enough to create amenity space suitable for family units. The positioning of window would also lead to suitable levels of outlook and daylight. The 2 proposed dwellings would be set different distances from the highway and as such windows in the side elevations of the dwellings would not directly face each other. However the distances between the properties would essentially be the width of the access road (3 metres). Any impacts in terms of privacy from ground floor windows in the side flanks would be overcome by boundary treatment and the first floor level windows of the landing of Plot B would look towards the driveway of Plot A and this would be acceptable. However the roof lights in the side roof slope of Plot A facing towards Plot B may provide direct elevated views of the rear garden of Plot B and advantageous angles of the side windows serving the lounge, accordingly a condition is recommended to ensure these be high level to provide a reasonable level of privacy.

Consideration is also given to the relationship between the residential dwellings and the fencing business. The amenity of occupiers of the proposed properties would be adequately mitigated through close boarded fencing and the noise from vehicle movements would be minimised through the creation of a smooth driveway surface that can be controlled by condition. The operation of the fencing business itself will not cause unacceptable harm subject to control over the hours of operation.

The visual impact of the non-residential use, especially through the creation of open-air storage may appear dominant and visually intrusive from neighbouring dwellings and as such a condition is recommended to ensure any items stored are located away from the boundaries of the site.

Accordingly the proposal is considered acceptable in terms of amenity considerations and is in accord with policies BNE2 and BNE3 of the Medway Local Plan 2003.

Highways

The main issue is the suitability of the revised access arrangements to cater for the use of the site, both existing (fencing business) and proposed (2 dwellings). The access is satisfactory for the proposed residential use. The residential element would also achieve a parking ratio of 2:1, acceptable in this location. The number of movements associated with the fencing business is low and certainly a reduction when compared to the previous use as garden nursery and the potential traffic generated by customers of the previous use.

The applicant refers to two types of large vehicle that are required to access the fencing business at the rear of the site: transit vans (4 movements per day) and 8-ton flat-bedded lorries (2 movements per month).

The access has been repositioned and the bellmouth with Lower Rainham Road is proposed to be around 8m wide. This is approx the same width as the existing access and tracking demonstrates that a fire appliance (2.5m x 7.3m) can access and egress safely. The largest vehicle required to use the access is an 8 ton flat bed lorry which is around 2.4m x 5.8m. On

the basis that the width of the bellmouth is the same as the existing access it is considered that the proposed arrangement is satisfactory. The width of the access within the site at 3m is narrower than the previous access. However, the proposed use will reduce the number of vehicle movements associated with the site and the low number of movements associated with the fencing business make it unlikely that conflicting movements will occur.

The applicant states that a vehicle turning area has been provided at the rear of the site. This is important given the access arrangements, and it is recommended that this area be secured by means of a condition.

Accordingly the proposal is considered acceptable with regard to the impacts on the highway and is in accord with policy T4 of the South East Plan 2009 and policies T1 and T13 of the Medway Local Plan 2003.

Contaminated Land

The application has been supported by a Phase 1: Preliminary Risk Assessment undertaken by SLR dated December 2008. The desktop study includes a site history, site walkover, information on the geology and hydrogeology at the site. A conceptual site model has been developed for the site. The desktop study does not recommend that a site investigation be undertaken at the site. While it is considered that the desktop study, which has been submitted by the applicant, on the whole is acceptable, it is still considered that a site investigation will be required.

Accordingly the proposal is considered acceptable with regard contamination issues subject to a series of appropriately worded conditions and is in accord with policy BNE23 of the Medway Local Plan 2003.

Conclusions and Reasons for Approval

The residential element of the proposal is located within the defined urban boundary and as such the principle of residential development is acceptable. The dwellings would be of an acceptable size and massing. On balance, taking into consideration the level and nature of the lawful activity, the commercial element of the proposal, subject to the imposition of appropriate conditions is also considered acceptable in amenity, highway and all other material planning considerations. It is therefore recommended that the proposal be approved subject to the imposition of appropriate conditions. 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 representation received expressing a view contrary to the officers recommendation.

9 MC2009/0324

Date Received: 6th March 2009

Location: Land South of The Pastures Stoke Road Hoo St Werburgh
Rochester Kent ME3 9BQ

Proposal: Construction of a surface water storage lagoon and associated
pipework/outfall structures; temporary site access road and site
compound/transfer site; permanent vehicle crossing and access track

Applicant: Mr I Derham Southern Water Services Ltd Southern House Yeoman
Road Worthing West Sussex BN13 3NX

Agent: Mr C Mellett Mouchel 37-39 Perrymount Road Haywards Heath West
Sussex RH16 3BN

Ward: Peninsula

Recommendation of Officers to the Development Control Committee, to be considered and determined by the Development Control Committee at a meeting to be held on the 2nd September 2009.

Recommendation - Approval with Conditions

(and as amended by additional details received on 21st July 2009)

- 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 an appropriately qualified person approved by the Local Planning Authority has undertaken archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved in writing by the Local Planning Authority; and the result of the evaluation works have been submitted to the Local Planning Authority. No development shall take place until a specification and timetable for safeguarding measures to ensure preservation in situ of important archaeological remains and / or further archaeological investigation and recording has been submitted to and approved in writing by the Local Planning Authority. The safeguarding measures and/or further archaeological investigation shall be carried out in accordance with the approved specification and timetable.
- 3 Prior to the commencement of the development a scheme to enhance the biodiversity of the area through the sustainable drainage system and the incorporation of the by-pass interception for man off pollution should be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and thereafter maintained.

- 4 The temporary site access and compound shall be removed from the site and the land restored to its former state within 1 month of the completion of the lagoon unless agreed in writing by the Local Planning Authority.

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 to the east of the village of Hoo St Werburgh in land classified as being in open countryside though not subject of any other designation in the Medway Local Plan 2003. The site is currently in agricultural use and has a hedgerow on the eastern boundary, a ditch to the east and watercourse along the southern boundary. The site is located approximately 380 metres to the south of Stoke Road and 40 metres to the north of Abbots Court Road. Further to the south of Abbots Court Road is the River Medway. A Public Right of Way (PROW) runs north – south across the farmland between the two roads.

Proposal

The proposal is for the construction of a surface water storage lagoon and associated pipework / outfall structures; temporary site access road and site compound / transfer site; permanent vehicle crossing and access track.

The lagoon would comprise of a 1 metre raised earth embankment and excavation with a flow control chamber, concrete headwall structures, wooden post and barbed wire safety fence surrounding the embankments and a land drain. A bund would be created (from material excavated from the lagoon) around the lagoon and both the bund and lagoon would be grassed. The lagoon would have a capacity of 6800m³ and at its deepest point would be 6 metres in depth (from the original ground level). It will be approx 140m x 80m.

In terms of access a maintenance track would be laid from Stoke Road that would include a vehicle gate fronting the highway located close to the existing location of the PROW stile. This stile would be replaced with a new pedestrian access. The maintenance track would in part overlap the Public Right of Way. A temporary track would also be laid from Stoke Road for construction traffic and a temporary compound would be provided for the storage of construction materials. The temporary track and compound would be restored to farmland once the lagoon has been constructed.

The lagoon would provide water attenuation measures related to an application made to Southern Water by Bellway Homes. In the supporting documentation the applicants have explained that the purpose of the lagoon is to attenuate surface water run-off collected from 'The Pastures', which is a residential development located to the north of Stoke Road. Surface water would be diverted into the lagoon at times of high precipitation to ensure the flow into the existing watercourse will not exceed the agreed pre-development Greenfield runoff rate of 7 litres per second per hectare (as agreed with the Lower Medway Internal Drainage Board). The lagoon would slow down the rate of surface water discharge to the watercourse and ensure no increased flood risk downstream of the development. It is anticipated that the lagoon would be used occasionally and on average once every two years and at other times the lagoon would be dry.

Representations

The application has been advertised on site and in the press and neighbour notification letters have been sent to the owners / occupiers of 36, 38, 48, 50, 52, 54, 56, 58, 60, 62, 64, 66, 73, 75, 77, 79, 81, 103, 1-3 Bennett's Cottage, Units 1 – 8 Stoke Road Business Centre, 1 and 2 Abbots Court Cottages, Jordan House, Police Hoo Rural Office and 1-15 Jennifer Court Stoke Road and 12, 14, 16, 18, 20, 22, 24, 26, 28 and 32, 33, 34, 35, 36, 37 Nursery Gardens Butt Haw Close.

Consultation letters have been sent to Hoo St. Werburgh Parish Council, Southern Water Services Ltd, Environment Agency, Kent Wildlife Trust, Natural England, Dickens Country Protection Society and KCC Archaeological Officer.

2 letters of representation have been received raising the following objections to the application:

- Effect of the environment and wildlife corridors.
- Access onto Stoke Road would increase traffic.
- Increase traffic would make it more dangerous for people to walk along roads with only one pavement
- Has questioned the need for the lagoon.
- Lagoon too large when compared to level of use (once every 2 years)
- Site is unsuitable
- Harm to the view from properties in Stoke Road
- As the land is flat and the bund and fencing would be 1 metre and 1.2 metres in height it would not blend into the landscape.

Hoo St Werburgh Parish Council objects to the application and expresses the view that when 'The Pastures' was being considered the Parish Council explained an agreed level of surface water should have been agreed with the Environment Agency and this was not done. Option 10 is not the best available and less intrusive options should be investigated. Option 10 is visually intrusive and concerns raised regarding the loss of Grade 1 agricultural land.

Southern Water raises no objections

KCC Archaeology raises no objections subject to condition

Lower Medway Internal Drainage Board raises no objections

Environment Agency has no objection to the proposal but advises that the Local Authority should be satisfied the lagoon would be appropriate for surface water requirements and advises consultation with the Lower Medway Internal Drainage Board.

Natural England advises that the proposal is unlikely to have harm to ecological interests however feels enhancements could lead to biodiversity gain.

The Councils Rural advisor advises that the loss of Grade 1 agricultural land would have an adverse effect however the council should weigh up this effect against the desirability of the scheme and the way in which it deals with surface water.

Development Plan Policies

South East Plan 2009

Policy NRM1	(Sustainable Water Resources and Groundwater Quality)
Policy NRM2	(Water Quality)
Policy NRM4	(Sustainable Flood Risk Management)
Policy KTG6	(Flood Risk)
Policy C4	(Landscape and Countryside Management)
Policy C6	(Countryside Access and Rights of Way Management)
Policy T4	(Parking)

Medway Local Plan 2003

Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)
Policy BNE21	(Archaeological Sites)
Policy BNE25	(Development in the Countryside)
Policy BNE42	(Hedgerow Retention)
Policy T1	(Impact of Development)
Policy T2	(Access to the Highway)

Planning Appraisal

The determining issues in relation to this application relate to:

- Principle;
- Appearance and Character of the Area;
- Neighbour amenities; and
- Highway matters

Principle

The surface water lagoon would provide a method of controlling potential surface water run off during high times of precipitation and control floodwaters at sections of the River Medway further downstream from Hoo St. Werburgh. As part of all residential developments the developer must apply to the water authority (in this case Southern Water) to discharge surface water from the impermeable hard surface that is created, in this case, of 13.4 hectares. In most cases the limit on the rate of flow of surface water discharged from a development would be specified by the Environment Agency prior to the determination of a planning application however in this instance the issue was not dealt with when the scheme was determined at appeal. The lagoon is therefore required in order to transfer the surface water discharged from the residential development 'The Pastures' whilst not exceeding the capacity of the existing watercourses in the area that could lead to flooding.

Both central Government guidance and the Environment Agency encourage the use of sustainable drainage systems for new developments rather than a straight disposal of water into the sewerage system. The South East Regional Plan encourages the use of various sustainable drainage systems and highlights the need to consider measures for flood risk and surface water drainage. Ideally with a residential scheme such as with the Pastures the drainage system would have been provided within the application site and considered, as

part of the scheme however as this has not happened an alternative solution needs to be found. Consideration should also be given to the loss of the agricultural land. The applicant has detailed in the supporting statement 10 options available to them to tackle the issue and an explanation of option 10 (the proposal) has also been included.

It is considered that all potential options have been investigated and that the proposal is the most effective way to meet the objective of the development whilst minimising environmental and other impacts. As such it is considered the need for the facility in the area coupled with the appropriateness of the site outweighs the loss of the agricultural land.

Accordingly the proposal is considered acceptable with regard to the loss of the principle of the development and in accordance with policies NRM1, NRM2, NRM6 and KTG6 of the South East Plan 2009.

Appearance and Character of the Area

The site is not subject to a specific designation in the Medway Local Plan 2003 however it is located within the open countryside and consideration should be given to the visual impact of the development on the character of the area. The proposal would result in the creation of a bund measuring a maximum height of 1 metre. Whilst the surrounding land is essentially flat the site would be located a considerable distance from both Stoke Road and Abbots Court Road and the mature planting in the area would partially screen the bund. The lagoon itself would be grassed complementing the surrounding environment. In addition to the bund the other aspects of the development that would be visible would be a post and wire fence and the access route. Post and Wire fencing is common in rural areas and as such would be in keeping with the area and the access gate appears to be of an appropriate design and size for the locality. The access route that would run from Stoke Road would be partly along the existing public right of way and as such this would minimise the extent of hard surfacing. Hedgerows in the area are to be retained as part of the proposal and following advice from Natural England it is felt that there are opportunities to enhance biodiversity in the area and as such a condition is recommended.

Accordingly the proposal is considered acceptable and in accordance with policy C4 of the South East Plan 2009 and policies BNE1, BNE25 and BNE42 of the Medway Local Plan 2003.

Neighbours Amenities

The proposal involves minimal built form and would be located considerable distance from neighbouring dwellings. As such there would be no detrimental impacts caused in terms of outlook, privacy or light. The access to the site would be from Stoke Road to the north, once construction of the facility has finished vehicle movements associated with the site would be low and as such no objection is raised with regards to noise and disturbance.

Accordingly the proposal is considered acceptable in terms of residential amenity considerations and is in accord with policy BNE2 of the Medway Local Plan 2003.

Highways

The applicant appears to have satisfactorily addressed the needs of temporary and permanent access, parking and manoeuvring. Once constructed, the temporary track and compound will be removed and reinstated and during operation vehicle movements to the site will be extremely low.

The existing PROW will be retained and will form part of the access near to Stoke Road. Once constructed the number of vehicles that would use the access will be very limited and there will not be any unacceptable conflict with users of the PROW.

Accordingly the proposal is considered acceptable with regard to the impacts on the highway and is in accord with policy T4 of the South East Regional Plan 2009 and policies T1 and T2 of the Medway Local Plan 2003.

Conclusions and Reasons for Approval

The site is located within the open countryside but is, however, not subject to any other designation. The size, extent and nature of the proposal would not harm the character and appearance of the area and the identified need for the facility outweighs any loss of agricultural land and is acceptable in all other material planning considerations. It is therefore recommended that the proposal be approved subject to the imposition of appropriate conditions. 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 a request from Cllr Bamber and Cllr Mrs Bamber who consider that the determination of the appropriate option should be a matter for Committee due to the impact on the countryside and due to the representation received from the Parish Council.

10 MC2008/1838

Date Received: 17th November 2008

Location: 36 Featherby Road Gillingham ME8 6AN

Proposal: Construction of a first floor side extension; new roof to existing side addition and construction of a dormer window to rear to provide additional living accommodation within roof space

Applicant: Mr Uzam 36 Featherby Road Gillingham Kent ME8 6AN

Agent: Mr K Cullen Kent Drawing Office 1 First Floor 25 High Street Rainham, Gillingham Kent ME8 7HX

Ward: Twydall

Recommendation of Officers to the Development Control Committee, to be considered and determined by the Development Control Committee at a meeting to be held on the 2nd September 2009.

Recommendation - Approval with Conditions

(as amended by plan received 27th July 2009)

- 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 The bedroom window on the southern elevation (side) and bathroom windows on the eastern (rear) shall be fitted with obscure glass and shall be non-opening apart from any top hung fan light.
- 4 Notwithstanding the plans herein approved, an amended plan showing the front parking area including the area marked "garden" shall be submitted to and approved by the Local Planning Authority prior to the commencement of works. The plan shall include details of soft landscaping to be retained both sides of the vehicle parking area to ensure that the side part of the garden is not cut off from the main rear garden. The approved parking and landscaping plan shall be implemented in accordance with the approved details.
- 5 The extension hereby approved shall be used as ancillary accommodation to 36 Featherby Road and shall not be used, let or sold as a separate hereditament.

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 relates to an end of terrace property on the eastern side of Featherby Road. The property is two-storey in height and rendered with a front two-storey bay window and gable feature to the front, a two-storey flat roof side extension and an integral garage. There is a driveway to the front of the property that can accommodate 1 car. The terrace is set back from the pavement by approximately 4m. There is a footpath that runs along the southern boundary of the site, which leads to a rear access path for the terrace and link through to Chalkenden Avenue behind, is overgrown and not in use.

To the south of the site, separated by the footpath are the terraced properties located in The Chase whose back gardens abut the side boundary of the application site. To the east is the terraced housing located in Chalkenden Avenue, whilst to the west the site would in part front the terraced housing opposite in Featherby Road, but for the majority be opposite the side boundary of 64 Hanway.

There are some semi-mature trees in the front (southern) corner of the site.

Proposal

The application is for the demolition of the existing two-storey side extension and erection of a larger two-storey side extension and rear dormer extension to the main roof of the house to provide additional living accommodation.

The extension will increase the width of the existing house by further 0.5 of a meter (from 7.7m to 8.2m). It will have a hipped roof with a reduced ridge height compared to the main house. It will project back further than the existing extension as well, increasing the depth of the side elevation from 5.5m to 6.6m, and by a further 1.7m for a smaller first floor element with an adjoined hipped roof. The existing single storey flat roof side extension would then remain in part along with the existing conservatory.

The integral garage will be removed and a new two-storey bay window will be included on the front elevation and a new door introduced in the southern (side) elevation. The scheme would also involve a loft conversion for the existing property, which will include two velux windows on the front roof plane and two pitched roof dormer windows on the rear.

The extension will provide an additional living room at ground floor and a bedroom and bathroom at first floor level, accessed by a separate staircase. In the loft conversion there will be an additional bedroom with en-suite bathroom. A porch to the front is also proposed.

This scheme has been negotiated with the applicant as the original plans displayed a floor layout, which would facilitate a self-contained unit. This would have been unacceptable due to the inadequate amenity space for occupiers and inadequate parking provision, the principle of which has been refused twice previously (see *relevant planning history*). The amendments agreed are as follows

- A connection between the kitchen and new living room as well as the hallway

- The inclusion of the garden area to the side as part of the main dwelling.

The applicants have stated that the purpose of the extension is to house two elderly relations. The main differences between this application and the most refused application are that

- The total width of the dwelling will be 8.2m wide as opposed to 9.5m wide.
- The dormer windows have been decreased in size
- There will be one entrance at the front of the property serving both the new living room and the existing living room, (as opposed to two separate entrances).
- There will be a link to the new living room via the kitchen
- The living room will not have a separate kitchen
- The garden will be shared

There have been two previous applications prior to this one; one for a separate dwelling and one for an annex (see history). Both were refused, in summary, for the following reasons:

MC2007/1417

As a separate dwelling, it would be an over-intensification of the site resulting in the provision of inadequate private amenity space and hardening of appearance of the property.

MC2008/0849

Although applied for as an annexe, the development contained all facilities necessary for independent habitation from the main dwelling. It was considered that the proposal had a poor overall design, was an over development of the site, had an overbearing impact on the occupiers of 1 The Chase, resulted in a loss of privacy for occupiers of The Chase, provided inadequate levels of amenity space for future occupiers and that would reduce the number of off-street parking spaces and increase the number of housing units with no additional off street parking.

The main differences between this application and the previous ones are that the new living space will be dependent on the main house by virtue of the shared garden space and doors to the kitchen and the hallway. It can therefore be considered that the side extension will form an annexe accommodation rather than a separate dwelling.

Relevant Planning History

NK3/72/218	Erection of a new bedroom and garage (as amended by agents letter dated 11/09/72) Approved 4 October 1972
GL/72/218A	Rear extension Approved 28 April 1982
GL/91/0660/72/0218	Proposed erection of a conservatory to rear of dwelling Approved 9 November 1991

MC2007/1417	Construction of porch to front, two storey side extension and insertion of dormer to rear to facilitate conversion to two dwellings (demolition of garage) Refused 28 September 2007
MC2008/0849	Construction of porch to front, two storey side extension and insertion of dormer to rear to facilitate conversion in to two dwellings (demolition of garage) Refused 14 July 2008

Representations

Neighbour notification letters have been sent to the owner/occupier of 1, 2, 3, 4 and 5 The Chase; 2, 4, 6 and 8 Chalkenden Avenue.

Five letters of objection have been received from four different addresses, raising the following points:

- Extension would be an eye sore to properties on The Chase
- More living accommodation adding to parking pressures.
- Overdevelopment of the property
- The property being tenanted once work is complete.
- Overcrowding.
- Difficulty of wheelchair users crossing road due to amount of cars parked on the street blocking access to dropped kerbs.
- Loss of outlook to no 3 The Chase.
- Increase of original 2 to 4 bedrooms in an area of high-density housing and resulting car usage.
- Loss of privacy to properties in the Chase
- Proposal will be overbearing because of close proximity and height to neighbouring properties
- Loss of outlook for neighbouring properties
- Dormer window would effectively make the property three storey and would result in overlooking problems
- Loss of value to neighbouring properties
- Disruption created by construction.
- No different to previous refused application.

On re-consultation after the amended plans were received, objections raising the same concerns were received from 2 and 3 The Chase.

Development Plan Policies

Southeast Plan 2009

Policy SP3	Urban Focus and Urban Renaissance
Policy CC6	Sustainable Communities and Character of the Environment

Policy BNE1
Policy BNE2
Policy T13

General Principles of Built Development
Amenity Protection
Vehicle Parking Standards

Planning Appraisal

It is considered that the main issues for consideration are:

- Whether the principle of development can be considered as annexe accommodation to the main dwelling or a new dwelling
- Impact of the development on the street scene and design of the main dwelling house
- Impact on neighbours' amenities
- Impact on parking and highway safety

Principle of Development

The application site lies within a built up area, as defined in the adopted Local Plan. Due to the level of dependence on the main dwelling through the shared kitchen and garden, the proposal will be considered as an extension to the main dwelling to provide annexe accommodation rather than a separate dwelling.

Street Scene and Design

The original dwelling, prior to the existing side extension was 4.7m wide. The previous proposed frontage under MC2008/0849 proposed an increase of the overall width of the dwelling to 9.5m and it was considered that the overall size of the extension would be out of scale and proportion to the original property and completely un-balance the appearance of the dwelling. The current scheme has been reduced in width to 8.2m, an overall reduction of 1.3m from that proposed in the two previous applications. It is considered that this will leave a distance of 3.5m from the southern boundary at the front and will not have significantly more of an impact than the existing situation in terms of prominence when viewed from the street.

It is considered that in comparison to the existing flat roof extension, a pitched roof as opposed to a flat roof on a two-storey side element of the scheme would enhance the appearance of the property. The introduction of bay windows and front gable feature would provide a more balanced design overall and the impact of the development on the street scene will be acceptable. In comparison to the previous scheme, it is considered that the reduction in width of the extension makes this proposal acceptable.

The proposed dormers would be of different sizes. However, the pitch design and distance from the eaves, ridge and sides are considered acceptable (at 700mm, 200mm and 500mm respectively). Aside from a select few flat roof dormer windows (most notably at 38 Featherby Road) there is no established pattern of dormer design in the locality. It is therefore considered that the proposed dormer extensions would not appear out of character in the area and on balance is acceptable.

The front garden will be altered to facilitate the development with a 1.5m section of soft landscaping retained on the southern side and 3m wide (at its widest point) on the northern side. Hard surfacing is common in the street scene and it is considered that the additional hard standing proposed will not exacerbate the hardening of the street scene to a significant degree compared with the existing situation provided that the soft landscaping proposed will be retained. Therefore, a condition requiring the soft landscaped area to be retained is recommended.

In conclusion, it is considered that the design of the proposed extensions is acceptable. A condition is recommended to ensure that soft landscaping to the front is retained and that the extension is used as ancillary accommodation to the main dwelling house and no works are undertaken to facilitate its use as a separate hereditament.

No objections are raised in respect of SP3 and CC6 of the Southeast Plan and BNE1 of the Medway Local Plan.

Amenity Considerations

The proposed development proposes a first floor window in the side elevation, which could potentially result in direct overlooking from the new accommodation towards properties on The Chase. As this is not the main window for this bedroom, it is recommended that a condition be imposed to ensure that this window is obscure glazed with top hung ventilation only. The proposed dormers would introduce additional windows facing towards the properties at Chalkenden Avenue, as would the new first floor bathroom window in the rear elevation of the side extension towards the rear of properties on Chalkenden Avenue and the Chase (although this is proposed to be obscure glazed). However it is considered that this would not make the existing situation any worse, given the presence of existing first floor windows, and the presence of other dormer windows in the rear roof planes of other houses in this terrace, including number 38 next door.

The proposed extension would extend to a minimum distance of 1.5m away from the boundary at its closest point, due to the layout of the site (the previous proposal extended up to the boundary), only 500mm closer than the existing side extension. Therefore, a refusal based on proximity to the boundary and no 1 The Chase would not be justified and in this sense the proposal has overcome the third reason for refusal for MC2008/0849 which stated that the proposal would be overbearing and imposing for the occupiers of 1 The Chase. The extension would be to the north of 1 The Chase and therefore there would be no direct loss of sunlight or overshadowing as a result.

Overall, it is considered that the scheme would not conflict with Policy BNE2 of the Local Plan.

Highways

The existing garage will be removed as a result of the proposed extension. A small garden area on the north side of the drive will also be removed. However two car parking spaces would be retained on the hard standing to the front,

The development would result in a four-bedroom house having two parking spaces to the front. It is considered that two parking spaces will be sufficient for a 4-bedroom house as the property is on a bus route.

A number of objections were received to the application regarding the existing parking problems in the area, along with photographs showing that the road gets congested in the evening. The proposal is for a 4 bedrooms house with provision for two car parking spaces. It is considered 2 parking spaces proposed to be adequate for a dwelling of this size. However to ensure that the extension is not used as a separate residential unit that could increase parking demand and cause high way problem a condition is recommended to retain the two storey side extension as ancillary to the main dwelling.

Overall, no objections are raised with regards to T13 of the Local Plan.

Conclusions and Reasons for Approval

The proposed extensions have been designed to reflect the character of the existing property, to retain some space at first floor level and to have a limited but acceptable impact on neighbouring amenity. It will retain an acceptable level of dependency on the main dwelling and would be occupied as ancillary to the main dwelling. 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 because the number of representations contrary to there commendation.

This application was considered by Members at the Development Control Committee on the 12th August 2009, when it was determined to defer for a member site visit.

11 MC2009/0318

Date Received: 5th March 2009

Location: 3 Goodwood Close High Halstow Rochester ME3 8SU

Proposal: Construction of a pair of semi detached two bedroomed houses with associated parking together with change of use of amenity land to facilitate vehicle crossover (Resubmission of MC2008/1489)

Applicant: Mr Cheeseman 3 Goodwood Close High Halstow Kent ME3 8SU

Agent: Mr B L Cullen Kent Drawings Office 1, First Floor 25 High Street Rainham Gillingham, Kent ME8 7HX

Ward: Peninsula

Recommendation of Officers to the Development Control Committee, to be considered and determined by the Development Control Committee at a meeting to be held on the 2nd September 2009.

Recommendation - Approval with Conditions

(and as amended by plans received on 10th July 2009)

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 Details and samples of the bricks to be used externally 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.
- 3 The first floor windows on the flank (east and west) elevations of the two dwellings hereby approved shall be fitted with obscure glass and shall be non-opening apart from any top hung fan light, a minimum of 1.7 metres above floor level.
- 4 No development shall take place 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 as approved before either dwelling hereby approved is occupied and shall thereafter be retained.
- 5 In this Condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs a) and b) below shall have effect until the expiration of 5 years from the date of occupation of the building for its permitted use.

a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with British Standard 3998 (Tree Work).

b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.

c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this Condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written consent of the Local Planning Authority.

6 No development shall take place until full details of both hard and soft landscape works in relation to the area shown between the front walls of the dwellings and the highway 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 hard surfacing materials and details of the dropped kerb. 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.

7 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.

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

Site Description

This application relates to a parcel of land, on the south side of Britannia Road, opposite the junction with Longfield Avenue. It measures approx. 10 metres wide by 50 metres deep; it is situated to the rear of nos. 1, 2 and 3 Goodwood Close, but currently forms part of the curtilage to no. 3. It is currently laid out as garden with grass and ornamental trees.

It once formed part of a larger strip of land running to the rear of nos. 3-17 Goodwood Close, when the rear of these gardens formed the eastern boundary to the village. This strip of land was subsequently incorporated into the gardens of these properties following the grant of

planning permission in 1988 under reference ME/88/645. The eastern boundary to the village is now further east, following the grant of planning permission and the subsequent development of the land to the east.

The site is adjoined to the west by the rear gardens of 1-3 Goodwood Close; by the rear garden of 4 Goodwood Close to the south and by the flank wall of 1 Heronsbank and rear of 14 Drayton Close to the east. Immediately to the north of the site, there is a grassed strip separating the site from the highway. A bus shelter, telephone box and telegraph pole are site on this land.

Proposal

The proposal is to construct a pair of semi-detached houses on the land. They would be set at a slight angle to the highway and set back between 6.2 and 7.4 metres from the highway and each house would measure 3.9 metres wide by 8.1 metres deep. They would be staggered so that the house to the west of the pair would be set back one metre behind the other house and would project a similar distance to the rear. The accommodation within each house would comprise an entrance hall and kitchen at the front with a through lounge at the rear on the ground floor; and two bedrooms and a bathroom on the first floor. The building would have a staggered hipped roof with the ridges running from front to rear. There would be canopies over the front doors. The submitted drawings show a gap of a metre either side to the side boundaries and a 29 metres deep rear garden.

The application has been amended to address access issues over an amenity strip to the front of the site, and now includes the change of use of the amenity strip to vehicle cross over and drop kerb.

Site Area/Density

Site area: 0.044 ha (0.108 acre)

Site density: 45 d.p.h. (18.39 d.p.a.)

Relevant Planning History

ME/88/645	Proposed extension to garden areas (rear of 3-17 Goodwood Close) Approved 18 October 1988
MC2008/1489	Construction of a pair of semi detached two Bedroomed Houses with associated parking Withdrawn

Representations

The application has been advertised on site and neighbour notification letters have been sent to the owners/occupiers of 1, 2, 4 & 5 Goodwood Close; 2 Longfield Ave; 1 & 2 Heronsbank; 14 Drayton Close and 47 Eden Road. The Parish Council and Dickens' Country Protection Society have also been consulted on the proposal.

4 letters have been received objecting to the application on the following grounds:

- There is a bus stop, telephone box and telegraph pole in front of the site;

- There is already a problem with cars parked close to the bus stop. The proposal would exacerbate these problems;
- Inadequate parking;
- The site is opposite a busy junction and the additional vehicles parked as a result of the proposed development would cause more congestion and obstruct visibility for vehicles exiting Goodwood Close;
- The windows in the flank walls would overlook neighbouring properties;
- Proposal would result in a loss of daylight, sunlight and outlook to the rear ground floor rooms of the neighbouring property in Heronsbank;
- The proposal would exacerbate drainage problems in the area;
- The site is too small for such a development.

High Halstow Parish Council has written advising that it objected to the previous application for the following reasons and do not see that the current application changes that stance. The site is narrow and it is considered that there would be over intensification of the site. There is a bungalow to one side of the site and there would be a cramped appearance, detrimental to the street scene. The gardens of the Heronsbank houses adjacent are not large by comparison with others in the area. The new building would be over dominant adjacent to 1 Heronsbank, which already has the parking barn at the bottom of the garden and there would be a considerable loss of amenity to 1 Heronsbank. The site of the proposed development floods regularly, in common with the gardens of the Goodwood Close properties in the vicinity.

The Parish Council would like to point out that access to the properties from Britannia Road would be needed across land not in ownership of the developer. Although not yet registered, it is understood this piece of land belongs to the Parish Council. No certificate B has been received. *(This aspect has been addressed and is how the scheme differs from the withdrawn application scheme)*

In addition to those previous concerns the Parish Council are concerned that there is a window on each flank wall which would overlook adjacent properties in Heronsbank and Goodwood Close, with consequent loss of privacy. There is no related application for crossovers onto Britannia Road to enable parking to the front of the properties. There is a bus stop at this point, with a bus shelter. The Parish Council advises of considerable neighbour opposition.

Dickens' Country Protection Society object to the proposal on the grounds that it constitutes overdevelopment of the site and is out of keeping with the neighbouring properties.

Development Plan Policies

The South East Plan, 2009

Policy BE4	(The role of small rural towns)
Policy BE5	(Village Management)
Policy CC4	(Sustainable Design & Construction)
Policy H5	(Housing Design and Density)
Policy T4	(Parking)

Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)
Policy H11	(Residential Development in Rural Settlements)
Policy T1	(Impact of Development)
Policy T13	(Parking Standards)

Planning Appraisal

The site lies within the built confines of High Halstow as identified on the Proposals Maps to the Medway Local Plan. The proposal, therefore, falls to be assessed as minor residential infill development within the confines of a village, in accordance Policy H11 of the Local Plan. Policies BE4 and BE5 of the South East Plan encourage small-scale developments, such as the development proposed here, which can help meet the specific local housing needs of individual rural settlements. The principle of the development accords with these policies and is therefore considered to be acceptable.

Design and appearance

The area is characterised by relatively low density housing with the bungalows in Goodwood close to the west, recent terraced housing in Heronsbank to the east and detached housing on the opposite side of Britannia Road to the north. The proposed houses would complement the existing development and would be built at a density of 45 dwellings per hectare, which is within the recommended 30 to 50 dwellings per hectare guideline as set out within Planning Policy Statement 3: Housing. As such the proposed development is not considered to represent an over development of the site. In terms of the street scene, the proposed houses reflect the character of the area in terms of scale and mass, but nevertheless retain their own identity in terms of detailing. Details of the bricks proposed to be used in the construction of the two dwellings will be required via condition should planning consent be forthcoming.

The proposal is, therefore, considered to be acceptable in design terms and accordingly no objection is, therefore raised under the provisions of Policies CC4 and H5 of the South East Plan and Policy BNE1 of the Local Plan.

Neighbour amenity

In terms of neighbour amenity, the proposal falls to be assessed in terms of its impact on the immediately adjoining properties at 1 Heronsbank to the east and 1 Goodwood Close to the west. With regard to 1 Heronsbank, the flank wall of that property is set in between 2.5 metres and 4 metres from the boundary and there would be another metre from the boundary to the flank wall of the proposed development. As the proposal would be set as a slight angle to the neighbouring property, that gap between the flank walls would vary between 3.5 metres and 4.5 metres. There are no windows in the flank wall of 1 Heronsbank. It is proposed to install a landing window in the flank wall facing that property and to address any concerns relating to potential overlooking from this window, it is recommended that a condition be attached to any planning permission to the effect that this window be obscure glazed and non-opening apart from any top hung fanlight, a minimum of 1.7 metres above floor level. The same condition would apply to the landing window on the west facing elevation, towards 1 Goodwood Close.

The proposed houses would be set approx. 3 metres further back than 1 Heronsbank and in turn would project approx. 4 metres further to the rear. However, having regard to the 4.5 metres gap at the rear and the angled projection of the proposed houses, away from Heronsbank, the proposal would not have an adverse impact on that property on term of light or outlook. The neighbouring property to the west, 1 Goodwood Close is approx. 17 metres from the proposed houses and there would, therefore be no impact on that property in terms of light and outlook. Accordingly, no objection is raised in this regard under the provisions of Policy BNE2 of the Local Plan.

Parking

The main issue here is proximity of the proposed access to the bus shelter, and whether or not its location represents an unacceptable obstruction to visibility for vehicles exiting the site. Government guidance contained within 'Manual for Streets' states that absence of wide visibility splays at private driveways will encourage drivers to emerge more cautiously. However, when considered appropriate, pedestrian visibility splays of 2.4 metres in each direction should be provided where a driveway meets the back edge of a footway. These sightlines should be achievable from an 'x distance' set-back of 2.4 metres, which will allow a driver to see along the footway without encroaching on it. In this case, the driveway is 4 metres wide where it meets the back edge of the footway. Vehicles emerging from the parking spaces will do so at a slight angle, which will guide them to the centre of the driveway. The maximum sightline that can be achieved is 3 metres in each direction from a distance of 3 metres from the back edge of the footway. This exceeds the recommended provision for inter-visibility between pedestrians and drivers outlined above, and will in the majority of cases also allow sufficient visibility for vehicles emerging in a reverse gear, on the basis that distance between the driver and the rear of the vehicle may be greater. The bus shelter is located on the back edge of the footway, which is 2 metres wide. Therefore, a vehicle emerging from the driveway will be able to see beyond the shelter along Britannia Road to the south from a distance of 2 metres from the back edge of the carriageway. Such a distance is considered acceptable in this relatively lightly trafficked residential area, where vehicles approaching the access along Britannia Road will have good forward visibility of cars emerging from the driveway.

Concerns have been raised with regard to buses waiting at the stop severely restricting the visibility of vehicles emerging from the access. Whilst this will undoubtedly be the case, there are many instances throughout the borough where bus stops are located in close proximity to private driveways. The proposed development will generate a low number of vehicle movements and buses operate along Britannia Road in this direction only once every hour. On this basis, vehicles leaving the driveway at the exact moment a bus is positioned at the stop is likely to be a very infrequent occurrence that will not represent a significant threat to highway safety, particularly as it is probable that vehicles will wait a short period of time for the bus to move away.

The provision of 2 parking spaces for each dwelling accords with the Council's maximum standard and, given the acceptability of the access for the reasons stated above, the application is considered to accord with the transport policies of the Local Plan.

Accordingly, no objection is raised to the proposed development under Policy T4 of the South East Plan and Policies T1 and T13 of the Local Plan.

Trees

There are a number of trees on neighbouring land which will require protection during construction, a condition is recommended should Members be minded to permit, requesting tree protection measures to be submitted for the prior approval of the Local Planning Authority.

Other Matters

The Parish Council has suggested that the amenity strip to the front of the application site is owned by the Parish Council. The applicant was unable to identify the correct owner, as ownership records are unclear. As a consequence Certificate D was served, whereby an advertisement was placed in the local paper giving any owner or tenant 21 days to make representation. This is considered acceptable and fulfils the requirements under planning legislation.

Conclusion and Reasons for Approval

It is considered that the proposal represents an appropriate form of infill development within the built confines of the village and is acceptable in terms of design, neighbour amenity and parking. The proposal would, therefore comply with the requirements of Policies BE4, BE5, CC4, H5 and T4 of the South East Plan and Policies BNE1, BNE2, H11, T1 and T13 of the Local Plan and accordingly is recommended for approval.

This application would normally fall to be considered under the officers' delegated powers but has been reported for Members' consideration in view of the number of representations received contrary to the Officer's recommendation.

12 MC2009/0524

Date Received: 21st April 2009

Location: 134 Bush Road Cuxton Rochester ME2 1HB

Proposal: Construction of a single storey rear extension

Applicant: Mr M Boorman 134 Bush Road Cuxton Rochester Kent ME2 1HB

Agent:

Ward: Cuxton & Halling

Recommendation of Officers to the Development Control Committee, to be considered and determined by the Development Control Committee at a meeting to be held on the 2nd of September 2009.

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 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 northwest 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

The application site is a two storey semi-detached property located in residential street comprising semi detached and detached two storey dwellings and bungalows.

To the southeast of the property is an access track leading to two detached properties, 132 and 132a Bush Road. The land behind the application dwelling slopes up towards the north.

The application dwelling has been extended up to the eastern (side) boundary at two-storey level. To the rear of the dwelling house is a 1.7m deep (approx) patio, beyond which is a laid to lawn garden which is raised up by approximately 400mm. On the eastern side of the garden is a redundant garage, which is now used as a garden store. Boundary treatment to the west comprises 1.8m high fencing following the land level up to the rear. Boundary treatment to the east comprises predominantly 1.8m high fencing, substituted by the flank wall of the garden store approximately half way down the garden.

Properties in the locality have been extended to the rear averaging approximately 3 to 4 m in projection at single storey level.

Proposal

The proposal is for a single storey extension to the rear. It will measure 3.5m in projection (3.7m including roof overhang), 2.5m in height and will be 7.85m in width. It will go up to the boundary with the property which forms the other half of this pair of semis. It will have a flat roof containing two skylight windows. Part of the raised part of the garden will be excavated (approx 1.5mX6m) to match the level of the patio to accommodate the depth of the extension.

The extension will comprise of an extended kitchen and dining room.

Relevant Planning History

65/159/61	Private motor garage Approved 26 th of September 1961
MC2000/1126	Construction of a part single/two storey front and side extension. Approved 13th September 2000
MC2009/0177	Lawful Development Certificate (proposed) for conversion of integral garage into a habitable room Approved 13 February 2009

Representations

Notification letters have been sent to the owner-occupiers of 130a, 132, 132a and 136 Bush Road for both the original and amended plans.

Cuxton Parish Council raises no objection but has commented on the overhang of guttering onto 136 Bush Road (the applicant subsequently amended the plans to show no overhang).

1 letter has been received raising no objection but requesting that a condition requiring provision for parking is provided during construction.

3 letters have been received objecting to the proposal on the following grounds:

- The extension will encroach onto adjoining property,
- Loss of privacy and sunlight,
- Site plan misleading,
- Damage to sewerage pipe during construction,
- Construction work will impact on neighbours health
- The extension will project over distance that is allowed under permitted development.
- Access for building works will need to be from the track to the side which is in joint ownership between 134, 130 and 130a.
- The drawings did not show an accurate depiction of the eastern boundary,
- The extension, combined with the previously approved 2 storey side extension will be result in an over development of the site.

Following re-consultation on the amended plans two letters have been received raising the following concerns:

- Encroachment over the boundary with 136 Bush Road
- Position of guttering
- Extension would project over what is Permitted development allowance.

It was acknowledged that the block plan did show an overhang of the boundary with 136 as well as other inaccuracies, for which amended plans were required from the applicant. The site location plan was acceptable insofar as it served its purpose; it shows the location of the application site. The amended plans do not show encroachment over the boundary with 136.

Development Plan Policies

Southeast Plan 2009

Policy SP3	(Urban Focus and Urban Renaissance)
Policy CC6	(Sustainable Communities and Character of the Environment)

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 development will be to the rear and not impact on the street scene to the front. From the rear the extension will be visible from neighbouring gardens. Single storey extensions are not uncommon in the locality and built form projecting in the rear gardens varies due to the varied building line. At 3.5m in projection, it is considered that the proposed single storey extension will not be significantly out of keeping with the character of appearance of the area.

In terms of design of the extension, the flat roof is not an ideal design. However, being a single storey it will not appear prominent or detract from the design of the main dwelling to a significant degree. The height, width and depth of the extension will be such that the extension will be subservient to the main dwelling and no objections are raised in this regard.

Therefore, no objections are raised in respect of SP3 and CC6 of the Southeast Plan and BNE1 of the Medway Local Plan 2003

Amenity Considerations

The neighbour to the northwest is 136 Maidstone Road. The extension will be built up to the boundary with this property (the revised drawings show no encroachment). It will restrict light entering the high level windows of the single-storey extension of this property. However, as there will be a sufficient supply of daylight remaining via the windows in the rear elevation of this extension, the loss via high level windows of the extension to 136 is considered acceptable. Due to the height and projection of the proposed extension, there will be no impact on this property in terms of loss of outlook or sunlight (overshadowing). No windows

are proposed on the northwest flank wall of the extension and so it is considered that there will be no overlooking into the garden or into habitable room windows of 136. A condition restricting the insertion of windows in the northeast elevation in the future is recommended.

The neighbour to the southeast is 130a Bush Road. The access track (approx 4m wide) is located between the boundaries of the application property and this property. Due to the distance between these properties, height of boundary treatment at both properties and the size of the extension it is considered that this property will not be impacted on in terms of loss of outlook, daylight, sunlight or privacy.

No objections are raised in respect of policy BNE2 of the Medway Local Plan 2003

Highways

The development will result in additional living space. However, no additional bedrooms are proposed. It is considered that the development will not increase parking pressures in the street or cause detriment to highway safety. No objections are, therefore, raised in respect of policy T13 of the Medway Local Plan 2003.

Conclusions and Reasons for Approval

The proposed extension will not detract from the character or appearance of the area or the main dwelling. It will not have a detrimental impact on neighbouring amenities in terms of loss of outlook, daylight, sunlight or privacy. 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 extent of the representation received expressing views contrary to the recommendation.

13 MC2009/0640

Date Received: 14th May 2009

Location: Hillside Cottage Stoke Road Hoo St Werburgh Rochester ME3 9NR

Proposal: Retrospective application for the erection of four panels of fencing 1.84m adjacent to Stoke Road

Applicant: Henwood Hillside Cottage Stoke Road Hoo Rochester Kent ME3 9NR

Agent: Mr A S Berry Miller Ankas Partnership The Guardhouse Historic Dockyard Chatham Kent ME4 4TE

Ward: Peninsula

Recommendation of Officers to the Development Control Committee, to be considered and determined by the Development Control Committee at a meeting to be held on the 2nd September 2009.

Recommendation - Approval with Conditions

- 1 Within 3 months of the date of this permission the access gates leading to Stoke Road on the northeast boundary shall be permanently closed off in accordance with details submitted to and approved in writing by 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

The application site is one of a pair of semi-detached cottages in a rural area outside of the main village of Hoo St Werburgh. The dwellings are part of a cluster of approximately 6 residential dwellings in an otherwise remote, rural location. The side north flank wall of the property is approximately 1.5m away from the road. To the front of the property is a small front garden with a shared hard surface (with no2) beyond.

To the rear is a laid to lawn garden (formally agricultural land) accessed by a 1.3m high approx gate located on the northern boundary close to the rear elevation of the dwelling. To the south east of this the boundary treatment fronting Stoke Road comprises of trees and shrubs

Proposal

The proposal is for the retention of 4 1.8m high wicker fence panels on the north-east boundary measuring approximately 6m along the northern boundary, screening the conservatory to the rear of the main property from the road.

Relevant Planning History

94/0576	Change of use from agricultural land, to domestic garden and construction, of new vehicular access Approved 17 th October 1994
ME/93/0697	Change of use of land to garden area and erection of a pre-cast concrete garage. Refused 6 th of December 1993 Dismissed on Appeal 17 th May 1994
MC2006/0015	Lawful Development Certificate (Proposed) for the construction of a conservatory Approved 10 th January 2006

Representations

Notification letters have been sent to the owners and occupiers of River View Cottage, The Forge and the Oast House.

Three letters have been received raising concern over highway safety.

Development Plan Policies

South East Plan 2009

Policy C4	(Landscape and Countryside Management)
Policy CC6	(Sustainable Communities and Character and Character of the Environment)

Medway Local Plan 2003

Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)
Policy BNE25	(Development in the Countryside)

Planning Appraisal

Street Scene and Design

The panels are visible from the highway and do impact on the street scene to a certain degree. However, they only extend a quarter of the length of the curtilage of the property with the remainder of the boundary comprising 1m high palisade fencing or high level foliage. In this respect it is considered that the development will not appear prominent in the street scene or conflict with the character of the area. The impact is also softened by the fact that the panels are of a wicker style material which is not as harsh as, for example, close board or panel board fencing.

Overall, it is considered that the development will not conflict with the objectives of Policies CC6 the Southeast Plan or BNE1 of the Medway Local Plan and is considered acceptable

Amenity Considerations

Due to the nature of development proposed and distance from neighbouring properties, it is considered that the development will not impact on neighbouring properties in terms of loss of sunlight, daylight, outlook or privacy.

Highways

The fence panels would restrict visibility for vehicles emerging from the access point to the southeast of the fence. Condition 4 of planning application ME/94/0576 for the change of use of agricultural land at the rear of the garden to residential use required that sight splays be provided on both sides of the vehicular access point. The current fence panels clearly encroach into these splays. For this reason it is considered that the fence panels will be detrimental to highway safety. However, there are approximately two parking spaces to the front of the property. On inspection of the site it was noted that the access point adjacent to the fence panels does not appear to be greatly used and the applicants have confirmed this. It is therefore recommended that a condition be used to restrict the use of this access point by vehicles. If the vehicular access point is not used the threat to highway safety will be eliminated. There will not be an overprovision of parking and the parking available at the front of the property is considered sufficient for the property. The proposal will accord with policy T13 of the Medway Local Plan 2003.

Conclusions and Reasons for Approval

The proposed fence panels, in covering a small proportion of the boundary do not appear overly prominent or detract from the character and appearance of the area or rural setting. The issues over the loss of vision splays can be overcome by restricting the use of the rear access for vehicles.

The application would normally be considered under delegated powers but is being referred to Committee due to the extent of representation received expressing views contrary to the recommendation.

14 MC2009/0883

Date Received: 30th June 2009

Location: 5 Tudor Grove Rainham Gillingham ME8 9AF

Proposal: Construction of a single storey rear extension, provision of car parking area to front and construction of a double detached garage to rear

Applicant: Entwistle & Jarvis 5 Tudor Grove Rainham Kent ME8 9AF

Agent: Mr B Saunders C & B Designs 12 St. Margarets Drive Wigmore Gillingham Kent ME8 0NR

Ward: Rainham Central

Recommendation of Officers to the Development Control Committee, to be considered and determined by the Development Control Committee at a meeting to be held on the 2nd September 2009.

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 The double garage hereby permitted shall only be used for the garaging of private vehicles and for purposes ancillary to the residential use of the dwellinghouse 5 Tudor Grove and no trade or business shall be carried on therefrom.

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 dwelling is a two-storey semi-detached property located within a residential area. The street scene comprises of other two-storey semi-detached properties which are similar in design and style to the application dwelling. To the front of the dwelling there is an area which has been dug out to provide a new parking area.

To the rear of the dwelling the garden is covered by mainly planting and lawn. Halfway down the garden there is a large green house. The boundary treatment to the west is a brick wall up to (approx) 2m in height and reduces to (approx) 1m in height halfway down the garden. To the east there is close-boarded fencing (approx) 1.8m in height and reduces to (approx) 1m in height halfway down the rear garden. There are a number of properties within the

vicinity which have been extended at single storey to the rear and this includes the adjoining neighbour which has a single storey extension which projects (approx) 3m.

Proposal

The application is to construct a single storey extension to the rear of the property and a detached double garage fronting onto Hurst Place to the rear.

The proposed single storey rear extension would project approx 4m to the rear of the property but would be wider than the existing dwelling with a width of 5.7m. The extension would incorporate a mono pitch roof sloping back to just under the first floor windows and a max height of (approx) 4.45m. The extension would comprise a new kitchen/diner.

The proposed double garage would be to the rear of the garden fronting onto Hurst Place. It would be 6.6m in width, 5.7m in length and with a small pitched roof up to (approx) 3.5m in height.

The applicants also intend to provide a new hardsurfaced area to the front of the property but due to the method and form of construction this will be permeable and so does not require formal planning consent.

Representations

Neighbour notification letters have been sent to the owner-occupiers of 3, 4, 6, 7 & 8 Tudor Grove and 5, 6, & 7 Hurst Place

Two letters and an e-mail have been received objecting to the proposal on the grounds that the use of the proposed double garage would have a detrimental impact on highway safety and efficiency

Development Plan Policies

South East Plan 2009

Policy CC6
Policy BE1
Policy T4

Medway Local Plan 2003

Policy BNE1	(Built Environment)
Policy BNE2	(Amenity Protection)
Policy T1	(Impact of Development)
Policy T13	(Parking Standards)

Planning Appraisal

Street scene and design

The proposed rear extension will be greater in width than the existing dwelling and will therefore be visible from Tudor Grove, while the double garage will front and be visible from Hurst Place.

The proposed rear extension will project 4m to the rear which is greater than neighbouring extension and, at 5.7m in width will be project to the side of the existing property by being wider. Notwithstanding this the property is set back from Tudor Close and has a large rear garden. The extension has been well designed with a mono pitch roof and it is not considered that it would be out of character in the street scene or with the existing property, nor will it result in a cramped overdevelopment of the site.

In relation to the proposed double garage. There are other outbuildings within the vicinity which contribute to the character and appearance of Hurst Place. It is not considered that a double garage of the size and design proposed will be harmful to the character of the street scene and area in

The proposed development will be in keeping with the character of the dwelling and the street scene and is in accordance with Policies CC6 and BE1 of the South East Plan 2009 and Policy BNE1 of the Medway Local Plan 2003.

Neighbour Amenities

The application property is separated from the property to the west at 3 Tudor Grove by a 2m high wall. As a consequence the rear extension will not impact negatively on the amenities of the occupiers of that property. The garage will be set at the bottom of a large garden and again due to this and its limited size will not impact unacceptably on the amenities of the occupier of no 3.

The other half of the semi at no7 already has a single storey extension projecting approx 3m. The boundary treatment from the end of that extension is 1.8m close boarded fencing. The construction of an extension to the rear of the application property, albeit 1m longer, will not impact unacceptably on the amenities of the occupiers of no7. For the same reasons as above the proposed garage will similarly not unacceptably impact on amenity of the neighbour.

Notwithstanding this a condition is recommended to control the use of the garage for purposes ancillary to the use of the property and for no trade or business to protect the amenities of the area in the future.

The proposal is in accordance with Policy BNE2 of the Medway Local Plan 2003.

Highways

The proposed garage and hardstanding to the front will ensure that there are more than enough off street parking spaces to serve the application property. The proposed garage will be set back from the boundary with Hurst Place by 1.2m which will ensure that there is satisfactory vision for vehicles exiting the garage and accordingly the proposal will not result in any danger to highway safety.

The proposal would be in accordance with Policy T4 of the South East Plan 2009 and Policies T1 and T13 of the Medway Local Plan 2003.

Conclusions and Reasons for Approval

The proposed extension and detached double garage are well designed, will not impact negatively on neighbour amenity and are acceptable from a highway safety perspective. The proposal therefore accords with the provisions of the above mentioned Development Plan policies and is recommended for approval

The application would normally be determined under officer delegated powers but is being referred for Committee determination due to the number of representations received expressing views contrary to the recommendation.

15 MC2009/0087

Date Received: 21st January 2009

Location: Rear of 18-20 Watling Street Gillingham

Proposal: Construction of a 1-bedroomed detached house (demolition of garages)

Applicant: Mr J Stuart Nicholas James Property Management Homersham Farmhouse Swifts Green Smarden Ashford Kent TN27 8PQ

Agent: Mr P Spink Spiere Chartered Surveyors 55 Cornwallis Avenue Tonbridge Kent TN10 4ET

Ward: Watling

Recommendation of Officers to the Development Control Committee, to be considered and determined by the Development Control Committee at a meeting to be held on 2nd September 2009.

Recommendation - Approval with Conditions

(and as amended by drawings received on 16th February 2009 and 28th July 2009)

- 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 positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed as approved before the building hereby permitted is occupied and shall thereafter be retained.
- 3 Details and samples of any materials to be used externally, including hard landscaping, 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 Prior to the commencement of development hereby permitted, details of the following architectural elements shall be submitted to and approved in writing by the Local Planning Authority:

Front Elevation:

- window and door designs (including sections showing details of windows and doors);
- sections through window / cill / wall junctions, eaves, gables and verges
- plan showing construction of bay window

Plans, elevations and sections of the details shall be submitted at a scale of not less than 1:20. The development shall be implemented in accordance with the approved details and all items, which form part of the approved scheme, shall be thereafter retained, unless otherwise approved in writing by the Local Planning Authority.

- 5 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 Class A - H of the Second Schedule to the Order shall be carried out on the site without the prior written approval of the Local Planning Authority.
- 6 No window shall be constructed or installed at any time at first floor level in the western (rear) elevation of the development hereby permitted, in a position lower than 1.7m from the internal floor level to the window sill unless agreed in writing by the Local Planning Authority.
- 7 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 8 to 11 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 11 has been complied with in relation to that contamination.
- 8 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'.

- 9 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.
- 10 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.

- 11 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 8, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 9, 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 9 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 10.

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. Watling Street (A2) is a busy local route with a mixed street scene and mix of residential and non-residential uses. The application site is located to the rear of two of these units (18-20 Watling Street) and fronts onto Park Avenue. Park Avenue

slopes down slightly to the north and there is on street parking. The street has a collection of 2-storey semi-detached dwellings. Park Avenue is located within the Gillingham Park Conservation Area however the application site is located just outside of this designation.

A single storey block of three single garages currently occupies the application site along with part of the residential curtilage of 18 Watling Street. The building has a pitched roof and is set back from the pavement edge to provide an area of hard standing in front of the garages.

Proposal

The proposal is a full application for the construction of a 1-bedroomed detached house (along with the demolition of the garages). The dwelling would be set back from the pavement edge by approximately 3 metres and would be 8 metres in depth along with a bay window in the front elevation (projecting approximately 750mm). The dwelling would be approximately 5.7 metres in width and in height measure 5.6 metres to the eaves and 9.2 metres to the ridge.

The site layout shows an area of hard standing to the side of the dwelling creating one off road parking space. To the rear a small patio area is shown with the remainder of the plot having planting. There is a small front garden also shown as being landscaped. The design of the dwelling shows bay windows in the front elevation at ground floor and first floor level with a gable feature. To the rear two first floor level windows are shown to be dormer style. These windows would be high level when in the building however designed to be full size and located in part in the roof.

The internal arrangement of the dwelling shows a bedroom, bathroom and garden room at ground floor level and a living room and kitchen / diner at first floor level.

This latest proposal follows two previous applications, outlined in the planning history section. The main difference with this application is the reduction in the size of the dwelling that now would only create a 1-bedroom property. The first floor level windows in the rear elevation have also been amended.

Site Area/Density

Site area: 0.015 ha (0.037 acres)
Site density: 66.6 dph (27 dpa)

Relevant Planning History

MC2007/1434	Construction of one 3-bedroomed detached house with integral garage and access onto Park Avenue Refused, 2 nd October 2007. Appeal dismissed, 3 rd June 2008
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The appeal inspector raised concerns regarding the presence of the integral garage and resulting width of the dwelling being out of keeping with Park Avenue. Concerns were also raised regarding the design and detailing specifically the lack of chimney, recessed front door or boundary treatment. The inspector also felt that rear facing first floor level windows would lead to a loss of privacy to 16 Watling Street. The council had originally raised concerns regarding the limited size of the amenity space for future occupiers of the dwellings and

occupiers of 18 Watling Street along with concerns relating to parking. The appeal inspector did not share these concerns.

MC2008/0429 Demolition of existing garages and construction of one 2/3 bedroomed detached house with access onto Park Avenue
Refused, 9th September 2008

This proposal was refused due to officers concerns regarding overdevelopment of the plot with limited external amenity space and a lack of outlook from a rear bedroom window.

Representations

The application has been advertised on site and neighbour notification letters have been sent to the owners / occupiers of 14, 16, 18, 20, 22 Watling Avenue; 4, 6, 8, 14, 16, 24, 26, 28, 47, 63, 65, 73, 87, 89, 91, 93, 95, 97, 97a, 99, 99 (Flat A) and 99 (Flat B) Park Avenue; 25 Nares Road and the following email addresses (who commented on previous applications) Pudmeister-No1@hotmail.co.uk and Lee-rowlands@hotmail.com

Eleven letters of representation (from eight addresses) have been received objecting to the application and raising the following concerns: -

- Loss of daylight and sunlight to 28 Park Avenue and 16, 18 and 20 Watling Street
- Windows that are stated to be obscure glazed and non-opening would be a fire risk and would need to be changed leading to an impact on privacy.
- Overcrowding and overdevelopment
- Proposal would lead to 5 additional cars parking on the street
- Out of keeping with the area and detrimental to the Conservation Area.
- The property would become a 3-bedroom rental dwelling
- If application is approved then Conservation Area and Article 4(2) direction should be revised.

Development Plan Policies

South East Plan 2009

Policy BE1	(Management for an Urban Renaissance)
Policy BE6	(Management of the Historic Environment)
Policy H5	(Housing Design and Density)
Policy T4	(Parking)

Medway Local Plan 2003

Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)
Policy BNE12	(Conservation Areas)
Policy BNE14	(Development in Conservation Areas)
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; 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 block of three garages (in residential rather than commercial use) and part of the residential curtilage of 18 Watling Street. The site is in an area of terraced properties 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 66 dwellings per hectare (dph) when measuring the site and 60 dwellings per hectare (dph) when examining the site combined with 18 and 20 Watling Street. While this is higher than government guidance of between 30-50 dph it is comparable with surrounding development, it does make more effective and efficient use of the land.

Accordingly the proposal is considered acceptable and in accordance with policy H5 of the South East Regional Plan 2009 and policy H4 of the Medway Local Plan 2003.

Street scene and design

The application site is located to the rear of properties in Watling Street and as such would face onto and contribute to the street scene in Park Avenue and the Gillingham Park Conservation Area. Park Avenue consists of 2-storey dwellings dating from the Edwardian period and generally arranged in pairs of semi-detached dwellings. The proposed dwelling even though detached would be 2-storey and would appear similar to other properties in the street with a similar width. The height of the proposed dwelling at both eaves and ridge level along with the distance the property would be set back from the pavement edge would be the same as 28 Park Avenue, located immediately north. The design of the property with double height bay window and gable feature along with the amount, scale and proportion of fenestration would also complement the other properties in the street. The plans show a front boundary wall and railings, which a number of properties in Park Avenue have and historically this would have been a common feature of the street. Other aspects of the development such as the recessed doorway and tiled entrance path to the front door also respect the design characteristics of properties in the street scene.

It is considered that the proposed property has been design to fully address the design concerns raised by the Inspector in the earlier appeal. Accordingly the proposal is considered acceptable and in accordance with policies BE1 and BE6 of the South East Regional Plan 2009 and policies BNE1, BNE12 and BNE14 of the Medway Local Plan 2003.

Neighbours Amenities

The proposed dwelling would be located immediately south of 28 Park Avenue and would project no further than the front or rear elevations of the main section of this property. The dwelling does have a 2-storey rear projection, typical of this type of property, however the proposed dwelling would not be adjacent to this element of 28 Park Avenue. 28 Park Avenue has no windows serving habitable rooms in the side flank facing the application site and as such there would be no detrimental impacts in terms of loss of outlook or daylight. Due to the presence of the 2-storey projection to the rear of 28 Park Avenue the main section of amenity space is located to the west of the dwelling and would be approximately 10 metres from the rear elevation of the proposed dwelling. It is considered that this separation distance would mean overshadowing as a result of the development would be minimal and not detrimental. Two windows are proposed in the rear elevation of the dwelling however these would be high level and as such would not cause detrimental impacts in terms of privacy to the 28 Park Avenue, a condition is recommended to control this and ensure high level windows remain.

The proposed dwelling would be located to the north of 18 and 20 Watling Street. Both of these dwellings have a series of windows serving habitable and non-habitable rooms in the rear elevations and in the 2-storey rear projection. The windows at first floor level in the projecting rear elements of both properties appear to serve bedrooms and there would be a separation distance of approximately 9.5 – 11 metres between these windows and the side flank of the proposed dwelling. At the current time the side flank of 28 Park Avenue and the garage block are both clearly visible from the rear of 18 and 20 Watling Street and taking the existing situation into consideration any impacts in terms of outlook and daylight would not be significant and would be acceptable. No windows are proposed to face south at first floor level and any impacts caused by windows at ground floor level would be mitigated by boundary treatment and as such no loss of privacy would be caused. Two windows are proposed at first floor in the rear elevation of the dwelling that would look towards the rear garden of 18 Watling Street and further west however these windows would be high level and as such would not cause detrimental impacts in terms of privacy, a condition is recommended to control this and ensure high level windows remain. The proposed dwelling is located to the north and due to this orientation and the path of the sun there would be no detrimental impacts to these dwellings in terms of overshadowing. The development would result in the loss of garden area for the occupants of 18 Watling Street however in the 2007 appeal decision the inspector did not raise concern with the level of space that would be retained and accordingly this is considered acceptable.

Consideration should also be given to the level of amenity created for future occupiers of the dwelling. The property would only be 1 bedroom and it is considered the amenity space measuring at least 3.5 metres in depth and 8.5 metres in width would be sufficient to cater for occupants of the dwelling. Previous applications have proposed 2 or 3 bedrooms in the dwellings and the reduction in the number of bedrooms provides a better relationship between the internal and external space. Windows would be primarily located in the front and rear elevations of the dwelling and in the southern elevation of the garden room. The rear facing first floor windows would be high level and provide sufficient levels of light though restricted levels of outlook. However due to the arrangement of the space the first floor would be one open plan room and sufficient levels of outlook would be achieved from the fenestration in the front elevation. First floor windows of surrounding dwellings would overlook the rear garden however this is a situation currently seen in the area and as such no objection is raised.

Accordingly the proposal is considered acceptable in terms of amenity considerations and is in accord with policy BNE2 of the Medway Local Plan 2003.

Highways

The application proposes 1 off road parking space for the dwelling achieving a parking ratio of 1:1. The development would also result in the loss of the existing three spaces in the garages. It is understood these spaces are used by occupiers of 20 Watling Street however the rear curtilage of this dwelling is hard surfaced with a vehicle access point providing parking within this site. The application site is also in an accessible location close to local facilities and the A2 bus corridor and there is a substantial amount of controlled on street parking in the vicinity. The appeal inspector when commenting on the 2007 application for a 3 bedroom dwelling raised no concerns regarding the loss of the garages or creation of a larger dwelling in terms of highway impacts. On this basis, it is not considered that any overspill parking that may be created from this development, either through the provision of the dwelling or loss of the garages, would prejudice highway safety.

Accordingly the proposal is considered acceptable with regard to the impacts on the highway and is in accord with policy T4 of the South East Regional Plan 2009 and policy T13 of the Medway Local Plan 2003.

Contaminated Land

A desk top study has been submitted with the application that concludes no contamination is on the site. However the report states that 'engine oil was noted on the surface of the concrete floors of the garages'. There is also the possibility of made ground being present at the site. As such the applicant would need to produce a conceptual site model for the site for the potential contaminants, which have been identified at the site. A site investigation would also need to be undertaken to support the conceptual site model. A series of appropriately worded conditions are recommended to cover these issues.

Accordingly the proposal is considered acceptable with regard to the impacts on contamination issues and 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 building would be of an acceptable size and massing and the proposal is acceptable in amenity, highway and all other material planning considerations. It is therefore recommended that the proposal be approved subject to the imposition of appropriate conditions. 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.

Date Received: 24th June 2009

Location: Biffa Waste Services Ltd Shakespeare Farm Ratcliffe Highway ST Mary HOO Rochester ME3 8RN

Proposal: Variation of condition 20 of appeal decision APP/A2290/A/04/1142882 to permit the continuing operation of Shakespeare Farm Landfill Site

Applicant: Mr W Gregory Biffa Waste Services Ltd Portland House Bickenhill Lane Birmingham West Midlands B37 7BQ

Agent:

Ward: Peninsula

Recommendation of Officers to the Development Control Committee, to be considered and determined by the Development Control Committee at a meeting to be held on the 2nd September 2009.

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 application site shall be re-profiled in accordance with the details permitted under application MC2003/1336 to achieve the pre-settlement levels, as maxima, shown on Drawing 3 dated 29 November 2002 and contained within the document entitled "Modification of Condition 1 of Planning Permission ME/94/780 to allow the Infilling of Shakespere Farm Landfill Site to an Amended Pre-Settlement Restoration Profile", unless any variations to the details shown on the aforementioned drawing are otherwise first submitted to an approved in writing by the Local Planning Authority.
- 3 The submitted details of the restoration scheme, which accord with the approved post settlement contours for the site and the general principles shown on Fig RB5 entitled 'Revised Restoration Masterplan', dated October 2004 and contained within the bundle of drawinga accompanying the appeal enquiry for MC2003/1336, have already been approved. The submitted details included arrangements for the protection of existing trees and shrubs; the species, size, number and location of all trees and shrubs to be planted and measures to be undertaken for their protection; and a timetable for the implementation of the planting and restoration scheme. This approved restoration scheme shall continue to be implemented strictly in accordance with the details which have been approved under Condition 3 of the appeal decision, and shall be mainatined for a period of 10 years after the completion of the restoration scheme, up until September 2020.

- 4 The restored soil profile shall consist of a minimum depth of 950mm subsoil, above which shall be spread 250mm of topsoil.
- 5 Topsoil and subsoil shall only be handled when their moisture content is at least 5% and 3% below their respective plastic limits; the plastic limits are to be determined by an independent laboratory and the results shall be notified to the Local Planning Authority at least one week before the soils are stripped.
- 6 The noise levels associated with the on-site landfilling operations shall not normally exceed a level of 50dB 1Aeq 1h when measured from the properties known as Coombe House, Shakespeare Farm Cottage, The Willows and Mayland. Notwithstanding the foregoing noise level requirement, at times when activities involving the formation of screen bunds, soil stripping, the removal of soil heaps, or the formation of new permanent landforms, are being undertaken on site, the noise level at the aforementioned properties shall not exceed 70 dB 1Aeq 1h.
- 7 The operations hereby permitted shall only be undertaken between the hours of 0700 and 1800 Mondays to Fridays and 0700 to 1300 hours on Saturdays and at no times on Sundays or public holidays, unless any variations are otherwise first approved in writing by the Local Planning Authority.
- 8 All vehicles shall enter and leave the site via the existing haul road shown on Drawing 3 dated 29 November 2002 and contained within the document entitled 'Modification of Condition 1 of Planning Permission ME/94/780 to allow the Infilling of Shakespeare Farm Landfill Site to an amended pre-settlement restoration profile'. Upon the cessation of all operations subject to the development hereby permitted the haul road shall be fully restored to agricultural grassland and closed off to all vehicular traffic.
- 9 Heavy goods vehicle movements in and out of the site shall not exceed a combined total of 150 movements per day.
- 10 Details of wheel washing methods as approved under Condition 11 of the appeal decision for MC2003/1336 shall remain installed and retained for the remaining duration of the works and used on all vehicles leaving the site.
- 11 No loaded lorries delivering material (topsoil/subsoil) to the site shall enter the site unless they are sheeted or otherwise covered.
- 12 Notwithstanding the provisions of Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, no buildings, fixed plant or machinery shall be located on the site without the prior written approval of the details for their siting, design and external appearance being received from the local planning authority.
- 13 Measures shall be taken to control dust in accordance with the approved arrangements (section 4.2 of the appeal enquiry evidence dated October 2004).
- 14 No topsoil, subsoil or other materials excavated shall be removed from the site.

- 15 The installation of bunds and fencing shall be carried out in accordance with the approved details, submitted in accordance with Condition 17 of appeal decision for MC2003/1336, and shall thereafter be retained in their approved positions for the duration of the landfilling operations hereby permitted.
- 16 The landfilling of waste, the placement of any stockpiled clays and the restoration of the site shall be completed on or before 30 September 2010. The Local Planning Authority shall subsequently be notified in writing of the date when restoration works implemented in accordance with Condition 3 of this permission have been completed.
- 17 No green or garden wastes shall be composted at the site in association with the waste disposal facility hereby permitted.
- 18 All non-inert waste to be landfilled at the site shall only be placed in the "non-inert infill area" identified on Drawing 4 dated 29 November 2002 and contained within the document entitled "Modification of Condition 1 of Planning Permission ME/94/780 to allow the infilling of Shakespeare Farm Landfill Site to an Amended Pre-settlement Restoration Profile", unless any variations to the details shown on the aforementioned drawing are otherwise first submitted to and approved in writing by the Local Planning Authority.
- 19 The total volume of landfilling to be undertaken pursuant to Condition 2 above shall not exceed 195,000m³ of non-inert wastes and 145,000m³ of inert wastes and stockpiled clays, as measured by void volume occupied, unless any variations to the aforementioned volumes are otherwise first submitted to and approved in writing by the Local Planning Authority.
- 20 Upon completion of the landfilling works hereby permitted in accordance with Condition 16 above and as part of the restoration scheme for the site, all buildings, items fixed and mobile plant and litter catch and perimeter security fencing, excluding any gas utilisation/electricity generating plant, shall be removed from the site, unless any variations to these details are otherwise first submitted to and approved in writing by 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

The application concerns part of the existing landfill site at Shakespeare Farm, St Mary Hoo. The landfill site now comprises land being restored to an agricultural after use, with no operational use on site. The total site area is 29.2 hectares. The village of St Mary Hoo lies approximately 750 metres to the north east of the landfill site.

The site is situated just on the northern side of the undulating line of hills that run generally east to west that form the peninsula's high ground. The surrounding area is characterised by large arable fields with hedgerow boundaries interspersed with clumps of trees. There are within the region of 20 residential properties that adjoin the landfill site to the east, south and west respectively in Shakespeare Farm Road, the Ratcliffe Highway and Coombe Farm Lane.

Proposal

The application seeks the variation of 20 of appeal decision APP/A2290/A/04/1142882 in order to extend the time available for importing soils for use in the restoration of Shakespeare Farm Landfill Site until 30 September 2010. This would enable the completion of the restoration scheme and complete closure of the site in accordance with the other appeal conditions. The appeal decision relates to planning application reference MC2003/1336.

Condition 20 of appeal decision APP/A2290/A/04/1142882 states:

“The landfilling of waste, the placement of any stockpiled clays and the restoration of the site shall be completed within 30 months from the recommencement of landfilling works on the site and the local planning authority shall be notified in writing of the date when such works are recommenced. The local planning authority shall subsequently be notified in writing of the date when restoration works to be implemented in accordance with Condition 3 of this permission have been completed”.

Biffa propose that the varied condition (now condition 16) should state:

“The landfilling of waste, the placement of any stockpiled clays and the restoration of the site shall be completed on or before 30 September 2010. The local Planning Authority shall subsequently be notified in writing of the date when restoration works implemented in accordance with condition 3 of this permission have been implemented”.

Relevant Planning History

ME/87/1210	Infilling and restoration of existing mineral workings Approved 27 July 1990.
ME/93/460	Provision of new access to landfill site. Approved 25 August 1993
ME/94/780	Western extension to landfill site. Approved 19 October 1995
ME/96/771	Modification of Condition 16 of permission ME/94/780 to allow the deposit of a limited range of special waste. Approved 10 February 1997
ME/98/0623	Construction and operation of green waste composting facility. Approved 3 June 1999.
MC1999/5056	Construction and operation of a gas utilisation plant to generate electricity from landfill gas. Approved 1 November 1999
MC2000/0590	Extension to green waste composting facility. Approved 3 June 2000

MC2001/0636	Northern extension to landfill site, extension to internal access road, temporary diversion of footpath RS14, permanent diversion of footpath RS56, relocation of green waste composting facility and construction of small vehicle unloading bay. Refused 5 June 2002
MC2002/2485	Variation of Condition (1) of planning permission ME/94/780 to allow the infilling of Shakespeare Farm landfill to an amended pre-settlement restoration profile. Refused 23 April 2003
MC2003/1336	Variation of condition (1) of planning permission ME/94/780 to allow the filling of Shakespeare Farm Landfill site to an amended pre-settlement restoration profile. Refused 27 August 2003 Appeal Allowed 10 December 2004

Representations

The application has been advertised on site notice and neighbour notification letters have been sent to the owners and occupiers of 1, 2 Homelea Cottages, Annleigh Cottage, Ashgrove, Barn Street Farm, Brickhouse Cottage, Bush House, Heron House, Highview, Hoppers Cottage, Icris House, Little Owls, Martlets, Norelands, Ratcliffe House, Sienna, The Birches, The Grange, Trevelgue, White House, and Willington House Ratcliffe Highway; 1-5 (inclusive) Rose Cottages and Coombe Lodge, Coombe Farm Lane; Brije, Mayland, Quarry House, Shakespear Farm Cottage, and Shakespeare Farm, Shakespeare Farm Road; Casa Faisan, The Willows, and Victoria House, Barn Street and The Fenn Bell Inn. In addition Southern Water, Environment Agency, Kent Wildlife Trust, Natural England, Dickens Country Protection Society and the Council's Rural Planning Advisor have also been consulted on the proposal.

7 letters of representation have been received raising the following concerns/objections to the proposal:

- Neighbours have suffered enough with no compensation and de-valuation of property.
- Residents were told the last time round that there would be no more applications.
- Concern that operations will never cease.
- Noise and pollution from lorries visiting Shakespeare Farm is detrimental to the tranquillity of the area.
- The heavy lorry traffic associated with the Biffa Site is eroding the roadside bank causing front gardens to crumble onto the highway.
- No objection to this application provided continued operation is restricted to restoration work and not further landfill; for non-restoration purposes.
- Why have the council failed to enforce the conditions of the appeal. 30 month period has already expired.
- What if Biffa does not complete the landscaping by 30 September 2010?
- Term 'Landfill' is no longer relevant.
- No consideration has been given to residents and the local area or its wildlife in the past.

- Noise and litter pollution, vermin, mud and dust has been suffered by local residents for many years in addition to increased use of heavy good vehicles on a local country road, and we don't want this to continue.
- Vehicles arrive un-sheeted, scattering litter.

Environment Agency has no objection to the proposal and has no comments to make.

Natural England has no comments to make on the application.

Rural Planning Limited has no comments to make other than restricting the extended use to restoration only via condition to the decision notice.

Southern Water does not wish to comment on the application.

Development Plan Policies

The South East Plan 2009

Policy NRM9	(Air Quality)
Policy NRM10	(Noise)
Policy W14	(Restoration)
Policy C4	(Landscape & Countryside Management)

Medway Local Plan 2003

Policy BNE2	(Amenity Protection)
Policy BNE3	(Noise Standards)
Policy BNE24	(Air Quality)
Policy BNE25	(Development in the Countryside)
Policy BNE33	(Development within the North Kent Special Landscape Area)
Policy BNE35	(International Conservation Sites – Special Protection Areas, Sites of Special Scientific Interest and Ramsar Sites)
Policy T1	(Impact of Development)

Kent Waste Local Plan 1998

Policy W1	(Application of the Waste Hierarchy to proposals for the disposal of waste)
Policy W2	(Protection of Environmental Resources)
Policy W5	(Presumption against permitting proposals for Waste Disposal that involve Land raising)
Policy W18	(Appropriate means of control for Noise, Dust, Odour and other Emissions)
Policy W19	(Protection of Surface and Ground Water Resources)
Policy W20	(Consideration of Land Settlement, Stability, Drainage Flood Control and Minimisation of Rainwater Infiltration)
Policy W22	(Highway Implications)
Policy W26	(Restriction of Hours of Working)
Policy W31	(Landscaping Schemes)
Policy W32	(Aftercare & Restoration Schemes)

Planning Appraisal

The main considerations in this case relate to the impact of the extended restoration process will have upon: the countryside and local landscape; ecology; local amenity; highway implications; and the restoration of the site to an agricultural after use.

Countryside Protection

Policy C4 of the South East Plan and BNE25 of the Medway Local Plan generally presume against development in the open countryside. These policies accord with the provisions of Planning Policy Statement 7: Sustainable Development in Rural Areas, which states that it is the Government's policy to safeguard the countryside for its own sake in order to preserve its character. Accordingly, any development that is to be permitted in the countryside has to be shown to be exceptionable if it is to be considered favourably. There is also a requirement to ensure that permissible development in the rural area maintains or enhances the countryside if possible.

The application site lies outside any recognised village envelope and is therefore in open countryside. However, it is considered that as this application relates to an existing facility and will assist in achieving the site's final restoration to agricultural use (the restoration scheme was permitted on appeal in December 2004), that the proposal does not materially depart from the objectives of the Development Plan. No objection is therefore raised to the application under the provisions of the aforementioned rural restraint policies.

Landscape Considerations

The application site lies within the North Kent Marches Special Landscape Area (SLA). South East Plan Policy C4, Local Plan Policies BNE33 and BNE35 and Kent Waste Local Plan Policy W2 (v) variously seek to give long term protection to this area and give priority to the conservation and enhancement of the natural beauty of the landscape over other planning considerations, whilst having regard to the economic and social well being of the area.

The landscape within the vicinity of the application site is characterized by open, undulating plateau land and marshes. The arable fields are criss-crossed by ditches and occasional hedgerows.

It is important to note that the submitted proposal only affects the pre-settlement restoration of the site, by way of the time need to complete the scheme and not the actual restoration profile scheme for the landfill site itself which has already been approved. As such the proposed extension of time to complete the restoration scheme will not alter the approved post settlement restoration profile. In landscape terms the current proposal will not have permanent visual impact.

The only general impact on the landscape and topography of the site will be the year delay in restoring the site to agricultural use. The capping of Shakespeare Farm Landfill Site is due to be completed by mid August 2009. Two thirds of the soil required for restoration is currently situated at the Site. The remaining one third will be delivered to the Site between now and June 2010. The restoration soil will be placed during the summer of 2010 (while it is in a dry and friable condition) in order to restore the Site as per the approved plans.

There are no objections to the extension of time to complete the restoration scheme under Landscape terms and as such the application is considered acceptable to the provisions set out within the development plan.

Ecology

Given the submitted proposals will not affect the footprint of the site, there will be no direct effects upon the ecological value of the area. The approved restoration scheme has the potential to attract scavenging birds, which could have an indirect impact upon the wider bird population in the Thames Estuary SSSI/SPA. However, it is considered that the population of scavenging birds within the designated area would be no greater than has historically been present as a consequence of the existence of the landfill site. Accordingly, the approved restoration scheme or the required extension of time needed to complete it will have a neutral affect in this regard.

Amenity Considerations

The possible amenity impacts for adjoining residents relate to the continued and prolonged generation of noise, dust, odour and litter, and such issues have been raised as a concern from neighbours of Shakespeare Farm.

With respect to noise, an acoustic assessment submitted under MC2003/1336 indicated that the restoration scheme would have significant detrimental noise impact upon residents in the area. The current proposal seeks to extend the time needed to complete the restoration schedule and does not propose alteration of the scheme itself and the area of land it affects. In this regard it should be noted that the Council's Environmental Protection Team has not received any noise complaints concerning Shakespeare Farm landfilling operation during recent years. No objection is therefore raised to the application under the provisions of Policy BNE3 of the Local Plan, NRM10 of the South East Plan and W18 of the Kent Waste Local Plan.

With regard to the control of dust generation the applicant proposes to utilise the same control measures as have historically been used on site. These measures include the use of suppression measures on plant, the sweeping of haul roads and the damping of stockpiles. It is considered that the continued use of the established dust control measures will limit any emissions to a level that will not be prejudicial to residential amenity within the area.

No landfilling is proposed as part of this current proposal. As odours usually only arise during landfilling operations, there are no concerns regarding the impact of odour as a result of this proposal, which seeks to extend the time needed to complete the restoration scheme only.

Overall, it is considered that the continued operations at this site will not result in impact on neighbouring residents, above and beyond what is already experienced. It is not considered that an extra year will cause an unacceptable impact on the local amenity. Any impact that is experienced, by way of noise or dust etc, will reduce over time as the restoration scheme nears completion. The site itself needs to be restored to agricultural land, and although this was meant to happen by July 2009, it is considered better to accept the additional time in order to complete the scheme rather than leave the site incomplete, which in itself will cause greater harm.

There are no objections to the proposal under the provisions set out under Local Plan Policies BNE2 and BNE3, South East Plan Policy NRM10 and Kent West Local Plan Policy W18.

Highways

The additional time to complete the restoration scheme will have no impact on the current vehicle movements experienced entering and exiting the site. Whilst Members had concerns under the MC2003/1336 application with regard to traffic movements, the Inspector, at appeal, concluded that he was satisfied that the operations that would occur on and around the site arising from the proposal would not result in detrimental effects on the amenity of residents of the area, and having regard to the development already permitted that would flow from re-imposed conditions to this consent (should Members be minded to permit) no objection is raised to the proposal under the provisions of Policy T1 of the Local Plan and Policies W18 and W22 of the Kent Waste Local Plan.

The applicant does not wish to change any matters relating to the movement of heavy goods vehicles, which will remain as approved at appeal under MC2003/1336.

Unilateral Obligation

The previous planning consent for the restoration scheme was subject to a Unilateral Obligation. The main provisions of the Obligation was to restrict the landfill operations to a 30 month period from commencement, provide an undertaking not submit any further applications for landfilling on the land thereafter and provide a timetable for restoration and a scheme for aftercare.

Whilst the applicant is not considered in breach of the provision set out above preventing further 'landfilling' applications being submitted (this current application does not relate to landfilling), an amended Unilateral Obligation needs to be submitted reflecting the change to the 30 month target for completion and the restoration scheme timetable itself.

Conclusions and Reasons for Approval

It is not considered that the extension of time needed to complete the restoration of the site will result in any detrimental impact on the countryside, landscape, residential amenity and highway issues above and beyond what is already experienced. It is accepted that the scheme should have been completed in July 2009; nevertheless, it is considered that the final restoration to agricultural use will benefit the locality and landscape greatly, and as such it is considered acceptable to allow a small delay in reaching this goal. The current proposal is therefore recommended for approval subject to the submission and signing of a fresh Unilateral Obligation.

This proposal would normally fall under Officer delegated powers of determination but is being reported for Members consideration due to the number of representations received.

17 MC2009/0953

Date Received: 9th July 2009

Location: Roseberry Road Recreation Ground Rosebery Road Chatham
Medway ME4 6LG

Proposal: Application under Regulation 3 of the Town and Country General
Planning Regulations 1992 for retention of 1.8m high boundary
fencing and 2m high access gate to alley

Applicant: Mr R Tedman Medway Council Highways Department Gun Wharf
Dock Road Chatham Kent

Agent:

Ward: Rochester South & Horsted

Recommendation of Officers to the Development Control Committee, to be considered and determined by the Development Control Committee at a meeting to be held on the 2nd September 2009.

Recommendation - Approval

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

Site Description

Roseberry Road Recreation ground is situated to the west of Roseberry Road and is bounded on four sides by residential properties, mainly terraced style houses. Roseberry Road is accessed from Lansdowne Road in the southern part of Chatham, just over one mile to Chatham Town Centre.

The recreation ground is designated in the Medway Local Plan (adopted) 2003 as a protected area of Open Space.

Proposal

This proposal is an application under Regulation 3 of the Town and Country General Planning Regulations 1992 and is a retrospective planning application for the replacement of a dwarf wall with a wire-mesh fence at 1.8m in height adjoining with the existing fencing of the same type. It is 2.0m away from the Road (Roseberry Road) and encloses the playing field. The proposal also includes the installation of a gate to the alleyway adjacent to the playing field which is of the same height as the fencing. The application is a resubmission of MC2007/084, which was previously withdrawn.

The proposed fencing is required to protect the playing field from anti-social behaviour including being used for off-road motorbikes whilst at the same time leaving access for the public. The installation of the adjacent gate between the new fencing and rear gardens of

properties in Lansdowne Road will allow access for residents to the rear of their properties. This alley provides access to the rear of adjacent houses and does not have any public rights of way over it.

Relevant Planning History

MC2007/0330	Replacement of existing boundary chain link fence with 2 metre high and 2.5 metre high 'barbican' style fence and gate at 5 th Medway Scout Hut, Roseberry Road. Approved 17 April 2007.
MC2007/0784	Retrospective application for a 1.8 metre high boundary fence and 2 metre high gate to ally. Withdrawn

Representations

The application has been advertised on site. Neighbour notification letters have been sent to the owners/occupiers of The Staggs, Kisdon and 1-15 (inclusive) Rosebery Road; 19-55 (odds) Lansdown Road; The Scout Hut, and Beresford Community Playgroup Beresford Ave; and Diamondchick86@hotmail.co.uk and Kevma454@Msn.com.

Five letters of representation have been received raising the following concerns:

- The gate, if it were to be locked, would prevent access to and from the rear of properties in Lansdowne Road.
- The gate should not be controlled by the occupants of no. 21 Lansdowne Road.
- The gate will prevent means of fire access and egress to and from the rear of people's properties. The same goes for all emergency services.
- The erection of the fence has reduced anti-social behaviour in the area and there is general support for the planning application in this regard. However, the fence is not attractive and has a detrimental impact on the appearance of the recreation ground.
- Fence should be combined with some shrub planting.
- No objections if residents were to individually hold a key to the lock on the gate.
- Loss of outlook and damage to view.
- Noise & Nuisance will increase with children kicking balls against the fence with the potential to damage to property and cars.
- The fence is unsightly.
- Access to the field is now restricted to one place.
- Personal safety is impeded by the erection of a fence meaning that leaving the field, away from danger is harder.
- Positive comments relating to the gate already acting as a deterrent to youths accessing the rear of residential properties and as such should be welcomed. The lock is not welcomed.

The Open Spaces Society has written in on the application seeking clarification over a number of matters including whether the rear access is private or part of the playing field, ownership of the playing field etc. They do not raise any objections to the application.

Development Plan Policies

South East Plan 2009

Policy CC4	(Sustainable Design & Construction)
Policy CC8	(Green Infrastructure)

Medway Local Plan, 2003

Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)
Policy BNE7	(Access for all)
Policy BNE8	(Security)
Policy BNE22	(Environmental Enhancement)
Policy L3	(Protection of Open Space)

Planning Appraisal

Principle

This application is a retrospective application for a proposed 1.8m high weld-mesh fence, erected adjacent to Roseberry Road and the rear of properties along Lansdowne Road. The new fencing replaces the original dwarf wall along the Roseberry Road boundary of the playing field.

Although the fencing, which has already been erected, could have been of better design and style it does improve the security of the site by protecting it from vandalism and unwanted behaviour. The Medway Local plan states under Policy L3 that the protection and maintenance of public and private open space of recreational and amenity value is particularly important and should be retained and maintained. The Development Plan supports the protection of existing community services and recreation facilities as long as there is a demonstrable need for them.

It is in the interests of the Council to retain areas of open space and recreational facilities such as the Roseberry Road Recreation Ground and it is considered that the proposed fencing will aid in maintaining and protecting the playing field in accordance with Local Plan Policy L3 and South East Plan Policy CC8, in order that local residents and members of the public can continue to enjoy the facility.

Street Scene and Design

The fence is a metal weld mesh fence, designed to match the existing fence around the perimeter of the recreation ground. Access to the site remains unaffected for maintenance purposes. The security gate to the alley is also of standard design, similar to those installed elsewhere in the Borough for the purpose of securing alleys. The height of the gate is standard at 2 metres, and designed to discourage vandals climbing over.

Although the fencing is not especially attractive, it is not considered that it results in detriment to the visual amenity of the area, and is in fact more appropriate to its setting than if the fencing proposed has been a palisade style fencing, which has a more oppressive appearance. The weld mesh fencing itself has the impression of transparency when viewed from a distance and does not result in detriment to the setting of the open space area beyond. The site would also be more secure than in the existing situation.

The height at 1.8m is commonly proposed for this kind of recreational facility and is considered acceptable. From the playing field the appearance and height of the fencing is not considered to be harmful.

The development is considered acceptable under the provisions of South East Plan Policy CC4 and Local Plan Policy BNE1.

Amenity Considerations

The application will not result in harm to neighbouring amenity by way of privacy, overlooking, sunlight, daylight, noise and odour.

There will be no detrimental impact to the amenities of people using the playing field, which is proposed as a deterrent to anti-social behaviour. The access gate to the alley is also to prevent antisocial behaviour taking place to the rear of no's 21 to 55 Lansdowne Road. There are no public rights over the alleyway, but formal notification was given to the owners of 21 to 55 Lansdowne Road, whom will each be given a key to enable free access to the rear of their properties. Concern has been raised with regard to the gate preventing their right of access, however this will not be the case.

There are no concerns regarding amenity protection as a result of this application, which should improve safety in the area by preventing anti-social behaviour taking place on the recreation ground. The application is considered acceptable under the provisions of Policies BNE2 and BNE8 of the Local Plan.

Security

The proposed fencing is appropriate in design, height and location for its purpose to secure the site. The application is considered acceptable under the provisions of Local Plan Policy BNE8.

Highways

There are no highways issues associated with this proposal.

Conclusions and Reasons for Approval

Whilst the retrospective fencing is not the most attractive asset within the Street Scene, it is not at the detriment of the character of the area or openness of the recreation ground itself. The fencing mitigates against unwanted anti-social behaviour, which can only improve the amenities of local residents in the area. The proposed gate is also a preventative measure against anti-social behaviour, and whilst not a public right of way it will not prevent access to the rear of properties along Lansdowne Road, who will each be given a key for access. The application is acceptable under the above-mentioned Development Plan Policies and as such is recommended for approval.

The application would normally be considered under officer's delegated powers but is being reported to committee due to the number of representations received.
