

## PLANNING APPLICATIONS FOR 7<sup>TH</sup> MARCH 2002

### Page No.

1	MC2001/0411	Holcombe	
	Change of use from offices to residential and conversion into two dwellinghouses.		
	30-32 New Road, Chatham, Kent, ME4 4QR		3
2	MC2001/1604	North Dane	
	Construction of three blocks of stables		
	Land off Capstone Road, Chatham, Kent		8
3	MC2001/1851	Rainham Mark	
	Insertion of new shopfront		
	48 Hoath Lane, Wigmore, Gillingham, Kent		13
4	MC2001/1852	Rainham Mark	
	Installation of internally illuminated fascia sign		
	48 Hoath Lane, Wigmore, Gillingham, Kent, ME8 0SW		16
5	MC2001/1905	Parkwood	
	Construction of one 2-bedroomed detached bungalow with attached garage and one 3-bedroomed bungalow with detached double garage		
	Land adjacent to 397 Maidstone Road, Wigmore, Gillingham		19
6	MC2001/1921	Holcombe	
	Outline application for the demolition of existing garage and construction of 3no. 2-bedroomed flats with associated car parking.		
	Sturla Car Repairs, Corner of Sturla Road and Albert Road, Chatham		24
7	MC2001/2008	Luton	
	Residential development comprising 10 one-bedroomed flats in a 3/4 storey block with parking		
	130a, Beacon Road, Chatham, Kent, ME5 7BS		27
8	MC2001/2161	Rainham	
	Change of use from retail (Class A1) to acupuncture clinic (Class D1) with retail space		
	26, Station Road, Rainham, Gillingham, Kent, ME8 7PH		32
9	MC2001/2167	Rainham Mark	
	Change of use from residential home for the elderly to a children's day nursery for 20 children, Mondays to Fridays during the hours of 06.30 to 18.30		
	107, Edwin Road, Rainham, Gillingham, Kent, ME8 0AG		35
10	MC2001/2170	Horsted	
	Construction of two 5-bedroomed detached chalet bungalows with detached double garages		
	119, Wilson Avenue, Rochester, Kent, ME1 2SL		40

11	MC2002/0023	Riverside	Demolition of house and construction of two 4-bedroomed detached houses with detached double garages, a pair of 3-bedroomed semi-detached houses with detached garages and a row of three 3-bedroomed terrace houses with garages and construction of single garage for unit 16 Prospect House, Lower Twydall Lane, Gillingham, Kent, ME7 2UX	48
12	MC2002/0086	Luton	Change of use from Retail (class A1) to provide seating area to existing cafe at 35 Luton High Street 37, Luton High Street, Chatham, Kent, ME5 7LE	57
13	MC2002/0087	Brompton	Change of use from ground floor snooker club to offices and workshop activities 2-4 Lock Street, Gillingham, Kent	60
14	MC2002/0119	Walderslade	Change of use from retail (Class A1) to offices (Class A2) 381, Walderslade Road, Chatham, Kent, ME5 9LL	64
15	MC2002/0175	Gillingham North	Construction of conservatory and single storey extension to rear Amberleigh, Strover Street, Gillingham, Kent, ME7 1JD	67

## **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 the Compass Centre, Chatham Maritime, Chatham.

1. MC2001/0411

Date Received: 13th March 2001

Location: 30-32 New Road, Chatham, Kent, ME4 4QR

Proposal: Change of use from offices to residential and conversion into two dwellinghouses.

Applicant: Mr P Waterhouse Woodfield Merryboys Road Cooling Common Rochester Kent

Agent: Mr J Liddiard 14 Wentworth Drive Cliffe Woods Rochester Kent ME3 8UL

Ward: Holcombe

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### **Recommendation - Approval with Conditions**

(as amended by plans received on 11th June 2001 on the 1st August 2001; 9th November 2001 and 21st January 2002.)

- 1 The development hereby permitted shall be begun before the expiration of five 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 development within Parts 1 and 2 of the Second Schedule to the Order shall be carried out on the site without the prior written approval of the Local Planning Authority.
- 3 The area shown on the permitted drawings for vehicle garaging 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.
- 4 Details at 1:5 and 1:20 and samples of materials of the external steps and balustrades to the front entrance of 30 New Road shall be submitted to and approved in writing by the Local Planning Authority prior to manufacture and construction. The works shall be undertaken in accordance with the approved details.
- 5 Details at 1:5 and 1:20 of all internal and external joinery shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The works shall be undertaken in accordance with the approved details.
- 6 Surviving cornices shall be retained in all rooms.

- 7 All cast iron fireplaces and fire surrounds shall be retained in situ.
- 8 Details of all internal plumbing arrangements (stacks, drain runs, etc) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The works shall be undertaken in accordance with the approved details.
- 9 All soil, vent and waste pipes apart from their terminations shall be constructed within the building. No waste pipes shall terminate externally on the front facade or front roof slopes of the building.
- 10 Details of all sound and fire proofing shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be undertaken in accordance with the approved details.
- 11 Details of external hard landscaping shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of development. These details shall include proposed finished levels of contours, hard surfacing materials, steps, bin stores, means of enclosure and any alteration to historic features and materials including York stone, external stores and retaining walls. The landscaping shall be undertaken in accordance with the approved details prior to the occupation of the dwellings hereby approved.

## **Site Description**

The application relates to two large four storey mid-terrace properties (including basement) situated on the southern side of New Road (A2) Chatham. The buildings are currently occupied as offices although many companies have now left and the buildings are underused. The adjoining property to the west at no.28 is used as a town house, whilst no.26 is occupied as an estate agent office. To the east both nos. 34 and 36 are used as offices.

The surrounding area generally comprises a mixture of uses including surgery, various offices, shops opposite, flats and town houses.

To the rear of the building is a courtyard garden area and a car parking area with 4 spaces accessed from within a public car park.

The buildings are Grade II Listed Buildings situated within the New Road Conservation Area.

## **Proposal**

It is proposed to convert the buildings from offices into two dwelling houses. The four car parking spaces to the rear of the site are proposed to be retained.

The submitted plans as amended show a number of internal and external alterations including a proposed external staircase and new front door to serve 30 New Road.

The resulting accommodation will comprise of:

No.30

ground floor – dining room, kitchen, hall;

first floor – porch, hall, lounge, sitting room;

second floor – toilet bedroom, en suite bedroom;

third floor – bathroom, 2 bedrooms; giving a total of four bedrooms in all.

No 32

ground floor - a study;

first floor a porch, hall, dining room, kitchen, cloakroom, wc and utility room;

first floor a cupboard, bathroom, lounge and bedroom;

third floor two en suite bedrooms; giving a total of three bedrooms.

All existing fireplaces and remaining original features are to be retained.

### **Relevant Planning History**

#### 30 New Road

NK1/61/206/11655            Change of use office from office to shop and residential  
Approved 26<sup>th</sup> July 1961

NK1/61/347/11873            Change of use residential to day nursery  
Approved 22<sup>nd</sup> March 1962

NK1/66/112/14706            Conversion nursery to flats  
Approved 7<sup>th</sup> July 1966

NK1/67/7/11893            Continued use as a day nursery  
Approved 7<sup>th</sup> March 1967

NK1/72/86/11893            Continued use as a day nursery  
Approved 18<sup>th</sup> April 1972

#### 32 New Road

ME79/1124                    Change of use from nursery school to offices  
Approved 31<sup>st</sup> January 1979

ME81/45/LBC3                Construction of new service care and internal alterations  
Approved 1<sup>st</sup> May 1981

#### 30-32 New Road

MC2001/0410                Listed Building application for internal and external alterations to  
facilitate the change of use from offices to residential and  
conversion into two dwelling houses.  
Approved 27<sup>th</sup> February 2002

### **Representations**

The application has been advertised on site and in the press. English Heritage, the Georgian Group and Kent Historic Buildings Committee have been consulted on the application along

with the owner/occupiers of the following properties; 17, 17a, 19, 21, 23, 25 and flats above 21 and 23 New Road; 24 to 38 (evens) New Road.

In response to the originally submitted application no letters of representation were received from adjoining occupiers. However, The Georgian Group objected to the proposed alterations to the Listed Buildings which had included the removal of chimney breasts and would have harmed the historic fabric of the buildings.

English Heritage also objected to the removal of historic staircases within the rear wings to both houses and the removal of chimney stacks. They were concerned that all remaining individual features should be respected and left unaltered such as mouldings, doors and door cases.

Following the receipt of amended plans showing the retention of staircases and chimney breasts, these bodies have been re-consulted and no comments have been received .

### **Development Plan Policies**

Kent Structure Plan 1996:

Policy ENV15	(Built Environment)
Policy ENV17	(Conservation Areas)
Policy ENV19	(Listed Buildings)
Policy T17	(Parking Standards)

Medway Towns Local Plan 1992:

Policy B4	(Development in Conservation Areas)
Policy B7	(Listed Buildings)
Policy B16	(New Development)
Policy B18	(New Residential Development)
Policy H7	(Conversion of Commercial Premises To Residential)
Policy T13	(Parking Standards)

Medway Local Plan (Deposit Version) 1999:

Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)
Policy BNE15	(Development in Conservation Areas)
Policy BNE18	(Alterations to Listed Buildings)
Policy H5	(Housing in Urban Areas)
Policy T12	(Parking Standards)

### **Planning Appraisal**

The main concerns raised by this application are the principle; residential amenity; car parking; impact upon the Conservation Area and the architectural and historic integrity of the Listed Buildings.

### *Principle and Residential Amenity*

The site is within the urban area in which Policy H7 of the Medway Local Plan (Deposit Version) 1999 (the emerging Local Plan) encourages the conversion of vacant commercial premises into residential accommodation when an acceptable form of accommodation can be provided.

It is considered that the principle of residential use is acceptable, bearing in mind the existence of nearby adjacent flats and houses. The proposed conversion will bring into use buildings that are under-utilised. The layout of the proposed dwellings would provide a good standard of living accommodation and amenities for potential occupiers and therefore accords with relevant Local Plan policy. Chatham Town Centre is within walking distance to the north of the property and the surrounding area is generally well served by public transport and in sustainable terms the property is well located for residential purposes.

In terms of residential amenity it is considered that, subject to an assessment of sound proofing within the building, the proposed development will not harm the residential amenities of occupiers of adjacent properties.

### *Car Parking*

With respect to the provision of on-site car parking, four car parking spaces can be provided to the rear of the buildings. While this exceeds the maximum standards adopted by the Council as the spaces exist it is considered that this number of spaces is acceptable in this instance to serve properties of the size proposed.

### *Impact Upon the Conservation Area*

It is considered that the proposed external works – namely the insertion of a new front door and staircase to 30 New Road will be in character with the appearance of both the adjacent 32 New Road and the terrace as a whole. Control through the recommended conditions will ensure the sensitive use of appropriate materials.

### *Impact upon the Listed Buildings*

Policy B7 of the adopted Local Plan and Policy BNE18 of the emerging Local Plan require internal and external alterations and changes of use to Listed Buildings not to be detrimental to the character of the building and to maintain the integrity of the original building.

It is considered that the amended plans which show a proposed front door and external staircase and the retention of important original internal features such as chimney breasts; original door openings and staircases reflects the character of the Listed Building.

### *Conclusion*

It is considered that the proposed scheme as amended will bring into use under-utilised buildings, whilst also complying with all the relevant Development Plan Policies. The application is therefore recommended for approval.

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2 MC2001/1604

Date Received: 21st September 2001

Location: Land off Capstone Road, Chatham, Kent

Proposal: Construction of three blocks of stables

Applicant: Mrs E Tomlin 4 Hadleigh Court Hempstead Gillingham Kent ME7 3SW

Agent: Mr J Weedon 660 Lower Rainham Road Rainham Kent ME8 7TX

Ward: North Dane

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### **Recommendation - Refusal**

- 1 The proposed development in the form of 2 separate blocks of stables, hay and feed stores, with associated accessways and hard paved areas will be detrimental to the rural character of this area of open countryside and Area of Local Landscape Importance. The proposal therefore does not accord with Policies ENV1, ENV2 and RS5 of the Kent Structure Plan 1996; Policies C1, C5 and B16 of the Medway Towns Local Plan 1992; and Policies BNE1, BNE26, BNE 35 and BNE52 of the Medway Local Plan (Deposit Version) 1999.

### **Site Description**

The site consists of approximately 3.6 ha (9 acres) of agricultural land set above Capstone Road on the eastern side in a predominantly rural area. The site is one of several plots in Capstone Road recently sold at auction. A plot on the same side of the road further to the south was granted consent on 6<sup>th</sup> September 2000 for change of use from agricultural land to grazing land and the construction of 4 stables, food store and sand school for non-commercial use. A plot opposite this site was granted consent on 9<sup>th</sup> August 2001 for a change of use from agricultural land to paddock and construction of 6 stables, a tackroom and store. A plot to the south of this was also granted consent on 20 June 2001 for a change of use from farm land to paddock and construction of 6 stables, a tackroom and store, field shelters and a training area.

The site is within the Capstone, Darland and Lidsing Area of Local Landscape Importance, is outside the confines of the urban area and is Grade 3 agricultural land. To the north the site adjoins fields and then an oast house dwelling and agricultural buildings. Agricultural fields laid to grass lie to the west. To the east on a steep bank are residential dwellings.

### **Proposal**

Following a grant of planning permission on 13 September 2001 for a change of use from agricultural to paddock land for up to 8 horses, the applicant has now submitted an application for the construction of 3 blocks comprising a total of 8 stables and 3 hay and feed stores.



The submitted plans show 2 blocks to the north and a block to the south (approximately 50 metres apart) of the existing access with parking in between. The plans also show a sand menage approximately 40 metres square situated in the north west corner of the field and the field divided up by post and rail fencing into seven separate plots for rotational purposes.

Stable Block A (in 2 parts) comprises of 2 stables (4.9m by 7.6m) at right angles to 2 more stables and a hay and feed store (4.9m by 11.2m) all 2.23m high at eaves level with a ridge height of 3m.

Stable Block B in an L shape and comprises of 4 stables, a tack room and a hay barn of approximately 14.6m by 10.4m and the same roof height as block A.

The buildings are shown to be set back from the western boundary with Capstone Road at least 7 metres.

The proposed materials comprise of treated shiplap walls and black onduline sheeting for the roof. The parking area is proposed to be of 150mm consolidated MOT type 1 topped with bitmac.

In support of her application, the applicant advises her daughter will be occupying 4 of the stables and they wish to divide the areas of responsibility for management and to avoid any possible disputes. In addition one group of stables and paddocks will be occupied by mares and the other group by geldings. The applicant does not wish to mix the mares and geldings in the fields or stables as this will cause problems, particularly when the mares are in season. Geldings are explained to have the same natural instincts as Stallions making them dangerous to handle unless precautions are taken to keep them separate.

The applicant is prepared to plant a new hedgerow to screen the full length of each stable block should screening by the existing hedge be deemed inadequate.

The applicant also requests that the Planning Committee Members visit the site to enable them to appreciate that in her view the proposed positioning of the stables would not be prejudicial and would be mainly screened by the existing hedgerow.

## **Representations**

The application has been advertised on site and neighbour notification letters sent to Whitewall Farm and 483 Capstone Road; 7 to 15 (incl) Watermeadow Close; Fenit Lodge, Riverdell, Witsend and one hand delivery (all in Pear Tree Lane). The Kent County Council Agricultural Advisor has also been consulted.

Medway's agricultural advisor has written to advise that overall the stables appear appropriately designed for their purpose. Although he acknowledges the applicant's reasoning for wishing the stables to be in two distinct groups, in his view this division would add to the sporadic and fragmented nature of small fields with stables along the Lane, particularly as the area to the north has little roadside hedging or trees so that those stables would be quite visible. His view is that the impact would be lessened if all the stables were grouped together, preferably further to the south of the site where there is established hedging and trees along the roadside. He also comments that the sand menage may be better grouped with all the stables at the far southern end of the site to minimise the impact.

Three letters (2 from one household) have been received objecting on the following grounds:

- concern over increased level of traffic;
- concern that the indicated 2 blocks of stables and sub-division of the field is the beginning of letting for commercial purposes;
- as the applicant has owned the land for 18 months and is still unused, her intentions are questionable;
- object to the proposed area of sand for the sand menage and the area of tarmac for car parking; and
- the proposed buildings conflict with Policy C5 of the Local Plan which seeks to preserve the particular landscape function of the area.

One letter has been received stating no objections.

### **Relevant Planning History**

- MC2000/0869      Change of use of agricultural land to paddock and construction of stables, field shelters, hay and equipment store.  
Land on west side of Capstone Road.  
Approved 9 August 2000.
- MC2000/1343      Change of use from agricultural land to grazing land and erection of stable block, food store and sand school.  
Land at Capstone Road.  
Approved 11 October 2000
- MC2001/0327      Change of use from farm land to paddock and construction of 6 stables, a tackroom and store.  
Lot 6, Whitewall Farm, Capstone Road.  
Approved 20 June 2001
- MC2001/0940      Change of use from agricultural to paddock land.  
Land at Capstone Road, Hempstead.  
Approved 13 September 2001.

### **Development Plan Policies**

Kent Structure Plan 1996:

- |             |                              |
|-------------|------------------------------|
| Policy ENV1 | (Built Environment)          |
| Policy ENV2 | (Landscape)                  |
| Policy RS5  | (Development in Rural Areas) |

Medway Towns Local Plan 1992

- |            |                                       |
|------------|---------------------------------------|
| Policy C1  | (Development in Rural Areas)          |
| Policy C5  | (Areas of Local Landscape Importance) |
| Policy B16 | (New Development)                     |

Medway Local Plan (Deposit Version) 1999:

- |             |  |
|-------------|--|
| Policy BNE1 | (General Principles for Built Development) |
|-------------|--|

Policy BNE26	(Development in the Countryside)
Policy BNE35	(Areas of Local Landscape Importance)
Policy BNE52	(Equestrian Redevelopments)

## Planning Appraisal

As the principle of grazing horses on the land has already been established by the previous planning consent the main issue to consider is whether the proposal would significantly harm the area's inherent landscape qualities.

Policy C1 of the adopted Medway Towns Local Plan 1992 (the adopted plan) requires any development in the open countryside to be well designed and appropriate in location, scale and appearance to its surroundings. Policy C5 states there is a strong presumption against permitting any development, which might in any way prejudice the particular function of the area. Policy B16 further endorses Policy C1 by saying new development and changes of use will normally be refused if they detract from the existing pleasant appearance and character of the area.

Policies ENV1 and ENV2 of the Kent Structure Plan 1996 prevents development, which will adversely affect the countryside. Policy RS5 seeks further protection of the countryside.

Policy BNE1 of the Medway Local Plan (Deposit Version) 1999 (the emerging plan) requires development to be appropriate in relation to the character, appearance and functioning of the built and natural environment. Policy BNE26 further endorses Policy C1 of the adopted Local Plan. Policy BNE35 only permits development within Areas of Local Landscape Importance when it does not prejudice the open character and landscape function of the area. Policy BNE52 permits equestrian development when it maintains and enhances the character of the locality, any buildings blend with their surroundings, residential amenity is not harmed, any jumps or other equipment are well designed and removed when not in regular use, road safety is not compromised and there are no detrimental effects on the vegetation.

The landscape impact of the proposal relevant to this planning application involves the erection of the stable blocks, food stores, sand school and areas of car parking.

Although the design and materials of the proposed buildings are considered acceptable there are concerns regarding the siting of the separate blocks of stables. It is considered that the impact of the development upon the countryside would be significantly reduced if all the stables were grouped together and behind where the hedgerow is more extensive. This may also reduce the amount of building as there may not be the need for such large areas for food and hay store and the amount of hard surfacing should be reduced.

At present the proposed buildings, as separated, with the associated hard surfacing would detract from the rural and open character of this Area of Local Landscape Importance.

However, the applicant is unwilling to amend the siting of the stables, for the reasons explained in her letter.

It is noted that the recently erected groups of stables on adjacent plots and subject to recent planning permissions, have all be discretely sited behind the hedgerows adjacent to Capstone Road. The stables on the adjacent plot to the south, are particularly well sited and only really visible upon driving up the access way. With these applications for groups of 4 and 6 stables there was no separation of horses.

Regarding the proposed sand school it is noted that although horses can be exercised on grass, the turf soon becomes unsightly and in winter would be a mass of churned up mud. Therefore the principle of an appropriately surfaced sand menage is considered acceptable.

### **Recommendation**

In view of the above, it is therefore considered that the proposal does not accord with Policies ENV1, ENV2 and RS5 of the Kent Structure Plan and Policies C1, C5 and B16 of the adopted Local Plan and Policies BNE1, BNE26, BNE35 and BNE52 of the emerging Local Plan and the application is recommended for refusal.

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3 MC2001/1851

Date Received: 23rd October 2001

Location: 48 Hoath Lane, Wigmore, Gillingham, Kent

Proposal: Insertion of new shopfront

Applicant: Mr G Singh 48 Hoath Lane Gillingham Kent

Agent: Mr R A Clayton 32 Watling Street Gillingham Kent ME7 2YH

Ward: Rainham Mark

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### **Recommendation - Approval with Conditions**

(as amended by additional plans received on 29th January 2002 showing fascia signage)

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The materials to be used on the construction of the external surfaces of the shop front and front elevation repair works herein approved shall match those used on the existing shop front.

### **Site Description**

This application relates to a two-storey end of terrace, large flat-roofed building on the western side of Hoath Lane, opposite the junction with Woodside & situated within a small parade of 3 shops, the other 2 buildings being single storey and flat roofed. To the north, No.46 is used as a shop, No.44 an estate agents. Beyond this is Hoath Mews with 4 residential maisonettes, 2 other shops, a commercial premise, a garage and car sales building. To the South is a vehicular access to the rear car park, No.2 Wigmore Road is a 2-storey building with a ground floor newsagent, No.4 is a bungalow. Directly opposite is a residential dwelling at 43 Hoath Lane & The Spyglass & Kettle PH at No2 Woodside. The surrounding area is mainly residential in character. Directly outside the parade of shops is a designated car parking area for approx.7 cars. Hoath Lane & Wigmore Road is a busy through road to Hempstead.

The building is white rendered with interesting architectural detailing at either end of the building. The Northern end of the building has a shop front, whilst the southern side is closed up. The building is currently used as a fish & chip shop with ancillary uses on the ground floor & residential accommodation above. Opens Mon. – Sat 11.30am-2pm & 4-10pm. Sun. closed.

### **Proposal**

Insertion of new shopfront to south and in position of existing blocked up window. To be placed in-between existing architectural detailing and identical in scale and style to the existing shopfront. The fascia & sign will duplicate that on the main shopfront. The applicant

currently sells fish and chips and kebabs and wishes to have 2 separate counters for the styles of hot food takeaway. Both counters will share the preparation room and staffroom. The existing kitchen will serve both counters.

Members should note that a second planning application (MC2001/1852) is reported elsewhere in the agenda for the installation of an internally illuminated fascia sign associated with the proposed shop front. Illustrative drawings of this have been submitted.

### **Relevant Planning History**

GL98/0015/65/0012 Change of use of whole of ground floor from shop to hot food takeaway  
Appeal allowed 17<sup>th</sup> August 1998

GL98/0015/65/0012 Change of use of whole of ground floor from shop to hot food takeaway  
Appeal allowed 17<sup>th</sup> August 1998

MC1999/0313/65/0012 Variation of Condition No.2 opening hours extended to 16.00pm.  
Approved 15<sup>th</sup> June 1999.

MC2001/1852 Installation of internally illuminated fascia sign  
Reported as next item on the agenda.

### **Representations**

A site notice has been erected and notification letters have been sent to the owners and occupiers of the following properties: 43, 44, 46 and 50 Hoath Lane; 2 Woodside; and 2 and 4 Wigmore road.

Two letters of objection have been received from the same person: one in his role as the Secretary to the Wigmore Community & Residents Association and the other in his capacity as a local resident. Grounds of objection are concerns regarding an increase in problems associated with cooking smells, litter, increased traffic and parking problems. The size of the establishment will increase by 50%.

### **Development Plan Policies**

Medway Towns Local Plan 1992:

Policy B16	(New Development)
Policy B22	(Commercial Frontages)

Medway Local Plan (Deposit Version) 1999

Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)
Policy BNE10	(Design of Commercial Frontages)

## **Planning Appraisal**

### *Principle*

The whole of the ground floor has planning permission to be used as a hot food takeaway. The applicant could install all the proposed internal works including a separate counter without the benefit of planning permission. Therefore the determination of this application only relates to the appearance of the proposed shopfront.

### *Design and Visual Impact*

The proposed shop front is considered to be attractive and reflects the style of the existing shopfront. It has been carefully designed so as not to impact upon the interesting architectural detailing either side of the shopfront.

### *Residential Amenity*

Due to its position, it is not considered that the proposed new shop front will cause any harm to the residential amenities of adjacent properties.

In light of the above the proposed new shop front is recommended for approval, subject to conditions.

[Members should note this application would normally be dealt with under delegated powers but is being reported to Committee due to a representation from a Residents' Association.]

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4 MC2001/1852

Date Received: 29th October 2001

Location: 48 Hoath Lane, Wigmore, Gillingham, Kent, ME8 0SW

Proposal: Installation of internally illuminated fascia sign

Applicant: Mr G Singh 48 Hoath Lane Wigmore Gillingham Kent

Agent: Mr R A Clayton 32 Watling Street Gillingham Kent ME7 2YH

Ward: Rainham Mark

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### **Recommendation - Approval with Conditions**

(as amended by additional plans received on 29th January 2002)

- 1 (i) Any advertisements displayed and any site used for the display of advertisements shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
  - (ii) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
  - (iii) Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
  - (iv) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
  - (v) No advertisement shall be sited or displayed so as to obscure or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).
- 2 The illumination of the display hereby permitted shall be constant and the sign(s) shall only be illuminated during the opening hours of the premises.
  - 3 Details of the design and lux level of lighting shall be submitted to the Local Planning Authority and approved in writing prior to the installation of the hereby approved fascia sign.

### **Site Description**

This application relates to a two-storey end of terrace, large flat-roofed building on the western side of Hoath Lane, opposite the junction with Woodside and situated within a small parade of 3 shops, the other 2 buildings being single storey and flat roofed. To the north, No.46 is used as a shop, No.44 an estate agents. Beyond this is Hoath Mews with 4



residential maisonettes, 2 other shops, a commercial premises, a garage and car sales building. To the South is a vehicular access to the rear car park, No.2 Wigmore Road is a 2-storey building with a ground floor newsagent, No.4 is a bungalow. Directly opposite is a residential dwelling at 43 Hoath Lane and The Spyglass and Kettle PH at No2 Woodside. The surrounding area is mainly residential in character. Directly outside the parade of shops is a designated car parking area for approx.7 cars. Hoath Lane and Wigmore Road is a busy through road to Hempstead.

The building is white rendered with interesting architectural detailing at either end of the building. The Northern end of the building has a shop front, whilst the southern side is closed up. The building is currently used as a fish and chip shop with ancillary uses on the ground floor and residential accommodation above. Opens Mon. – Sat 11.30am-2pm and 4-10pm. Sun. closed.

### **Proposal**

It is proposed to install an internally illuminated fascia sign in connection with a new shop front (the subject of planning application MC2001/1851). The proposed sign will duplicate in style, design, lettering, colour etc that of the sign of the adjacent main shop front. Additional plans were received on the 29<sup>th</sup> January 2002 illustrating the proposed words for the sign.

### **Relevant Planning History**

GL98/0015/65/0012 Change of use of whole of ground floor from shop to hot food takeaway  
Appeal allowed 17<sup>th</sup> August 1998

GL98/0015/65/0012 Change of use of whole of ground floor from shop to hot food takeaway  
Appeal allowed 17<sup>th</sup> August 1998

MC1999/0313/65/0012 Variation of Condition No.2 opening hours extended to 16.00pm.  
Approved 15<sup>th</sup> June 1999.

MC2001/1851            Insertion of new shop front  
Reported on previous item on agenda.

### **Representations**

A site notice has been erected and notification letters have been sent to the owners and occupiers of the following properties: 43, 44, 46 and 50 Hoath Lane; 2 Woodside; 2 and 4 Wigmore Road.

Two letters of objection have been received from the same person: one in his role as the Secretary to the Wigmore Community and Residents Association and the other in his capacity as a local resident. Grounds of objection are concerns regarding an increase in problems associated with cooking smells, litter, increased traffic and parking problems. The size of the establishment will increase by 50%.

### **Development Plan Policies**

Medway Towns Local Plan 1992:

Policy B23            (Advertisements)

## **Planning Appraisal**

### *Principle*

The whole of the ground floor has planning permission to be used as a hot food takeaway. The applicant could install all the proposed internal works including a separate counter without the benefit of planning permission.

The Advertisement Regulations only allow applications to be refused on amenity or highway safety grounds. The main considerations with this application are the effect of the signs upon the amenity of the area, the appearance of the signs in relation to the building and highway safety.

### *Design*

It is considered that the proposed sign, which is to duplicate the adjacent shop front sign, will relate well to the appearance of the building as a whole and it's separate proposed shop front and will not harm the appearance of the street scene.

### *Neighbours Amenity*

It is considered there will be no harm to the amenities of adjacent properties caused by the proposed sign.

### *Highway Safety*

Subject to the level of illumination, which is proposed to be controlled by condition, the relatively small sign should not constitute a road safety hazard.

### *Conclusion*

In light of the above it is considered that the proposed internally illuminated fascia sign will not cause harm to the visual amenities of the area or to highway safety and therefore advertisement consent is recommended for approval subject to conditions.

(Members should note that this application would normally be dealt with under delegated powers but is being reported to Committee due to a representation from a Residents' Association.)

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5 MC2001/1905

Date Received: 30th October 2001

Location: Land adjacent to 397 Maidstone Road, Wigmore, Gillingham

Proposal: Construction of one 2-bedroomed detached bungalow with attached garage and one 3-bedroomed bungalow with detached double garage

Applicant: Mr D Crayford 20 Bramblefield Lane Kemsley Sittingbourne Kent

Agent: Mr N Sands Nigel Sands and Associates 153 London Road Sittingbourne Kent

Ward: Parkwood

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### **Recommendation - Approval with Conditions**

- 1 The materials to be used externally shall be as detailed on the approved plans unless otherwise agreed in writing beforehand with the Local Planning Authority.
- 2 The vehicular access, both to Maidstone Road and within the site, and the turning areas shall be provided and surfaced in accordance with the approved plans prior to the first occupation of either of the approved dwellings. They shall be maintained as such at all times thereafter.
- 3 The area shown on the permitted drawings for vehicle garaging shall be provided for each dwelling prior to its respective occupation and shall thereafter be kept available for such use and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.
- 4 Within two months of the grant of this permission full details of both hard and soft landscaping works shall be submitted to the Local Planning Authority for approval and the works shall be carried out as approved. These details shall include all surfacing and underground servicing works, new planting details including size, species and spacing and the timing for the undertaking of the works.
- 5 Within two months of the grant of this permission a schedule of landscape maintenance for a minimum period of five years shall be submitted to the Local Planning Authority for approval. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

- 6 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 other than in respect of the trees covered by a Tree Preservation Order which are permanently protected.
- 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 within 14 days of the grant of this permission 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 or any services or soakaways laid without the written consent of the Local Planning Authority.
- 7 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 of the Second Schedule to the Order shall be carried out on the site without the prior written approval of the Local Planning Authority.
- 8 The fencing shown on the approved plans shall be erected prior to the first occupation of either bungalow and it shall be maintained as such at all times thereafter.

## **Site Description**

The site is located to the southern side and rear of the garden of the detached dwelling at 397 Maidstone Road. It adjoins other rear gardens to the north and east sides. To the south is a public footpath. The site is irregularly shaped and slopes down from the road frontage onto Maidstone Road with the adjacent public footpath to the side being at a higher level. There are a number of trees particularly along the southern side by this footpath which are protected by a Tree Preservation Order. The surrounding area is predominantly residential consisting of detached and semi-detached dwellings.

## **Proposal**

It is proposed to erect two detached bungalows on the site. Plot A is located on the southern side and includes a detached double garage near the rear eastern boundary. Plot B is located on the northern part of the site at the far end of the access and includes an integral

garage. A joint access is provided from Maidstone Road, lying fairly close to the side boundary with 397 Maidstone Road. Work has already commenced with the bungalow bases constructed to ground level. Although these works were undertaken in respect of the implementation of an existing consent they also facilitate the development now proposed.

### Relevant Planning History

- |                    |  |
|--------------------|--|
| NK3/56/102C        | Outline application for two dwellings with garages<br>Approved 19 March 1970   |
| GL/56/102D         | Reserved matters for two dwellings with garages<br>Refused, appeal dismissed 9 March 1993  |
| GL/92/0267         | Two detached bungalows with garages and a shared access driveway<br>Refused, appeal allowed 9 March 1993<br>(This permission has been deemed to have commenced and therefore can still be implemented) |
| TO/98/0025/118/091 | Fell two ash trees and works to trees and coppice<br>Removal of Ash refused, others works approved   |

### Representations

Neighbour consultation letters have been sent to 391-397 (odd), 409 and 430-436 (even) Maidstone Road, Donet House and 58 (all) Donet Close and 48-58 (even) Queendown Avenue and a notice has been displayed on site.

One letter has been received querying the site boundary and what will happen to an area of land to the rear of 58 Queendown Avenue. Dumping and weeds have caused problems for many years and it should be cleared and fenced off. There is also a large dead tree in this area which would cause damage or worse if it fell.

The Environment Agency has confirmed that it has no objection to the proposal but provides advice intended to prevent pollution of the water environment.

### Development Plan Policies

#### Medway Towns Local Plan 1992

- |            |  |
|------------|--|
| Policy B16 | (New Development)                                  |
| Policy B18 | (Design Standards for New Residential Development) |
| Policy H8  | (Residential Infilling)                            |
| Policy H9  | (Backland and Tandem Development)                  |
| Policy T13 | (Vehicle Parking Standards)                        |

#### Medway Local Plan (Deposit Version) 1999

- |             |  |
|-------------|--|
| Policy BNE1 | (General Principles for Built Development) |
| Policy BNE2 | (Amenity Protection)                       |

Policy BNE42	(Tree Preservation Orders)
Policy BNE44	(Trees on Development Sites)
Policy H5	(Housing in Urban Areas)
Policy H10	(Backland and Tandem Development)
Policy T12	(Vehicle Parking Standards)

## **Planning Appraisal**

There is already a valid planning permission for two bungalows and associated development on this site and therefore the main consideration is any additional effects arising from the changes incorporated into this revised application. This will be considered with regard to the impact on neighbours, the character of the surrounding area and the effect on trees.

### *Impact on neighbours and the character of the surrounding area*

The position and design of the bungalows is similar to that previously approved at appeal. The bungalows continue to have low pitched roofs minimising any overbearing impact or loss of light to neighbours. The detached double garage for Plot A has been repositioned at a slant slightly further away from the boundary and has a low pitched rather than a flat roof. This will improve its appearance without significantly changing the impact on neighbours. There will be no loss of privacy as the main part of the site is to be surrounded by privacy fencing and there are no windows above ground level.

In respect of the character of the area the minor alterations to the layout and design will not alter the overall impact of the scheme already approved. The access from Maidstone Road remains as previously approved and there are adequate parking and turning facilities on site. Issues regarding the cramped and backland nature of the scheme and its consequent effect on the character and amenities of the area were considered by the previous appeal. As this was allowed and remains capable of full implementation it would be unreasonable to refuse this amended scheme due to any such concerns.

The area of land referred to by the neighbour who wrote in response to consultations on the application is not included within the application site. It would therefore be unreasonable to expect the applicant to take any action regarding its condition in relation to this application.

### *Effect on trees*

A Tree Preservation Order covers a number of trees on the site, concentrated along the boundary with the footpath to the south where there is a rise in levels up from the main part of the site. Some of the trees shown on a tree survey undertaken in 1992, at the time of the previous applications, are no longer on site. It is not clear what has happened in the intervening period and the current owner has only purchased the site recently, therefore unfortunately there appears to be no action that can be taken in this respect.

Following a survey of the remaining trees a further three should be removed. One, in the north-west corner, is not directly affected by the development but is now dying and dangerous. A second, near the rear of bungalow A, was shown to be removed in the 1992 survey and is not protected by the Tree Preservation Order. The third is very close to the south-east corner of bungalow A. It is not in ideal condition and ground level changes to enable the construction of the base have resulted in some root severance. The tree may become unstable therefore its removal and replacement is recommended. A landscaping scheme will be secured by condition.

In summary whilst the scheme may not be considered ideal, as permission for a similar scheme remains valid and the revisions subject of the current application are unlikely to result in a worse impact a further grant of planning permission is recommended.

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6 MC2001/1921

Date Received: 8th November 2001

Location: Sturla Car Repairs, Corner of Sturla Road and Albert Road, Chatham

Proposal: Outline application for the demolition of existing garage and construction of 3no. 2-bedroomed flats with associated car parking.

Applicant: Mr D Regan 128 Magpie Hall Road Chatham Kent

Agent:

Ward:

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### **Recommendation - Approval with Conditions**

- 1 Approval of the details of siting, design and external appearance of the building(s), the means of access thereto and the landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
- 2 Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted in writing to the Local Planning Authority for approval. Such application for approval shall be made to the Authority before the expiration of three years from the date of this permission and the reserved matters shall be carried out in accordance with the approved details.
- 3 The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 4 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.
- 5 Before the development hereby permitted is commenced detailed plans shall be submitted to and approved by the Local Planning Authority relating to:-
  - a) external storage of bins;
  - b) amenity area and drying facilities;
  - c) boundary treatment

Such details shall be fully implemented in accordance with the approved details before any of the units are first occupied.



- 6 The details submitted pursuant to condition 1 shall show a height to the ridge of the proposed building commensurate with the average height of those properties and sites adjacent to the application site.
- 7 Prior to commencement of the development hereby permitted an investigation shall be undertaken to determine the nature and extent of any contamination. The results of the investigation together with a risk assessment by a competent person and details of a scheme to contain, treat or remove any contamination as appropriate, shall be submitted for the written approval of the Local Planning Authority. The approved scheme shall be fully implemented and a completion report issued by the competent person referred to above, stating how remediation has been completed and that the site is suitable for the permitted use, shall be provided to the Authority prior to first occupation of the development hereby permitted.

### **Site Description**

The site lies within an existing residential area along Sturla Road Chatham. The area is characterised by Victorian terraced properties and is a high-density residential area. Car parking is mostly on street. This site is a corner plot and has a road frontage on two sides. To the south east is a car parking area for local residents. The garage building is relatively small but has a low roof height.

### **Proposal**

The proposal is an outline planning application for the demolition of the existing building and the erection of three 2-bed flats with underground car parking. All matters are reserved for future considerations.

### **Representations**

The owner/occupiers of the following properties have been consulted on this proposal: 84, 88,139,137, 153,155,157,159, Sturla Road and 4, 6, and Viola, Albert Road.

One letter of concern has been received from a local resident concerned over;

- loss of privacy;
- impact of drilling and its effect on foundations;
- drainage; and
- need details of building

### **Development Plan Policies**

Kent Structure Plan 1996:

Policy ENV15 (Built Environment)

Medway Towns Local Plan 1992:

Policy B16	(New Development)
Policy B18	(Design for New Residential Development)

Medway Local Plan (Deposit Version) 1999:

Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)
Policy BNE24	(Contaminated land)
Policy T12	(Car Parking Standards)
Policy H5	(Housing in Urban Areas)

**Planning Appraisal**

As all matters are for future considerations it is the principle of the development which is under consideration in this planning application.

Policy H5 of the Medway Local Plan (deposit version)1999 advises that within the urban area residential redevelopment will be permitted where it consists of (inter-alia) the redevelopment of buildings no longer required for non residential use and where such redevelopment will result in a clear improvement to the local environment.

The garage is a use that would be better located with similar uses as there are issues to do with noise and disturbance generated from the repair of vehicles that would harm the amenities for local residents.

The principle of replacing a non-conforming use (the garage) within a residential use within a residential area is acceptable. It is considered that the site could be re-developed in a manner that respects the character of the area, does not impact unacceptably upon the residential amenities of occupiers of adjacent properties, and provides for a development which will have a satisfactory standard of accommodation for the prospective occupiers. In terms of car parking it is considered that there is scope to achieve some parking on site to serve the needs of the prospective occupiers

For the above reasons it is considered that the proposal is acceptable subject to the recommended conditions.

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7 MC2001/2008

Date Received: 27th November 2001

Location: 130a, Beacon Road, Chatham, Kent, ME5 7BS

Proposal: Residential development comprising 10 one-bedroomed flats in a 3/4 storey block with parking

Applicant: Mr & Mrs P E Ashby 2 Daleside Chelsfield Nr Orpington Kent

Agent: Mr I M Mutch Harrisons Mutch Ltd Oasis House Ambley Green Gillingham Business Park Gillingham Kent ME8 0NJ

Ward: Luton

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### **Recommendation - Approval with Conditions**

(as amended by letter and plans received on 18th February 2002)

- 1 The development hereby permitted shall be begun before the expiration of five 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 full details of both hard and soft landscape works have been submitted to and approved 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. external furniture, play equipment, refuse or other storage units, signs, lighting etc); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports 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.
- 4 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.

- 5 No dwelling shall be occupied until space has been laid out within the site for 10 cars to be parked in accordance with plans hereunder approved by the Local Planning Authority.
- 6 No dwelling shall be occupied until the area shown on the approved plan for parking purposes has been drained and surfaced in accordance with details submitted to and approved in writing by the Local Planning Authority and that area shall not thereafter be used for any other purpose.
- 7 Vision splay(s) of 2.0 metres x 2.0 metres shall be provided on both sides of the vehicular access point(s) and no obstruction of sight more than 0.6 metres above carriageway level shall be permitted within the splay(s).

### **Site Description**

The application relates to a triangular piece of land situated at the corner of Beacon Road and Church Hill in Chatham. The site is adjacent to 130 Beacon Road (set to the north west) and is bordered by roads to the north east and southern sides. The land slopes downwards from north east to south west, and is set at a lower level from Beacon Road, behind a retaining wall – the maximum difference in levels is approximately 7m.

The surrounding area is characterised by fairly densely developed residential properties set out following the slope of the land

### **Proposal**

Full planning consent is sought for the erection of a block of 10 one-bed flats with 10 parking spaces. Accommodation is set out over three floors, with the roof height approximately commensurate with existing properties on Beacon Road. The lower level land to the rear would house the parking spaces (accessed from Church Hill), in addition to storage areas for each flat and bin storage. Four of the proposed parking spaces would be set under the first floor accommodation.

### **Site Area/Density**

Site area: 0.043ha (0.105ac)

Site density: 232.5uph (95.24upa)

### **Relevant Planning History**

- |        |   |
|--------|---|
| 88/138 | Proposed redevelopment for 6 self-contained one bed dwellings with associated car parking/ garaging<br>Approved 12 <sup>th</sup> April 1988 |
| 89/877 | Erection of 8 one-bed flats and 2 studio flats<br>Approved 3 <sup>rd</sup> October 1989   |

## Representations

The application has been advertised on site and in the press as major development and notification letters have been sent to the owners and/or occupiers of the following properties: 120-130 (evens) 165, 169, 171, 173, 175, 181, 185-201 (odds) & 209 Beacon Road, 1-7 (all) Watchmans Terrace, Village View, 1-12 (all) Village View & 53-75 (odds) Coronation Road Chatham.

Five letters of objection have been received, objecting on the following grounds;

- overbearing;
- loss of privacy;
- impact on parking facilities;
- risk to highway and pedestrian safety;
- single-family character of the area;
- existing high densities; and
- impact on the street scene due to height.

## Development Plan Policies

Kent Structure Plan 1996:

Policy ENV15	(Built Environment)
Policy ENV16	(Urban Open Space and 'Town Cramming')
Policy T17	(Parking)
Policy T18	(Development and Traffic)
Policy T19	(Development, highway Safety and Delays)
Policy H3	(Housing in Urban Areas)

Medway Towns Local Plan 1992:

Policy H6	(Windfall Housing Sites)
Policy B16	(New Development)
Policy B18	(Design Standards for New Residential Development)
Policy T1	(Impact of New Development on the Highway Network)
Policy T2	(Access to the Highway Network)
Policy T13	(Parking Standards)

Medway Local Plan (Deposit Version) 1999:

Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)
Policy BNE44	(Trees on Development Sites)
Policy H1	(New Residential Development)
Policy H6	(High Density Housing)
Policy T1	(Impact of Development)
Policy T2	(Access to the Highway)
Policy T12	(Vehicle Parking Standards)

## **Planning Appraisal**

### *Policy Outline*

The principle of the application falls to be assessed against the provisions of Policies H3 of the Kent Structure Plan, H6 of the adopted local plan and Policy H1 of the Medway Local Plan (Deposit Version) 1999 (the emerging local plan). These policies indicate a presumption in favour of the redevelopment for housing of sites within the urban areas.

The site was indicated as a plot with planning consent for residential development within the provisions of the Medway Towns Local Plan 1992 (see planning history above). The site is allocated by Policy H1 of the emerging local plan for a development of 10 units. Policy ENV16 of the Kent Structure Plan identifies the need to avoid excessive 'cramming' of sites whilst making most effective use of such sites.

The 1989 approval was for a development of 8 flats and 2 studio apartments. This application was commenced under the terms of the Planning Acts by the construction of a soakaway, as confirmed in a letter from the City of Rochester Upon Medway City Technical Manager in October 1994. This consent could therefore be implemented at any time without the need for a further application. However, the opportunity has been taken to revise the scheme to improve the design.

### *Density & Design*

Policies ENV15 of the Kent Structure Plan, B16 & B18 of the adopted local plan and BNE1 of the emerging local plan set out criteria for the assessment of proposals in terms of their impact on the built environment and design quality.

The application makes good use of a difficult site within the urban area. Whilst high density, the scheme provides acceptable levels of amenity, with open plan living/ dining/ kitchen areas in the upper ground and first floor flats and separate kitchen facilities in the second floor flats. Bedroom sizes are good in all cases.

Stepping the site from front to rear allows for the front elevation onto Beacon Road to roughly match the eaves and ridge height of the existing properties. Rendered front bays overhanging the ground floor add detail to otherwise bland front elevations, with half-column and glass block detailing creating interesting entrance features. A single overhanging projecting bay to the rear, along with use of balconies, adds visual interest to the rear.

### *Impact on Amenities*

Policy BNE2 of the emerging local plan deals with the amenities of future occupiers and occupiers of existing neighbouring properties. The proposed development has been sensitively designed to minimise any impact on existing properties. The rear building line projects approximately 2m further back than the neighbouring property at 130 Beacon Road and approximately 20mm further forward (not including the projecting bays, which are set away from the boundary). As a result, direct sunlight would only be blocked for limited periods during the late morning/ early afternoon and very little overbearing would result.

The proposed balconies to the rear have been designed to reduce potential overlooking to the properties in Watchman's Terrace through the use of privacy screens, directing views in a westerly direction where there is less potential for overlooking. Watchman's terrace, allowed on appeal after refusal by Rochester Council, was constructed after the approval of the previous scheme on the application site, and the proposed measures make the best of the situation.

#### *Highways Impact: Traffic and Parking*

Policies T18 and T19 of the Kent Structure Plan, T1 and T2 of the adopted local plan and T1 and T2 of the emerging 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.

The proposed access is located on a steep, narrow road. However, visibility in both directions is acceptable, and the access is safe for vehicular users. There is no footpath to the majority of the length of Church Hill, but the small increase in vehicular traffic caused by the development should not result in significant increased risk of accidents. It is considered that the overall impact on the highway network and the access are acceptable.

In terms of parking provision, Policies T17 of the Kent Structure Plan, T13 of the adopted local plan and T12 of the emerging local plan set out parking standards. The Sustainable Development Committee on 17 May 2001 adopted a parking standard of 1.5 parking spaces per dwelling a maximum on average across residential developments in urban areas. This is in-line with central government policy in Planning Policy Guidance note 3 on Housing (PPG3), which states that provision of more than 1.5 spaces per property is unlikely to support policies of environmental sustainability.

The proposed scheme allocates 1 off-street parking space per dwelling to be provided to the rear of the site, partly under the upper ground floor. This level of provision complies with the standard, being below the 1.5 per unit maximum and bearing in mind the size of the units proposed is considered acceptable.

#### *Trees and Landscaping*

There are no significant trees on the site. A scheme of planting and hard and soft landscape will be undertaken within in accordance with details to be required by condition.

#### *Conclusion*

It is considered that the development reflects the aims and policies of the local plan. The application is accordingly recommended for approval.

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8 MC2001/2161

Date Received: 19th December 2001

Location: 26, Station Road, Rainham, Gillingham, Kent, ME8 7PH

Proposal: Change of use from retail (Class A1) to acupuncture clinic (Class D1) with retail space

Applicant: J Li 26 Station Road Rainham Kent ME8 7PH

Agent:

Ward: Rainham

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### **Recommendation - Approval with Conditions**

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The use hereby permitted shall only operate between the hours of 0800 to 1800 Mondays to Saturdays inclusive and at no time at all on Sundays or National Holidays.

### **Site Description**

The property is a two storey mid terrace building on the eastern side of Station Road and opposite the junction with Longley Road. The ground floor and first floor were previously used as a solicitors' office.

To the north adjacent properties consist of a dwelling, osteopathic clinic and florist with residential accommodation above. To the south the adjacent property is used as an opticians, then a computer centre shop and an off licence. Opposite the premises and to the south of Longley Road buildings are in retail use.

This part of Station Road is an area of mixed retail, office and residential use and is identified as the secondary retailing area of Rainham Town Centre within the adopted Local Plan 1992. However in the Medway Local Plan (deposit version)1999 (the emerging plan) the area is outside the core retail area of Rainham.

To the east are residential maisonettes.

### **Proposal**

The application seeks permission to use the ground floor as an acupuncture and chinese medicine clinic (Class D1) with associated retail sales consisting of a reception area and two treatment rooms, which are proposed to open between the hours of 1000 to 1800 Mondays to Saturdays and close on Sundays and Bank Holidays. Two full time staff would be employed. The first floor will remain in use as offices and will be accessed from within the



reception/retail area. Internal alterations will consist of the erection of partitions. No external alterations are proposed. No off-street car parking is provided and it is envisaged that patrons will park in nearby public car parks.

## **Representations**

The application has been advertised on site and neighbour notification letters have been sent to the occupiers and owners of 20 to 32 and 31 to 35 Station Road; and the flats above 32 and 35 Station Road.

No letters of representation have been received.

## **Development Plan Policies**

Medway Towns Local Plan 1992:

Policy B16	(New Development)
Policy R9	(Professional and Financial Services)

Medway Local Plan (Deposit Version) 1999:

Policy BNE2	(Amenity Protection)
Policy R10	(Town Centre Uses)
Policy T13	(Car Parking Strategy)

## **Planning Appraisal**

The main issues with this application are the principle of the change of use, its impact on the vitality of Rainham Town Centre and on adjoining amenities and car parking.

### *Principle and Residential Amenity*

Policy R9 of the adopted plan presumes in favour of professional and financial services (Class A2) and advises that proposals will be assessed against the impact of traffic and pedestrian flows generated by the use; the impact upon the amenities of surrounding residential property and the cumulative impact of these uses upon the vitality and viability of the town centre. Policy T10 of the emerging Local Plan expects business employment, leisure and entertainment, health, cultural and educational facilities to be located within the main town centres including Rainham.

In this case the proposed use is Class D1 but it is considered that the proposed acupuncture clinic could be an appropriate service provider within this commercial part of Station Road which will complement the range of surrounding businesses.

Policy B16 of the Medway Towns Local Plan 1992 requires that proposals shall not give rise to levels of activity and traffic generation which would be detrimental to the amenities of surrounding uses. Policy BNE2 relates to amenity protection requiring all development to protect the amenities enjoyed by nearby and adjacent properties.

The proposed hours of use from 0800 to 1800 with closure on Sundays and Bank Holidays would recognise the amenities of nearby and adjacent residential dwellings and no planning objections are raised in this regard.

### *Car Parking*

With regard to car parking, the authorised solicitors' office use required the provision of at least 7 spaces. When fully operational (2 treatment rooms), the clinic would generate a maximum requirement of 7 spaces (3 staff, 2 patients being seen and 2 waiting). No off-street car parking can be provided. However, in view of the surrounding nearby on-street car parking on both sides of Station Road, Longley Road car park being 70 metres to the west and within easy walking distance and the area being well served by public transport, it is considered that the proposal is acceptable and no highway objections are raised.

### *Conclusion*

Taking the above into account it is considered that the proposal is acceptable, accords with Local Plan policy and therefore the application is recommended for approval.

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9 MC2001/2167

Date Received: 21st December 2001

Location: 107, Edwin Road, Rainham, Gillingham, Kent, ME8 0AG

Proposal: Change of use from residential home for the elderly to a children's day nursery for 20 children, Mondays to Fridays during the hours of 06.30 to 18.30

Applicant: Mrs R A Bundhoo 8 Napwood Close Rainham Gillingham Kent ME8 9NJ

Agent: Mr J Liddiard 14 Wentworth Drive Cliffe Woods Rochester Kent ME3 8UL

Ward: Rainham Mark

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### Recommendation - Refusal

- 1 The proposed use would result in unacceptable noise, disturbance and loss of amenity to surrounding residents particularly due to the arrival and departure of staff and children (especially early in the morning), the parking and traffic effects and the use of the garden area. This would be contrary to Policies B16 and H5 of the Medway Towns Local Plan 1992 and Policy BNE2 of the Medway Local Plan (Deposit Version) 1999.
- 2 The property is still of a size and in a location where its use for residential accommodation is appropriate, while the proposed use would cause harm rather than be of any significant benefit to the local community. The proposed use would be contrary to Policy H4 of the Medway Towns Local Plan 1992 and Policy H3 of the Medway Local Plan (Deposit Version) 1999 which seek to resist the loss of housing accommodation.

### Site Description

The site is occupied by a detached bungalow which has first floor accommodation within the extended roofspace. It has a small front garden and a driveway along the southern side which serves a double garage approximately level with the rear of the dwelling. To the rear is a large garden similar to other properties in the street. The bungalow was last used as a residential home for the elderly but it is currently vacant.

The surrounding area consists of a mix of larger style houses and bungalows, mainly detached and semi-detached. Edwin Road is a fairly wide residential street and although most properties have some curtilage parking on-street parking is also evident.

## Proposal

It is proposed to use the property for a day nursery for 20 children. The proposed hours of opening are 06.30 to 18.30 Mondays to Fridays and it is stated that 1 full time and 4 part time staff will be employed. This is an amended application following the withdrawal of a previous similar proposal for a nursery to accommodate 41 children with opening hours of 0700 to 1800.

It is stated that no external building works will take place. The floor plans show accommodation for 2-3 and 3-5 year olds together with kitchen and laundry facilities on the ground floor with baby and 1-2 year old rooms together with office, changing and visitors rooms within the first floor roofspace. Five parking spaces are to be provided and although no plan is provided there are potential spaces in the drive, garage and front garden.

In addition to the current application for a nursery a separate application for the conversion of the residential home to a single dwelling has also been submitted. This has been approved under delegated powers and will provide the owner with a choice of which permission to implement should the nursery also be approved.

## Relevant Planning History

GL/74/1189	Construction of garage Approved 20 January 1975
GL/74/1189A	Construction of extension Refused 10 January 1977
GL/74/1189B	Construction of extension Approved 25 April 1977
GL/74/1189C	Change of use to residential care home for the elderly Approved 19 September 1986
GL/93/0741	Erection of conservatory to rear Approved 10 December 1993
GL/96/0130	Installation of rooflight Approved 24 May 1996
GL/97/0208	Installation of rooflight (amendment to GL/96/0130) Refused 21 <sup>st</sup> May 1997
MC2001/1303	Change of use from residential home for the elderly to private day care nursery Withdrawn 12 September 2001
MC2001/2175	Change of use from residential home for the elderly to a 4-bedroomed dwelling Approved 25 <sup>th</sup> February 2002

## Representations

A notice has been displayed on site and neighbour consultation letters have been sent to 87-101 (odd), 82, 88, 88a, 92, 92a, 94, 109, 111, 117, 118, 119, 120, 121, 122, 124, 126, 130, 132, 134, 136, 141 and 146a Edwin Road and 62, 66, 70, 72, 80 and 80a Marshall Road (this includes objectors to the previous application for a nursery on the site).

29 letters have been received, in summary objecting on the following grounds:

- same objections to previous application for a nursery at the site;
- how long would it be before numbers rose from 20 to the 40 children originally proposed, how could this be monitored?
- relatively peaceful, quiet part of Edwin Road, many older residents;
- no local need for the use, children would be brought in from elsewhere;
- increased traffic, bus route, traffic levels and speeds already high during rush hour peaks as the road is used as a cut through, consider the chaos created by the Bryony School at the junction of Edwin and Marshall Roads, additional hazards at nearby bus stop, increased use of Marshall Road as a rat run;
- increased pollution from traffic;
- majority of children will be delivered by car so 20 vehicles could park in the vicinity for dropping off and settling in, this will extend to the blind bend in the road with lots of stopping and starting close to it, possibility of drives being blocked, unacceptable safety risk;
- inadequate parking facilities, staff would create problems let alone parents, also delivery vans;
- some parents may leave their cars in Edwin Road all day to save on parking costs at Rainham Station or to get commuter buses, access to roadside parking is already becoming difficult for residents;
- already enough schools in the area with the associated disruption;
- other nurseries planned in nearby commercial areas so this is not needed;
- disturbance from noise of children in the back garden, from traffic and from parents dropping off from 6.30am, chatting, slamming doors, etc;
- nursing home had poor standards, concern for children if it is to be run by the same proprietor, are there adequate facilities for such numbers of children?
- precedent for other commercial uses;
- unoccupied at night which would be a target for crime;
- devaluation of surrounding properties, would look for a cut in Council Tax; and
- contrary to deeds of properties.

## Development Plan Policies

Medway Towns Local Plan 1992

Policy B16	(New Development)
Policy H4	(Retention of Existing Housing Stock)
Policy H5	(Protection of the Amenity of Housing Areas)
Policy T1	(Impact of New Development on the Highway Network)
Policy T13	(Vehicle Parking Standards)

Medway Local Plan (Deposit Version) 1999

Policy BNE2	(Amenity Protection)
Policy H3	(Retention of Housing)
Policy T1	(Impact of Development)
Policy T12	(Vehicle Parking Standards)

## Planning Appraisal

As there are no building works proposed the main issues are the impact of the proposed use on the residential amenities of neighbours, the loss of residential accommodation and the parking and traffic issues.

### *Impact on the amenities of neighbours*

The site is located within a well-established predominantly residential area. Policies B16 and H5 of the Adopted Local Plan 1992 and Policy BNE2 of the Medway Local Plan (Deposit Version) 1999 (the emerging plan) seek to protect the amenities of surrounding users, particularly residential neighbours. The current permitted use of the site is for a residential home for the elderly accommodating a maximum of 8 persons. Any additional impact on neighbours caused by the proposed change of use from this to a nursery must therefore be assessed.

Although a residential home for the elderly has potential to create more activity than a single dwellinghouse it is still a primarily residential use. Whilst staff and deliveries will create some traffic and associated noise residents do not have their own vehicles and so tend to have minimal effect on neighbours. Use of the garden is unlikely to have a greater impact on neighbours than use by a single household.

In comparison to this the proposed day nursery would accommodate up to 20 children between 06.30 hours and 18.30 on weekdays. Some children may attend on a part time or after school basis so this could equate to more than 20 different children attending each day. Staff will also need to travel to and from the site including before and after opening and closing times. At capacity more staff are likely to be needed for the nursery than for a nursing home. In addition to the greater levels of activity associated with arrivals and departures, including the potential for parents with or without children to wait or chat outside the building, the use of the garden for learning and exercise is also likely to have a significantly increased impact. Young children are likely to create high levels of noise and the number involved is much greater than you would expect in a normal residential property.

In these circumstances it is considered that the additional levels of movement to and from the site (including very early in the morning), the nature of the use (the accommodation of young children) and the use of the rear garden by nursery children would result in the potential for high levels of noise and disturbance to surrounding residents. Such disturbance is likely to be at much higher levels than the minor impact of the existing permitted home for the elderly. The development would therefore be contrary to Policies B16 and H5 of the Adopted Local Plan 1992 and Policies BNE2 and T1 (in respect of loss of amenity through traffic movements) of the emerging plan as detailed above.

### *Loss of residential accommodation*

In addition to the relevant policies regarding amenity, Policy H4 of the Adopted Local Plan 1992 and Policy H3 of the emerging plan seek to resist the loss of housing accommodation unless a site is no longer suitable for residential use or a proposal would provide significant benefit for the immediate local community. In the current case the permitted use, although commercial, retains the use of the property for residential accommodation. The property is still suitable for housing and the proposed use would not provide significant benefit for the local community. In these circumstances the development would be contrary to these policies.

### *Parking and traffic issues*

Although no parking plan has been submitted it is stated that 5 parking spaces will be provided on site. The only area available is the fairly small front garden and the long single width drive to the garage on the southern side of the dwelling. In these circumstances any on site provision is only likely to be used by staff and even then the single line arrangement of the drive and garage is not very convenient for shift working. All dropping off and picking up together with any deliveries is therefore likely to take place using on-street parking. In addition the nursery is likely to result in a concentration of vehicular activity within the weekday morning and evening peaks, rather than the more spread out movements associated with the current residential home use.

Edwin Road is classed as a local distributor road and statistics indicate that accidents along its length are low. Most properties have on-site parking although some on-street parking is also evident. However there is generally on-street parking available in the vicinity of the site, particularly during the normal working day. The long opening hours of the nursery from 06.30 to 18.30 indicate provision for working parents – this tends to create more stagger in the arrival and departure of children than nurseries where session times are in operation and children tend to arrive and depart at much more uniform times.

Whilst the effect of the traffic, parking and collection/delivery of children would cause detriment to the amenities of neighbours by reason of noise and disturbance, it is considered that the traffic flows and use of on-street parking spaces would not cause unacceptable harm to highway safety. There are no on-street parking restrictions in the vicinity of the site and although stopping and departing may cause through traffic to slow down this in itself is not necessarily a danger. It is not considered that the development will cause the local highway network capacity to be exceeded. If permission were to be granted a condition could restrict the number of children in order to limit the potential traffic and parking effects of the use.

With regard to the above the refusal of planning permission is recommended on the basis of harm to the amenities and character of the surrounding residential area.

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10 MC2001/2170

Date Received: 27th December 2001

Location: 119, Wilson Avenue, Rochester, Kent, ME1 2SL

Proposal: Construction of two 5bedroomed detached chalet bungalows with detached double garages

Applicant: Ward Homes Limited 2 Ash Tree Lane Chatham Kent ME5 7BZ

Agent: David Hicken Associates Southgate House High Banks Loose Maidstone Kent ME15 0EQ

Ward: Horsted

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### **Recommendation - Approval with 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 before the buildings are occupied and shall thereafter be maintained for the duration of the development. Development shall be carried out in accordance with the approved details.
- 3 Details and samples of any materials to be used externally and any means of enclosure shall be submitted to and agreed in writing by the Local Planning Authority before development is commenced and development shall be carried out in accordance with the approved details.
- 4 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved by the Local Planning Authority and these works shall be carried out as approved. These details shall include hard surfacing materials. Soft landscape works shall include planting plans, schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and implementation programme.
- 5 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.



- 6 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.
- 7 No dwelling hereby permitted shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved details.
- 8 Vision splays of 2.0 metres x 2.0 metres x 45 metres shall be provided on both sides of the vehicular access and no obstruction of sight more than 0.6m above carriageway level shall be permitted within those splays.
- 9 The area shown on the permitted drawings for vehicle parking and garaging 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 Prior to the commencement of the development hereby approved, a scheme of double glazing to protect each dwellinghouse from aircraft noise shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the first occupation of the development and shall be maintained at all times thereafter.

## Site Description

The application site comprises the curtilage of no. 119 Wilson Avenue. The site is relatively flat and includes a number of mature trees and hedgerows. Some of these trees are protected by a Tree Preservation Order and are, in the main, located along the south eastern boundary of the site.

The surrounding area is wholly residential with adjoining properties comprising a mixture of houses and bungalows. Those on the southern side of Wilson Avenue have long rear gardens backing onto equally long rear gardens of properties in Horsted Way. Properties in City Way, to the west of the site, are also characterised by relatively long rear gardens.

## **Proposal**

This application proposes the demolition of 119 Wilson Avenue (a detached bungalow) and its replacement with two chalet bungalows and associated garaging. Both are shown to accommodate five bedrooms.

The applicant's agent has submitted a supporting statement which refers in detail to the previous appeal decision on this site. Both the statement and appeal decision will be referred to in detail in the "Planning Appraisal" section below. The statement concludes that the proposal now:

- “ - presents two dwellings that have plot sizes that are comparable with those locally and certainly towards the larger end of the scale.
- the removal of 119 presents an opportunity to present a more spacious and sylvan character for the street scene than that which exists at present.
- the use of chalet bungalows ensures that the new proposals will respect adjoining properties and the spacious character of the locality.”

## **Relevant Planning History**

ME/79/0109	Rear extension, lounge, bedroom, porch and car port. Approved 12 <sup>th</sup> March 1979.
ME/80/1135	Proposed single storey side extension with private garage and car port. Approved 14 <sup>th</sup> January 1981.
ME/81/0386	Proposed conservatory. Approved 30 <sup>th</sup> April 1981.
ME/82/0872	Erection of a detached double private motor garage and car port. Approved 1 <sup>st</sup> March 1983.
ME/98/0114	Demolition of garage and lobby to 119 and erection of 4 detached 5 bed roomed houses with double garages together with replacement detached double garage for 119. Withdrawn 24 <sup>th</sup> April 1998.
ME/98/0337MG	Demolition of 119 and garage of 117 Wilson Avenue and erection of 11 no. detached dwellings with garages and access road. Refused 28 <sup>th</sup> October 1998. Appeal dismissed 31 <sup>st</sup> March 1999.
ME/99/0209MG	Demolition of 119 and the garage of 117 Wilson Avenue and erection of 5 detached dwellings with garages and access road. Withdrawn 26 <sup>th</sup> April 1999.

- MC/99/0340 Demolition of 119 and garage of 117 Wilson Avenue and erection of 7 detached dwellings with garages and access road.  
Refused 8<sup>th</sup> September 1999. Appeal dismissed 9<sup>th</sup> March 2000.
- MC2000/1217 Demolition of house at number 119 and construction of 4 no. detached dwellings with garaging and new vehicular access.  
Refused 1<sup>st</sup> November 2000. Appeal dismissed 7 March 2001.

## Representations

The application was advertised by way of a site notice and notification letters have been sent to Southern Water Services, Kent Wildlife Trust, Kent County Constabulary, Royal Society for the Protection of Birds, English Nature, The Open Spaces Society, SE Electricity Board and BG Transco (British Gas) and the owners/occupiers of the following properties: 105-129 (odds), 152, 154, 156, 184-198 (evens) Wilson Avenue; 209, 223, 225-249 (odds), 201a, 225a, 237a, 239a and 241a City Way; and 2-26 (evens) Horsted Way.

8 letters have been received raising the following objections:

- the proposal would be contrary to the recommendations of the Planning Inspector in respect of the previous appeal on this site in that “the proposed development would be damaging to the character and appearance of this part of Rochester”;
- the development would intrude into the space between the existing properties on Wilson Avenue and Horsted Way;
- the Planning Inspector’s judgement was that “the presence of these houses would seriously erode the sense of space between dwellings at the southern end of Wilson Avenue”. These two chalet bungalows may have larger gardens but they would have exactly the same effect as the presence of four dwellings on the same land judged by the Inspector to seriously erode the sense of space.;
- the access road would reduce the privacy of 121 Wilson Avenue;
- the replacement of one dwelling by two will have no effect on Medway’s housing quota;
- the horseshoe of gardens of properties in Wilson Avenue, Horsted Way, City Way and Beatty Road is a valuable green lung into the conurbation of Medway and provides a valuable sanctuary for Kent’s diminishing flora and fauna including protected species;
- existing residents will lose privacy to their rear gardens;
- the development will create parking problems in the area;
- the density ratios offered by the new properties will be significantly smaller than that which is in existence at present;
- the proposal would result in the loss of protected trees;

- there will be an increase in traffic and noise;
- the applicants supporting letter seeks to highlight the synergy between their plan to set both properties back from Wilson Avenue and the position of the bungalow at 113 which is set back a similar distance from Wilson Avenue. Such a comparison is wholly inappropriate since the property at 113 Wilson Avenue does not have another property between it and Wilson Avenue and 113 is single floor bungalow and does not therefore overlook the rear of either of its immediate neighbours; and
- the position of the fence to the rear of 117 Wilson Avenue has been shown on the plans incorrectly. The rear garden of 117 has been shown larger than it really is.

Southern Water Services advise that if planning permission is granted, it should be made subject to a planning condition requiring that development shall not commence until details of the proposed means of foul and surface water disposal have been submitted to and approved by the Local Planning Authority in consultation with Southern Water Services.

Open Spaces Society advise that the much reduced density would now seem to meet criticisms of the Inspector at the last failed appeal. There may be bats roosting in boundary trees. These are protected under the Wildlife and Countryside Act 1981 and the Countryside Regulations 1994.

BG Transco (British Gas) advise that it is regretted that no records are kept of the positions of gas services to individual consumers, but it should be assumed that a service exists to each property from the nearest main. Each individual service should be located by a hand dug trial hole prior to the commencement of works.

The RSPB does not wish to make any comments regarding the above proposal.

Kent County Constabulary advise that from a security point of view the only comment they would like to make is that a substantial rear boundary should be provided due to an area of land that appears to be “no mans land”.

## **Development Plan Policies**

Kent Structure Plan 1996:

Policy S6	(Housing in Urban Areas)
Policy ENV15	(Built Environment)
Policy ENV16	(Urban Open Space & Town Cramming)
Policy NK2	(Development in Urban Fabric)
Policy T17	(Parking Standards)

Medway Towns Local Plan 1992:

Policy H9	(Backland development)
Policy T2	(Formation of new access/intensification of use)
Policy T13	(Car parking standards)
Policy C11	(Protection of trees)
Policy L2	(Recreational space)

Policy B16	(New development)
Policy B17	(Landscaping)
Policy B18	(Design standards)

#### Medway Local Plan (Deposit Version) 1999:

Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)
Policy BNE3	(Noise)
Policy BNE6	(Landscape Design)
Policy BNE42	(Tree Preservation Orders)
Policy BNE44	(Trees on Development Sites)
Policy H5	(Housing in Urban Areas)
Policy H10	(Backland and Tandem Development)
Policy L3	(Protection of Open Space)
Policy T12	(Vehicle Parking Standards)
Policy S1	(Development Strategy)

### Planning Appraisal

There is no objection to the broad principle of residential development of this site since it lies within the built confines as defined on the proposals maps of both the Adopted Plan 1992 and the Medway Local Plan (Deposit Version) 1999 (the emerging plan). However, from the history section above it can be seen that there a number of previous refusals and dismissed appeals for residential development on this site.

The most recent of these relates to a planning application for four dwellings on the site (planning reference MC2000/1217). This proposed the removal of 119 Wilson Avenue, the erection of a replacement dwelling and a further three properties. All the other appeals have related to a greater number of properties and in some cases have incorporated the curtilage of no. 117 Wilson Avenue.

One of the main determining issues with the current application relates to whether the concerns raised by the Inspector with respect to the most recent appeal have been addressed. The Inspector identified two main issues:

- (i) The effect of the proposed development on the character and appearance of this part of Rochester.
- (ii) The effect of the proposed development on the living conditions of nearby residents and future occupiers.

#### *Character and Appearance*

In his assessment of this issue, the Inspector expressed a number of concerns. His comments are quoted extensively below:

*“As a consequence of the introduction of a row of properties at the rear of the site, all five dwellings on the appeal site (including the existing bungalow at no. 117) would have significantly smaller gardens than nearby dwellings and in this regard the appeal proposal would present a damaging contrast to the spaciousness of the surrounding residential*

*development. The houses at the rear of the site would also intrude into the space between the existing properties on Wilson Avenue and Horsted Way. Wilson Avenue rises to the south and, whilst trees in the rear gardens are visible above and beyond the frontage development, the absence of built development contributes to the sense of space between properties, which is a characteristic feature of the area. Although the frontage development would provide some screening of the houses on the southern part of the appeal site, they would be visible from the access and through gaps between properties, and the slightly higher position of these houses relative to dwellings on Wilson Avenue would emphasise their presence. In my judgement, the presence of these houses would seriously erode the sense of space between dwellings at the southern end of Wilson Avenue.”*

The current proposal seeks to provide one additional dwelling on this site compared to the three additional dwellings in the appeal proposal. As a result of the reduction in numbers, the properties now proposed have much larger gardens than those previously proposed. Both are much more in-keeping with the plot sizes of properties on the southern and western sides of Wilson Avenue. The plot to the west, which is the larger of the two, is comparable in size to some of the larger plots in the immediate vicinity including nos. 121 and 123 Wilson Avenue. The plot to the east is comparable in size to some of the smaller plots in the vicinity including no. 117 and 115. Indeed, this plot is also larger than some plots including those at 101, 103 and 105 Wilson Avenue. As such it is considered that the development would not present a damaging contrast to the spaciousness of the surrounding residential development when looked at purely in terms of plot size.

However, the Inspector did not look purely at plot size but also considered very carefully the sense of space between properties. He considered that the development proposed *“would seriously erode the sense of space between dwellings at the southern end of Wilson Avenue”*.

The current proposal differs from the appeal proposal in terms of the issue of sense of space in a number of ways.

The previous appeal proposal included a property located immediately adjacent to no. 121, approximately 30m from the road frontage with Wilson Avenue, with three further properties located to the rear. The current proposal is set back into the site with the garage to the western plot approximately 53m from the road frontage and the dwelling itself approximately 65m from the road frontage at its closest point. This will result in a greater sense of space to the front of the site than the development previously proposed. Furthermore, as there are no additional properties to the rear, as there were in the previous appeal case, this will increase the sense of space between dwellings. Previously, the space between the dwellings to the front of the site would have been blocked by the additional development located further into the site.

The development previously proposed consisted of residential dwellings 9m in height. The current application proposes chalet bungalows which stand 6m in height. The reduction in height combined with the reduction in the number of properties would create a development more in keeping with the development in the immediate locality in terms of sense of space. The chalet bungalows would not be as visually prominent as the two storey houses previously proposed.

In light of these considerations, it is considered that the current proposal will retain a sense of space between dwellings thereby overcoming the concerns expressed by the Inspector.

### *Impact On The Living Conditions Of Nearby Residents*

The concerns with respect to loss of privacy have been noted. However, each of the properties will be in excess of 30m from the nearest residential dwellings. Furthermore, the front elevations of each of the chalet bungalows, where there are dormer windows at first floor level, will be almost 40m from the nearest properties. In light of these separation distances, it is not considered that there will be a significant loss of privacy as a result of this development.

The concern with noise and disturbance from the use of the access drive has also been noted. In the previous appeal decision, the Inspector concluded that the traffic generated by an additional three dwellings would give rise to an undue level of noise and disturbance. The current application only proposes one additional dwelling. In light of the Inspectors comments, it would be very difficult to substantiate a reason for refusal based on additional traffic and noise generated by one additional dwelling.

### *Other Issues*

The proposal is acceptable in terms of highway safety. The additional traffic generated by an extra dwelling will not result in significant hazards to highway safety. Furthermore sufficient on-site provision is made for car parking.

Although there appears to be a discrepancy with respect to the location of the boundary between the rear garden of no. 117 and the development site, this does not affect the form of the development nor its impact upon the amenity of neighbouring occupiers. The garage to the eastern plot, which is the closest part of the development to this dwelling, is shown to be 24m from the rear of this property. The location of the boundary would not affect this distance.

In terms of the impact of the development on existing trees protected by a Tree Preservation Order, the trees on site individually offer limited visual amenity value. However, as a group their continued presence contributes significantly to the visual amenity of the locality. The applicant has submitted an illustrative plan which broadly identifies existing trees to be retained and new replacement trees and shrubs to be planted. Substantial planting is to be retained, particularly along the southern boundary and this will assist the integration of the development with its surroundings. However, a condition has been added to the recommendation requiring a comprehensive scheme of landscaping to be submitted to and approved by the Local Planning Authority.

The development has been designed so that it would not significantly affect the protected trees on this site. However, a condition has been added to the recommendation requiring a scheme of landscaping to be submitted to and approved by the Local Planning Authority.

The site lies within the flight path of Rochester Airport. In order to address the issue of aircraft noise, a condition has been added to the recommendation requiring a scheme of double glazing to protect each dwellinghouse from aircraft noise to be submitted to and approved in writing by the Local Planning Authority.

In conclusion, it is considered that the proposal has overcome the concerns raised by the Inspector and that it is acceptable in planning terms. As such, it is recommended that permission be granted.

11 MC2002/0023

Date Received: 7th January 2002

Location: Prospect House, Lower Twydall Lane, Gillingham, Kent, ME7 2UX

Proposal: Demolition of house and construction of two 4-bedroomed detached houses with detached double garages, a pair of 3-bedroomed semi-detached houses with detached garages and a row of three 3-bedroomed terrace houses with garages and construction of single garage for unit 16

Applicant: Millwood Designer Homes Ltd. Bordyke End East Street Tonbridge Kent TN9 1HA

Agent: Mr R Meek Kember Loudon Williams Ridgers Barn, Bunny Lane Eridge Nr Tunbridge Wells Kent TN3 9HA

Ward: Riverside

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### Recommendation - Refusal

- 1 The proposed development fails to meet the sustainability objectives of Policy S1 of the Kent Structure Plan 1996; and Policies S1 and S2 of the Medway Local Plan (Deposit Version) 1999.
- 2 The proposal represents an unacceptable built incursion into an important rural area which is recognised as an Area of Local Landscape Importance. The proposal is therefore contrary to Policy C5 of the Medway Towns Local Plan 1992 and Policy BNE35 of the Medway Local Plan (Deposit Version) 1999.
- 3 The proposed development represents a suburban form of development which will detract from the planned character of the development currently under construction on the adjacent land and the character and setting of the Lower Twydall Conservation Area. The proposal is therefore contrary to Policies H8, B4 and B16 of the Medway Towns Local Plan 1992 and Policies H1, BNE1, BNE2, BNE13 and BNE15 of the Medway Local Plan (Deposit Version) 1999.
- 4 The proposal is likely to result in increased vehicular movements on Lower Twydall Lane, a narrow rural lane with no facilities for pedestrians, this being detrimental to highway safety. The proposal is therefore contrary to Policies T1, T2 and T3 of the Medway Local Plan (Deposit Version) 1999 and is contrary to the objectives of Medway Council's adopted Local Transport Plan 2000/2005.
- 5 The proposal comprises more than the rebuilding of an existing dwelling and will result in an unacceptable development within the rural area outside the built confines of any town or village (as identified on the proposals map in the Development Plan). The proposal is therefore contrary to Policies C1 and C5 of the Medway Towns Local Plan 1992, Policy BNE26 of the Medway Local Plan



## Site Description

The application site is a semi rectangular area of land of approximately 0.39 hectares, situated at the south western end of Lower Twydall Lane adjacent to the railway track. The area to the north of the railway track is primarily open countryside with scattered farm buildings and residential dwellings. Although a footbridge links the southern and western part of Twydall Lane, the northern part of the lane is very rural in character, compared with the residential housing to the south.

To the west are fields whilst to the east and opposite the site is a field and a Listed farmhouse building and a number of converted agricultural barns. Directly to the north of the site is a recently approved redevelopment site of 16 dwellings on the former pet food factory site of Little York Farm. Most of the 16 dwellings are now under construction and at least two are complete and are now occupied.

In the north eastern corner of the plot is a two storey former agricultural workers cottage known as Prospect House and which is currently occupied by an elderly lady who has lived there for most of her life, her husband having previously worked on the land at Little York Farm. The remainder of the site is scrub land, which forms part of the character of this rural area.

Twydall Lane itself is a narrow dead end country lane with no on-road turning areas. The site is within an Area of Local Landscape Importance whilst the eastern edge of the site falls within the Lower Twydall Conservation Area.

## Proposal

The application is in detail and seeks full planning permission for the demolition of Prospect House and the construction of 7 dwellings and associated garages with access only from the adjacent development site. The dwellings will all face onto the proposed new access road, resulting in the rear of 4 of the units facing onto Lower Twydall Lane.

The applicant has submitted a statement in support of their application. They consider that there would be an advantage in demolishing Prospect House and replacing it with new dwellings which, in style and character, will relate better with the adjacent redevelopment site. Access will be via the adjacent redevelopment site, to allow the proposed scheme to become an integral part of the overall scheme. This will allow the hedge fronting onto Lower Twydall Lane to be retained and enhanced to ensure that the overall character of the lane is maintained.

They advise that as with the approved Little York Meadow scheme, the new dwellings will adopt a mix of designs and sizes to reflect the character of the immediate area and the Little York Meadows redevelopment. The three terraced and two semi-detached houses have been designed in an agricultural vernacular and the access will have the character of an 'informal' lane, with the proposal repeating the 'cluster' approach adopted within Little York Meadows. Traditional materials, detailing and form will be used along with extensive landscaping. The noise mitigation and landscaped bund approved for the Little York

Meadows redevelopment will be extended to the southern area of the site, adjacent to the railway. The proposed scheme is considered to enhance the appearance of the area generally and will contribute positively and enhance the adjacent Conservation Area.

### Site Area/Density

Site area: 0.39 ha (0.96 acres)  
Site density: 17.9 dph (7 dpa)

### Relevant Planning History

- MC1999/5132 Land adjacent York Farm, Lower Twydall Lane  
Erection of 2 detached houses with detached garages  
Refused 8<sup>th</sup> September 1999
- MC1999/5592 Little York Farm, Lower Twydall Lane  
Erection of 14 dwellings and garages  
Referred to Committee for Refusal 31<sup>st</sup> January 2000  
Appeal withdrawn 9<sup>th</sup> February 2001.
- MC2000/0365 Little York Farm, Lower Twydall Lane  
Erection of 16 dwellings and garages  
Approved 22<sup>nd</sup> September 2000  
a) Contribution of £24,000 towards primary school facilities  
b) Provision and maintenance of a woodland.
- MC2002/0097 Prospect House, Lower Twydall Lane  
Demolition within a Conservation Area  
Current application

### Representations

The application has been the subject of a press and site notice. The Environment Agency; Kent County Council Archaeological Officer and Crime Prevention Officer; the Health and Safety Executive; BG Transco; the SE Electricity Board and Southern Water have been notified of the application and neighbour notification letters have been sent to the owners and occupiers of the following properties: York Farmhouse, Prospect House, 1 and 2 York Farmyard, 1 and 2 York Cottage, Little London Farm and Little London Farm Barn all in Lower Twydall Lane; 215, 217, 252 and 254 Lower Twydall Lane; 12, 16, 18, 20, 22 and 24 Kingsnorth Road; 1 to 16 Little York Meadows; 1 to 8 Manor Court; 2 Manor Farm Cottages, Manor House, 1 and 2 Manor Cottages; Kent Youth Enterprise Centre.

Fifteen letters have been received from local residents expressing the following concerns and objections about the development:-

- the relatives of the elderly lady (whose home is Prospect House) and the Medway Housing and Advice Unit of the Citizens Advice Bureau strongly object to the proposal which in effect evicts their mother from the home she has lived in since 1950. She has tenancy rights and has received letters from previous and the current owner of the land confirming that she can continue to live at Prospect House. They believe there is also a deed of covenant to this effect;

- all 18 houses between Grange Road and the railway line are old farmhouses or barn restorations. The proposed dwellings will be out of keeping with existing properties as well as the character and the associated history of the lane;
- the lane is single track in places and pedestrians often have to stand back in the hedges to move clear of traffic. Any increase to the number of cars using the lane would create additional problems for the lane which is not designed for an increase in the number of vehicles using it on a daily basis and is continually used by pedestrians who use the lane as a shortcut to Riverside Country Park. Many young people and school children use the lane as it is a safe access and a safe and pleasant environment to walk through with limited traffic, especially at weekends;
- the lane has already been damaged by heavy goods vehicles and the proposed development would increase problems already experienced;
- concern that the land behind the proposed development could be developed at a later date;
- object to development on rural/agricultural lane. Brownfield sites should be developed first;
- the proposed development is inappropriate for the rural character of the area;
- prior to the Little York Meadows development there were 23 households in the lane, that development increases households to 39, the current proposal to 46. As new residents are likely to have 2 plus cars, the result could be a minimum of 80 cars travelling up and down the narrow rural lane which still exists in the same condition and with the same services over 40 years ago;
- since the Little York Meadows development much wildlife has since disappeared. The proposed scheme will aggravate such loss;
- the proposed development will increase the size of Little York Meadow by 56% from the original planning permission, which is unacceptable and will aggravate noise and traffic congestion problems;
- the proposed scheme will ruin the original intended character of Little York Meadows development;
- any more new houses will ruin the rural character of the lane and the Conservation Area;

BG Transco has written to raise no objections to the development but submit a plan advising the position of existing and proposed gas mains. Prior to the commencement of any works the developer is advised to contact BG Transco. A copy of this letter has been sent to the applicant.

Railtrack are concerned that the proposed development should not adversely affect their infrastructure both during construction and after completion. An informative is requested concerning their proposed conditions.

The Health and Safety Executive has no observations to make.

The Environment Agency has no objection to the proposal but requests a number of conditions relating to water resources and water conservation. A copy of their letter has been sent to the applicant.

The Kent County Constabulary has no comments to make.

Seaboard have no objections to the proposal providing their rights regarding access and maintenance to their equipment is maintained at all times.

Southern Water advise that the proposed development would increase the flows to the public sewerage system, which is currently overloaded and existing properties and land would be subject to a greater risk of flooding as a result both from foul sewerage and surface water. A condition is requested that development shall not commence until details of the proposed means of foul and surface water disposal have been submitted to and approved by the Local Planning Authority in consultation with Southern Water Services.

The Medway Countryside Forum object to the development as the proposal conflicts with Policy BNE35 in the Medway Local Plan (Deposit Version) 1999 which includes the site in an Area of Local Landscape Importance. The area is defined as rural hinterland within the draft Gillingham Riverside Landscape Strategy.

The Council for the Protection of the Rural Environment (Medway District) object to the development as it would further damage the rural character of Lower Twydall. The site is within an Area of Local Landscape Importance which should not be developed upon. The development is contrary to Policies BNE26 and BNE35 of the Medway Local Plan (Deposit Version) 1999 as well as The Thames Gateway Planning Framework RPG9A.

## **Development Plan Policies**

Kent Structure Plan 1996:

Policy S2	(Environment)
Policy S6	(Housing Strategy)
Policy ENV1	(Protection of the Countryside)
Policy ENV2	(Kent's Landscape and Wildlife)
Policy ENV13	(Rural Lanes)
Policy RS1	(Rural Development)
Policy RS2	(Housing Development at Rural Settlements)
Policy RS3	(Housing Development at Rural Settlements)
Policy RS5	(Development at Hamlets and in the Countryside)
Policy S1	(Sustainability)
Policy NK2	(Medway Towns Strategic Policy)

Medway Towns Local Plan 1992:

Policy H8	(Residential Infilling)
Policy T13	(Parking Standards)
Policy C1	(Development in Rural Areas)
Policy C5	(Areas of Local Landscape Importance – Lower Rainham)

Policy C11	(Trees and Woodland)
Policy C15	(Encroachment into Countryside)
Policy B1	(Existing Conservation Areas)
Policy B4	(Development in Conservation Areas)
Policy B16	(New Development)
Policy B17	(Landscaping Schemes)
Policy B18	(Design for New Residential Development)

Medway Local Plan (Deposit Version) 1999:

Policy S1	(Development Strategy)
Policy S2	(Strategic Principles)
Policy S4	(Landscape & Urban Design Guidance)
Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)
Policy BNE3	(Noise Mitigation)
Policy BNE6	(Landscape Design)
Policy BNE13	(Conservation Areas)
Policy BNE14	(Demolition in Conservation Areas)
Policy BNE15	(Development in Conservation Areas)
Policy BNE26	(Development in the Countryside)
Policy BNE35	(Areas of Local Landscape Importance)
Policy BNE45	(Community Woodland)
Policy H12	(Residential Development in Rural Settlements)
Policy T1	(Impact of Development)
Policy T2	(Access to the Highway)
Policy T3	(Provision for Pedestrians)
Policy T12	(Vehicle Parking Standards)

## Planning Appraisal

The main issues that need to be considered in respect of the proposal are:-

1. the acceptability of the principle of the proposed development in policy terms and whether there are any special circumstances that might justify the development;
2. the impact of the proposed development on the character of the Conservation Area and surrounding countryside;
3. car parking, impact on the highway, provision for pedestrians; and
4. sustainability;

### *Principle*

In respect to the first issue, there are policy objections to the principle of the proposed development in this important countryside location which is designated as an Area of Local Landscape Importance. Kent Structure Plan Policies ENV1, ENV2, ENV13, RS1 and RS5 state that the countryside will be protected for its own sake and development in the countryside will not be permitted unless there is a need for development which outweighs these countryside considerations. This is reaffirmed in Policies C1 and C5 of the adopted

Local Plan and Policies BNE26 and BNE35 of the Medway Local Plan (Deposit Version) 1999 (the emerging plan).

The above policies are consistent with the advice contained in Planning Policy Guidance Note 7 (The Countryside, Environmental Quality and Economic and Social Development). This stresses the need to avoid a fragmented pattern of development and the need to give greater weight and protection to the landscape. New residential development in the open countryside away from areas allocated for development in development plans should be strictly controlled.

In addition RPG9a (Thames Gateway Planning Framework) paragraph 6.10.9 states that, in Medway, attention should focus on the urban area for the majority of new development needs, mainly on the many waterfront sites. Visual intrusion into the surrounding countryside should be avoided and there should be firm protection for the Green Belt and the best and most versatile agricultural land. Development should also be steered away from the urban fringe, which provides locally valuable countryside and opportunities for recreation. The countryside to the north and east of Gillingham is particularly important in this respect.

It is considered that the proposal to erect seven new dwellings in the countryside would be contrary to the above mentioned local and national countryside policies.

*Exceptional, special circumstances justifying development.*

Village settlement policies in the Structure Plan (RS1, RS2, RS3 and RS5), the adopted Local Plan (V1), and the emerging Local Plan (H12) make it quite clear that development will only be permitted within the village boundaries. The only exception to this is for development that warrants a countryside location, and the land has been identified accordingly in the Local Plan. No such case has been made for the application site.

The sketch layout shows two substantial detached properties with detached double garages, a pair of three-bedroomed semi-detached houses with detached garages, and a row of 3 three-bedroomed terraced houses with garages, plus an additional garage to serve unit 16 of the approved development to the north. The proposed dwellings are not considered as affordable and therefore a rural exception to existing restraint policies could not be justified.

It should be noted that planning permission was granted for the adjacent housing development as the site was previously covered by industrial buildings and hardstanding and thereby represented a brownfield site. The removal of a non conforming use and the redevelopment of the site for residential purposes was considered to be a gain to the character of the area and the amenities of local residents and accordingly the site was allocated for residential development (subject to appropriate design) in the emerging local plan. Consequently there were exceptional circumstances that justified housing redevelopment on that site and that do not apply to the site of this current application.

*Impact on the character of the Conservation Area and surrounding countryside*

The Lower Twydall Conservation Area is a small rural hamlet comprising a group of Listed and unlisted farms and cottages with associated agricultural buildings, most of which are no longer in agricultural use. The hamlet has a specific rural character of informally arranged properties and retains its peaceful rural atmosphere with a narrow lane set between high hedges.

The site is screened from the lane by trees and hedgerows to a height of some 3 metres and the boundary adjoining the railway line has similar screening.

Opposite the site (east of the land) there is a band of new tree planting which will eventually reinforce the separation of urban form and countryside. To the west of the site, new woodland will be planted under the terms of a Section 106 obligation tied with the aforementioned planning permission for Little York Farm redevelopment.

Prospect House lies in the Lower Twydall Conservation Area but is not listed although it has a part to play in the character of the area and the conservation area in particular.

Part of the site lies within the Lower Twydall Conservation Area, and is therefore subject to Policies B1 and B4 of the adopted Plan of the emerging Local Plan and BNE15 of the emerging Local Plan (1999 plan). Indeed, the entire site has an impact on the conservation area, and development should therefore respect the character and appearance of the area. The grain of the area is one of large plots with farm buildings redeveloped for residential use. The application proposal provides a cul-de-sac form of development which is considered to be suburban in character and will expand the adjacent development to an extent that would be out of character and detrimental to the appearance and character of the conservation area.

The site is within the Gillingham Riverside Area of Local Landscape Importance, which acts as a green buffer separating the built-up areas of Twydall and Rainham from the areas of nature conservation and recreation value along the Medway Estuary. It also forms an attractive setting to Lower Twydall. The proposed development would extend the settlement to the urban edge at Twydall and thereby compromise the landscape function of this particular ALLI. Although proposed planting would help to reduce the impact of the development, it would lead to further erosion of the open character of the rural landscape and is therefore recommended for refusal.

### *Highway Impacts*

This site is poorly served by public transport and the access to the site does not provide dedicated facilities for pedestrians. This situation will result in the development being very car dependent. Vehicular access to the site is along a rural lane which in places is too narrow for two vehicles to pass.

The development of the adjoining site for housing as identified in the local plan was on the basis of removing an existing commercial use and the associated heavy goods vehicle activity. No such benefits arise from the development now proposed which could result in an additional 56 (approximately) car trips per day to and from the site. It is therefore considered that the principle of the development should be resisted.

Furthermore the layout provides car parking in excess of the maximum standards – Units 17 and 21 have an excess of one space over the maximum standard. The layout does not encourage pedestrian movement from the southern end of the site by the provision of a pedestrian link to Lower Twydall Lane close to the railway. The proposal therefore fails to encourage pedestrian movement in accordance with an objective of the Local Transport Plan.

The proposal therefore does not comply with the criteria of Policies T1, T2 and T3 of the emerging Local Plan.

## *Sustainability*

PPG1 seeks to achieve a sustainable planning framework, which respects environmental objectives and shapes new development in such a way as to minimise the need to travel. As regards housing outside urban areas, PPG1 states that new development should be promoted in locations well served by public transport.

The site does not meet sustainable development principles. It is not allocated for housing development in both the adopted Local Plan and the deposit Local Plan. There is sufficient housing land on identified sites in Medway to meet the requirements of the Structure Plan for the next five years. The focus of government policy is on re-using previously-developed land within the urban area, and land that is well located to public transport. There are no bus services operating in Lower Twydall Lane which reinforces the view that this site does not meet sustainability principles.

## *Conclusion*

The site is not allocated for residential development, and is located in the countryside, where the principle of development is not accepted. It is also partly in the Lower Twydall Conservation Area, as well as an Area of Local Landscape Importance (ALLI). The site provides an essential buffer to the approved development at Little York Farm (now meadows) and helps to mitigate to some extent the “suburbanisation” of this sensitive location. The local landscape importance of the site is recognised, and is offered protection under Policy BNE35. Residential development in this location will compromise the ability of the ALLI to maintain an essentially agricultural landscape as a buffer to the urban area. No justification can be made for residential development in this location. The open nature of the existing development pattern in the area will be compromised by this proposal. The proposal fails on sustainability principles, as well as the cited countryside protection policies, and is therefore recommended for refusal.

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12 MC2002/0086

Date Received: 16th January 2002

Location: 37, Luton High Street, Chatham, Kent, ME5 7LE

Proposal: Change of use from Retail (class A1) to provide seating area to existing cafe at 35 Luton High Street

Applicant: Mr G Singh 35 Luton High Street Luton Chatham Kent

Agent: Mr P J Spink Spiere - Chartered Surveyors 17 New Road Avenue  
Chatham Kent ME4 6BA

Ward: Luton

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### **Recommendation - Approval with Conditions**

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The property shall be used as a seating area and servery in connection with the A3 operation at 35 Luton High Street and shall not be used to provide additional kitchen capacity or as a separate A3 unit.
- 3 The use hereby permitted shall only operate between the hours of 0800 to 2200 Mondays to Saturdays inclusive and between the hours of 1100 to 2200 on Sundays or National Holidays.

### **Site Description**

The application relates to a vacant premises set on the northern side of Luton High Street close to the junction with Beacon Hill. The property was last used as a shop, though this use appears to have ceased some time ago. There is a yard to the rear with access from Beacon Hill.

### **Proposal**

Planning consent is sought for the change of use of the ground floor of the property from a shop to a seating area to be used in conjunction with the existing café/ takeaway next door at 37 High Street. The submitted plans show the provision of 13 tables, providing seating for up to 58 people. Essentially 35 High Street will be purely the take away element with 37 being the associated restaurant side.

## Relevant Planning History

None relating to the application property at 37 High Street.

The following relate to the existing café/ takeaway at 35 High Street;

90/0923	Change of use of ground floor to café (class A3) Approved 8 <sup>th</sup> Jan 1991
93/0043	Variation of condition 02 of planning permission ME/90/0923 to permit opening hours between 0830 and 2300 Mondays to Sundays Refused 16 <sup>th</sup> March 1993
94/0173	Variation of condition 02 on planning permission ME/90/0923 to allow opening between the hours of 0800 to 2300 Mondays to Saturdays inclusive and 1100 to 2200 inclusive Sundays and Bank Holidays and variation of condition 03 to allow sale of hot food for take-away. Split decision on appeal – opening hours allowed, takeaway dismissed.
MC2000/0844	Variation of condition 3 of planning consent 90/0923 dated 08/01/91 for the conversion of restaurant to hot food takeaway Approved at appeal 10 <sup>th</sup> May 2001

## Representations

The application has been advertised on site. In addition, notification letters have been sent to the owners/occupiers of the following properties; 31, 33, 33a, 35, 39, 43, 45, 47 & 50 Luton High Street, 1-15 (consec) Christchurch Court, The Hen & Chicken Public House, 1 & 2 Dorset Lodge Beacon Hill, 2, 4 & 6 Beacon Hill & 1-22 (consec) Rhodes House Beacon Hill.

No representations have been received.

## Development Plan Policies

Medway Towns Local Plan 1992:

Policy R10	(Food and Drink)
Policy B16	(New Development)
Policy T1	(Impact on Highway Network)
Policy T13	(Parking Standards)

Medway Local Plan (Deposit Version) 1999:

Policy R9	(Local Shopping Centres)
Policy BNE2	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)
Policy T1	(Impact on Highway Network)
Policy T13	(Parking Strategy)

## Planning Appraisal

The application property is located within the local shopping centre of Luton, where Policy R10 of the Medway Local Plan (Deposit Version) 1999 (the emerging Local Plan) indicates a presumption in favour of A3 (food and drink) uses.

Policy BNE2 of the emerging plan states that all development should respect the amenities of occupiers of nearby properties in terms of noise, smell, activity levels and traffic generation. In this respect takeaways and restaurants may have a significant impact in terms of harm to amenity, including high levels of traffic and parking generation, noise, litter and late night disturbance.

Policy B16 of the adopted plan states that new development will not be acceptable where it would give rise to levels of activity and traffic generation that would be detrimental to the amenities of surrounding uses.

The change of use of the adjoining property at 35 High Street to a café was approved by the City of Rochester Council, subject to conditions precluding takeaway sales and limiting the hours of operation. Both of these conditions were eventually overturned in appeal (see planning history above). The application now submitted is to extend the seating area into the adjoining property to allow greater use of the property as a café.

The appeal inspectors, in allowing the previous appeals, made it clear that although the properties are not served by significant amounts of off-street parking the road layout in the area makes illegal parking of customer's cars unlikely. Whilst The High Street is heavily trafficked at peak times, there are some off-street parking bays, and parking facilities are available at the nearby library. Taking this into account and bearing in mind the location within a local retail area close to many residential users, it is considered that the proposal is acceptable in highway terms, despite the higher customer numbers likely to result from the intensification of the existing use.

The adjoining property (39 High Street) appears to be unoccupied. Its planning history indicates that it has had consent (in the mid 1980s) for change of use from residential and retail to a fish and chip shop, though it is unclear whether this was ever implemented. Any impact on residential amenity must be viewed in the context of existing evening uses and the activity expected in a local shopping centre. In this case, the kitchen and other operational facilities will still be provided at the existing unit at 35 High Street, with the application property only to be used for seating and a small counter area. It is therefore unlikely that extensive additional disturbance would be caused to residential properties.

In light of the above, it is considered that the proposed change of use would not cause unacceptable levels of noise and disturbance to occupiers of nearby residential properties or cause an unacceptable increase in activity and parking problems. It is therefore recommended that the application be approved.

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13 MC2002/0087

Date Received: 17th January 2002

Location: 2-4 Lock Street, Gillingham, Kent

Proposal: Change of use from ground floor snooker club to offices and workshop activities

Applicant: Ms C Edwards-Daem 14 High Street Brompton Gillingham Kent ME7 5AE

Agent:

Ward: Brompton

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### **Recommendation - Approval with Conditions**

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 The use hereby permitted shall be carried on only by The Kent Autistic Trust and when the premises cease to be occupied by The Kent Autistic Trust the use hereby permitted shall cease and any materials and equipment brought on to the premises in connection with the use shall be removed.
- 3 The use hereby permitted shall only operate between the hours of 0800 to 1800 Mondays to Fridays and at no time at all on Saturdays, Sundays and National Holidays.
- 4 Vision splays of 2.0 metres x 2.0 metres shall be provided on both sides of the vehicular access points and no obstruction of sight more than 0.6 metres above carriageway level shall be permitted within the splays.
- 5 The development shall not commence until details have been submitted to and approved in writing by the Local Planning Authority, which show the provision of secure cycle parking for staff. The approved cycle parking shall be provided prior to the use commencing.
- 6 The development shall not commence until details have been submitted and approved in writing by the Local Planning Authority which show a car parking layout incorporating space for a minibus and the parking area shall be marked out accordingly prior to the use commencing.

### **Site Description**

This application relates to a large detached building situated on the southern side of Lock Street and to the rear of buildings in Canterbury Street. Whilst the building's car park is accessed from Lock Street, the main frontage of the building faces onto Paget Row to the

west – a wide pedestrian footpath. There is a narrower pedestrian alleyway to the rear of the building. The car park is surrounded by 1.8m high boundary fencing.

The building was originally known and used as St John's Church, but since 1996 has been used as a snooker hall at ground floor level with a manager's flat at first floor level.

Directly opposite the site in Lock Street are the MOT bays associated with a motor centre garage fronting onto Canterbury Street. This building has a flat above. To the north west, west and south are terraced residential properties. To the east in Canterbury Street is a mix of commercial and residential properties.

## **Proposal**

The application is a change of use from snooker club and residential above to offices and workshop rooms (such as woodwork, art and craft, relaxation area, computer room, dining area) associated with the Kent Autistic Trust which provides daytime opportunities for adults with autism. There will be 5 full time and 2 part time staff to run the facility between 0900 to 1700 hours Mondays to Fridays only. No external works are proposed and the first floor flat accommodation will be unchanged. Approximately 5 cars and 2 minibuses per day are expected to arrive. The existing car park can accommodate between 10 and 12 cars.

## **Relevant Planning History**

GL96/0580/67/95 Change of use of from day centre/social club to snooker hall at ground floor with manager's accommodation at first floor together with the erection of a garage to the front  
Approved 29<sup>th</sup> November 1996.

## **Representations**

A site notice has been erected and neighbour notification letters have been sent to the owner/occupiers of 16, 17 and 18 Paget Row; 21 to 45 (odds) Canterbury Street; 60 to 86 (evens) Saxton Street; M & A Motor Centre, Canterbury Street; and the flat above the snooker club at the application site.

No representations have been received.

## **Development Plan Policies**

Medway Towns Local Plan 1992:

Policy B16	(Changes of use)
Policy H5	(Protection of Residential Areas)
Policy T13	(Parking Provision)

Medway Local Plan (Deposit Version) 1999:

Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)
Policy T12	(Parking Standards)

## Planning Appraisal

The main criteria in the determination of this application are the principle; impact upon the residential amenities of adjoining properties and car parking.

### *Principle*

Policy B16 of the adopted Local Plan and Policy BNE1 of the Medway Local Plan (Deposit Version) 1999 (the emerging Local Plan) require changes of use not to detract from the existing character of an area and not to give rise to levels of activity and traffic generation which would be detrimental to the amenities of surrounding uses.

It is considered that the proposed use will not be significantly different from the use of the snooker club, except that minibuses will bring clients to the premises compared to the intermittent arrival of snooker club clients throughout the day which opened from 0900 to 2400 hours.

Further more, the proposed use represents a valuable community service which will serve the Medway in general.

### *Residential Amenity*

It is considered that activity levels and traffic generation associated with the proposed use by the Kent Autistic Trust will be limited and will not be any greater than that associated with the snooker club use. As the use is only proposed during the weekdays and not at weekends and evenings, it is considered that there would be no harm to the residential amenities of the occupiers of adjoining properties and in particular the occupier of the first floor flat. A general permission for office and workshop facilities could give rise to traffic generation and disturbance which would be detrimental to the amenities of occupiers of nearby residential properties and accordingly a personalised consent is recommended. The proposal therefore accords with Policies B16 and H5 of the adopted Local Plan and Policy BNE2 of the emerging Local Plan.

### *Car parking and Highway Safety*

The authorised snooker club use requires the provision of 26 car parking spaces and 8 cycle parking spaces with 1.5 spaces for the first floor flat.

The proposed use by the Kent Autistic Trust is likely to result in minibuses visiting the site on a regular basis and which the applicant indicates is likely to be two. The applicant indicates that there are likely to be 5 cars visiting the site. The existing car park can accommodate in the region of 8 – 10 vehicles.

The site is situated close to the town centre of Gillingham, with good public transport links by both bus and rail. Given the location and parking facilities on site it is considered that the proposal is a good use of the site from a transport point of view and is unlikely to cause harm to highway safety in the area.

However, conditions will be required to ensure the provision of secure cycle parking, to mark out the existing car park to accommodate vehicles and a minibus and to improve visibility onto Lock Street.

*Conclusion*

In view of the above it is considered that the proposal complies with the relevant Local Plan criteria and accordingly is recommended for approval.

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14 MC2002/0119

Date Received: 21st January 2002

Location: 381, Walderslade Road, Chatham, Kent, ME5 9LL

Proposal: Change of use from retail (Class A1) to offices (Class A2)

Applicant: Robinson Michael & Jackson 21 A & B King Street Gravesend Kent DA12 2EB

Agent: Mr P Hinton Lannacombe 1 Harrow Road Knockholt Kent TN14 7JT

Ward: Walderslade

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### **Recommendation - Approval with Conditions**

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

### **Site Description**

The application relates to a shop unit which occupies the ground floor of a two-storey building in a parade of 12 shop units with flats over in Walderslade Village Centre. The unit is currently occupied as a video shop. Although there are 12 units in this parade, some businesses occupy more than one unit, resulting in a total of 9 businesses. Of these 4, including the application property, are currently in retail (Class A1) use, 4 are used for professional and financial services (Class A2) and there is one take-away (Class A3). In addition to these shop units, there is a large retail store (Co-op) and a further 18 shop units on the west side of Walderslade Road.

### **Proposal**

The proposal is to use the premises as an estate agent's office (Class A2). Two full time and two part time staff will be employed at the premises which will open between 09.00 and 19.00 hours Mondays to Saturdays and 10.00 to 17.00 hours on Sundays and Public Holidays. No external alterations to the building are proposed

### **Relevant Planning History**

ME/88/1006 Proposed new shopfront.  
Approved 13<sup>th</sup> October 1988



## Representations

The proposal has been advertised on site and neighbour notification letters have been sent to the owners/occupiers of nos. 379, 383, 403, 405 and 407 Walderslade Road. No representations have been received.

## Development Plan Policies

Medway Towns Local Plan 1992

Policy R14	(Professional and financial services)
Policy T13	(Vehicle parking)

Medway Local Plan (Deposit Version) 1999

Policy BNE2	(Amenity protection)
Policy R9	(Local shopping centres)
Policy T12	(Vehicle parking standards)

## Planning Appraisal

The site lies within the Walderslade Local Centre as identified under Policy R9 of the Medway Local Plan (Deposit Version) 1999 (the emerging Local Plan). Policy R14 of the adopted Local Plan contains a presumption against changes of use to professional or financial services within local centres unless: the traffic and pedestrian flows generated by the use are not detrimental to surrounding uses; and the proposal would not result in the proportion of non shopping uses within the centre exceeding the level where the vitality and viability of the centre would be adversely affected. Policy R9 of the emerging Local Plan contains a presumption against the loss of Class A1, A2, and A3 uses.

Having regard to the aforementioned policies, on the basis of the number of units that will remain in retail use both within the parade and on the west side of Walderslade Road it is considered that the proposal would not adversely affect the vitality and viability of the centre.

The effect of the proposal on the amenities of the occupiers of nearby properties, particularly the flats above, falls to be assessed under Policy BNE2 of the emerging Local Plan. In this regard it is considered that the level of activity and traffic generated by the proposed use, when compared to that generated by the existing use and other uses in the immediate vicinity, would not be detrimental to the amenities of the occupiers of the flats. The proposal would not, therefore conflict with this policy.

Apart from a communal rear service yard serving all shops and flats, there is no on site vehicle parking. Nevertheless the proposed use would not generate any heavy goods vehicles and there is a large car park opposite the site and public parking nearby. In addition the local centre is well served by public transport and therefore the proposal would not conflict with Policy 13 of the adopted Local Plan or Policy T12 of the emerging Local Plan.

The application is recommended for approval.

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15 MC2002/0175

Date Received: 31st January 2002

Location: Amberleigh, Strover Street, Gillingham, Kent, ME7 1JD

Proposal: Construction of conservatory and single storey extension to rear

Applicant: Ms S Constantine 1 St Bartholomew Terrace Rochester Kent ME1 1BX

Agent:

Ward: Gillingham North

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### **Recommendation - Approval with Conditions**

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 Materials used on the construction of external surfaces of the conservatory/extension herein approved shall match those used on the existing dwellinghouse.

### **Site Description**

The application site comprises a two-storey semi-detached property located in a predominantly residential part of the Brompton conservation area. There is an existing single-storey flat-roof side extension. The garden at the rear is level. The boundary with Annerva House (to the east) has a wall approx 2.5m in height. The boundary at the rear has a wall approx 2.5m in height, with shrubs and small trees to a height of approx 4/5m, obscuring the view of properties to the rear. The boundary with Clovelly (to the west) has a fence approx 2m in height, with a holly tree, mid-way. Annerva House projects further forward than the rear of Amberleigh by approx 2.25m, but has no windows in the flank wall facing Amberleigh. Clovelly has a conservatory approx 3m in height, on the boundary with Amberleigh.

### **Proposal**

This application proposes the construction of a conservatory and single storey extension to the rear. The proposed conservatory and extension would extend across the width of the original property, would project by approx 2.4m and would be approx 3m in height to the eaves.

### **Representations**

The application has been advertised on site and in the press as development within a conservation area and neighbour notification letters have been sent to the owner/occupiers of Clovelly, Strover Street, Flats 1-9 Annerva House, Strover Street and 1 Charter Street.

No representations have been received.

## **Development Plan Policies**

Kent Structure Plan 1996:

Policy ENV15 (Built Environment)

Medway Towns Local Plan 1992:

Policy B19 (Extensions and Additions)

Medway Local Plan (Deposit Version) 1999:

Policy BNE1 (Built Environment)  
Policy BNE2 (Amenity Protection)

## **Planning Appraisal**

The main issues for consideration arising from this proposal are its impact upon: the character and appearance of the surrounding area; and the amenities of the occupiers of neighbouring properties.

### *Design and Appearance*

This application falls to be assessed against the provisions of Policies ENV15 of the Structure Plan, B19 of the adopted Local Plan and BNE1 of the Medway Local Plan (Deposit Version) 1999 (the emerging Local Plan) which set out criteria for the assessment of proposals in terms of their impact on the built environment and design quality. It is considered that the proposed extension in terms of its design and scale would not detract from the appearance of either the existing house or the surrounding area.

### *Impact on Residential Amenity*

Policy BNE2 of the emerging Local Plan addresses amenity considerations. Given the relative position of neighbouring properties and the existing treatment of boundaries, there would be no detrimental impact on neighbours' amenities in terms of loss of outlook, daylight, privacy or overshadowing.

The application is viewed as being in accordance with the cited Development Plan policies and is recommended for approval.

[This application would normally fall to be determined under officers' delegated powers but has been reported for Members' determination, as the applicant is an employee of Medway Council who has regular contact with the Development Control Section].

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