

PLANNING APPLICATIONS FOR 29TH SEPTEMBER 2004

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BACKGROUND PAPERS

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

Any information referred to is available for inspection in the Planning Offices of the Council at the Compass Centre, Chatham Maritime, Chatham.

1 MC2002/0354

Date Received: 20th February 2002

Location: The Thomas Aveling School (school playing field), land fronting Anchor Road, Rochester, Kent

Proposal: Outline application for residential development

Applicant: The Governors Thomas Aveling School Arethusa Road Rochester Kent

Agent: Mr P Le Grys Michael Parkes Surveyors Waterside Court Neptune Close Rochester Kent ME2 4NZ

Ward: Rochester East

Recommendation: Approval subject to:

- A) Referral to the First Secretary of State under the provisions of: Circular 07/99 Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999 as a departure from the Development Plan.
- B) The applicants entering into an agreement under Section 106 of the Town and Country Planning Act 1990 to secure the following:
- i. The provision of affordable housing in the proportion of 25% of the number of dwellings approved by subsequent reserved matters submissions.
 - ii. A financial contribution of £10,000 to fund improvement works at the Friston Way recreation area.
- C) The applicant entering into a Unilateral Agreement under Section 106 of the Town and Country Planning Act 1990 to secure the following:
- i. An expansion of the Learning Resources Centre currently under construction within the school's grounds.
 - ii. The establishment of a Sixth Form Centre and Community Room within the school's grounds.
 - iii. The establishment of an Engineering Annex within the school's grounds.
 - iv. The establishment of a Theatre within the school's grounds.
 - v. The establishment of an all weather sports pitch within the school's grounds.

D) and subject to the following conditions:

- 1 Approval of the details of siting, design and external appearance of the buildings, 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 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 existing and proposed finished ground levels; vehicle and pedestrian access and circulation areas; hard surfacing materials; and minor artifacts and structures (e.g. external furniture, play equipment, refuse or other storage units, signs, lighting etc). Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and implementation programme.
- 6 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. The approved planting stock shall be maintained for a minimum period of five years following its planting and any of the stock that dies or is destroyed within this period shall be replanted in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
- 7 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to the Local Planning Authority for approval in writing prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

- 8 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.
- 9 Prior to the first occupation of the development hereby permitted, sight lines of 4.5 metres by 70 metres shall be provided at the junction of any access onto Anchor Road and the area of land within the sight lines shall be reduced in level as necessary and cleared of any obstruction between the points 0.6 metres above road level at the ends of the sight lines and shall be maintained as such at all times for the duration of the development.
- 10 Prior to the first occupation of the development hereby permitted, vision splays of 2.0 metres x 2.0 metres to all access points serving individual dwellings within the development shall be provided on both sides of the vehicular access points and no obstruction of sight more than 0.6 metres above carriageway level shall be permitted within the splays thereafter.
- 11 The details to be submitted in pursuance of Condition 1 shall show adequate land, reserved for the parking or garaging of vehicles. The approved parking arrangements for each dwelling shall be provided prior to the first occupation of the dwelling to which they relate and thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), shall be carried out on the land so shown (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access to the reserved vehicle parking area.
- 12 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 dwellings are occupied and shall thereafter be maintained for the duration of the development. Development shall be carried out in accordance with the approved details.
- 13 Prior to the commencement of the development hereby permitted, a site investigation shall be undertaken to determine whether any protected species falling within the definition contained within the Wildlife and Countryside Act 1981 are present on site. The results of the investigation and any mitigation measures required to safeguard these species shall be submitted to and approved in writing by the Local Planning Authority. Any mitigation measures found to be necessary shall be implemented strictly in accordance with the details to be approved under the provisions of this condition.

Site Description

The application site, which has an area of 1.1 hectares, lies at the northern end of the school playing field fronting Anchor Road. The site's boundary to Anchor Road comprises a metal palisade fence. The application site comprises an open grassed area that bounds a plateau and the site slopes down towards Anchor Road. The school's main playing fields are sited on the plateau. Although the application site forms part of the school's playing field it is not actively used for sporting activities. Set just in from the boundary fence there are a number of

semi mature deciduous and conifer trees. The surrounding area is mainly residential in character.

Proposal

This is an outline application for residential development on the area of the school's playing field fronting onto Anchor Road. The school has declared this piece of land as being surplus to its requirements having undertaken a functional audit of its facilities and conducted a consultation exercise with the local community as required by the provisions of PPG17 "Planning for open space, sport and recreation".

The application has been submitted with all matters (siting, means of access, design, external appearance and landscaping) being reserved for future consideration. An indicative plan has been submitted with the application showing the provision of 35 houses with a vehicular access onto Anchor Road.

In recognition of the fact that the application site comprises designated "open space" under the provisions of the adopted Local Plan the applicant has submitted that it intends to implement a package of community benefits, relating to facilities that are to be provided within the school's retained grounds, that will be for the use of both the school and members of the local community, as compensation for the proposed loss of this piece of open space. The package of community benefits will include the following facilities and the applicant has submitted that it is prepared to enter into a Unilateral Undertaking under the provisions of Section 106 of the Town and Country Planning Act 1990 to secure the delivery of these facilities:

- An extension to the Learning Resource Centre (LRC) that will house an enhanced library, science facility and seminar rooms, which will be also be available for use by members of the local community. Planning permission has already been obtained for part of this building and construction has commenced on it.
- A Sixth Form Centre and Community Room that will act as an extension to the LRC, providing a study area and common room that will also be available for adult education purposes. Two classrooms in the main school will also be released for other purposes.
- An Engineering Annex that will enable the school to provide advanced courses in engineering and manufacturing linked to local employment, freeing up space in other classrooms in the main school.
- A Theatre, which can only be built with additional funding and as yet is only in formative stages. It is envisaged that the theatre will become a community asset acting as a focal point for community activity in an area lacking such facilities.

To overcome concerns raised by Sport England over loss of the playing field the application has been supplemented by illustrative details of an all weather sports pitch sited within the remaining school playing field.

The application has been accompanied by supporting information that can be summarised as follows:

- The school has met with residents who live opposite the site in Anchor Road and in that dialogue residents raised a number of concerns including the loss of view. The

school therefore proposes to make the terms of any sale of the land dependent upon substantial landscaping being undertaken along the whole of the Anchor Road frontage.

- It is intended that the land will be sold with the benefit of planning permission with the school retaining the right to approve design and landscaping details.
- The applicants have requested that the provision of the enhanced facilities at the school is not linked in any way to the proposed residential development on the application site, because such a linkage could affect the proceeds realised from the sale of the land.
- The school will not be in a position to undertake the majority of the works in relation to the provision of the proposed new school facilities until consent has been obtained for the proposed residential development so that the costs of the former can be underwritten.
- The school accepts that the provision of the all weather sports pitch should be secured by a Section 106 agreement, which it considers should include the following obligations:
 - a requirement to seek planning permission and subsequently to construct the pitch within 24 months of the sale of the land for residential purposes;
 - the pitch shall have minimum dimensions of 90 metres by 55 metres, to be constructed to the standard required by Sport England;
 - Controls over use of the facility.
- Floodlighting is unlikely to be included as part of any initial proposals for the all weather sports pitch because it is likely that lighting would be too intrusive.

The applicants have also further submitted that:

- A functional audit has been carried out of the school's facilities, which has concluded that a small part of the school site currently not in use for any educational purposes could be sold and the proceeds invested in new facilities without prejudicing the operation of the school.
- The school has a reputation for excellence, its rolls are regularly oversubscribed with people choosing to move into its catchment area. Furthermore many pupils choose to stay on into the 6th form and new facilities are required to maintain the schools standards and reputation.
- The current school roll is approximately 1080 pupils, with 180 pupils being in the 6th form. The school has a 3 year sixth form and the intention is to encourage further attendance in order to maximise educational success. The major expansion of the 6th form has already taken place and further expansion would be relatively small, in the order of 40 pupils. Such an expansion will not in itself bring any further requirement for play area provision

- The formal sports areas are sited mainly on a plateau. The site of the proposed residential development is on land that falls away sharply and is not used by the school. The land is however maintained and therefore represents an ongoing drain on scarce school resources. The area is not required to fulfil any of the school functions nor does it benefit the school in any other way. Furthermore the land is fully enclosed and is not available for use by the general public.
- The school already has and retains close links with the local community and business while making a positive contribution to the social life through involvement in local community and sporting events. The additional facilities will enable these functions and links to be strengthened for the benefit of the school and the wider community.
- The proposal will enable Government objectives on housing and open space set out in PPG3 and PPG17 to be met. The proposal also meets the strategic and community objectives set out in the Medway Local Plan.
- Residential use of the site will enable the provision of much needed housing in a sustainable location well related to local transport, shopping and other facilities.
- The development will be high quality with the requirement for a dense landscaped screen on the Anchor Road frontage.
- The area now being proposed for development has not been accessible to the public for many years ago and was fenced off due to losses from vandalism, theft and abuse of the facility. However although no longer accessible to the public, it is recognised its open aspect provides a valuable amenity to the occupiers of the houses opposite the application site. It is considered that this sense of space will not be completely lost after the development with views still being available to playing field beyond. In any event the loss of views must be balanced against the wider benefits of developing this site for housing in a sustainable location along with improved facilities for the school.
- Although the proposal will affect some of the trees on the site, their replacement can be made conditional as part of any approval.
- It is considered that the proposal also complies with Local Plan policies where these relate to providing alternative provision for perceived loss of open space facilities while encouraging wider community use of any facilities that are or will become available. The Director of Education and Leisure also raises no objection to the application.
- It is felt that the previous proposal to develop this site failed due to lack of explanation over how it would benefit the school while the policy context was also different. It is considered that the current proposal reconciles the various issues in the light of current realities.
- The school has carried out its own survey seeking local residents views on the package of proposals now being considered. Of the responses received 39 are in favour with 3 against.
- In addition to the above survey a further survey was carried out with all residents within the local school catchment area to meet the requirements of PPG17.

Site Area/Density

Site Area: 1.10 hectares (2.71 acres)

Relevant Planning History

ME/94/0861 Outline application for residential development
Refused 12th January 1994

MC2001/1440 Construction of single storey detached learning resource department
Approved 15th October 2001

Representations

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

32 letters have been received objecting to the application for the following reasons:

- The site is not allocated for housing while there is a net shortage of open space within Medway with green space under continual threat from development;
- The area is already densely developed and the proposal will bring additional traffic, parking problems and noise pollution along with the loss of outlook resulting from overlooking a developed site rather than an undeveloped green area;
- The provision of additional housing on the site within the catchment area for the school, will in itself be likely to encourage further development at the school. It would be better if the school could finance the proposal without compounding overcrowding and infrastructure problems besetting the area;
- The proposed development will add to congestion problems in Anchor Road, having regard to the levels of traffic already using this road and the level of on-street parking that occurs. The development will therefore be detrimental to the free flow of traffic and highway safety.
- The loss of the school playing field to fund development is a short sighted response to the school's problems, there is a greater need than ever for school children to have secure areas in which to exercise and also to ensure that future generations health is not compromised by the lack of the adequate provision of areas in which to exercise and learn sporting ideals;
- Planning permission has previously been refused for residential development on this site and there has been no change in circumstances since that decision was made;
- The area is a local wildlife reserve that would be lost;
- The school has previously sought to argue that land should be released in order to fund development. The expansion of school facilities has subsequently gone ahead

without land being released for development. Previously developed land should first be considered for housing rather than seeking to use this school playing field;

- Consideration should be given to other uses that would not involve the loss of open space to the locality, for example the site could be used as public open space if the school cannot find a beneficial educational use for the site. The redevelopment of the girls' school for housing makes the retention and use of any open space that remains in the locality even more important;
- The provision of a synthetic turf pitch in substitution for the area of the sports field to be lost, with its treed setting that also supports local wildlife, cannot be seen as realistic compensation. The all weather pitch in its proposed location will give rise to noise and disturbance from its use as well as a loss of visual amenity arising from the installation of any floodlights; and
- The site adjoins veterinary surgery and its proximity to the proposed development could give rise to disturbance to prospective occupiers of the proposed development.

Robert Marshall-Andrews QC MP has written objecting to the application on the grounds that the consultation exercise undertaken by the applicant did not enable respondents to register objections to the proposal and did not identify alternatives to the submitted proposals. This correspondence further draws attention to the government's commitment to protect playing fields not only for sport and recreation purposes but also as areas of green spaces and it is therefore considered that the applicant has not fully justified the proposed loss of this area of open space.

A petition of 21 signatories has been received objecting to the application on the grounds that the loss of this area of open space would be contrary to government advice, which is seeking to ensure that children receive more exercise on good health grounds.

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

- Additional building will further strain local infrastructure in an area that is already overdeveloped, where green space is under increasing threat;
- The school's difficulties would not be so severe if the Warren Road Girls School had not been demolished and developed for housing; and
- Residents have worked hard over the years to improve the local environment and the proposed development will result in further traffic, parking and noise pollution that will all have an adverse impact on the locality.

A letter from a group calling itself "Recreational Walkers and Householders on the New Estate" has written commenting that when residents moved to the area it was assumed that the school playing field would be safe from development. The loss of this irreplaceable and valuable green space will result in severe harm to the interests of both existing and future generations.

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

- The loss of the open space is to be deplored particularly as the Local Plan identifies this an area where there is an open space deficit;
- Government Guidance in PPG17 makes clear that all playing fields are of special amenity significance and that they should be protected in order to provide recreational benefits for all;
- The proposal refers to the provision of much needed housing on the site, however the Local Plan Inquiry made clear that there is sufficient land to meet future projections up to at least 2006 and consequently there is no justification for the use of this land for housing at this stage;
- It is accepted that the Local Plan makes an allowance for the contribution windfall sites can make to the housing land supply, however there is a significant number of sites coming forward already under this category which further undermines the need to release this land. PPG3 makes it clear that no account should be taken of windfall contributions to housing figures; and
- The application site performs a valuable amenity and open space function in a sprawling urban area and this should override the need for the land to be released for housing purposes.

The Open Spaces Society has written objecting to the application for the following reasons:

- Concerned that Sports England has not withdrawn its objection to the proposed development. The area has a history of open space being lost to other uses with each house built increasing the pressure on the open space that remains;
- The Medway Local Plan identifies the site as protected open space that should be retained even if it is not in an active sporting use. Furthermore the Local Plan seeks to retain open space where demand is concentrated and affords protection to open areas that may be able to perform a sporting function in the Plan period. The loss of open space should only be allowed if it can conclusively be proven that the space will not be needed in the longer term;
- PPG3 precludes building on urban green spaces, while PPG17 provides further protection. In relation to informal open space that has no public access there is still a need to take into account its visual contribution to the locality while playing fields should not be lost unless there is a clear surplus of such provision and all other alternative open recreational uses have first been considered;
- The applicant's case that the proposed development is for educational purposes is in correct, the proposal is to develop the site for housing to cross subsidise off-site development which should be funded via a different route rather than result in the loss of much needed and irreplaceable open space;
- The proposal does not appear to make provision for alternative pedestrian access to the site which needs to be clarified, and
- The size of the all weather sports pitch is less than that which appears to be required by Sport England. The introduction of floodlighting would increase the intensity of the use of the all weather pitch adding to the adverse environmental impact of this facility while the school's desire to control the use of the pitch will result in the very uncertain provision of this facility.

Sport England initially wrote objecting to the proposed development on the basis of the following policy guidance. Sport England applies a policy designed to ensure that there is a supply of quality sports pitches at the local level and to this end the policy seeks to protect not only land laid out as pitches but also adjoining land that could be laid out as a pitch. Accordingly it will as a matter of course object to planning applications resulting in the loss of playing fields or prejudice their use, unless a specific justification can be made for the loss of

such land. This objection will extend to land last used as a playing field or land allocated as a playing field in an adopted or draft Local Plan.

Following further discussion with the applicant, Sport England has written withdrawing its objection in the light of the school's intention to provide an all weather sports pitch facility within the school's grounds, subject to: the pitch being available to the wider community outside school hours; this facility being integrated into the Council's sports development programme; the pitch having minimum dimensions of 101.4 metres by 61 metres; and the drafting of the Section 106 agreement securing its provision in terms to ensure that the pitch is available for use at the earliest opportunity with maximum utilisation opportunities outside school hours.

The Environment Agency has written raising no objection to the application, subject to the development being drained in a manner than does not pollute the local water environment.

Southern Water has written raising no objection to the application, subject to the site being developed with adequate drainage capacity.

One further letter has been received objecting to the application on the grounds that: the site should be retained as a sports and recreational area; there are other school facilities in the area that Thomas Aveling School could share; and there is no need for additional housing in the area.

Development Plan Policies

Kent Structure Plan 1996

Policy ENV15	(Kent's Built Environment)
Policy ENV16	(Protection of Existing Recreational Space and Amenity Land)
Policy T17	(Parking Standards)

Medway Local Plan 2003

Policy S4	(Landscape and Urban Design)
Policy S6	(Planning Obligations)
Policy BNE1	(Built Development)
Policy BNE2	(Amenity Protection)
Policy CF1	(Community Facilities)
Policy H3	(Affordable Housing)
Policy H4	(Housing in Urban Areas)
Policy H5	(High Density Housing)
Policy L3	(Protected Open Space)
Policy L4	(Provision of Open Space)
Policy L8	(Dual Use of Recreational Facilities)
Policy T1	(Impact of Development)
Policy T13	(Vehicle Parking Standards)

Kent and Medway Structure Plan (Deposit Version) 2003

Policy QL1	(Quality of Development and Design)
Policy QL5	(Quality and Density of Development)
Policy QL12	(Protection of Existing Community Services)
Policy TP19	(Parking Standards)

Planning Appraisal

General Considerations and Background

The site is allocated as protected open space within the Medway Local Plan and its proposed use for housing therefore represents a departure from the Development Plan. Accordingly as a departure from the Development Plan in order for such a proposal to be considered favourably it must be demonstrated that there are “exceptional circumstances” prevailing that would allow for a decision to be made that is contrary to the provisions of the Plan. If Members are minded to resolve that planning permission should be granted it will be necessary for the application to be referred to the First Secretary of State as a departure from the Development Plan prior to the permission being issued.

In considering the current application it should be noted that a similar proposal to develop this site for housing was refused under application ME/94/0861 in 1994, essentially on the grounds that it would have resulted in the loss of open space and would be detrimental to amenity. Although the proceeds from the sale of the land at that time would have been used to provide for a youth centre at Warren Wood County Primary School and a new sports and community building at Thomas Aveling School, the provision of these facilities were not at the time considered to be sufficiently overriding considerations to warrant a grant of planning permission.

The applicant has not sought to specify a number of houses for the site as part of the application. However an illustrative layout plan shows a development of 35 mainly terraced houses with landscaped belts sited centrally and along the eastern site boundary. A development of 35 units would just fall within the density range of 30 to 50 dwellings per hectare set out in PPG3.

Government Guidance set out in PPG17 “Planning for open space, sport and recreation” and the provisions of Policy ENV16 of the Structure Plan, Policy L3 of the adopted Local Plan 2003 and Policy QL12 of the Kent and Medway Structure Plan (Deposit Version) 2003 (the emerging Structure Plan) all seek to retain open space within built up areas for its own sake irrespective of whether: it performs a formal or informal recreational function; is open to the public; or is visible from public vantage points. There is also a general presumption against permitting the loss of school playing fields. Given this policy background and the site’s past planning history, planning permission for this proposal should not be granted unless it can be demonstrated that there is overwhelming case in favour of the development based on the provision of wider community benefits.

The following issues should therefore be considered in the consideration of this application:

- (i) whether the loss of the land as playing field will materially erode existing playing field provision at the school when balanced against the school’s need to improve educational facilities and the compensatory provision of an all weather pitch elsewhere on the site;
- (ii) whether the likely form of the development is acceptable in terms of its impact on the character and amenities of the locality; and
- (iii) highway and parking impacts likely to arise as a consequence of the development .

Loss of the protected open space/school playing field and use of for housing

The school's case is based on its contention that its sports pitches are sited on the plateau within the grounds of the school and that the application site, as a consequence of its topography, cannot be used actively for sporting purposes. Notwithstanding the fact that this land cannot be used actively by the school it still has to be maintained. Furthermore the area is enclosed and is not available for use by the public.

To overcome objections from Sport England to the loss of this area of the school's grounds, the school has indicated a willingness to convert one of its grass pitches into an all weather pitch for use by both the school and the wider community. Furthermore it has been submitted by the applicant that it intends as compensation for the loss of this area of open space, to provide: an extension to the learning resources centre currently under construction; a new 6th form centre; a new engineering annex; and a theatre, which are facilities that will have wider community usage in the area.

Notwithstanding the applicant's submissions, Government guidance in PPG17 makes it clear that before the principle of development on school playing fields can be accepted it must be demonstrated that the land in question is surplus to requirements and that full consideration has been given to the visual contribution the land makes to the area in question.

Dealing first with the issue as to whether the site can be considered as being surplus to the requirements of the school, the sloping nature of the site means that as it stands it is not in a condition that is suitable for it to be used for formal recreational/sports use. It should also be borne in mind that the application site forms a relatively small part of the school's grounds and that even if it were to be developed there will still be a substantial area of playing fields left within the school to meet its sports requirements, while provision of the synthetic turf pitch will ensure that a usable all weather facility will be available for use by both the school and the wider community to further mitigate against the loss of the application site.

Furthermore it should be noted that the application site is not accessible to the public and as such its loss will not exacerbate the current deficit of public open space in the vicinity of the application site.

Having regard to the visual contribution that the site makes in its current form, its undeveloped character is seen as forming part of the character to the locality that has been recognised by its allocation as a protected open space in the adopted Local Plan. Nevertheless if the circumstances of a case warrant, it is appropriate to review this function to establish whether the balance of issues fall in favour of an alternative land use.

The advice contained within PPG17 makes it clear that where a Local Authority has not carried out its own assessment of the amenity contribution that a site makes in an area, then it will be the responsibility of the applicant to demonstrate by undertaking an independent assessment that the land in question is surplus to requirements and as part of this process the applicant will need to consult the local community in order to demonstrate that its proposals are widely supported.

The applicant has carried out a survey within the local catchment area for the school. A total of 4,500 questionnaires were delivered to households within the catchment area and 592 replies were returned, which amounts to a 13.1% response rate. The results from this survey show that 53% of respondents were in favour of the development provided the package of the school improvements that have been identified are implemented. A significant number of

respondents also rated the visual amenity of the site highly. The results from this survey indicate that the local community are generally in favour of the proposed development and that the test of community support set out in PPG17 and referred to above has been met.

Having regard to the fact any planning permission that might be granted for the currently submitted application will: secure improved school facilities over and above the package that accompanied the application that was refused planning permission in 1994, while contributing to better community and recreational provision within the locality; and the 'windfall' housing contribution that the currently submitted proposal will make to the housing land supply within the Medway Towns, it is considered that a sufficiently compelling case has been made to enable this proposal to be supported. Accordingly taking the above assessment into account it is considered that the submitted application, together with the proposed package of community benefits, satisfies the requirements of PPG17 and that any objections to this development under the provisions of Policy ENV16 of the Kent Structure Plan 1996, Policy L3 of the adopted Local Plan and Policy QL12 of the emerging Structure Plan can be overcome.

The proposed development of this site for housing is also considered to be in accordance with the provisions of PPG1 and PPG3 and policies H4 and H5 of the Medway Local Plan.

Visual amenity considerations

This is an outline submission with only indicative details relating to the siting of the proposed development being submitted with the application. Any comment on the impact on residential amenity can only therefore be in general terms.

The closest properties to the application site are on the opposite side of Anchor Road and having regard to the distance between these properties and the site it is considered that the site can be developed in a manner that will not give rise to any unacceptable loss of privacy and light for the occupiers of those adjoining properties.

The main amenity impact arising from this development will concern a reduction in the outlook that existing residents in Anchor Road will experience as they look out from their properties towards the application site. In planning law there is no right to outlook across land owned by another party and accordingly it is not the role of the planning system to safeguard the views enjoyed by existing residents. However, good planning should seek to ensure that an open aspect is not replaced by unsympathetic and unremitting built development. Subject to careful consideration being given to siting and design of the proposed development at the reserved matters stage it is considered that the site could be developed in an appropriate manner and in this regard no objection is raised to the proposals under the provisions of Policy ENV15 of the Structure Plan, Policy BNE2 of the adopted Local Plan and Policy QL1 of the emerging Structure Plan.

Design considerations

While no design details have been submitted with the application, having regard to the character of the surrounding area, it is considered that this site can be developed in a manner that will respect its surroundings. Accordingly no objection is raised to the application under the provisions of Policy ENV15 of the Structure Plan, Policy BNE1 of the adopted Local Plan and Policy QL1 of the emerging Structure Plan.

Highway and parking considerations

Given the likely scale of the development and nature of the local road network the applicant has submitted a traffic impact assessment. The results from this assessment indicate that the local highway network will be able to adequately accommodate the level of traffic that will be generated by this development. To ensure that vehicles emerging from this site can do so safely it will be necessary to provide sight lines of the required standard and this is a matter that can be covered by the imposition of a condition on any forthcoming planning permission. It is considered that on-site parking provision can be made in accordance with the requirements of the adopted vehicle parking standards and accordingly in this regard no objection is raised to the application under the provisions of Policy T17 of the Structure Plan, Policy T13 of the adopted Local Plan and Policy TP19 of the emerging Structure Plan.

Affordable housing, education and open space provision

Taking into account the likely dwelling yield from this site, this proposal will generate a requirement to make provision for affordable housing provision to meet the requirements of Policy H3 of the adopted Local Plan. Policy H3 advise that affordable housing should be provided at a level of 25% and it is recommended that the provision of affordable housing should be secured through the applicant entering into a Section 106 agreement.

With respect to the proposed residential development's implications for the provision of education facilities in the area contributions, given that any proceeds from the development will be used to enhance facilities for use by both the school and the local community, the Director of Education has advised that these benefits offset the need to seek any developer contribution for primary and secondary school places in this instance.

Policy L4 of the adopted Local Plan requires new residential development to make provision for play and open space either directly on site or to make financial contributions towards existing facilities within the immediate environs of the application site concerned. In this case it is considered that the application site is not of a sufficient size to warrant open space being provided on-site and it is therefore considered that a contribution should be sought for the enhancement of the facilities at Friston Way, an area of open and play space which is within easy walking distance of the application and which is thus a facility that occupiers of the proposed development are likely to wish to use. In this respect the applicant has offered to make a contribution of £10,000 and this level of contribution is considered to be acceptable and it is recommended that it is secured via a Section 106 agreement.

Financial contributions to secure the community facilities

The applicants have stressed that if the requirement to provide the community facilities is made the subject of any Section 106 Agreement that this would have an adverse effect on the proceeds from the sale of the land. In order to avoid this, the applicants have therefore advised that they are prepared to enter into a Unilateral Undertaking via Section 106 of the Town and Country Planning Act to secure the construction of an all weather sports pitch and to implement the other proposals it has identified to enhance the provision of facilities at the school (an extension to the learning resources centre and the provision of an engineering annex and a theatre).

Wildlife considerations

Representations have been received that comment on the application site's wildlife value, insofar as it acts as a local habitat which could be lost if the development proceeds. The applicant has not assessed the wildlife value of the site and it is therefore considered that a condition should be attached to any forthcoming planning permission for the development of the site requiring a wildlife survey to be undertaken and mitigation measures to be implemented as necessary.

Conclusion

The proposed development represents a departure from the Development Plan because the application has been designated as forming part of a protected open space under the provisions of Policy L3 of the adopted Local Plan. Accordingly there is a presumption against permitting the proposed residential development unless it can be demonstrated that there are exceptional circumstances that warrant planning permission being granted in the circumstances of the case in question. In determining this application regard needs to be paid to the following factors: the topography of the site is such that it cannot be used for sports purposes and it is not available for public use; the proposal will result in a residential development within the urban area that will contribute to the housing land supply situation within Medway; the school's functional audit of its facilities has confirmed that the land is surplus to its requirements; and the applicant is proposing to undertake a number of improvements at the school, including the provision of an all weather sports pitch, that will be of benefit to both the pupils of the school and the wider local community when these facilities will be available to non-school users outside school hours. It is considered that when this package of community facilities is taken together that they will more than compensate for the loss of the existing "amenity value" of the site.

Taking the above mentioned factors into account and the applicant's willingness to make a unilateral undertaking under to secure the provision of the identified school and community facilities as compensation for the loss of the area of school playing field the subject of this application, it is considered that a case of exceptional circumstances can be made out in this case to warrant the grant of planning permission. The application is accordingly recommended for approval subject to: the application being referred to the First Secretary of State as a departure from the Development Plan; the applicant entering into the unilateral undertaking referred to above; and the applicant entering into the recommended section 106 agreement.

It should also be noted, notwithstanding the land use planning considerations relating to the determination of this planning application, that the approval of the Secretary of State for Education will also be required before any development could proceed because the site forms part of a school playing field.

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

[This application was considered by Members at the Development Control Committee on the 8th September 2004 when it was determined to defer a decision to enable a Members' site visit to be held.]

2 MC2003/2676

Date Received: 11th June 2004

Location: Land adjacent to 6 Union Street, Rochester, Kent, ME1 1XZ

Proposal: Construction of part 3 storey, part 4 storey block to accommodate eleven 1-bed flats with associated parking (demolition of existing garages)

Applicant: Mr Bass 3 Pretty Seat Mews East Row Rochester Kent

Agent: Mr Hatton Building 1000 Popjack Road Sittingbourne Reserach Centre Sittingbourne Kent

Ward: Rochester East

Recommendation - Approval with Conditions

(as amended by plans received on 5th July and 3rd September 2004)

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 Prior to the commencement of the development, details and samples of any materials to be used externally shall be submitted to and agreed in writing by the Local Planning Authority before development is commenced and the development shall be carried out in accordance with the approved details.
- 3 A sample panel or panels of the facing brickwork, approved pursuant to condition 2 above, which demonstrates the full details of the brick bond, pointing style and mortar mix shall be provided on site and approved by the Local Planning Authority in writing before the relevant parts of the construction works are commenced and the sample panels shall be retained on site until the works have been completed and the facing brickwork shall be constructed 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 in writing. These details shall include existing and proposed finished ground levels; means of enclosure, and existing and hard surfacing materials; and minor artifacts and structures (e.g. external furniture, refuse or other storage units, signs, lighting etc). Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and implementation programme.
- 5 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 Means of vehicular access to the development hereby permitted shall only be from East Row for ingress and from Union Street for egress.
- 7 The area shown on the drawing marked Sheet 1 for vehicle parking shall be kept available for such use and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.
- 8 Prior to commencement of the development hereby permitted, details of: the joinery for all windows and external doors; any external rainwater goods and soil and vent pipes; any external railings and balconies; the surround to the vehicular entrance on the Union Street frontage, the detailing of the proposed bay windows on the north facing elevation, and any external stonework shall be submitted to and approved in writing by the Local Planning Authority. Any of the above mentioned details that are to be submitted in a drawn form shall be submitted at a scale of not less than 1:20. The development shall be implemented strictly in accordance with the scheme of the details approved under this condition.
- 9 Prior to the commencement of the development, full details and samples of the proposed ridge, hip and eaves, including the layout of the parapet gutters shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented strictly in accordance with the scheme of details approved under this condition.
- 10 No balanced flue outlets shall be installed in the northern, eastern, southern and western elevations of the building hereby permitted.
- 11 No development shall take place until the developer has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved in writing by the Authority.
- 12 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.

- 13 Prior to the first occupation of any of the flats within the building hereby permitted, the bay windows proposed to the north facing elevation shall be fitted with obscure glass on the northern and east facing sides of the bays and those obscure glazed panes in the north and east facing parts of the bay shall be non opening apart from any opening light that is a minimum of 1.7 metres above the internal floor level of the room concerned.

Site Description

The application site lies at the junction of East Row and Union Street and comprises a group of single storey lock-up garages together with an area of adjoining vacant land and a surfaced parking area at the rear of Jacaranda House, a recently built flat development.

Access to the site is gained from East Row, by an archway beneath Jacaranda House and from the garages' access in Union Street.

The application site is bounded: to the north by Jacaranda House; to the east by Troy House, an imposing Listed Building on the corner of East Row and Union Street; 2, 4 and 6 Union Street which are also grade 2 Listed 3 and 4 storey houses; to the south by the Rochester Veterans' Club, a wooden single storey prefabricated building; and to the west by the continuous terrace of Maidstone Road.

Part of the application site is within the City of Rochester Conservation Area.

Proposal

This application is a full submission and proposes the redevelopment of the garage site to provide eleven one-bedroom flats. The flats would be contained in a 4 storey "L" shaped building which continues the existing terrace along Union Street and returns along the southern site boundary adjoining the Rochester Veterans' Club building.

The proposed building would accommodate four flats on both the first and second floors and three flats on the third floor. The ground floor of the building would house some covered parking spaces, the entrance and staircase, a communal laundry area and bin stores. This ground floor area is also large enough to provide covered storage for cycles or motorcycles. The application proposes the rationalisation of the existing parking and accessing arrangements for the development at Jacaranda House. A total of 17 off-street car parking spaces are to be provided. 13 of these off street spaces relate to the proposed new block of flats, while the remaining 4 parking spaces will be available to occupiers of Jacaranda House.

The proposed building would have a central arch in the Union Street elevation, allowing vehicular egress from the site. Pedestrian access is provided from the frontage of the site to the left of the vehicular egress and from within the site. The existing arch access to Jacaranda House on East Row would become an in-only access and the new arch within the proposed development would be an out-only facility onto Union Street.

Apart from a small area of incidental open space, the proposal has no amenity space. However The Vines open space is however within 100 metres of the site.

The form of development proposed extends the existing terrace and increases the height by one floor compared with numbers 4 and 6 Union Street. The design of the proposed building

replicates that of the existing Georgian terrace with four floors surmounted by a parapet, with shallow pitched and hipped roofs behind. The windows would be of a vertical sash pattern in the same proportions as those found in the existing terrace.

The southern elevation would contain windows and false openings to match the proportions and rhythm of the remainder of the building. These windows serve non-habitable rooms as there can be no guarantee of an outlook over the adjoining Club site, which is capable of redevelopment in its own right at some time in the future.

The western elevation (facing towards the rear elevation of the neighbouring properties in Maidstone Road) would have around 20 window openings within it, nine of which would serve non-habitable rooms. The first and second floor central windows in the western elevation serving flats 1 and 5 would also have small balconies measuring some 3.8 metres in width by 0.85 metres in depth.

The northern elevation would have five projecting bay windows serving habitable rooms. The northern and eastern faces of these bay windows will be fixed shut and obscure glazed up to a height of 1.7 metres above the internal finished floor level. The southern face of the bay window will be clear glass and openable. The style of these windows matches the overall design context of the proposed building.

The proposed building would be built in yellow stock brickwork with a hand made appearance laid in a Flemish bond with narrow gauged pointing. This will match the existing development and Jacaranda House. The roof of the proposed building will be covered with natural slate. All external joinery is to be of a timber construction.

Listed Building consent has been previously granted, under reference MC2002/0543, for the demolition of boundary walls to the rear and side of numbers 4 and 6 Union Street to facilitate the proposed parking and access arrangements.

Site Area/Density

Site Area: 0.0584 hectares (0.144 acres)
Site Density: 188 dph (76 dpa)

Relevant Planning History

Application Site

MC2002/0542	Demolition of garages and construction of seven 1 bed flats with provision of parking to serve flats and existing flats Approved 8 January 2003
MC2002/0543	Listed Building Consent for demolition of boundary walls to facilitate the construction of a block of flats with ancillary parking Approved 8 January 2003
MC2003/1752	Construction of part 3 storey and part four storey block to accommodate eight 2-bed flats and three 1-bed flats with associated parking (demolition of existing garages) Withdrawn 21 November 2003

6 Union Street

ME/88/439/L15 Restoration of existing period building
Approved 26 July 1988

ME/89/0547 Conversion into three self-contained flats
Approved 24 October 1989

Jacaranda House

ME/89/1098 Erection of six bed-sitting units
Approved 20th March 1990

ME/98/0680 Erection of seven studio flats and alterations to existing bedsit
Refused 11 September 1990

ME/90/0889 Demolition of garage block and erection of six studio bedsitting
flat units and alterations to existing unit
Approved 11 December 1990

ME/91/0919 Demolition of single storey extension and erection of 3 storey
extension comprising three flats
Withdrawn 30 March 1992

Representations

The application has been advertised by means of site and press notices as a major development affecting a Listed Building and being within a Conservation Area. Neighbour notification letters have been sent to the owners and occupiers of: Ivy House, Flats A-D (Inclusive) Jacaranda House, 6, 8 and Flats A-C (Inclusive) Troy House East Row; Flats 1-7 (inclusive) number 2, Flats 1-4 number 4, 6 and the Rochester Veterans Club, Union Street; Rochester Police Station; and 35-59 (odds) Maidstone Road.

Three letters of objection have been received making the following comments:

- Over development of the site, too many flats are proposed;
- The height of the development should be retained at three storeys in line with adjoining properties;
- The development is too deep and will be out of character with the area, detracting from the visual amenity of the Conservation Area;
- The development will result in a loss of amenities for the occupiers of neighbouring properties by reason of the loss of privacy and overshadowing. The proposed balconies in particular will give rise to overlooking because the first floor balcony will be at the level of the gardens of the properties to the rear in Maidstone Road;
- Loss of a useful parking facility that is used by local residents;
- No amenity space is proposed within the development;
- The development will obscure views from neighbouring properties;
- The garages should be used as workshops for small scale business users; and
- The development will not be in keeping with Georgian style of development within the immediately surrounding area.

Transco has written commenting that it should be assumed that a service exists to each property from the nearest main and that each individual service should be located by hand dug trial hole prior to the commencement of the works;

Southern Water has written raising no objection to the proposed method of foul sewage disposal and further comment that no surface water should be discharged into the public foul sewer.

The Kent and Medway Towns Fire Authority has written commenting that the width and height of gated access will not allow for a fire appliance to pass through. Consequently access to within 45 metres of the top flats is not possible and an inbuilt dry riser may be necessary. [The concerns of the Fire Authority in this regard will be addressed as and when this development becomes the subject of a Building Regulations application.]

Kent County Constabulary (Architectural Liaison Officer) has confirmed that he has no objection to the application, although matters of detail need to be considered further to maximise the security for occupiers of the scheme.

Development Plan Policies

Kent Structure Plan 1996

Policy ENV15	(Built Environment)
Policy ENV17	(Development Affecting Conservation Areas)
Policy ENV19	(Development Affecting Listed Buildings)
Policy H3	(Housing in Urban Areas)
Policy T17	(Parking)

Medway Local Plan 2003

Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)
Policy BNE12	(Conservation Areas)
Policy BNE14	(Development in Conservation Areas)
Policy BNE17	(Alterations to Listed Buildings)
Policy BNE18	(Setting of Listed Buildings)
Policy T13	(Vehicle Parking Standards)

Kent and Medway Local Plan (Deposit Version) 2003

Policy QL1	(Quality of Development and Design)
Policy QL5	(Quality and Density of Development)
Policy QL7	(Conservation Areas)
Policy QL8	(Archaeology)
Policy QL9	(Buildings of Archaeological and Historic Quality)
Policy TP19	(Parking Standards)

Planning Appraisal

The main issues for consideration arising from the proposed development are: matters of principle concerning the redevelopment of the garage site; general design and amenity

considerations; implications for the neighbouring Listed Buildings and the Conservation Area; and highway matters.

Matters of Principle

It is to be noted that planning permission was granted under file reference MC2002/0542 the construction of a block of 7 flats on this site on 8 January 2003 and that permission is still extant. The current proposal is not dissimilar to the earlier proposal in that it would still regenerate this small site, which although currently in a beneficial use, is becoming unsightly and detracts from the attractive Listed Buildings, which flank it in Union Street and the sympathetic development in East Row.

It is considered that the advantages of redeveloping this site for residential purposes significantly outweigh any disadvantages associated with the loss of the garaging on this site. Accordingly no objection is raised to the principle of this scheme.

Design and Amenity Considerations

The form of the proposal has evolved primarily from the need to extend the Union Street frontage in harmony with the existing group of buildings and this has been achieved through negotiation. The style and design of the development are considered to be acceptable and the proposed openings within the development are in scale with the proportions of the existing properties in Union Street.

Concern has been expressed about the height of the building, but the height is considered to be appropriate in this location and the development relates well to its surroundings. The distance between the new development and the existing properties in Maidstone Road complies with the requirements of Kent Design and no unacceptable loss of privacy will arise from the proposal.

There are bay windows to habitable rooms proposed in the northern elevation of the proposed building, which face towards the rear yard/garden areas of numbers 2 to 6 Union Street and Jacaranda House. However, the applicant is proposing to obscure glaze these windows to a height of 1.7 metres from the internal floor level and this will prevent any direct overlooking or loss of amenity from this elevation. The design of these bay windows is such that while they will eliminate the potential for an unacceptable level of overlooking of the neighbouring properties to the north and east, they will have clear glazing in the western face allowing occupiers of the proposed flats to have an outlook while ensuring that an unacceptable loss of privacy does not arise. Adequate privacy distances exist in terms of these windows and the adjoining properties to the west and in this regard these windows are considered to provide an adequate level amenity both for the future occupiers of the proposed accommodation and the adjoining accommodation, especially those in Maidstone Road. The limited windows in the southern elevation look across a site in social/community use and once again no adverse affect from the development will arise.

The proposals are considered to be acceptable in design and amenity terms and no objection is therefore raised to the application under the provisions of Policy ENV15 of the Structure Plan Policies, BNE1 and BNE2 of the adopted Local Plan and Policies QL1 and QL5 of the Kent and Medway Structure Plan (Deposit Version) 2003 (the emerging Structure Plan).

Listed Building and Conservation Area Considerations

The proposed building has been designed and proportioned to respect the character and appearance of both the immediately neighbouring Listed Buildings and the Conservation Area within which part of the site is located. It is therefore considered that the development will enhance the appearance of this sensitive historic environment and will have no detrimental impact upon the adjoining Listed Buildings and the surrounding adjoining Conservation Area.

The proposals therefore accord with the provisions of Policies ENV17 and ENV19 of the Structure Plan and Policies BNE12, BNE17 and BNE18 of the adopted Local Plan and QL7 and QL 9 of the emerging Structure Plan.

Highway and Parking Considerations

As previously stated, the development has a total of 17 car parking spaces which comprises one space for each new apartment created, two for visitors and four for the occupiers of Jacaranda House. Having regard to the City Centre location of this scheme, the proximity to public transport facilities, current Government guidance relating to parking and the provisions of the adopted Parking Standards, it is considered that the proposed parking arrangements are acceptable. No objection is raised to the application under the provisions of Policy T17 of the Structure Plan, Policy T13 of the adopted Local Plan and TP19 of the emerging Structure Plan.

The proposed vehicular accessing arrangements are also considered to be acceptable. In particular the establishment of a "one-way" circulation will in practice assist in improving highway safety, because the East Row access will become a dedicated entry only access. Currently that access is perfectly suitable as an ingress point but has limitations as an egress because forward visibility in terms of the available sight line is less than desirable.

No highway objection is raised to the application subject to the establishment of the proposed one-way circulation arrangement that can be controlled by means of the imposition of a condition.

Other Matters

The Director of Education has advised that as this development is for one bedroomed flats, a contribution towards the provision of educational facilities will not be required in this case.

Conclusion

The proposed development is considered to be acceptable in all regards and the application is accordingly recommended for approval.

[This application would normally fall to be considered under the officer's delegated powers but is being reported for Members' consideration because of the level of representations that have been received which are contrary to the officer recommendation.]

3 MC2004/0101

Date Received: 16th January 2004

Location: Rochester Grammar School For Girls, Maidstone Road, Rochester, Kent, ME1 3BY

Proposal: Formation of new main entrance to the school

Applicant: Governing Body Of Rochester Grammar School For Girls Maidstone Road Rochester Kent

Agent: Mr C Bedford Bedford Partnership Chartered Building Surveyors 62 London Road Maidstone, Kent ME16 8QL

Ward: Rochester East

Recommendation - Refusal

(as amplified by letters dated 9th March and 14th June 2004)

- 1 The proposed development would result in the loss of on-street parking and vehicle waiting space on Maidstone Road as a result of the need to introduce no waiting restrictions on either side of the proposed access to ensure that drivers of vehicles emerging from this access are afforded adequate forward visibility. The loss of on-street parking and vehicle waiting space on Maidstone Road at this location would be detrimental to highway safety and residential amenity and is therefore contrary to Policies T2 and BNE2 of the Medway Local Plan 2003.
- 2 The development would result in increased pupil dropping-off and picking-up movements and turning manoeuvres on Maidstone Road, interrupting the free flow of traffic on that road. The proposal would therefore be detrimental to highway safety and is therefore contrary to Policy T2 of the Medway Local Plan 2003.
- 3 The proposed alterations to the access to the site are likely to result in increased pedestrian movements across Maidstone Road to the detriment of pedestrian and highway safety, contrary to Policy T2 of the Medway Local Plan 2003.

Site Description

The application site is on the eastern side of Maidstone Road and comprises part of the adopted highway and part of the grounds Rochester Grammar School for Girls. The boundary between the school and the highway comprises railings with hedging. Just behind the hedging and fencing there are mature trees. Immediately behind the application site there are 4 tennis courts, open space and buildings comprising the main school complex. On Maidstone Road at this point there is a lay-by where school buses currently wait to drop off and pick up children attending the school.

To the south of the application site there is an existing vehicular access serving as a secondary service entrance to the school. Further south there is the relatively recent

residential development in Compass Close. Compass Close extends to the school's southern boundary and acts as the main vehicular access to the school.

On the western side of the Maidstone Road there is residential development comprising a mixture of detached and semi detached houses set back from Maidstone Road each accessed directly off Maidstone Road. The Sir Joseph Williamson Mathematical School lies just to the south west of the application site.

Proposal

The submitted application proposes the formation of a new vehicular access onto Maidstone Road. It is proposed that this new access will become the main vehicular for the school. The proposed access point would be 6 metres wide and would have 6 metre radii. Sight lines of 2 metres by 60 metres are shown on both sides of the access point to provide forward visibility for drivers emerging onto Maidstone Road. In order to form the proposed access it will be necessary to remove approximately a 13 metre length of security fencing and hedging. It is proposed that the fence will be realigned so that it will run 6 metres from the kerb line.

New vehicular and pedestrian gates will be erected, although no details have been provided of these. The works to form the new access point will require the removal of one small tree.

Within the school grounds it is proposed that a new driveway will be constructed turning 90 degrees to the south, running parallel with Maidstone Road for 27 metres, reducing in width to 4.8 metres, before turning back (eastwards) towards the school where it is intended to construct a parking area for 11 cars on land currently used as a tennis court. A link through to the school's existing parking will also be created.

A 2 metre wide footpath will run along the whole length of the proposed access road.

It is submitted that the proposed changes to the school's access arrangements have two purposes, the first is to improve the school's visual identity, while the second is to enable the Compass Close access to the school to be closed thereby removing all school related traffic from that road.

The applicant has submitted that it recognises the potential highway conflict with the access serving the Mathematical School and the new access has therefore been sited 120 metres to the north of that existing access. The location of the access has also been chosen to minimise the loss of trees within the school's grounds and will be sited in a gap between these trees.

The applicants have also undertaken a traffic impact assessment that recorded traffic movements. This assessment is based upon a manual traffic count in Compass Close and on Maidstone Road. The count was undertaken on the 20 January 2004 and covered the morning and evening school run periods and the lunchtime period. An automated traffic count recording traffic speeds and vehicle flows in Maidstone Road was also undertaken between 20 and 27 January 2004.

The results from the traffic counts are as follows:

During the morning survey period (07:45 to 09:30) 168 vehicles entered Compass Close and of these 61 went onto enter the school grounds. Of the 61 vehicles entering the school 11 vehicles dropped off pupils while the remaining 50 vehicles stayed within the school and are

assumed to be carrying staff. During this morning period 123 vehicles left Compass Close and 118 of these dropped off children. These figures show that of the 291 morning trips (dropping off is classed as 2 trips), 286 were school related.

During the afternoon survey period (14:45 to 16:00) 89 vehicles entered Compass Close and 80 left. A considerable proportion of these 169 trips will have been school related. [This survey does not provide sufficient information to give a precise figure for the number of vehicle movements generated by this traffic.]

The morning survey for Maidstone Road revealed that 244 cars and 9 buses dropped children off in Maidstone Road and the afternoon count showed 106 cars and 12 buses collected pupils. [It should be noted that this count does not distinguish between pupils being dropped off at girls' grammar school or the adjoining Mathematical School.]

Representations

The application has been advertised by means of a site notice. Neighbour notification letters have been sent to the owners/occupiers of: 180 to 206 (evens) and 206 a, b and c Maidstone Road; and 1-5 (inc) Rectory Grange.

Nine letters of objection have been received objecting to the application for the following reasons:

- no justification has been submitted in support of the application and no evidence has been submitted to show that the provision of the new access will improve the existing congestion problems in the area of the school;
- Maidstone Road is a very busy road, which has been the subject of numerous accidents, consideration should be given to the use of the existing access at the lower corner of the school field on Maidstone Road which is also close to a pedestrian crossing;
- the proposed visibility splays are insufficient to serve the access onto a road where speeds are high being on the outside of a sweeping bend, where visibility is poor and where right turning traffic could become a source of further accidents;
- whenever the school has events parking takes place on the verge fronting the school on Maidstone Road that will further reduce visibility for the new access;
- the provision of the proposed new access gates and signs will involve the loss of existing trees and hedges which will be detrimental to the visual amenity of the residents of houses on the opposite side of Maidstone Road; and
- while it is accepted that removing school related traffic from Compass Close could be beneficial for the residents of that street, the provision of sight lines on Maidstone Road on either side of the access point will mean that it will be necessary to prevent the on-street parking that currently takes place on this part of Maidstone Road with the result that without additional parking within the school grounds being provided the existing on street parking will be displaced to other parts of Maidstone Road causing problems elsewhere.

A letter has been received from highway consultants' acting on behalf of the applicant making the following representations:

- The planning permission for the Compass Close development did not require the school's previous direct access to Maidstone Road to be closed.
- Given the limitations of the school's former direct access to Maidstone Road, its closure would have represented a significant highway gain. However that gain was at the expense of the residents of Compass Close.
- On the basis of the results of the AM traffic count in Compass Close it is apparent that on the day of the survey 85 to 90 vehicles entered the Close solely for the purpose of dropping off school pupils.
- On the basis of the results of the PM traffic count in Compass Close it is apparent that on the day of the survey 50 vehicles entered and left the Close solely for the purposes of picking up school pupils.
- The proposed access would achieve sight lines of 90 metres in accordance with design requirements for a 30mph speed limit. The carriageway width at the access point is of sufficient width to enable right turning vehicles entering the access from Maidstone Road to make this manoeuvre without unduly impeding the majority of following northbound vehicles.
- Yellow zig-zag lines are likely to be provided on either side of the proposed access to preclude on-street parking within the sight lines for the new access. The majority of the on-street parking on Maidstone Road that occurs within the vicinity of the school is generated by sixth form pupils who are not permitted to park within the school's grounds. The displacement of vehicle parking should not be seen as a valid objection to the provision of the proposed access.
- The bus lay-by in Maidstone Road will be retained and will thus continue to be available for pupils to be dropped off or picked up by buses.
- It is understood that the Council has received representations from residents expressing concerns about increased on-street parking occurring on Maidstone Road as a consequence of the new access being created. Residents are no doubt affected by on-street parking and some of this will be removed as a result of this proposal proceeding. No doubt residents of Compass Close would support the provision of the new access because it would reduce the volume of traffic using the Close.
- The formation of the proposed access will not have an overall affect on traffic flows on Maidstone Road. Additional turning movements within the vicinity of the new access will be off-set by a reduction in turning movements at the junction between Maidstone Road and Compass Close. While it is accepted that some residents will still park in Compass Close to either drop off or collect children, there will still be a reduction of vehicular activity within the Close, not least because school staff will not need to use this road to gain access to the school's parking areas. As there will be no pedestrian access to the school via Compass Close there would be no benefit to parents to enter that road and drive past the majority of the residential properties in the street.

Development Plan Policies

Kent Structure Plan 1996

Policy ENV15 (Kent's Built Environment)

Medway Local Plan 2003

Policy BNE1 (Built Development)
Policy BNE2 (Amenity Protection)
Policy BNE43 (Trees on Development Sites)
Policy L3 (Protection of Open Space)
Policy S4 (Landscape and Urban Design Guidance)
Policy T1 (Impact of Development)
Policy T2 (Access to Highway)
Policy T3 (Access for Pedestrians)

Kent and Medway Structure Plan (Deposit Plan) 2003

Policy QL1 (Quality of Development and Design)
Policy TP11 (Development and Access to the Primary/Secondary Road Network)

Planning Appraisal

The key issues for consideration arising from this application are:

- whether the proposed access onto Maidstone Road will have a material impact on the free flow of traffic and highway safety; and
- the visual impact of the changes to the street scene in Maidstone Road and the protected open space.

Highway issues

It should be noted that an express requirement of the planning permission for the residential development at Compass Close (ME/93/0769 – Condition 16) was that the original main vehicular access serving the school on Maidstone Road be closed to vehicular traffic once the new vehicular access to the school via Compass Close became available for use.

The applicants have carried out a count for traffic entering and leaving Compass Close and also a 7 day count on Maidstone Road.

Based on these results it would appear that, if the proposed access was formed, in the course of the average day approximately 450 school related vehicle movements will be removed from Compass Close. There would undoubtedly be residential amenity benefits in removing this amount of school related traffic from what would otherwise be a quiet residential street.

In terms of the volume of traffic using Maidstone Road the proposed development will have no affect with school traffic being diverted to another part of this road. The key highway issue

for consideration is whether closing the school's Compass Close entrance will have any affect on highway safety in Maidstone Road.

In the morning period, the applicants have submitted that currently 244 cars and 9 buses drop off children within the vicinity of the proposed access point. The proposal could therefore increase this figure by 48% to 362 and 9 buses. In addition 50 staff would use the proposed access rather than the existing Compass Close access. For the afternoon period the applicant states that 106 cars and 12 buses collect pupils. The formation of the proposed access could therefore result in a 70% increase in cars stopping on Maidstone Road to collect pupils in the afternoon period. This stretch of Maidstone Road is heavily parked with pupils' vehicles in school hours and the survey figures show that it is already heavily used for dropping off and collecting pupils during the morning and afternoon school start and finish times.

If the proposed access was to be established, a Traffic Regulation Order imposing a no waiting restriction (double yellow lines) would have to be put in place to preclude parking, dropping off and picking up occurring within the sight lines on either side of the access so that drivers emerging onto Maidstone Road would have adequate forward visibility to safely join this classified road.

Given that there is no evidence to suggest that numbers of vehicles coming to the school would be reduced as a result of the proposal, it is likely that significantly increased competition for drop off space on Maidstone Road would occur, with an increase in vehicles wishing to drop off or collect pupils and a reduced amount of waiting space on Maidstone Road within the immediate vicinity of the school.

The combination of an increased concentration of vehicles dropping off pupils on this part of Maidstone Road and the reduction in the amount of available on-street parking/waiting space will be likely to give rise to increased localised congestion which would be prejudicial to highway safety. It is also considered that with the anticipated level of competition for on-street parking/waiting space that the requirements of any yellow line restrictions within the vicinity of the proposed access would not be fully abided by. Consequently the sight lines required to allow drivers to safely emerge from this access would in practice be infringed to the detriment of highway safety. It is considered that the adverse highway implications arising from this proposal will more than outweigh any amenity improvements that the residents of Compass Close might experience.

In addition the vehicles that currently park within the areas that would have to be set aside for the sight lines on either side of the access would have to park elsewhere which may have a detrimental affect upon the amenities of residents of Maidstone Road by dispersing the short term parking associated with the dropping off and collection of pupils over a wider area.

A further disadvantage arising from the relocation of the access is the fact that pedestrians wishing to enter or leave the school, having respectively been dropped off or collected, will potentially have to cross a busy road, namely Maidstone Road, rather than make their way into or out of the school via a residential side street. The additional pedestrian movements across Maidstone Road associated with the proposed relocation of the school access have the potential to result in increased prejudice to pedestrian and highway safety.

It is therefore considered that the new access is unacceptable in highway safety terms and as such the proposal breaches the provisions of Policies T2 and BNE2 of the Medway Local

Plan and TP11 of the Kent and Medway Structure Plan (Deposit Version) 2003 (the emerging Structure Plan).

Design and siting considerations

The provision of the new access onto Maidstone Road would at the outset result in the loss of an existing length of hedging to enable adequate sight lines. However the applicant's intention is to re-site the existing security fencing and replace planting lost which should, over time, substantially reinstate the street scene to its former appearance. The key long-term changes will therefore be the gap formed in hedge and fence line at the point where the access would be formed and the presence of any additional signage at the new entrance to advertise the presence of the school.

Given the relatively narrow width of the proposed access it is considered that the impact of this work would not be significant in street scene terms.

In streetscape terms no objection is therefore raised to the proposals under the provisions of Policy ENV15 of the Structure Plan, Policy BNE1 of the adopted Local Plan and Policy QL1 of the emerging Structure Plan.

Conclusion

The formation of the proposed access will be prejudicial to highway safety on Maidstone Road for the reasons stated above and accordingly the application is recommended for refusal.

[This application would normally fall to be determined under officers' delegated powers but has been referred to Committee for Members' determination at the request of Councillor Bowler to enable Members to consider the highway and amenity issues relating to this proposal.]

[This application was considered by Members at the Development Control Committee on the 8th September 2004 when it was determined to defer a decision to enable a Members' site visit to be held.]

4 MC2004/0855

Date Received: 20th April 2004

Location: Upbury Arts College, Marlborough Road, Gillingham, Kent, ME7 5HT

Proposal: Application Under Regulation 3 of The Town and Country Planning Regulations 1992 for the construction of a two storey collegiate hub including new main entrance, offices, admin centre, staffroom and conference facility, construction of a two storey flexible learning block linked to the hub, covered links to existing buildings and alterations to parking layout (demolition of part of building)

Applicant: Medway Council C/o Mr S B Gilberthorpe On Behalf Of Director Of Education And Leisure

Agent: Mr S B Gilberthorpe Medway Council Design & Surveying Manager
Annexe B, Civic Centre Strood, Rochester Kent ME2 4AU

Ward: Gillingham South

Recommendation - Regulation 3 Approval

(as amended by drawings 2214/05/01B, /02A, 2214/07/03A and /04A received on 7th June 2004)

- 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 car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; 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 The approved development shall be carried out in such a manner as to avoid damage to the existing trees, including their root systems and other planting to be retained by observing the following:
- a) All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:1991 or otherwise to the satisfaction of the Local Planning Authority. Such tree protection measures shall remain throughout the period of construction;
 - b) No fires shall be lit within the spread of branches of the trees;
 - c) No materials or equipment shall be stored within the spread of the branches of the trees;
 - d) No roots over 50mm diameter shall be cut and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees;
 - e) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

Site Description

The application concerns a secondary school [arts college] site with buildings of mixed 3, 2 and single storey form. The site enjoys two points of access onto Marlborough Road, one serving a car park and one serving the main entrance. The premises and car parking facilities are shared with other community users, including Key Training Services [YTS], Bradfields Further Education Centre, Medway Youth Service and the Scout Group.

Proposal

The application proposes a 2-storey addition to the school in the form of a new collegiate hub and a flexible learning centre, in two separate blocks, which will be linked at a high level with a roof plant room above the hub block. The proposal will include the demolition of an existing staff room block although the new blocks would be sited on a largely grassed area and adjoin the main entrance road.

The purpose of the block is described as mainly concerned with the modernizing of existing facilities and would not involve an increase in the number of pupils, staffing levels, and traffic movement or car parking needs. The scheme involves new offices and an administrative centre, new staff room, and a first point of contact for parents, health or social workers. The proposals make provision for conference and ICT facilities for use by the local community and parents' outside school times. [The application has been the subject of amendment by the applicants in regard to plant room, fenestration and other design matters.]

Representations

The application has been advertised on site as affecting a conservation area. English Heritage and the Environment Agency have been consulted on the application along with the occupiers and owners of 205 to 289 [odd nos. inclusive of 279a] Marlborough Road.

Four letters have been received from three residents in response to the proposals in their original and amended forms objecting on grounds of:

- Exacerbation of problems of traffic, on-street residents' parking and disturbance;
- Removal of trees resulting in a visually obtrusive development without replacement planting; and
- Inappropriate design.

English Heritage has written to advise that it does not wish to make any representations in this case.

The Environment Agency has written to raise no objection but advise that the site lies within a Source Protection Zone of a public water supply abstraction and care is required in regard to the design of soakaways.

Development Plan Policies

Kent Structure Plan 1996

Policy ENV15	(Built environment)
Policy ENV17	(Conservation Areas)
Policy T17	(Parking)

Medway Local Plan 2003

Policy BNE1	(General principles for built development)
Policy BNE2	(Amenity protection)
Policy BNE12	(Conservation Areas)
Policy BN13	(Demolition in Conservation Areas)
Policy T13	(Vehicle parking standards)
Policy CF1	(Community Facilities)
Policy CF2	(New Community Facilities)
Policy CF7	(Further Education)

Kent & Medway Structure Plan (Deposit Version) 2003

Policy QL1	(Quality of Development and Design)
Policy QL7	(Conservation Areas)
Policy TP19	(Vehicle Parking Standards)

Planning Appraisal

Principle of the development

The site is within an established education and community campus and the proposal is to expand upon those uses within new build. As such the principle of the development needs to be assessed against policies CF1, 2 and 7 of the Local Plan. These policies seek to protect existing community facilities, promote new community based facilities subject to issues of amenity and to support the expansion of further education facilities. The principle of the development is therefore in accordance with those policies.

Design, appearance and impact on the character of the area

The proposals would have a significant impact on the appearance of the property within the street scene. The existing buildings are functional but have no architectural merit. The design of the proposed new build is regarded as contemporary, innovative and fresh, in a manner appropriate to its function and the creative environment that it seeks to enhance, and thereby attractive. The 2-storey buildings would be sited next to the 3-storey main building and would have no harm to the open space character of the historic Brompton Lines, which defines the principal attractions and important character of the conservation area.

Amenity considerations

The premises are faced on the opposite side of the road by residential property, and the distance between the proposed buildings and those would obviate any harmful effects on natural light, outlook or privacy. Although the development would include evening activity within the site, this would be unlikely to result in an unacceptable level of disturbance or prejudice to prevailing conditions of amenity at those times.

The proposals would result in the loss of 13 young or semi mature trees of moderate amenity value but would not result in any inevitable harm to those specimens of prominent amenity value, which add maturity to the landscaping of the site and the character of the surrounding area. Accordingly proposals for new and replacement planting and safeguarding conditions on the existing trees to be retained should satisfactorily address amenity considerations in that respect.

Parking and Highway Matters

The proposals would be served by 10 dedicated parking spaces and those facilities available within the main car park during the day, and overall there are 135 spaces for users of the site. However no additional attraction of staff, pupils or visitors at that time is catered for by the development and no adverse implications upon prevailing parking conditions would occur at those times. The proposals would give rise to a greater evening traffic attraction and parking requirement than present. However the diminished use of the site by other users during those hours would reduce their demand upon the car park and the available provision is regarded as sufficient to cater for this additional school use at that time.

The scheme does involve formal surfacing and marking out of those grassed areas currently used as informal parking spaces. No new points of vehicle access or alterations to the existing are proposed. It is considered that no highway objections should be raised to the development.

In the light of these considerations, the application is recommended for approval.

[The application would normally be determined under delegated powers but is being reported for Committee determination due to the extent of representations received contrary to the recommendation]

5 MC2004/1192

Date Received: 1st June 2004

Location: 170 Edwin Road, Rainham, Gillingham, Kent, ME8 0AQ

Proposal: Demolition of house and buildings and construction of 8 detached dwellings comprising three 5-bedroomed and five 4-bedroomed with garages

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

Agent: Mr J Williams Kember Loudon Williams Limited Ridgers Barn, Bunny
Lane Eridge Nr. Tunbridge Wells Kent TN3 9HA

Ward: Rainham Central

Recommendation – Approval subject to:

A) The applicants entering into a Section106 Agreement/Obligation to secure the following:

- A contribution of £6,554 to provide for improvements to play and landscape provision at the Platters Park and East Hoath Wood recreation areas.
- Provision and maintenance of a woodland to the rear and west of the housing development and maintenance of all other trees on the site, in accordance with details to be submitted and agreed in writing with the Local Planning Authority.

B) The imposition of the following conditions:

(as amended by plans received on 6th and 21st July 2004 and 2nd September 2004.)

- 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 dwelling is 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 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 additional windows shall be installed in the dwellings herein approved without the prior written approval of the Local Planning Authority.

- 5 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved by the Local Planning Authority and these works shall be carried out as approved. These details shall include means of enclosure and hard surfacing materials. 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 and trees, noting species, plant sizes and proposed numbers/densities where appropriate; and implementation programme.
- 6 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. The approved planting stock shall be maintained for a minimum period of five years following its planting and any of the stock that dies or is destroyed within this period shall be replanted in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
- 7 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas including the woodland tree belt to the rear and west of the site and all trees protected by a Tree Preservation Order, other than small, privately owned, domestic gardens, shall be submitted to the Local Planning Authority for approval in writing prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.
- 8 In this Condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs a) and b) below shall have effect until the expiration of 5 years from the date of occupation of the building for its permitted use.
 - a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with British Standard 3998 (Tree Work).
 - b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.
 - c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this Condition and the ground levels

within those areas shall not be altered, nor shall any excavation be made without the written consent of the Local Planning Authority.

- 9 Underground ducts shall be installed by the developer before any part of any of the buildings herein approved are occupied to enable telephone, electricity and any other communal services to be connected without recourse to the erection of overhead distribution poles and overhead lines. Notwithstanding the provision of the Towns and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no distribution pole or overhead line shall be erected on the site except with the prior written approval of the Local Planning Authority.
- 10 No dwelling shall be occupied until the area shown on the approved plan for access, parking and garaging 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.
- 11 No dwelling shall be occupied until a means of vehicular access has been constructed in accordance with the approved plans.
- 12 Vision splays of 2.0 metres x 2.0 metres shall be provided on either side of each of the vehicular access points and no obstruction of sight more than 0.6 metres above carriageway level shall be permitted within the splays.
- 13 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.
- 14 None of the properties hereby approved shall be occupied until the works identified in the applicants submitted aboricultural report have been undertaken.

Site Description

This application relates to land currently forming part of the private garden of 170 Edwin Road, which is a large property set back from the road. It is situated on the west side of Edwin Road approximately 115 metres north of the junction with Marshall Road. The surrounding area is predominantly residential in character comprising of a mix of detached and semi-detached dwellings. The majority of these dwellings front onto Edwin Road and have relatively long rear gardens. A number of trees on the site are covered by Tree Preservation orders, including a woodland Order to the rear of the site to the west and very large mature trees behind the front boundary wall. The site has three accesses onto Edwin Road. The site adjoins dwellings to the north and south, whilst the woodland boundary to the west adjoins commercial premises.

Proposal

It is proposed to demolish 170 Edwin Road and outbuildings and to redevelop the whole of the site with 8 detached dwellings. These will comprise of five 4-bedroomed houses and three 5-bedroomed houses each with a single garage and one car parking space in front.

The layout of the scheme has been designed with frontage development along Edwin Road, comprising of two of the houses and a third set slightly further back. The remaining houses are to be sited towards the rear of the site. The existing three accesses will be retained with the southern one serving three properties, the central one only one and the northern one serving four. It is proposed to retain the existing attractive front boundary wall. As many of the protected trees as possible have been sought to be retained, including the existing woodland to the rear of the site, whilst new planting is also proposed. The design of the proposed houses is varied and it is proposed to build using reclaimed materials.

The trees at the rear of the site are protected as a woodland area. This area is proposed to be retained as a separate woodland area (not within private gardens) from which public access is generally excluded. The area would be maintained (along with all other common areas on the site) by a management company (which the developer specialises in setting up), eventually being run by the occupiers of the proposed new development.

Site Area/Density

Site Area: 0.7 hectares (1.7 acres)

Site Density: 11 d.p.h (27 d.p.a)

Relevant Planning History

GL95/0663/62/0075	Outline consent granted for four detached dwellings. Approved 5 January 1996
MC98/0877/62/0057	Variation of condition 1B of the above consent to extend the time period for the submission of reserved matters for a further 3 years. Approved 30 December 1998
MC2003/1161	Demolition of 170 Edwin Road and redevelopment of the whole of the site with 11 dwellings. Refused 30 May 2003 Appeal dismissed 10 February 2004

Representations

The application has been advertised on site and in the press. Southern Water; British Gas and The Rainham, Gillingham and Chatham Amenity Society have been consulted. Neighbour notification letters have been sent to the owners and occupiers of the following properties: 158 to 194 (evens) and 157 to 197 (odds) Edwin Road; Delphi Diesel systems in Courtney Road.

51 letters of representation and two petitions one with 145 signatures and one with 173 signatures have been received raising the following objections:

- Proposal will result in deterioration and destroy the areas' character
- Will not respect the frontage development of the street scene
- The additional houses will have a significant impact on traffic and congestion on the road
- Concern that there is insufficient car parking spaces provided.
- Object to the loss of a large attractive dwelling, which appears to be in a good condition
- The proposal will destroy what at times is a peaceful area
- The proposed mini-estate is out of character with Edwin Road
- The resulting small gardens will be out of keeping with adjoining large gardens in the street
- Concern over impact on residential amenities in terms of loss of light, overlooking, loss of privacy, enclosure and domination
- The road is already congested at peak periods, particularly outside the nearby Bryony School
- There are on going problems with speeding motorists and several accidents have occurred in recent years. The proposal will worsen this situation
- The proposed 3 access roads onto Edwin Road will be potentially dangerous
- Concern over the loss of trees and impact on wildlife and habitats
- At least the previous outline consent was only for 4 houses fronting onto Edwin Road
- The proposal will reduce the quality of life of existing residents
- Proposal is overdevelopment and will set a dangerous precedent
- Object to increase in noise, dust and pollution and light pollution
- The density of the proposal does not reflect the road's existing density
- Some of the proposed dwellings are close to the boundaries of adjacent properties giving no apparent sense of separation
- Loss of a green space created by the existing dwelling & its garden
- Although Edwin Road has a mixed type of housing, the one feature that characterises all housing on Edwin Road is their independent nature with a private access and large independent gardens and the proposal does not respect this character introducing tandem houses
- The reasons for the earlier refused application remain valid
- Concern that there will not be adequate room for fire engines, dust carts, ambulances etc
- Object to tandem development on this site

Two letters of support have been received from the surveyors acting on behalf of the joint owners/executors of 170 Edwin Road and the executors themselves pointing out that the earlier approval for only 4 dwellings on the site would not now comply with density requirements of the Government Guidance contained within PPG3. They also point out that the property has stood empty for three years.

One letter states that they have no objections but are concerned that no trees on the site should be harmed.

Transco (British Gas) and Southern Water have no comments to make on the proposed development.

Development Plan Policies

Kent Structure Plan 1996

Policy S1	(Sustainable development)
Policy ENV15	(Built Environment)
Policy ENV16.	(Urban Open Space and Town Cramming)
Policy H3	(Housing in Urban Areas)
Policy T17	(Parking Standards)
Policy T18	(Development & Traffic)

Medway Local Plan 2003

Policy S1	(Development Strategy)
Policy S2	(Strategic Principles)
Policy S4	(Landscape and Urban Design Guidance)
Policy S6	(Planning Obligations)
Policy BNE1	(General Principals for Built Development)
Policy BNE2	(Amenity Provision)
Policy BNE41`	(Tree Preservation Orders)
Policy BNE43	(Trees on Development Sites)
Policy H4	(Housing in Urban Areas)
Policy L4	(Provision of Open Space in New Residential Developments)
Policy T1	(Impact of New Development on the Highway Network)
Policy T2	(Access to the Highway Network)
Policy T13	(Vehicle Parking Standards)

Kent and Medway Structure Plan (Deposit Version) 2003

Policy SP1	(Environment Quality and Sustainability).
Policy QL1	(Quality of Development and Design)
Policy TP19	(Vehicle Parking Standards)

Planning Appraisal

This application raises the following issues for consideration:

- matters of principle
- impact upon residential amenity;
- design and impact upon the street scene
- car parking and highway implications.

Principle

The site is within the urban area of Gillingham and currently comprises a detached house set in a huge plot of land and this in itself is out of keeping with the general character of Edwin Road. Permission has already been granted for four dwellings on this land (although that permission has expired). PPG3 looks to maximise the development of under used sites within the urban area in the interests of sustainability and to avoid unnecessary encroachment onto green field land. While the guidance advocates a density of over 30

dwellings to the hectare this is couched on the basis that any development must have regard to the character of the area within which it is proposed to be located.

Members will note that there is a recent appeal decision refusing permission for 11 houses on this site. However that decision argued against the layout of the proposed development and its impact on amenity and the character of the area and did not object to the principle of some form of redevelopment on this site.

It is therefore concluded that the principle of the demolition of the existing dwelling and the construction of an increased number of dwellings on this site is acceptable and in accordance with Local and National policy subject to matters of detail regarding layout and design.

Design Considerations and the effect on the character and appearance of the area

The scheme dismissed on appeal for 11 houses proposed some frontage development and dwellings set back further into the site. The Inspectors comments on the principle of dwellings to the rear are important in the consideration of the current application.

Although the Inspector considered that the proposed houses to the rear of the site in that scheme were too high and bulky, he indicated in paragraph 12 that buildings of a lesser scale, which did not conceal views through to the woods behind, might be acceptable. He considered that the previous scheme would not sufficiently respect the existing spaces and the visual amenity of the surrounding area of gardens, which is an important visual amenity to local residents. The Inspector was also concerned to protect the backdrop of trees to the rear of the site and to ensure that the amenity value of the woodland as a whole was not diminished and he considered that some of the proposed dwellings were sited too close to the woodland. From this appraisal it is clear that the Inspector considered that redevelopment of the site could include development beyond the street frontage, provided that the form and scale of the development was not unduly intrusive and permitted views through to the woodland.

In response to the appeal decision, the applicant has attempted to design a scheme, which reflects the neighbouring area. To achieve this the new scheme involves a lower density, more loose-knit scheme compared to the refused scheme and the layout incorporates frontage development along Edwin Road, which follows the predominant pattern and building line in this part of the road. It is acknowledged that this part of the scheme does reflect the predominant character of the street scene.

Additional houses are then proposed behind the frontage development accessed via the northern and southern access points. These houses will be partly screened by the frontage houses and the protected trees that are proposed to be retained at the front of the site. The proposed houses to the rear have been carefully designed to ensure that they are at a lesser scale than the frontage houses. They are reduced in height and re-orientated to allow clear views through to the woodland tree belt to the rear of the site, which is considered an important feature within the street scene. The resulting scheme therefore appears to “step down” as it goes back into the site.

The result of the layout is a spacious frontage development in keeping with the general character of the area. It retains the important wall along the frontage, and the existing planting thereby softening the impact of the development and assimilating it into the street scene. The siting of the rear units and their scale opens up views through the site to the woodland and minimises the impact of the development while making best use of urban land

reflecting the aspirations of PPG3. The density of the development is well below that aspired to by PPG3 but takes into consideration the prevailing character and density in the area.

The group of protected trees at the front of the site are to be retained. The siting of the houses would not place undue pressure on this group of trees. The trees within the woodland belt to the rear are also considered to be sufficient distances away from the proposed houses, so as to not be placed under any future threat of removal. These trees have also been excluded from within any of the gardens of the proposed houses again to reduce the potential for future pressure for thinning or clearance. It is considered prudent to require a condition of the details of the proposed management company to ensure the long-term protection of the trees on the site.

To conclude, it is considered that the revised scheme meets the urban design concerns set out by the Inspector's appeal decision by providing a more discrete development with reduced height and bulk. In addition to which it is considered that the revised layout creates more scope for the successful retention of the trees on the site and their incorporation into the development. This allows the proposed development to retain the established green character of the site and its valuable contribution as such to the street scene. It is considered that the proposal in terms of density, design and siting accords with Local and National policies.

Impact on Amenities

With regard to residential amenity, the Inspector in determining the previous appeal, considered that the proposed dwellings would have an overbearing impact upon 166 Edwin Road; cause undue overlooking of the rear garden of No.168 Edwin Road and overlooking of the rear of 176 Edwin Road.

The issue of concern regarding the likely impact in terms of overshadowing and nuisance caused by the proximity of protected trees and the rear woodland belt being so close to the proposed dwellings under the earlier refused scheme has now been addressed by the revised layout under this current scheme.

In relation to residential amenity the scheme has been redesigned to specifically address the Inspectors concerns. 166 Edwin Road is situated 6 metres to the north of the common boundary. A number of windows serving habitable rooms of that property face onto the common boundary. The proposed dwelling (plot 8) adjacent to number 166 Edwin Road has been sited 3 metres away from the boundary and the northern wing drops down to 11/2 storeys high adjacent to this boundary. The footprint of the building does not extend beyond the main frontage footprint of No.166. This has the effect of reducing the previously overbearing impact upon the private garden area and windows of that property. There would also be no side elevation windows within plot 8 which would cause any overlooking. In addition the existing summerhouse situated right on the boundary will be removed thereby reducing the impact that this existing building has on the rear amenity space of No.166 Edwin Road.

The house on plot 5 has been designed so as to not overlook the rear of 168 Edwin Road. As this dwelling is situated 18 metres away from the boundary with that property this is considered acceptable so as not to cause any unacceptable domination, enclosure or loss of sunlight detrimental to the occupiers of number 168. The dwelling proposed on plot 6 will be situated approximately 25 metres away from the boundary with No.168 and at an angle and is also considered acceptable. The proposed access driveway has been designed so as to

retain substantial planting in-between the boundary with 168 and the access road. The proposed dwelling on plot 8 (and directly to the rear of No.168) is actually further away from 168 than the existing large house on the site (at approx 34 metres).

The proposed house on plot 2 has now been designed so that no first floor windows overlook onto No.176 Edwin Road. The house also steps away from the boundary and the part of the building nearest to the boundary (2 metres) is single storey. Therefore it is considered that there would be no harm to the residential amenities of the occupiers of No.176 Edwin Road.

Internally the site has been laid out well so that there is satisfactory amenity for prospective occupiers.

It is considered that the proposed development has been sensitively designed reflecting the Inspectors concerns to minimise any impact on existing properties. The proposal is therefore viewed as being acceptable and in accordance with the cited Development Plan Policies.

Highways Impact, Traffic and Car Parking

In determining the previous appeal the Inspector concluded that the proposed development would not generate so much traffic such that the safety of residents or passers by would be affected and that the proposals would be safely accessed. However he considered that the car parking provision was excessive bearing in mind Government policy and the proximity of nearby bus services and the development to local services.

The current scheme reduces the number of dwellings proposed and utilises the existing accesses and would not have an unacceptable impact on the local highway network. The applicant notes the Inspectors conclusions regarding car parking but taking into consideration that this is not a town centre site still considers that for the size of property proposed a car parking ratio of 2 spaces per dwelling is appropriate. While this is technically in excess of the Councils maximum standards, it is considered that for a development of this size and in this location the number of spaces proposed is necessary and appropriate and no objection is therefore raised.

Developer contributions

Policy L4 of the adopted local plan brings with it a requirement that for small residential developments between 50 and 100 persons, that children's play provision will be provided on site. Clearly this site is below that size and it is not possible to make such provision on site. However these are family houses and there will be pressure on local recreation facilities. In such circumstances, it is possible to accept off site provision at a local recreational area within safe walking distance of the proposed development. A developer contribution will be sought to fund deficiencies in the play area where it can reasonably be anticipated that the children from the development will use the facilities.

A commuted payment therefore of £6,554 is required for the provision of open space facilities that cannot be provided on-site and for the upgrading of existing sub-standard facilities. In particular the shortage of play provision as demonstrated in the Medway Local Plan in the Rainham Central Ward is a significant 2.71 hectares. There is one operational play area and associated urban park at Platters Park and one informal open space/woodland at East Hoath Wood within easy reach of the proposed development with poor infrastructure due to the pressure of overuse. The contribution required therefore should be tied to the improvement of these two facilities.

The Director of Education has confirmed that there is no requirement in this location or for this size of development to require a contribution for Education facilities. Furthermore this was not an issue raised by the Council or the Inspector in considering the previous appeal.

The applicant has confirmed in writing that he is prepared to enter into a section 106 agreement to pay for these contributions.

Recommendation

The proposed development has been significantly reduced and amended following the dismissed appeal to reflect the Inspectors concerns. It is considered that the scheme has been well designed, will not harm the character with the area and will contribute to the provision of housing in the area. In view of the above assessment it is considered that the proposal accords with the cited Local Plan policies and the application is therefore recommended for approval.

(This application would normally fall to be considered under officers' delegated powers but has been reported for Members' consideration due to the amount of letters of representation received contrary to the recommendation).

6 MC2004/1429

Date Received: 22nd June 2004

Location: 9 Mierscourt Road, Gillingham, Kent, ME8 8JB

Proposal: Application for approval of reserved matters pursuant to outline planning permission MC2003/1492 for the construction of terrace of 4 houses

Applicant: Solidoak Properties Limited Unit C2 Spectrum Business Centre
Anthony's Way Rochester Kent

Agent:

Ward: Rainham South

Recommendation – Approval of reserved matter of design, external appearance and landscaping

(as amended by plans received on the 5th August 2004)

Site Description

This application relates to number 9 Mierscourt Road, which is a relatively large property set within substantial grounds and situated to the east of Mierscourt Road. The original Mierscourt Road has been split in two, with the top part now forming a cul de sac, which provides vehicular access to the application site from the A2. Apart from the Man on Wheels vehicle repair complex on the A2 and to the north of the site, the surrounding properties are in residential use. Number 15 Mierscourt Road to the south is a bungalow, whilst numbers 1 to 6 Mierscourt Road are small terraced cottages with very small rear gardens.

Residential properties in Mierscourt Close have relatively long gardens and are situated approximately 24 metres south of the properties boundaries. Number 198 High Street is a bungalow situated approximately 22 metres away from the site's boundary. Room for approximately 6 cars exists at the end of the cul de sac and outside the entrance to the applications site. Part of the northern boundary wall (adjacent to Man on Wheels) has crumbled away; the front boundary wall has recently been removed along with a number of conifer trees adjacent to the northern and front boundary. The southern boundary consists of a 1.8 metre high fence. The application site slopes upwards towards the east. A bus stop, street furniture and street trees lie in front of the southern corner of the site.

Proposal

This application is a reserved matters application (external appearance, landscaping and design) pursuant to condition No.1 of the planning consent MC2003/1492 for the erection of terrace of four 2¹/₂ storey, three bedroomed houses and associated parking. The principle of the development including siting and means of access was agreed at the time of the approval of the outline application.

The plans show the terrace situated to the south of the relocated access driveway with three car parking spaces adjacent to the northern boundary and a fourth to the rear of the garden of plots one and two. The dwellings will be situated 4.6 metres from the northern boundary, approximately 2.6 metres from the southern boundary and 2 metres back from the public footpath of Mierscourt Road to the west. The eaves are proposed to match those of the existing terrace of cottages to the north whilst the roof is to be hipped to reduce the bulk of the roof when compared to adjacent dwellings.

Small areas of private garden are shown to the rear, 4 metres wide by 12 metres long with access to an alleyway and the car parking areas. Some area of private garden space is retained for the occupiers of 9 Mierscourt Road (approximately 10 to 14 metres deep).

A tree screen is proposed to the rear of the new dwellings to replace the trees that have been lost on the site. Additional planting is proposed adjacent to the northern boundary. A speed control ramp will be constructed at the site's access. The front gardens will be bounded by a 0.6m high brick wall with the front garden areas laid to shingle. Rear garden boundaries will consist of 1.8m high fencing.

The houses have been designed as small cottage styled dwellings with front dormer windows. They have also been designed to incorporate an optional small glazed conservatory in the centre of the rear elevation.

The required £1,638 towards the improvement of play area facilities at Mierscourt Road under the terms of the Section 106 agreement under MC2003/1492 has already been paid.

Site Area/Density

Site area: 0.06 ha (0.14 acres).

Site density: 66.66 d.p.h (28.57 d.p.a)

Relevant Planning History

MC2002/1950	Outline for the demolition of a house and the construction of 4 detached houses with garages. Refused 19 November 2002
MC2003/0594	Outline for the construction of a terrace of five 3-bedroomed houses with parking spaces. Withdrawn
MC2003/1492	Outline for the construction of a terrace of four 2 ¹ / ₂ storey, three bedroomed houses and 1 garage and associated parking. Approved 8 April 2004 following the conclusion of a Section 106 agreement

Representations

The application has been advertised on site and neighbour notification letters have been sent to the owners and occupiers of the following properties: Longford House, High Street; 184 to 198 High street; 1 to 13 Mierscourt Close; 1, 2, 3, 4, 6, 8, 9, 10, 12, 14, 15, 17 and 19 Mierscourt Road.

3 letters have been received objecting to the development on the grounds of:

- Highway problems associated with the narrow access from Mierscourt Road onto the A2 the road was remodelled with a new junction further to the west. This proposal will reinstate those original problems and will worsen the poor surface of the road.
- The existing hammerhead has a narrow approach
- Detrimental impact upon the residential amenities of adjoining occupiers associated with the increase in traffic to the 4 new houses and in terms of domination, noise, loss of privacy, enclosure.
- Concerns over safety for pedestrians
- Concern over quality of life during construction due to mobility problems
- The modern design is not in keeping with the area or the Conservation Area or nearby Listed Buildings
- Object to the proposed height of the terrace and that the size of the roof space is disproportionate to the overall terrace and creates an ugly façade
- Object to the position of the proposed car parking spaces adjacent to a garden boundary and the consequent noise and pollution
- Object to the position of the proposed bin storage
- Concern regarding overshadowing and loss of sunlight of adjacent dwelling

Development Plan Policies

Kent Structure Plan 1996

Policy S1	(Sustainable Development)
Policy S2	(Environment)
Policy S6	(Housing Strategy)
Policy ENV15	(Built Environment)
Policy ENV16	(Urban Open Space and Town Cramming)
Policy NK2	(Strategic Policy In Medway Towns)
Policy H3	(Housing in Urban Areas)
Policy T17	(Parking Standards)
Policy T18	(Development & Traffic)
Policy T19	(Development, Highway Safety and Delays)

Medway Local Plan 2003

Policy S1	(Development Strategy)
Policy S2	(Strategic Principles)
Policy S4	(High Quality Environment)
Policy BNE1	(General Principals for Built Development)
Policy BNE2	(Amenity Provision)
Policy BNE21	(Archaeological Sites)
Policy BNE43	(Trees on Development Sites)
Policy H4	(Housing in Urban Areas)
Policy T1	(Impact of New development on the Highway Network)
Policy T2	(Access to the Highway)
Policy T13	(Vehicle Parking Standards)

Policy SP1	(Environment quality and Sustainability).
Policy QL1	(Quality of Development and Design)
Policy QL8	(Archaeological Sites)
Policy TP14	(Impact of New Development on the Highway Network)
Policy TP19	(Vehicle Parking Standards)

Planning Appraisal

The principle of the construction of a terrace of 4 dwellings on this site has been accepted with the grant of outline planning permission. That permission also approved matters of siting and means of access. The determining issues in this application are therefore:

- a) Design and impact upon the street scene
- b) Whether the proposal would cause harm to the amenities of the nearby residential units.

Street Scene and Design:

The terrace has been designed with a traditional character reflecting the style of the adjacent terrace. The properties are proposed to have small dormers within the front roof slope but these have been carefully designed not to be intrusive. The terrace will incorporate a half hip to each end to reduce its dominance and impact on the street scene. It is considered that the properties have been well designed and will be in keeping with the adjacent terrace and the area in general. No objection is therefore raised to matters of design.

The external materials proposed will reflect and be in keeping with the general character of the area and again no objection is raised in this regard.

The proposed car parking spaces are away from the house frontage whilst the front boundary and small privacy strip also contribute to the street character. Existing street trees are also retained and additional planting proposed within the rear gardens as well as along the northern boundary. The proposed planting will also help to soften the development and more appropriate trees than the conifers originally on the site will be planted. It is therefore considered that the landscaping proposals will enhance the development and ensure its assimilation into the street scene.

Impact on Amenities

The layout of the proposed houses would provide adequate internal living accommodation and amenities (light and privacy) for the prospective occupiers. In addition the proposed rear garden sizes of 4 metres wide by 11 metres long are considered acceptable and indeed are larger than the adjacent rear gardens of numbers 1 to 6 Mierscourt Road.

The impact of the siting of the proposed properties on the amenities of adjacent properties was considered at the outline stage. The impact of the design and scale of the proposed terrace is such that there will be no unacceptable impacts on the amenities of occupiers of adjacent properties in terms of overlooking, outlook or loss of light.

Recommendation

The principle of the development and means of access and siting have previously been approved. It is considered that the scheme has been developed in a sensitive way and that matters of design, external appearance and landscaping now submitted are acceptable and will ensure the development is in keeping with the character of the area and will not cause any undue harm to the amenities of occupiers of adjacent properties. The application is recommended for approval.

[This application would normally fall to be considered under officers' delegated powers but has been reported for Members' consideration due to the number of letters received contrary to the officer recommendation.]

7 MC2004/1453

Date Received: 29th June 2004

Location: Land adj. 15 Laurel Road, Gillingham, Kent

Proposal: Construction of a detached house

Applicant: Hurstmead Homes 20 Marshall Road Gillingham Kent

Agent: Mr R Thornton Robert Lewis Thornton 30 Cheriton Road Rainham
Gillingham, Kent ME8 0EY

Ward: Gillingham North

Recommendation - Approval with Conditions

(as amended by revised drawing nos. 1B, 2B and 3B received on 31st August 2004)

- 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 building is 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 (or any Order revoking and re-enacting that Order with or without modification) no windows shall be installed in the first floor of the eastern elevation of the dwelling herein approved without the prior written approval of the Local Planning Authority.
- 5 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved 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 and hardsurfacing materials. Soft landscape works shall include planting plans, schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and implementation programme.
- 6 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part

of the development or in accordance with the programme agreed with the Local Planning Authority. The approved planting stock shall be maintained for a minimum period of five years following its planting and any of the stock that dies or is destroyed within this period shall be replanted in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

- 7 No development shall commence until a drawing has been submitted to and approved by the Local Planning Authority showing the provision of two car parking spaces within the site. Prior to the first occupation of the dwelling the spaces shown on the approved plan shall be surfaced and drained in accordance with the approved details. Thereafter, this area shall be kept available for vehicle parking 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.

Site Description

This site measures 0.02 hectares in area. It is bounded to the east by the property and garden area of no.15 Laurel Road. The residential curtilage of no. 22 Kelly Drive lies to the west. The site is bounded by Laurel Road to the north. An access road lies to the south of the site, beyond which lie further residential properties. An electricity sub-station is located adjacent to the southern part of the site.

The site lies adjacent to, but not within, a conservation area. The edge of the conservation area is located along the western boundary of the application site.

Proposal

The application, as originally submitted, proposed a detached four-bedroomed property with integral garage. A large dormer was shown to be provided on the rear roof slope.

Following concerns with respect to the design and size of the dwelling, the application has subsequently been amended. The dwelling now occupies a smaller footprint than that originally proposed. The design has also been amended significantly and the rear dormer window has been deleted. Sufficient room has been shown to the front of the property to provide two off-street car parking spaces.

Site Area/ Density

Site Area 0.02 Hectares (0.05 acres)
Site Density 50 d.p.h (20 d.p.a)

Representations

The application has been advertised on site and neighbour notification letters have been sent to the owners and occupiers of 15 Laurel Road, 26, 27 and 28 Bridge Road and 18, 20 and 22 Kelly Drive. The South Eastern Electricity Board has been consulted on the application.

- Seven letters have been received from local residents raising the following comments with respect to the originally submitted scheme: A 3 storey 4 bedroom

town type house will not be in-keeping with the current housing in Laurel Road. It will be of a completely different design to other houses on the street.

- There is not sufficient land available for a dwelling in keeping with the street.
- Parking is already a problem in Laurel Road. To propose another house with limited parking will inevitably create more problems.
- The road is very narrow and is in poor condition. We don't feel that the road can sustain the extra traffic or weight either during or after the building is erected.
- Extra noise caused by vehicular traffic and more pollution, especially if contractors will be looking to use the road for access to the proposed development.
- The proposed house can best be described as backland development which will contravene the criteria in Policy H9 of the Medway Local Plan May 2003.
- The proposed detached house will extend back significantly further than other properties on the road and will directly overlook the gardens of 15 Laurel Road and 14 Laurel Road.
- Trees will have to be brought down to allow for the development
- It is believed that power cables from the sub-station run across this plot. Would they have to be relocated?

A petition signed by thirteen local residents has also been received on the grounds that:

- The plans of the house contravene the scene of the street principle;
- There are already enough houses in the street, and a further house would cramp the street in relation to the provision of services, taking into account the overall circumstances; and
- Object to the cutting down of the trees which will be needed to build the house.

Development Plan Policies

Kent Structure Plan 1996

Policy ENV15	(Built Environment)
Policy ENV17	(Conservation Areas)
Policy T17	(Parking)

Medway Local Plan 2003

Policy BNE1	(General Principles For Built Development)
Policy BNE2	(Amenity Protection)
Policy BNE12	(Conservation Areas)
Policy BNE14	(Development In Conservation Areas)
Policy BNE43	(Trees On Development Sites)
Policy H4	(Housing In Urban Areas)
Policy T13	(Vehicle Parking Standards)

Planning Appraisal

Principle of Development

This site lies within the urban area as defined on the proposals map of the Medway Local Plan. Policy H4 of this Plan allows for residential development within such areas including *“the redevelopment of existing residential areas and infilling in such areas (providing that a clear improvement in the local environment will result)”*.

The principle of such development is also supported by Central Government in PPG3 "Housing" which seeks to concentrate most additional housing development within urban areas.

Design

Although Central Government advice seeks to concentrate additional housing within urban areas and to make more efficient use of land, it also requires the provision of a good quality of design. Paragraph 56 of PPG3 is particularly relevant:

"New housing development of whatever scale should not be viewed in isolation. Considerations of design and layout must be informed by the wider context, having regard not just to any immediate neighbouring buildings but the townscape and landscape of the wider locality."

The need for good quality development is also emphasised in Policy ENV15 of the Kent Structure Plan 1996 and Policy BNE1 of the adopted Medway Local Plan.

The development, as originally submitted, failed to respect the character of the locality and neighbouring development. Its design and appearance was very different to neighbouring development in Laurel Road. In particular, the ridge and eaves heights were not in keeping, the rear dormer was excessive in size and dominated the rear roof slope and the size of the footprint of the development and its siting did not respect neighbouring properties.

The scheme has been subsequently amended and is a significant improvement over that originally submitted. The number of bedrooms has been reduced from four to three. As such, there is now no accommodation within the roofspace and the rear dormer has been deleted. The ridge height of the roof has been significantly reduced with a hip being provided to the front and rear to complement neighbouring properties in Laurel Road. The size of the footprint has also been reduced. The integral garage, which originally protruded significantly beyond the front elevation of the proposed property has been deleted. The front elevation of the property now follows a similar line to the front elevations of other properties in Laurel Road. Furthermore, the rear elevation has been amended so that it does not project beyond the rear elevation of no. 22 Kelly Drive.

In light of these revisions, it is now considered that the development is in-keeping with the design and appearance of other development within the locality and meets the tests set out in PPG3, Policy ENV15 of the Kent Structure Plan 1996 and Policy BNE1 of the Medway Local Plan. In light of these considerations it is also considered that the development would not have a detrimental impact upon the setting of the neighbouring conservation area.

Impact Upon Residential Amenity

Concern has been raised that the development would have a significant impact upon privacy. However, the development has been designed so that there will be no significant loss of privacy in terms of window to window overlooking or overlooking of private amenity areas. In order to further protect the privacy of neighbouring occupiers, a condition has been added to the recommendation preventing the addition of windows in the first floor eastern elevation of the property.

The development has been designed so that it will not result in a significant loss of sunlight of daylight to neighbouring properties.

It is noted that concern has been raised with respect to potential noise and disturbance resulting from the construction of the development, including construction vehicles visiting the site. As Members will be aware, this is not a planning issue and as such cannot be taken into consideration in the determination of this application.

Highway Issues

Concern has been raised with respect to parking provision. The proposed development allows sufficient room for two car parking spaces to be provided within the site to the front of the dwelling. This is in excess of the Councils maximum parking standards but is considered appropriate in this location where the road is of restricted width and on street parking provision is limited and restricted.

Trees

There are trees located on the site, which would need to be removed in order to facilitate this development. However, it is considered that these trees are of very limited amenity value. They are not worthy of protection or retention and as such, it would be difficult to object to their removal.

Other Issues

An issue has been raised with respect to power cables, which may cross the site. If cables do cross the site, this would be a civil issue between the developer and the power supplier and the electricity board have been notified of the proposal.

In light of the above, it is considered that this application is acceptable in planning terms and as such it is recommended that permission be granted.

[The application would normally be determined under delegated powers but is being reported for Committee decision due to the extend of representation received contrary to the recommendation.]

8 MC2004/1633

Date Received: 19th July 2004

Location: 66 and rear of 58-66 High Street, Rainham, Gillingham, Kent, ME8

Proposal: Construction of a two storey building comprising 4 garages, hair salon and two self-contained flats and conversion of 66 High Street (ground floor) to one self-contained flat

Applicant: Mr R C Smith 66 High Street Rainham Gillingham Kent

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

Ward: Rainham Central

Recommendation - Refusal

(as amplified by letters dated the 17th, 23rd and 27th August 2004)

- 1 The proposal by reason of its size, design and siting would result in a cramped and overcrowded form of development out of character with adjoining two storey development and the street scene in general while having a dominating and enclosing effect on the outlook of houses overlooking and abutting in the High Street and Orchard Street. It is therefore considered to be contrary to the provisions of Policy ENV15 of the Kent Structure Plan 1996, Policies BNE1 and BNE2 of the Medway Local Plan 2003 and Policy QL1 of the Kent & Medway Structure Plan (Deposit Plan) 2003.
- 2 Vehicular Access to the proposed garages and the associated manouvering area is so restricted in size to discourage the use of the garages for the parking of cars. This would result in increased demand for on street parking in an area where there is already parking conflict to the detriment of the amenities of residents already living in the area. Furthermore, the proposed parking arrangements, without adequate on site turning, are likely to result in vehicles backing out onto Orchard Street. The proposal would therefore result in deterioration in the free flow of traffic and highway safety generally in the locality contrary to the provisions of Policies T1, T2 and BNE2 of the Medway Local Plan.

Site Description

The application site comprises a two-storey end of terrace unit at the junction of Orchard Street and the High Street, which is currently in use as a hairdressers salon at ground floor with a flat above.

The remainder of the application site, which also fronts Orchard Street, lies to the rear of terraced houses fronting the High Street and is separated from them by a close boarded fence and comprises an area of open land on which is sited a flat roofed garage.

Immediately abutting the southern side of the application site is the access and access track from Orchard Street which not only serves the application site but a small open parking area to the west and a group of four lock up garages.

Abutting the site access to the south is a pair of semi detached houses.

Opposite the access to the application site is the access to the public car park to the rear of the Cricketers public house

Proposal

The proposal is seeking consent for the following development package:

- The erection of an L shaped building sited to the rear of 58 – 66 High Street fronting Orchard Street and the access track to house the following : a new hairdressing salon; 4 garages for private rental with access onto the existing track onto Orchard Street and two flats at first floor level.
- The new hairdressing salon will operate between 0800 – 1900 hrs Monday to Friday; 0800 to 1730 Saturdays with no working on Sundays and Bank Holidays. The existing salon already employs 5 full and 2 part time staff and which will increase be increased by 2 full time staff as a consequence of the development.
- Provision of an enclosed communal amenity space for the occupants of the proposed flats and the occupants of 58-66 High Street and the hair salon.
- The change of use of the existing hairdressing salon to residential use to provide an additional bedsit with the removal of all external signage.

The proposed building on the Orchard Street frontage has been designed to give the impression of a single storey pitched roof building. At street level and to just below eaves level the frontage will be brick clad into which will be inserted three equally spaced windows with circular heads which will provide light and outlook for the salon abutting which will be a recessed pedestrian entrance off Orchard Street to the salon. This elevation will be capped by a sloping half hipped roof into which three small rooflights will be installed with the roof ridge topped by a louvred 'feature' dovecote.

The return ground level elevation along the access track show a recessed door with a security grille which serves the stairs to the two flats and 4 lock up garages.

The pitched roof area above the building will be used to provide two flats one 1 bed, the other two bed. The living room area of both flats will have French windows with a small box balcony in front.

The proposed building will enclose a communal amenity area while to the rear of the salon a circular conservatory with a glazed conical cupola above is proposed.

The applicants have also submitted a detailed supporting statement the key points of which are paraphrased below:

- Consider that the site in its current condition makes little contribution to the character of the area and the proposed development will result in a substantial visual improvement .
- The building has been designed to reflect elements of the chapel on the opposite side of Orchard Street.
- The development has a single storey format to prevent it appearing over dominant for its setting while the lead clad louvred feature will provide visual interest.
- The proposed amenity area will serve the residents of 58-66 High Street, occupants of the proposed flats while the salon will also have access onto this area.
- The existing salon has poor access for disabled people and the proposed salon will be built in a manner that addresses the access needs of this group.
- Considers that the proposal will be provide a range of dwelling types into one cohesive development and it is understood that the occupants of 58-64 High Street support the development.
- Consider that the proposal represents a tight design for an urban centre well served by public transport and close to Rainham Town Centre.
- It will provide small low cost housing in a development that will encourage social interaction while the single storey design will avoid overcrowding while enabling good access of sunlight and daylight into the core of the development.

Representations

The application has been advertised on site and neighbour notification letters have been sent to the owners/occupiers of 52, 54, 56, 61, 63, 64, 65, 67a, b, c, 69, 70, 71 High Street and 1, 2, 4 and 6 Orchard Street.

2 letters have been received making the following comments:

- No objection to the development in principle but since 58-64 High Street has been renovated car parking has taken place on the forecourt fronting 65/67A High and would hope that adequate provision is made to provide for car parking as part of the development so that the problem is not made worse.
- Do not accept the need for the shops in Orchard Street, furthermore the existing houses in the High Street had gardens going right up to the driveway. The redevelopment of what was formerly gardens will result in the outlook of 2 and 2A and 4 Orchard Street being wholly enclosed and dominated with loss of light and outlook.

The applicant owns numbers 58-66 (evens) High Street which are let for rent. The occupants of 4 of these properties have written supporting the application for the following reasons:

- Properties have small rear gardens and a communal area means that there is a safe area where children can play and residents socialise.
- Will improve community feeling and provide an area for social interaction
- Will allow hairdressers to remain in an accessible position close to the town centre while making provision for the disabled.
- Current condition of land is an eyesore and proposal will permit improvements to visual amenity.

Development Plan Policies

Kent Structure Plan 1996

Policy ENV15 (Kent's Built Environment)

Medway Local Plan 2003

Policy BNE1 (Built Development)
Policy BNE2 (Amenity Protection)
Policy BNE3 (Noise Standards)
Policy H4 (Housing in Urban Areas)
Policy H5 (High Density Housing)
Policy T1 (Impact of Development)
Policy T2 (Access to the Highway)
Policy T13 (Vehicle Parking Standards)

Kent and Medway Structure Plan (Deposit Plan) 2003

Policy QL1 (Quality of Development and Design)

Planning Appraisal

The existing ground floor hairdressing salon fronting the High Street and the proposed re-sited hairdressing salon fronting Orchard Street both fall outside the core shopping area of Rainham lying immediately opposite the site in the High Street and Orchard Street.

The key issues are:

- whether there is any objection to the loss of the existing shop and its reuse as a flat;
- the introduction of a replacement retail unit outside the core retail area of Rainham;
- The design and siting of the proposed new building, its impact on the street scene and the outlook and amenity of residents overlooking and abutting the site in Orchard Street and the High Street; and
- Highways and parking issues

Loss of the existing shop

The existing ground floor retail unit lies outside the core shopping area of Rainham. Given this and the proximity of the site to the main shopping area there is considered to be no objection were it to be totally removed from this location. However it is proposed to relocate the shop to a new purpose built hair salon to the rear and so there will not be an overall loss of retail in this general location

Regarding the reuse of ground floor retail unit as a single bedsitting unit, this involves the introduction of a flat into an area that is still predominantly in single-family occupation. However given the mixed retail/residential use of the premises this is not considered to be an issue.

In size terms the proposed bedsit is considered to have space standards consistent with modern standards in a sustainable, close to town centre location and no objection is raised.

Introduction of a retail unit outside the core retail area of Rainham

Taking into account (a) general external levels of noise and disturbance within the immediate locality with the access to the Cricketers public car park and other nearby commercial users fronting Orchard Street just opposite and nearby and (b) a replacement retail unit close to that being lost and one which will be purpose built to meet the access requirements of disabled persons, there is considered to be no objection in principle to the continued use of this site for retail use.

Design and siting and impact on the amenity

The applicants advise that the design of the proposed building is based on that of the chapel on the opposite side of Orchard Street. However development on the west side of Orchard Street in the proximity of the application site is two storey in character and it is considered that in design and siting terms a single storey wide fronted development as proposed will appear out of character with adjoining development and be detrimental to visual amenity.

The return elevation along the access track will also have a dominating and enclosing impact on the flank and rear outlook of 2 Orchard Street while the gable end of the development fronting Orchard Street will completely block out and dominate the rear outlook of windows in the rear of 64 High Street and the proposed ground floor flat. Furthermore the block spacing between the existing properties in the High Street and the rear of the proposed building shows 'back to back' distances of substantially less than the normally acceptable minimum of 21 metres.

The applicants have sought to promote the benefits of the proposal in terms of improving the overall condition of site and provision of a safe communal amenity area for use by the occupants of the proposed dwellings and residents of 58-64 High Street.

However despite these positive elements, it considered that proposal will appear out of character in this setting and over dominant in relation to nearby development such as to represent an overdevelopment of the site. The proposal is therefore considered contrary to the provisions of PPG's 1 and 3, policy ENV15 of the Kent Structure Plan 1996, policies BNE1 and BNE2 of the Medway Local Plan 2003 and policy QL1 of the joint structure plan.

Noise and disturbance

Dealing first with the change of use of the hairdressing salon to a flat, taking into account the proximity to the High Street it will be subjected to high levels of road traffic noise. However adjoining units in the terrace are in similar proximity to the High Street and subject to a requirement that the proposed flat will have sound attenuation measures installed, there is considered to be no overriding noise objections to the proposed conversion.

Concern has also been raised that the new flat above the proposed hairdressing salon may have its aural environment adversely affected by the use of the salon. However subject to restrictions on the hours and days of operation any adverse aural impacts can be acceptably managed.

In the circumstances there is considered to be no valid objection to the proposal on aural amenity grounds and the provisions of policy BNE3 of the Medway Local Plan can be seen to be met.

Highway and parking consideration:

Apart from a rear double garage to be demolished as part of this proposal, the existing terrace of houses and hairdressing salon fronting the High Street do not have any allocated on site parking.

Changes in highway and parking conditions will arise from the two additional flats having access onto Orchard Street. Subject to the provision of appropriate pedestrian vision splays around the access point and sufficient on site turning to enable vehicles to leave the site in a forward direction, it is not considered that the limited additional traffic generated by the development will, in itself, result in any material harm to the free flow of traffic and highway safety generally in Orchard Street.

However the garages are sited such that there is insufficient space in front to enable access to be gained to them and that would be likely to discourage their use for parking. The net effect would be to result in development with no on site parking provision. Though there are public car parks just opposite the site in Orchard Street and at the Rainham shopping precinct, both are short stay and as such cannot be expected to contribute to any on site parking deficiency. Consequently given the on street parking conflict that already exists in the locality it is considered that the proposal would intensify this to the detriment of the free flow of traffic and highway safety generally in the locality. It would also negatively impact on the amenity of occupiers of residential properties in the area who already have difficulty in meeting their parking needs close to their property.

The proposal is therefore considered to be contrary to the provisions of policies T1 and T2 of the Medway Local Plan.

Conclusion

Notwithstanding the benefits arising from the development, including the provision of small units of accommodation in a sustainable location, provision of a replacement retail unit designed to satisfy the access requirements of disabled persons and provision of a private communal amenity area to serve both existing and proposed development, taking into account the design, siting, highway and parking objections identified above, it is considered that the balance of issues substantially weigh against the proposal.

[The application has being brought to Committee for consideration due to representations received in support of the proposal contrary to the officer recommendation.]

9 MC2004/1679

Date Received: 20th July 2004

Location: Adjacent to 134 Brompton Lane, Strood, Rochester, Kent, ME2 3BA

Proposal: Construction of an attached 3-bedroomed house

Applicant: Mr M Viridi 134 Brompton Lane Strood Rochester Kent

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

Ward: Strood North

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 building is occupied and shall thereafter be maintained for the duration of the development. Development shall be carried out in accordance with the approved details.
- 3 Materials used on the construction of external surfaces of the dwelling herein approved shall match those used on the existing property at 134 Brompton Lane.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Classes A, B, C, D, E, F and G to that Order shall be carried out without the permission of the Local Planning Authority.
- 5 Prior to the commencement of the development a plan showing adequate land reserved for the parking or garaging of vehicles to serve both the proposed house and the existing dwelling at number 134 Brompton Lane shall be submitted to and approved in writing by the Local Planning Authority. The subsequently approved details shall be provided prior to the first occupation of the dwelling hereby permitted and thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), shall be carried out on the land so shown (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access to the reserved vehicle parking area.
- 6 Prior to the first occupation of the development hereby permitted, vision splays of 2.0 metres x 2.0 metres shall be provided on both sides of the vehicular access

points and no obstruction of sight more than 0.6 metres above carriageway level shall be permitted within the splays.

Site Description

The application site comprises the side garden area to number 134 Brompton Lane and it measure approximately 31 metres in depth by 5.5 metres in width. Number 134 Brompton Lane is the north western half of a pair of two storey, hipped roof, semi-detached houses located on the north eastern side of the street, at that road's junction with Steele Street. Both number 134 and its attached neighbour, number 132, have a white render exterior finish.

At the bottom of the garden to number 134 there is a dilapidated flat roofed garage, accessed via Steele Street. The side (from the front elevation of the house backwards) and rear garden boundaries to number 134 are enclosed by a 1.8 metre high close-boarded fence.

The whole of the frontage area to number 134 is hard surfaced and relatively open with the boundaries being defined by a low wall, which is topped by a small fence (generally having an overall height of 1 metre, but which varies slightly due to the gradient of the road).

The application site is bounded to the rear by a semi-detached house at number 2 Steele Street and the boundary between these properties comprises a 0.9 metre high wall topped with a 0.9 metre high close-boarded fence.

The housing in Steele Street comprises a mixture of two storey semi detached and terraced units.

Brompton Lane comprises a mixture of two storey semi-detached and terraced houses, with some detached dwellings further to the west. Brompton Lane generally rises up wards from the south east to the north west and the ground level to number 136 Brompton Lane, which is on the opposite side of Steele Street, is approximately 1.5 metres higher than the application site.

Proposal

This is a fully detailed planning application that seeks planning permission for the construction of an attached two storey three bed house. The proposed dwelling is to be sited so that its front and rear elevations would align with those of 134 Brompton Lane. The proposed house will measure 11.35 metres in depth; including a single storey rear projection, which matches that of number 134 and the proposed single storey front element, that will tie in with the porch of number 134. The depth of the first floor is 7 metres, whilst the width the house as a whole would be 4.5 metres. The external walls are shown to be finished in a white smooth rendered, whilst the roof is to be covered in concrete roof tiles. These materials will match those of number 134. The existing forecourt area is shown to be retained and the submitted plans show the provision of parking for both the existing and proposed houses. The plan also indicates that a garage will be provided within the rear garden of number 134 with access to it being derived via a drive running across the rear of the proposed development site.

[It should be noted that 134 Brompton Lane benefits from an extant planning permission granted under file reference MC2003/1546 for the construction of a 4.5 metre wide two storey side extension running the full depth of the existing house and an outline planning permission has also been granted under file reference MC2004/0043 for the construction of an end of

terrace house, on the site of the current proposal, with all matters reserved for future consideration.]

Site Area/Density

Site Area 0.018 hectares (0.044 acres)
Site Density 55.5 d.p.h (22.5 d.p.a)

Relevant Planning History

MC2003/1546 Construction of a part single and part two storey side extension
Approved 5th September 2003

MC2004/0043 Outline application for construction of an end of terrace house
Approved 17 March 2004

Representations

The application has been advertised on site by means of a site notice. Neighbour notification letters have been sent to the owners and occupiers of: 65 to 85 (odds) and 132 to 138 (evens) Brompton Lane; and 1 to 8 (inc) Steele Street.

Three letters of representation have been received objecting to the application for the following reasons:

- The development will result in the loss of parking and there is inadequate on street parking available in the area, the development will give rise to further congestion problems in the area and will affect the free movement of traffic;
- Health and safety concerns especially related to the asbestos garage adjoining properties in Steele Street;
- The foul drainage system already gets blocked and this proposal would put additional pressure on an existing system which is struggling;
- The site is not large enough to accommodate an additional house;
- The proposal will give rise to a loss of light, outlook and privacy;
- The proposal will give rise to increased closeness and noise disturbance/pollution;
- The design of development is not in keeping with the local area and will adversely affect the character and appearance of the adjoining dwellings, which date back to 1822, and the surrounding streetscene in general;
- The development will be claustrophobic;
- The development will increase density in an already crowded area; and
- The proposal if granted will set a precedent and potentially allow for further development in the area.

Kent and Medway Towns Fire Authority have written advising that the access appears satisfactory

Development Plan Policies

Kent Structure Plan 1996

Policy ENV15 (Built Environment)
Policy H3 (Housing in Urban Areas)

Policy T17 (Parking Standards)

Medway Local Plan 2003

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

Kent and Medway Structure Plan (Deposit Version) 2003

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

Planning Appraisal

The main issues for consideration arising from this application are: matters of principle; design; amenity implications; and highway and parking matters.

Matters of principle and design considerations

In terms of the principle of residential development on this site, it is considered that this proposal is acceptable in terms of the general guidance given in PPG3 "Housing", which encourage the re-development of existing land in urban areas to avoid inappropriate development in greenfield locations, and the provisions of Policy H4 of the adopted Local Plan which allows for residential infilling within the urban area provided the proposed development will not have an adverse impact upon the local environment. Having regard to this policy background it is considered that in principle this is an appropriate location for residential development. Accordingly no objection is raised to the application under the provisions of Policy H4 of the adopted Local Plan.

In terms of siting, design or external appearance the site is of a size that can accommodate the proposed development and the proposed siting and the size of the development is such that it will not appear as an uncharacteristic feature within the streetscene. Although this proposal will result in a pair of semi-detached houses becoming a terrace of three units, this in itself is considered to be acceptable having regard to the fact that the surrounding area predominantly comprises a mixture of semi-detached and terraced houses. It should also be borne in mind that number 134 benefits from an extant planning permission for the construction of a 4.5 metre wide side extension which in massing and siting terms will have an appearance that will be very similar to the house currently proposed.

In design and streetscape terms no objection is therefore raised to the application under the provisions of Policy ENV15 of the Structure Plan, Policy BNE1 of the adopted Local Plan and Policy QL1 of the Kent and Medway Structure Plan (Deposit Version) 2003 (the emerging Structure Plan).

Amenity Considerations

Having regard to the site's relatively open corner position and its distance relative to the adjoining properties, it is considered that the proposed development will not have a detrimental affect upon the amenities (outlook, light, privacy, noise, pollution, etc) of the occupiers of other residential properties in the immediate area. It is further considered that

the existing property at number 134 would have adequate amenity space available to it if the proposal to construct a new house and sub-divide the plot were implemented. Adequate privacy distance exists between adjoining properties to avoid a loss of amenity arising. Accordingly in this regard no objection is raised to the application under the provisions of Policy ENV15 of the Structure Plan, Policy BNE2 of the adopted Local Plan and Policy QL1 of the emerging Local Structure Plan.

Car Parking and Highway Implications

The submitted block plan shows that it will possible to provide on-site car parking for both the existing and proposed houses at levels that will accord with the provisions of the adopted parking standards. Accordingly no highway objection is raised to this proposal under the provisions of Policy T17 of the Structure Plan, Policy T13 of the adopted Local Plan and Policy TP19 of the emerging Local Structure Plan.

Conclusion

The principle of the proposed development and the details of the design are considered to be satisfactory. The proposed dwelling is reflective of the character of the area and will not prejudicing the amenities of the occupiers of neighbouring properties. The submitted application is therefore recommended for approval.

[This application would normally fall to be considered under the officers' delegated powers but has been reported for Members' consideration because of the number of representations that have been received expressing views that are contrary to the officer recommendation.]

10 MC2004/1763

Date Received: 3rd August 2004

Location: 22 Poachers Close, Chatham, Kent, ME5 8JF

Proposal: Raising of roof and insertion of two dormer windows to the rear to facilitate living accommodation in the roof space.

Applicant: Mr N Finlayson 22 Poachers Close Lordswood Kent

Agent: Mr B Saunders C & B Designs Derby House 123 Watling Street Gillingham, Kent ME7 2YY

Ward: Lordswood & Capstone

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 extension herein approved shall match those used on the existing dwelling.

Site description

The area is residential in character of mixed building design comprising mainly 1980s two storey housing of detached and semi-detached design. The property is located on a corner plot at the junction of Poachers close and Severn road. A variety of detailing has been incorporated into the housing design with the use of gable and hipped roof features. Dormer style clad features have been used on some house frontages clad in timber.

The property is two storey of gable-ended design with a single storey front projection and single storey extension to the rear. The rear garden is relatively modest in size and enclosed by close-boarded fencing. There is a variation in ridge heights within the vicinity of the site due to land level differences in the road. There is parking for two cars off road with one within an existing integral garage

Proposal

The proposal comprises the increase in height of the existing ridge height of the roof, construction of gable roof style dormer windows to the rear and insertion of roof lights and window to the side flanks within the roof space.

Representations

Neighbour notification letters have been sent to the owners and occupiers 31-39 odds Severn Road; 47 and 58 Stag Road; 1 and 21 Poachers Close and 1 and 2 Wey Close.

One letter has been received from an adjacent resident objecting to the proposal on the ground that the dormer allied to the existing single storey extension would cause a loss of light

Development Plan Policies

Kent Structure plan 1996

Policy ENV 15 Built environment

Kent and Medway Structure Plan Deposit Version Sept 2003

Policy QL1 Design quality

Medway local Plan 2003

Policy BNE1 General design principles

Policy BNE2 Amenity considerations

Policy T13 Parking standards

Planning Appraisal

The main issues arising from this application relates to the impact of the proposal on the

- streetscene ;
- neighbours amenity and
- carparking /highway matters.

Streetscene

There is a variation of house styles and differing level of ridge heights throughout the estate. There are no dormer windows present within the vicinity but there are dormer features integral to some house types at first floor level in the street scene. The introduction of dormers in an area where uniformity of house design does not exist can, if designed correctly enhance the appearance of a property. It is considered that in this instance the proposed works would compliment the house design in terms of the gable roof design to be retained; pitched roof dormers proposed and materials to be used. No objection is raised overall on this ground.

Accordingly no objection is raised to the application under the provisions of Policy BNE1 of the Medway Local Plan 2003.

Amenity considerations

The impact on neighbouring properties is considered with regard to privacy protection, visual dominance and potential loss of outlook, loss of daylight and shadow cast/loss of sunlight.

The proposal would not introduce any additional form of loss of privacy from overlooking, as overlooking exists from first floor windows that look down the front and rear gardens at present. A side window on the western flank is proposed within the roof space to serve as a secondary bedroom window (for source of light) and a stairwell window is proposed on the

eastern side. Due to the western window being approx 14m away from front windows of neighbouring properties on this side and taking into consideration the acuteness of angle of view from the stairwell window, no objection is raised to the proposal on this ground. The roof alterations would be seen from the neighbouring gardens and windows of properties to both sides and opposite. However due to the distances involved, positioning of neighbours windows and the siting of the works at roof level, no neighbours would be affected in terms of outlook or visual dominance.

The proposed alterations would introduce additional shadowing north of the site by virtue of the increase in ridge height. This additional shadowing is however insignificant and is not considered a substantive reason for refusal. Due to siting at roof level, there would be minimal daylight loss experienced by surrounding neighbours. No objection is accordingly raised in this regard and the development meets the objectives of policy BNE2 of the local plan.

Highways

There are no highway implications resulting from this proposal, as the garage would retain the existing parking for two vehicles off road. Accordingly no objection is raised to the application.

Conclusion

The application is considered to be acceptable and is accordingly recommended for approval.

[The application would normally be determined under delegated powers but is being reported for member's consideration, as the applicant is an employee of the council in the Planning section.]

11 MC2004/1795

Date Received: 4th August 2004

Location: 135 Bush Road, Cuxton, Rochester, Kent, ME2 1EZ

Proposal: Construction of single storey extension to front, side and rear (demolition of garage to rear)

Applicant: Mr & Mrs Roots 135 Bush Road Cuxton Rochester Kent ME2 1EZ

Agent: Anderson North Partnership 43 Lambourne Drive Kings Hill West Malling ME19 4FN

Ward: Cuxton & Halling

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 extensions herein approved shall match those used on the existing dwellinghouse.
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 (or any Order revoking and re-enacting that Order with or without modification) no windows shall be installed in the flank wall(s) of the extension herein approved without the prior written approval of the Local Planning Authority.

Site Description

135 Bush Road is a semi-detached two-storey dwellinghouse located in a residential area. On the southern side of Bush Road there are primarily semi-detached dwellings, while detached properties generally prevail on the northern side of the road. The application property has been extended in the past by the addition of a front porch and a large dormer window to the rear.

The adjacent dwelling, 137 Bush Road has been extended and this property has a single storey rear extension and a detached garage in the rear garden, adjacent to the existing garage of number 135. The application property is inset from the shared boundary with number 137 by about 2.3 metres and currently both numbers 135 and 137 have drives running parallel with one another providing access to the garages to the rear of these properties. There is a 1.5 metre high close-boarded fence along the boundary between numbers 135 and 137.

The attached house, number 133, has a small rear extension that is set away from the shared boundary with number 135. Along the shared boundary between numbers 133 and

135 there is a wall approximately 2.5 metres high for the first 2.5 metres of its length beyond which there is a bush of a comparable height for about 1.5 metres before the hedge lowers.

Proposal

The submitted application proposes the construction of a single storey side and rear extension. The front elevation of the side extension will align with that of the existing front porch and will occupy all of the available width to the side of the property. The proposed rear addition will have a depth of 3.5 metres beyond the property's existing main rear elevation and will occupy the full width of the existing house, as well as the area behind the proposed side extension. The proposed extension will in effect wrap itself around the application property's side and rear elevations. The extensions will accommodate: a garage (which will serve as a replacement for the detached garage in the rear garden that is to be demolished); a utility room; and additional lounge and dining space. Mono-pitched roofs are proposed on all elements of the extensions and a parapet wall is to be constructed along the boundary to number 137. The extensions will be constructed in brickwork and roofing tiles to match the property's external finishes.

Representations

Neighbour consultation letters have been sent to the owners and occupiers of 133 and 137 Bush Road.

Cuxton Parish Council has written objecting to the application for the following reasons:

- the proposed extensions will amount to an over-development of the property due to their size; and
- the proposed development will go up to the boundary with the neighbouring properties and will leave no means of access from the rear to the front of the property.

Development Plan Policies

Kent Structure Plan 1996

Policy ENV15

Medway Local Plan 2003

Policy BNE1

Policy BNE2

Kent and Medway Structure Plan (Deposit Version) 2003

Policy QL1

Planning Appraisal

The main issues for consideration arising from this application relate to: the design and impact of the development upon the street scene; and the affect of the extensions upon the amenities of the occupiers of neighbouring properties.

Street scene and design

The dwellings within this street comprise a mixture of semi-detached and detached properties generally set well back from the front boundaries to their plots, with a fairly uniform building line. There are many extensions to dwellings that are very apparent within the street scene, including single storey extensions and two storey extensions built up to the side boundaries between houses.

In a very recent appeal decision concerning 109 Bush Road the Inspector has allowed an appeal for a two-storey side extension, which was refused by the Council because it was considered that that proposal would result in the loss of an open space at first floor level between the dwellings that would be harmful to the character of the street scene. The Inspector considered that Bush Road is characterised by a lot properties that have been extended and that the loss of a gap at first floor level was insufficient to warrant the refusal of planning permission in that instance.

The extension the subject of the current application will be a single storey structure, built up to the side boundary. While this proposal will result in the closing of the gap between flank wall of the house and its side boundary at ground floor level, it is considered that this will be acceptable in streetscape terms because this type of development is characteristic in other parts of Bush Road. The rear extension will not be seen within the general streetscape and its design and appearance is considered to be acceptable.

Cuxton Parish Council has made representations regarding a perceived overdevelopment of the site. However, having regard to the size of the plot and the extended character of many properties in this street, it is considered that the scale of the extension is acceptable in these circumstances.

In design terms it is considered that the proposal is acceptable and no objection is raised to the application under the provisions of Policy ENV15 of Structure Plan, Policy BNE1 of the adopted Local Plan and Policy QL1 of Kent and Medway Structure Plan (Deposit Version) 2003 (the emerging Structure Plan).

Residential Amenity

The proposed rear extension will be built up to the party boundary with number 133 Bush Road. Due to the orientation of numbers 133 and 135, the proposed extension will not cause any significant additional overshadowing or loss of light to the occupiers of number 133 over and above that caused by the existing boundary treatment. In addition, due to the width of the properties and the existing treatment along the boundary between 133 and 135, no additional sense of enclosure or domination will be experienced by the occupiers of number 133.

The adjacent dwelling number 137 has a single storey rear extension, which has a clear glazed window in the flank wall facing the application site. There are also two obscure glazed windows at ground floor level in the flank wall of the main house. The window in the side elevation of the extension at number 137 is a secondary window serving that addition, there being a window in the rear elevation of the extension. The proposed extension will not be detrimental to the outlook for the occupiers of number 137 and additionally due to the proposed extension's single storey nature and the gap that will be retained between numbers

135 and 137, no unacceptable loss of light or overshadowing will be experienced by the occupiers of number 137.

Due to the proposed window arrangement there will be no loss of privacy for the occupiers of the adjoining properties.

The proposed development is considered to be acceptable in amenity terms and no objection is raised to the application under the provisions of Policy ENV15 of Structure Plan, Policy BNE2 of the adopted Local Plan and Policy QL1 of the emerging Structure Plan.

Highways

The application proposes a garage and there is on-site parking for a further three vehicles. The proposed development would not result in the creation of any further bedrooms and there will therefore be adequate parking to serve the extended house. In this respect the application is viewed as being in accordance with Policy T17 of Structure Plan, Policy T13 of the adopted Local Plan and Policy TP19 of the emerging Structure Plan.

Conclusion

The application is considered acceptable in all regards and is recommended for approval.

[This application would normally fall to be considered under officers' delegated powers but is being reported for Members' determination because of the representations that have been received from the Parish Council that are contrary to the officer recommendation.]

12 MC2004/1868

Date Received: 13th August 2004

Location: Eastgate House, High Street, Rochester, Kent, ME1 1EW

Proposal: Listed Building Consent for: the formation of an main entrance doorway and a fire escape door; and internal alterations including the removal of internal partitions and a staircase and the installation of a new staircase and lift

Applicant: Medway Council C/O Mr S Gilberthorpe

Agent: Mr S B Gilberthorpe Medway Council Design & Surveying Manager
Annexe B, Civic Centre Strood, Rochester Kent ME2 4AU

Ward: Rochester West

Recommendation

The Secretary of State be advised that Medway Council raises no objection to the granting of Listed Building Consent subject to the following conditions:

(as amended by plans received on 15th September 2004)

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2 Prior to the commencement of the works hereby permitted full details, including the materials, joinery and finishes for:
 - a) the proposed staircase and lift;
 - b) all new and altered doors, including any signage or directional information to be applied to them that will be capable of being viewed from the exterior of the building; and
 - c) any new partitions.

shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in full accordance with the approved details.

- 3 The proposed wooden exterior doors at the High Street entrance to the building shall be kept shut at all times when the building is closed to members of the public and/or staff.

Site Description

The application site comprises a single storey link building and the two storey Foord Annex which form part of The Dickens Centre. The application buildings are within the grounds of Eastgate House, a Grade I Listed Building, which dates substantially from 1590-1591. The link building and the Foord Annex were constructed in the 1920's and because they pre-date 1948 are included in the listing for Eastgate House, albeit for group value only. The

application buildings are in close proximity to Dickens' chalet, a freestanding wooden building.

Eastgate House complex is located in Rochester High Street, near the junction with Crow Lane. The main access is currently from the pedestrian way to the south, which also leads to the gardens at the rear and side of the buildings on the site, and to the Adult Education Centre opposite.

Proposal

This application is for Listed Building Consent for alterations to the link and annex buildings. These alterations are required to facilitate the use of these parts of the Dickens Centre as a public library. This change from a museum to a library does not in itself require planning permission because both uses fall within Class D1 of the Town and Country Planning (Use Classes) Order 1987.

The main alterations that are proposed are as follows:

- The replacement of the central window within the western elevation of the single storey link building with a pair of timber doors, in order to create a new main pedestrian access into the application buildings directly from the High Street. Within this newly formed doorway opening a pair of glass sided inner doors are to be installed.
- The installation of an internal ramp between the link building and the annex.
- The installation of a new internal door between the link building and the original Eastgate House (which will not form part of the library).
- The removal of the central staircase and ground and first floor internal partitions within the annex building and the provision of a replacement staircase and a lift in the south eastern corner of this building.
- The formation of a new external fire escape door in the southern elevation in the annex, partially replacing a window.

Representations

The application has been advertised by means of site and press notices and neighbour notification letters have been sent to the owners and occupiers of: 125, 127, 127a, 140, 140a, 142 and 144 High Street; and Flats 1-10 and Destiny's Gifts, Crow Corner. Consultations have also been undertaken with English Heritage, the Ancient Monuments Society, the Council for British Archaeology, the Georgian Group, the Victorian Society, the Society for the Protection of Ancient Buildings, Kent Historic Buildings Committee, the County Archaeological Officer (as Medway Council's archaeological advisor) and the City of Rochester Society.

A letter has been received from the Frindsbury & Wainscott Community Association objecting to the application for the following reasons:

- there is a smaller available floorspace for the proposed library compared to the present library and a lift and possibly an external ramp will be needed to be provided to comply with requirements of the Disabled Discrimination Act;
- the proposed alterations will damage considerably the fabric of this listed building and will potentially have an adverse affect upon Eastgate House and it is considered the proposed new library will not be an acceptable or useful alternative to the present site.

The consultation period for neighbours expires on 30 September. Any additional responses received will be referred to when the application is forwarded to the Secretary of State for his determination.

Development Plan Policies

Kent Structure Plan 1996

Policy ENV19 (Buildings of Architectural or Historic Interest)

Medway Local Plan 2003

Policy BNE17 (Alterations to Listed Buildings)

Kent and Medway Structure Plan (Deposit Version) 2003

Policy QL9 (Buildings of Architectural/Historic Importance)

Planning Appraisal

The proposals must be assessed to ensure that they will not harm the character, appearance and integrity of this important Listed Building. Other issues, which may arise from the conversion of the building from a museum to a library, are not relevant to the determination of this application for Listed Building consent because the use of these buildings as a library rather than as part of a museum does not amount to a material change of use. Planning permission for this conversion is therefore not required.

The library is to be located within the 1920's annex to Eastgate House, accessed via the single storey link between the two. The interior of this two storey, relatively modern extension does not have any features of historic or architectural interest. The listing description for Eastgate House notes that the annex and link are included for group value only, rather than on their own merit. The staircase to be removed is a simple timber structure of no special interest, with modern handrails and balustrades. Its replacement, together with the addition of a lift, and the removal of the internal walls to create relatively open ground and first floor areas are considered to be acceptable alterations in this context. The proposed internal alterations will not result in any harm to the architectural or historic character of the building.

The proposed external alterations involve the installation of main entrance doors in the link building's western elevation onto the High Street, together with a new fire escape door to the rear. It is considered that these external alterations will not harm the character, appearance or integrity of Eastgate House as a whole. The link and annex buildings will continue to appear as relatively modern, straightforward additions joined to the side/rear of the main part of the historic building.

Conclusion

It is considered that the proposed works will not harm the character and integrity of this Listed Building and accordingly no objection is raised to the application under the provisions of Policy ENV19 of the Structure Plan, Policy BNE17 of the adopted Local Plan and Policy QL9 of the Kent and Medway Structure Plan (Deposit Version) 2003 (the emerging Structure Plan).

The submitted application is therefore recommended for approval, however as the application concerns works to a Listed Building that are proposed by a Local Planning Authority, Medway Council cannot grant itself Listed Building consent. Accordingly if Members are minded to resolve that Listed Building consent should be granted for the proposed alterations, the application will have to be referred to the Secretary of State for his determination.

[This application would normally fall to be considered under the officers' delegated powers but has been reported for Members' consideration because of the representations that have been received from the Frindsbury and Wainscott Community Association expressing views that are contrary to the officer recommendation.]

13 MC2004/1869

Date Received: 16th August 2004

Location: 10 Lingley Drive, Wainscott, Rochester, Kent, ME2 4NE

Proposal: Formation of barn hip roof and insertion of rear dormer window to facilitate conversion of roofspace into living accommodation

Applicant: Mr & Mrs Hargreaves 10 Lingley Drive Wainscott Rochester Kent ME3 4NE

Agent: Mr A Easter Priory Designs The Old Choir School 8A Iron Mill Lane Crayford Kent DA1 4RW

Ward: Strood Rural

Recommendation - Refusal

- 1 As a consequence of its design, the proposed barn hip roof would constitute an incongruous and intrusive form of development that would be detrimental to the character and appearance of the street scene. The proposal is therefore contrary to the provisions of Policy ENV15 of the Kent Structure Plan 1996, Policy BNE1 of the Medway Local Plan 2003 and Policy QL1 of the Kent and Medway Structure Plan (Deposit Version) 2003.
- 2 As a consequence of its design, mass and bulk, the proposed rear dormer window would be overlarge in proportion to the roof plane within which it would be inserted and this addition would therefore be detrimental to the character and appearance of the existing dwelling. The proposal is therefore contrary to the provisions of Policy ENV15 of the Kent Structure Plan 1996, Policy BNE1 of the Medway Local Plan 2003 and Policy QL1 of the Kent and Medway Structure Plan (Deposit Version) 2003.

Site Description

10 Lingley Drive is a hipped roof, two-storey, semi-detached house in a street of similarly designed houses. The land levels fall to the north east with the result that the neighbouring house at number 12 is set approximately 0.5 metres lower than the application property. The application property has an attached single-storey side garage that adjoins the garage of number 12.

The application property has a flat roof single-storey rear extension across its full width.

Proposal

The submitted application proposes the conversion of the property's full hip roof into a barn-hipped roof to enable a flat roofed dormer window to be installed within the rear roof slope.

The dimensions of the proposed dormer window would be approximately 4.3 metres in width by approximately 2 metres in height, to a depth of approximately 2.7 metres.

This application is a resubmission of an earlier application (MC2003/2147), which was for a very similar proposal to that contained within the currently submitted application, with the only difference being that in the case of the earlier application the proposed dormer had a pitched roof. Application MC2003/2147 was refused planning permission under Officers' delegated powers and the subsequent appeal was dismissed.

Relevant Planning History

MC2003/2147 Formation of barn-hipped roof and insertion of dormer window to rear to facilitate conversion of roofspace into living accommodation
Refused 24 November 2003
Appeal dismissed 8 July 2004

Representations

Neighbour notification letters have been sent to the owners and occupiers of: 8, 9, 11, 12 and 13 Lingley Drive; and 63 and 65 Rolvenden Road.

One letter of representation has been received objecting to the application for the following reasons:

- The design of the proposed extension is very similar to the application that was previously refused planning permission; and
- The proposals would be detrimental to the character of the property and the surrounding area.

One letter has been received raising no objection to the proposed roof alterations provided they do not give rise to a loss of light or privacy.

Frindsbury Extra Parish Council has written raising no objection to the application.

Development Plan Policies

Kent Structure Plan 1996

Policy ENV15 (Built Environment)

Medway Local Plan 2003

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

Kent and Medway Structure Plan (Deposit Version) 2003

Policy QL1 (Built Environment)

Planning Appraisal

The main issues for consideration arising from this proposal are: its impact on the character and appearance of the existing dwelling and the street scene; and its affect upon the amenities of the occupiers of the neighbouring properties.

Street Scene and Design

This application is in effect a resubmission of application MC2003/2147, which also proposed to convert the roof of this property from a full hip to a barn hip style with the insertion of a rear pitched roof dormer. Application MC2003/2147 was refused planning permission on the grounds that: the barn hipped roof "...would constitute an incongruous form of development that would be detrimental to the character and appearance of the street scene..."; and the rear dormer "As a consequence of its design, mass and bulk... would be detrimental to the character and appearance of the existing dwelling...".

In considering the subsequent appeal the Inspector made the following comments:

"The houses in this part of Lingley Drive are two storey and generally of a similar design. The road slopes upwards from east to west and, as a result, the visual impact of the line of similar roofs stepping up the hill is an important feature of the street scene. The proposed dormer, being on the roof's rear slope, would not be readily visible from the street but the change in the roof profile would be obvious. A change in roof slope might not matter in a road with a variety of roof designs but I consider that, given the generally uniform appearance of the houses in this part of Lingley Drive, the change would appear both incongruous and intrusive. It would also disturb the symmetry of the semi-detached pair..."

"The appearance of the appeal property from the rear can hardly be seen from any public viewpoint but it would be in prominent view from a number of rear gardens. Although some effort has been made to make the dormer fit in with the existing building it would, in my view, be overlarge in proportion to the size of the roof and its windows would not be well related to the house's existing windows. In an area of very few large dormer windows or other sizeable roof alterations the present proposals would introduce a jarring note into the appearance of the area. It would also, in my view, detract from the appearance and symmetry of this pair of dwellings.... I conclude that the proposed development would be at odds with the present appearance of the appellant's house and a source of substantial harm to the appearance of the area...I note that there are other similar dormers in the wider area around the house, including a very similar example at 11 Povey Avenue, but there are not enough for them to be regarded as an accepted or characteristic feature..."

The overall size of the currently proposed dormer window is marginally smaller than that previously proposed and its roof design has been changed so that it has a flat roof rather than a pitched roof. No changes have been made to the proposed barn hip roof.

The currently submitted application is therefore considered not to be materially different to the previously refused application that was subsequently dismissed on appeal. It is therefore considered that the proposals would demonstrably cause harm to the appearance of both the application property and the wider street scene. The resubmitted application proposals therefore continue to be contrary to the provisions of Policy ENV15 of the Structure Plan,

Policy BNE1 of the adopted Local Plan and Policy QL1 of the Kent and Medway Structure Plan (Deposit Version) 2003 (the emerging Structure Plan).

Neighbour Amenities

It is considered that the construction of the proposed dormer window would not adversely affect the privacy of the occupiers of numbers 8 or 12 Lingley Drive. The proposed dormer window or barn-hipped roof owing to their siting and size would raise no other factors that would adversely affect the amenities of the occupiers of the immediately neighbouring properties. No objection in amenity terms is therefore raised to the application under the provisions of Policy ENV15 of the Structure Plan, Policy BNE2 of the adopted Local Plan and Policy QL1 of the emerging Structure Plan.

Parking Considerations

The property can facilitate off-road parking (including garaging) for at least two vehicles and therefore the proposals accord with the provisions of the adopted parking standards and no objection is therefore raised to the application in this respect.

Conclusion

It is considered that the currently submitted application has failed to overcome the concerns that gave rise to the refusal of planning permission for application MC2003/2147 that related to this property. The currently submitted application is therefore recommended for refusal for the reasons that were identified in the refusal of application MC2003/2147.

[This application would normally fall to be determined under Officers' delegated powers but is reported for Members' consideration at the request of Councillor Mason because there are other examples of roof extensions within streets within the vicinity of the application property.]
