

PLANNING APPLICATIONS FOR 23 FEBRUARY 2005

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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 MC2004/1570

Date Received: 8th July 2004

Location: Rose and Crown Public House, Stoke Road, Allhallows, Rochester, Kent.

Proposal: Listed Building Consent for internal alterations to ground and first floors to facilitate conversion to dwellinghouse, no alterations to elevations.

Applicant: Mrs V Watson Rose And Crown Public House Stoke Road Allhallows Rochester Kent

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

Ward: Peninsula

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 Prior to the commencement of the works hereby permitted, details of any new internal joinery, including any: doors; architraves; skirting; cornices; panelling and dado rails, shall be submitted to and approved in writing by the Local Planning Authority. Any details to be submitted in a drawn form pursuant to the requirements of this Condition shall be drawn at a scale of not less than 1:5. All new joinery shall be installed strictly in accordance with the approved details.

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

Site Description

This application relates to the Rose and Crown Public House, which is a Grade II Listed building located on the western side of Stoke Road. The building dates from the late eighteenth century and has painted brickwork with a hipped roof and a brick chimneystack. There is a single storey extension with a catslide roof to the side (north) erected following the grant of planning permission and Listed building consent in 1981. There are also two single storey rear extensions, one with a pitched roof and one with a flat roof and balcony over.

The accommodation within the building currently comprises the bar, associated kitchen and toilets on the ground floor, with living accommodation (a lounge and three bedrooms) on the first floor, and an additional bedroom in the roofspace. To the rear of the public house, there are three wooden outbuildings, which are to be demolished under the application.

Proposal

This application is for Listed Building Consent for alterations to the building to facilitate its

conversion into a dwellinghouse.

The submitted plans show the internal layout of the proposed dwelling, which would comprise a lounge, sitting room, dining room, kitchen and utility room on the ground floor, three bedrooms and a bathroom on the first floor and a further bedroom in the attic. No changes are proposed to the first floor.

The only alterations to the ground floor are internal and relate to the removal of the bar and the division of the bar area into a dining room, hall, internal porch and lounge/sitting room. The kitchen will remain unaltered, but only one small toilet will remain at the rear, with the walls in the remainder of the toilet area being removed to create a utility room.

[This application for Listed Building Consent was submitted after the submission of outline application MC2004/1057 for the conversion of the public house into a dwellinghouse and construction of six houses with parking which is still under consideration. This Listed Building consent application was also submitted prior to the submission of application MC2004/2265, which is a full application for the conversion of the public house into a dwellinghouse only, which appears later on this agenda for determination.]

Relevant Planning History

ME/81/90	Single storey extension to form new toilet and storage Approved 26 February 1981
ME/88/1551	Extension to bar area Refused 6 June 1989
MC2001/1311	Construction of a single storey rear extension to public house and construction of a detached three bedroom bungalow and garage to rear and retention of existing mobile home during construction Withdrawn
MC2001/1312	Listed Building Consent for replacement windows and door to front, new railings to side and construction of a single storey rear extension Withdrawn
MC2003/2603	Outline application for construction of six dwellings with associated parking Refused 1 April 2004
MC2004/1057	Outline application for conversion of public house into a dwellinghouse and construction of six houses with parking Undetermined
MC2004/2265	Conversion of public house into a dwellinghouse Reported elsewhere on the agenda

Representations

The application has been advertised on site and in the press as works affecting a Listed Building. Neighbour notification letters have been sent to the owners/occupiers of: 9, 11, 20, 22, 24, 28-38 (even), 6 and 7 Beatty Cottages, Juniper house, The Peacheys, All Saints

Church, the Post Office and Social Club, Stoke Road; and 180 and 220 Avery Way. Letters have also been sent to the Kent Historic Buildings Committee and to the Dickens' Country Protection Society.

The Dickens' Country Protection Society has written objecting on the grounds that the Listed Building will be partly destroyed.

A petition of 125 signatures and one letter have been received objecting to the loss of the public house.

Allhallows Parish Council has written raising no objection to this application, but has further commented that it remains opposed to any other development on the site.

The Kent County Council's Archaeological Officer has asked that a condition be attached to any planning permission requiring an archaeological watching brief to be undertaken.

Development Plan Policies

Kent Structure Plan 1996

Policy ENV19 (Buildings of Architectural or Historic Importance)

Medway Local Plan 2003

Policy BNE17 (Alterations to Listed Buildings)

Kent and Medway Structure Plan (Deposit Version) 2003

Policy QL9 (Buildings of Architectural or Historic Importance)

Planning Appraisal

The only issue for consideration in respect of this application is the effect the proposed structural alterations will have upon the character and appearance of the Listed Building. The proposed alterations are minimal and involve taking out non-original fittings and the installation of two new internal partitions. Subject to the submission of satisfactory construction and joinery details, which can be controlled by condition, no objection is raised to the proposal. It is, therefore, recommended that Listed Building Consent be granted.

Conclusion and Reasons for Approval

The submitted application is considered to be acceptable in Listed Building terms and accords with the provisions of Policy ENV19 of the Structure Plan and Policy BNE17 of the adopted Local Plan and is recommended for approval.

[The application would normally be determined under delegated powers but is being referred to committee due to the number of representations that have been received expressing views contrary to the officer recommendation.]

2 MC2004/1599

Date Received: 13th July 2004

Location: 23 Goddington Road, Strood, Rochester, Kent, ME2 3DD

Proposal: Conversion of property from nursing home to four self-contained flats

Applicant: Mr G McConnell C/o Agent

Agent: Mr P Westrup 18 High Street Wouldham Nr Rochester Kent ME1 3XB

Ward: Strood North

Recommendation - Approval with Conditions

(as amended by letter and plans received on 9 February 2005)

- 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 flats are occupied and shall thereafter be maintained for the duration of the development. Development shall be carried out in accordance with the approved details.
- 3 Prior to the first occupation of the development hereby permitted, the vehicle parking/turning areas, as shown on drawing no. MC01A revA shall be completed and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development Order 1995 (or any Order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them.
- 4 The space within the roof area shall only be used as a storage area to serve the requirements of the occupiers of the flats herein approved and shall not be used as habitable accommodation without the prior consent of the Local Planning Authority.
- 5 Prior to the commencement of the development details of the external storage of refuse bins shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details prior to any occupation of the flats and shall thereafter be maintained.

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

Site Description

No 23 Goddington Road is a large two storey property which has additional accommodation in the roof space. It is located on the south-western side of the road and set back off of the pavement by some 3 metres. There is a large odd shaped single storey rear addition to the property.

The property is set in a reasonably sized curtilage and there is a double garage, in a poor state of repair, located in the far south-western corner of the rear garden. Access to the garage is gained via the drive on the north-western side of the property. In addition to the drive on the north-western side of the property there is a second access and hard standing located on the south-eastern side of the property. Currently a large campervan is stationed on this area.

The last authorised use of the property was as a Residential Care Home. This use has ceased.

Proposal

This application seeks a change in use from residential care home to four flats, with the roof space to be used as storage. The application as originally submitted proposed for the roofspace to be used as a separate one bedroomed flat, but it was not considered that the usable space available was satisfactory as a single unit and this has now been changed to storage to serve the other flats. There are no external building works proposed to the building. However, the applicant is proposing to extend the drive on the south-eastern side of the property and create a parking/turning area in the rear garden adjacent to the existing double garage. The driveway on the north-western side of the property is to be removed, except for a small area to the front/side of the property which is to be used as a bin storage area. The area of drive removed is to form part of the communal amenity space to be provided within the site.

Site Area/Density

Site Area: 0.054 hectares (0.133 acres)

Site Density: 74.07dph (30.1 dpa)

Relevant Planning History

ME89/0333	Extensions to residential care home and provision of extra bedroom – Granted 15/08/89
ME87/0004	Proposed change of use from private residence to residential care home – Approved 20/10/87

Representations

The application has been advertised on site by site notice. Letters have been sent to 12-22 (evens), 19, 25 and 27 Goddington Road; 21, 23, 34 and 36 Hayward Avenue

7 letters of objection (2 from the same address) have been received on the following summarised grounds:

- Overdevelopment of the site;

- Loss of light and privacy;
- Overlooking
- Proposal will have an adverse effect on the environment;
- The development will introduce a further multi-occupancy conversion and would be detrimental to the character and appearance of the road, which is becoming more commercial in character;
- The development will introduce more people into the area and increase pressure for on street parking
- Increased noise and disturbance, including that from the comings and goings of cars etc;
- Antisocial behaviour;
- The proposal is retrospective;
- The proposed flat over the garage is not suitable and it is unlikely to have adequate foundations due to the bank upon which it is to be built on;
- Loss of view;
- Development, especially the construction of the garage and the flat over will be likely to cause subsidence;
- The garage and flat element of the proposal will be out of keeping with the surrounding housing;
- Highways danger – the access to the parking area is directly across the pavement on a one way portion of the street;
- Lack of parking;
- This road is used as a school route and the development will increase the danger to school children passing the site and other pedestrians;
- Vehicles park on the secondary drive, which was created during the building works, are being used to live in; and
- Development is being done for investment.

Development Plan Policies

Kent Structure Plan 1996:

Policy S2	(Environment)
Policy ENV15	(Built Environment)
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 BNE3	(Noise)
Policy H4	(Housing in Urban Areas)
Policy H6	(Conversion to Flats)
Policy T1	(Impact of Development)
Policy T2	(Access to Highway)
Policy T13	(Vehicle Parking Standards)

Kent and Medway Structure Plan (Deposit Draft) 2003

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

Planning Appraisal

Background

The former and last official use of this building was as a residential care home. This use appears to have ceased in December 2002 and the property not used for that purpose since then. The Council's records indicate that the applicant and a relative have been living in one room of the property and in a mobile campervan parked on the drive since April of this year, whilst unspecified works within the building have been undertaken. The building would appear to have had a run down appearance and clearly the necessity to balance the interest of reusing brown field sites and any resultant improvement in the surrounding area in generally, against the policies of the local plan and the concerns of the adjoining occupiers/objectors needs to be considered

General Principles.

The principle considerations in relation to this development are whether or not this proposal is considered to be acceptable in terms of the general principles of built development (BNE1), the advice contained in Planning Policy Guidance Note number 3: Housing (PPG3), in terms of the proposals impact on the amenities of the adjoining occupiers, the prospective occupiers of this proposed development, the impact on the character and appearance of the surrounding streetscene and in terms of highway and pedestrian safety.

This site is located within the urban area as defined by the development plan and within an area where residential development is generally encouraged by PPG3. Whilst PPG3 recognises that development in urban areas and on previously developed land should be encouraged, it also clearly stated that these sites should only be granted consent if it is appropriate in terms of all of the other constraints of the site. There are no specific policies in the local plan that seek to protect care homes and this being the case the loss of this care home, by its conversion to flats, is not an issue which could justify a refusal of planning consent.

From a policy perspective the loss of this building from its current use will have no adverse affect on the vitality or viability of the immediately surrounding area. The surrounding area is predominantly residential and this being the case, this proposal needs to be considered in terms of the Council's adopted policies related to housing in the urban area (H4). In addition to this, whilst not strictly relevant the conversion of a care home into flat accommodation Policy H6 could be used to assess the proposal for flats.

The building is capable of conversion, with an acceptable residential environment, in an appropriate manner, and the introduction of these new residential uses would be in line with Central government advice contained in PPG3 and policy H4 of the adopted Local Plan. This area is not a designated employment area and the loss of this building from its last lawful use will have no impact on existing employment opportunities. The proposed development will have no adverse impact on the character or appearance of the building or the surrounding streetscene in general. A development of this nature would not be discordant with surrounding dwellinghouses and would conform to the pattern of other existing development elsewhere in the surrounding area.

In terms of policy H6 related to the conversion of existing buildings to flats this development complies with the criteria set out. The surrounding area is clearly a mix in terms of its vitality and there is a mix of types of accommodation and uses in the area. The residential care home to be converted is large and exceeds the limits where if in single family residential use the Council would seek to retain a single household occupation. The development has been assessed in terms of its relationship to adjoining properties and is considered to be acceptable in this regard.

The internal layout of the development is considered to be acceptable. No additional windows are being introduced into the conversion and the windows which will serve habitable rooms already serve habitable rooms in the former care home. This being the case no loss of amenity to adjoining occupiers due to the positions or outlook from the windows will occur.

No aspect of the work will adversely affect the amenities of any of the adjoining occupiers or the character or appearance of the area within which it is located. The development is acceptable in terms of its impact on the character and appearance of the surrounding streetscene as a whole and this being the case this development is considered to be acceptable in this regard.

Highways

Turning to the issue of the parking standards, it is recognised that Goddington Road already has a high degree of on street parking and resultant parking problems. However, parking provision for up to 7 cars will be provided to the rear of the property. (2 of which are within the existing garage at the rear of the site) Additionally, it should be borne in mind that the current lawful use of the site as a residential care home with little or no parking would have the effect of increasing demand for on street parking in the area. Using the Council's adopted parking standard, the maximum requirement for a care home of this size would be five off street spaces, plus one space per member of staff. The number of spaces proposed with the development is seven. On the basis of the above it is considered that the seven spaces proposed would be acceptable to serve a development of four flats and would result in a marked improvement over what could occur with the lawful care home use. In this instance no objection to the development is raised.

Finally, taking into account the comments from the local residents. These are noted, but for the reasons given above this development is considered to be acceptable in terms of the strategic principle and other relevant policies set out in the adopted Development Plan and will not result in any adverse impact on the quality of life of adjoining occupiers. In terms of the bin storage area the position proposed is not considered to be inappropriate, but details are vague and this being the case it would be appropriate to impose a condition requiring the details to be submitted within a reasonable time period.

Conclusions and reasons for approval

It is considered that the loss of the care home is not inappropriate and that the conversion of this large property to flats in this residential area is acceptable and will provide an acceptable standard of living accommodation while not negatively impacting on the residential amenities of other occupiers in the area. The proposal therefore

accords with the provisions of Policies BNE1, BNE2, H4 and H6 of the Medway Local Plan and is recommended for approval.

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

[This application was considered by Members at the Development Control Committee on the 22nd December 2004 when it was determined to defer a decision at the Officers request.]

3 MC2004/1721

Date Received: 20th July 2004

Location: 128 Maidstone Road, Chatham, Kent, ME4 6DQ

Proposal: Internal alterations together with rear and side extensions to provide 17 flats

Applicant: Mr & Mrs L Helden 4 Meadowsweet View St Mary's Island Chatham Maritime Chatham Kent ME4 3BA

Agent: Mr P Cook Cook Associates 1 Limes Place Preston Street Faversham Kent ME13 8PQ

Ward: Chatham Central

Recommendation - Approval subject to:

A. The applicant/owner entering into a planning obligation to secure:

- a. a contribution of £43,700 towards the provision of education facilities within the vicinity of the application site; and
- b. a contribution of £6,336 towards the provision of public open space within the vicinity of the application site; and

B. The imposition of the following conditions:-

(as amended by letters and plans received on 7th December 2004 and 25th January 2005.)

- 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 Prior to the commencement of development, details at a scale of 1:10 of fenestration joinery, external wall sections and eaves construction shall be submitted to and approved by the Local Planning Authority. The development shall be constructed in accordance with the approved details prior to occupation and thereafter retained.
- 4 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved by the Local Planning Authority and these works shall be carried out as approved. These details shall include:- any trees to be retained and method of protection during construction works, any alteration of ground levels; means of enclosure; hard surfacing materials;

arrangements for refuse storage. Soft landscape works shall include:- planting plans and details of aftercare.

- 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 Before the development hereby permitted commences, a scheme for protecting the proposed development from road traffic noise shall be submitted and approved in writing by the Local Planning Authority and all works which form part of the approved scheme shall be completed before any part of the development is occupied and thereafter maintained for the duration of the use.
- 7 Prior to occupation of any of the dwellings hereby permitted, the parking areas and access arrangements shall be provided in accordance with the plans hereby permitted and shall thereafter be maintained. All parking shall be kept available for communal use at all times and not restricted to the use of any particular unit.
- 8 No existing windows or external doors shall be changed or altered prior to the details for any such alterations having been submitted to and approved in writing by the Local Planning Authority.

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

Site Description

The site is on the corner of Gladstone Road and Maidstone Road. It is currently occupied by a large attractive, red brick 'villa' of considerable character in mixed business and residential use. The existing building is 2 storeys + attic at the front and 3 storeys + attic at the rear, taking advantage of the steeply sloping nature of the ground. There is space to both sides of the plot with a domestic garage on the north side, and a large rear garden. There are accesses onto Maidstone Road with trees at either end of the frontage. On the Gladstone Road frontage there is a yellow stock brick wall. There are mature trees adjacent to the rear boundary.

This part of Maidstone Road is characterised by properties of a similar age and character, although this is one of the larger buildings. It is visible in views from King Edward Road to the rear downhill from the site.

The application site is located within the recently designated Maidstone Road Conservation Area.

Proposal

Background

This application was originally submitted as a redevelopment scheme (replacing the existing building with a new block of 24 flats) and the application was subsequently amended following negotiations. The amended application proposed the retention, conversion and extension of the existing building to provide a total of eight 1 bedroom and eight 2 bedroom flats. The originally proposed side extension, as a consequence of the change in levels from the front to the rear of the site, was 2 storeys in height when viewed from Maidstone Road and 3 storeys when viewed from the rear. This extension would have accommodated three 2 bedroomed flats.

The amended application was reported for Members' consideration on 10 November 2004 when it was resolved to grant planning permission subject to the conclusion of Section Agreement to secure contributions towards the provision of education facilities and public open space.

Application as currently submitted

Following the consideration of this application on 10 November 2004 further revised plans have been received amending the design of the proposed side extension by increasing its height to provide four floors of accommodation, part of which will be in the roofspace.

It is now proposed that the side extension will comprise four 2 bedroomed flats, with the result that a total of 17 flats are to be provided within the development in its totality. The differences in the height of the extension to its eaves and ridge, by comparison with the previously proposed extension, are set out in the table below.

	Current Proposal	Previous Proposal
Front Eaves Height	7.2 metres	6.2 metres
Front Ridge Height	11.6 metres	9.5 metres
Rear Eaves Height	9.6 metres	7.8 metres
Rear Ridge Height	13.7 metres	11.4 metres

With respect to the exterior design of the extension, as originally proposed this structure had a gable room form with a centrally located first floor oriel window in the front elevation. The roof above the oriel is multi planed and looks like a "sugar sifter"/"salt cellar". The revised design for the side extension incorporates a half hipped roof form and the oriel feature has been extended in height to provide accommodation at first and second floor levels. The upper floor accommodation within the extension will in part be within the roofspace and the upper floor windows in the rear elevation are in part above and below the eaves level. Flank windows at lower ground, ground, first and second floor levels have been introduced into the northern elevation of the extension and these will serve kitchen, living room and dining room areas.

The existing accesses onto Maidstone Road will be retained to serve a parking area for 11 cars. A second parking area for 6 cars will use an access off Gladstone Road.

Site Area/Density

Site area: 0.163 ha
Site density: 104 dph

Relevant Planning History

MC/98/0814	Change of use from Conservative club to Photographic Studio Approved 18 November 1998
MC2004/0599	Demolition of building and construction of a block comprising 24 self contained flats Refused 27 April 2004

Representations

The application has been advertised on site and in the press as major development. Medway Access Group, Southern Water and the Environment Agency have been advised of the application along with the owners and occupiers of 61, 63, 65, 67, 71, 73, 120, 122, 124, 126, 130, and 132 Maidstone Road; 1 and 2 Gladstone Road; 1, 2, 36, 37, 38, 39, and 40, King Edward Road; 12 Westmount Ave; 165 Constitution Road; 3 Brackenwood Close; 2 Hillcrest Road; and 17 Athelstan Road.

Environment Agency have commented that it has no objection to the original scheme.

Southern Water has advised it has no objections to foul disposal but that surface water sewers are at capacity. This has been drawn to the attention of the applicant and will be dealt with separately by southern water and building regulations if consent is granted.

22 letters were received objecting to the application as originally submitted which proposed the total demolition of the building and construction of a block of flats of very modern design.

Following receipt and re-consultation on the amended plans which now proposes to retain, extend and convert the existing building, 5 letters have been received making the following comments;

- There is concern regarding the number of parking spaces, a lack of visitor spaces and the proposed increase in number of dwellings on this site on road safety grounds.
- One objector is against conversion of the building into flats.
- Another is concerned with the "terracing" impact of the development.
- One considers the proposed extension to be more in keeping than the redevelopment.

Four further letters have been received objecting to the revised scheme. The additional comments that have been received can be summarised as follows:

- the proposed extension will be out of character/keeping with this and other properties and the surrounding area;
- the proposal will not enhance the street scene but detract from it;
- there are no blocks of purpose built flats or buildings of the size proposed in the area;
- insufficient parking with adverse effect on surrounding area;

- the proposal will add to the traffic burden on Maidstone Road and aggravate a difficult situation on Gladstone Road (existing access is not used) with additional danger;
- the resulting property will be too large and will effectively be the only terraced property in the area of Maidstone Road;
- the extension will shade the neighbours from the sun;
- loss of view and impact on skyline for neighbours;
- the proposal will dominate neighbouring properties to the rear (King Edward Road), especially given the height differences;
- loss of amenity, privacy, outlook and light;
- overdevelopment with too many units and additional burden on local services; and
- discrepancies in drawings

The retention of the building and the space on the corner is supported.

Following the receipt of the revised plans increasing the number of proposed flats from 16 to 17, re-consultations have been undertaken.

Five additional letters have been received reiterating previously stated objections to the application, most particularly relating to the inadequacy of the proposed level of on-site car parking, and making the following additional comments:

- design of the rear elevation of the extension will not be in keeping with the character of the area having regard to its designation as a Conservation Area;
- the comings and goings generated by the development will cause disturbance to the occupiers of neighbouring properties;
- the extension will be too large and will result in a loss of outlook and privacy for the occupiers of neighbouring properties; and
- the development will place additional pressures upon the provision of medical service in the area.

Development Plan Policies

Kent Structure Plan 1996

Policy ENV15	Built Environment
Policy ENV16	Urban Open Space and "Town Cramming"
Policy ENV17	Conservation Areas
Policy T17	Parking Standards

Medway Local Plan 2003

Policy S1	Development Strategy
Policy S2	Strategic Principles
Policy S4	Landscape and Urban Design Guidance
Policy BNE1	General Principles for Built Development
Policy BNE2	Amenity Protection
Policy BNE3	Noise
Policy BNE14	Development Within Conservation Areas
Policy H3	Retention of Housing

Policy H4	Affordable Housing
Policy H5	Housing in Urban Areas
Policy T2	Access to the Highway
Policy T13	Parking Standards

Kent and Medway Structure Plan (Deposit Version) 2003

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

Planning Appraisal

The planning appraisal set out below has been updated to take account of the amendments that have been made to this application since 10 November 2004 when it was last considered by Members at Committee.

As the proposal involves extension of residential use on a site within the urban area and not otherwise allocated the principle of the development is acceptable. The original use of the building will have been residential although through its life the building has been put to other purposes including a club and more recently mixed business and residential use. There is, therefore, already flatted accommodation in the building.

The main issues are considered to be:

- the impact on the character and appearance of the area, including its status as a Conservation Area,
- the impact on the amenities of local residents,
- whether the site is suitable (acoustically) for the development; and
- highways considerations.

Street Scene, Design and Conservation Area Considerations

As this site is on a corner on one of the main routes into Chatham it is prominent and important in townscape terms. At present the existing building is very much part of the existing character of similar aged properties being generally 2 storeys with attics facing the main road and having large pitched roofs punctuated by chimneys and, in this case, architectural features. The building, being one of the larger structures on a corner has space around it that sets it off. It is clearly visible to vehicles and pedestrians on the main road given the low front boundary with entrances.

Members will be aware that the character of the area has recently been recognised with its designation as a Conservation Area.

This revised scheme extends this Edwardian Arts and Craft Building. It replaces a scheme for its demolition. Although the extensions are large, they are at the rear and side of the building, and are subservient in scale. They also maintain space around the building, in particular on the front corner, and separation of at least 3 metres to the neighbouring building on Maidstone Road. The style is broadly in keeping with that of the original building, albeit in a stripped down form, but nevertheless subservient retaining the impact of the original building.

Floor to ceiling heights are reduced as compared to the original building, thus allowing additional storeys within a fixed overall height. This together with reduced scale windows gives the extensions a slightly odd, scaled down appearance. However this at least maintains the prominence of the original building and given the recent past planning history for this site, the proposals are regarded as acceptable. They will preserve the character and appearance of the area and retain a building recognised for its character providing it with a new lease of life.

With respect to Conservation Area considerations, it is considered that the proposed extensions to this property will respect its character as well as that of the designated area. Accordingly no objection is raised to the submitted proposals in Conservation Area terms. An Article 4 Direction is about to be placed on the Conservation Area - controlling window details, roof materials etc. It is therefore very important that this sort of detail is controlled with regard to the present proposal - especially the elevations facing highways and an appropriate condition is recommended.

In design, appearance and Conservation Area terms the submitted application is acceptable and accords with the provisions of Policies ENV15 and ENV17 of the Structure Plan, Policies BNE1 and BNE14 of the adopted Local Plan and Policies QL1 and QL7 of the Kent and Medway Structure Plan (Deposit Version) 2003 (the emerging Structure Plan).

Neighbour Amenities

The rear extension steps down the slope and avoids serious overshadowing of neighbouring property. Likewise the side extension in its enlarged form will not overshadow the neighbour to any unacceptable extent. The extensions are also laid out and oriented such that there will not be significant problems of overlooking or loss of privacy. With respect to overlooking it is to be noted that the currently amended design for the side extension introduces flank wall windows into the elevation facing the neighbouring property at 126 Maidstone Road. It is considered that the introduction of these windows will not result in the unacceptable loss of privacy for the occupiers of 126 Maidstone Road and no objection is therefore raised to this aspect of the application.

The proposed development is considered to be acceptable in amenity terms and no objection is raised to it in this respect 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.

Acoustic considerations

The site is on a main route into the town centre. An acoustic report has been submitted that demonstrates that the building is subject to road traffic noise. This is in common with many of the residential properties along the road. However, as part of the development the opportunity arises to ensure that measures are taken to minimise disturbance for the new occupants who will, in any event, move in with the knowledge of the prevailing circumstances. The recommendation includes a condition requiring the submission of details to mitigate against road traffic noise disturbance for prospective occupiers of the development. In the interests of conservation it is considered that any objection in this respect is outweighed by the benefit of retention of the building. No objection is therefore raised to the application under the provisions of Policy BNE3 of the adopted Local Plan.

Highways

As noted above the site has a history of mixed business and residential use and as a club before that. In highway terms this scheme, which provides off street parking at a rate of 1 space per dwelling. This level of on-site parking provision therefore accords with the provisions of Policy T17 of the Structure Plan, Policy T13 of the adopted Local Plan and Policy TP19 of the emerging Structure Plan. The development will utilise the property's existing vehicular access points onto Maidstone Road and result in the formation of a new access onto Gladstone Road. The proposed access arrangements are considered to be satisfactory having regard to the volume of traffic that it is likely to be generated by the development and the nature of the traffic using the Maidstone Road and Gladstone Road. No objection is therefore raised to the access arrangements under the provisions of Policy T2 of the adopted Local Plan.

Other Matters

The application site is in an area of identified school roll growth, with little or no spare capacity in the local schools. The proposed development would add a further demand upon school places in the area. Applying the standard pupil product ratios of 0.5 for primary school spaces and 0.2 for secondary school places to the two bedroom flats, the proposed development will yield a combined primary and secondary place contribution of £43,700 (£6,000 per primary place and £6,850 per secondary place).

To address the provision of open space facilities, it is recommended that a contribution of £6,336 be sought towards the provision of equipped play facilities and formal sports provision in the locality. This contribution is based upon the one and two bedroomed flats each yielding on average 1.33 and 2.44 occupiers respectively, with cost multipliers of £112 and £232 for one and two bed flats.

Conclusion and Reasons for Approval

In the light of the above assessment of the application proposals, the submitted application is considered to be acceptable in visual, Conservation Area, amenity and highway terms and accords with the provisions of Policies ENV15, ENV17 and T17 of the Structure Plan and Policies BNE1, BNE2, BNE3, BNE14 and T13 of the adopted Local Plan and is recommended for approval.

[The application would normally be determined under delegated powers but is being referred to committee due to the number of letters received expressing views contrary to the recommendation.]

[This application was considered by Members at the Development Control Committee on the 2nd February 2005 when it was determined to defer a decision to enable a Members' site visit to be held.]

4 MC2004/1915

Date Received: 23rd August 2004

Location: Land to the rear of 2-12 Eastern Road and 34-64 King Edward Road, Gillingham, Kent

Proposal: Construction of two terraces of five 3-bedroomed dwellings with associated parking

Applicant: West Kent Housing Association 101 London Road Sevenoaks Kent TN13 1AX

Agent: Mr Sergeant William Sergeant and Associates Dowding House
Coach and horses passage The Pantiles Tunbridge Wells Kent TN2 5NP

Ward: Gillingham North

Recommendation - Approval subject to

A) The applicants entering into a Section 106 Agreement/Obligation to secure the following:

- A contribution of £8,328 to provide for improvements to play and landscape provision at the Grange Road play and recreation areas.
- A contribution of £43,700 to provide for improvements to education facilities within the area

B) The imposition of the following conditions:

(as amended by plans received 10 December 2004 and 10 February 2005)

- 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 any of the dwellings are occupied and shall thereafter be maintained. 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development within Part 1 Classes A, B and C of the Second Schedule to the Order shall be carried out on the site without the prior written approval of the Local Planning Authority.
- 6 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include means of enclosure, existing and proposed site levels 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, noting species, plant sizes and proposed numbers/densities where appropriate; and implementation programme.
- 7 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. The approved planting stock shall be maintained for a minimum period of five years following its planting and any of the stock that dies or is destroyed within this period shall be replanted in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
- 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 the first occupation of the development 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 dwellings 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 Town 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 and parking purposes has been drained and surfaced in accordance with details submitted to and approved in writing by the Local Planning Authority and that area shall not thereafter be used for any other purpose.
- 11 Prior to the first occupation of the development hereby permitted, vision splays of 2.0 metres x 2.0 metres shall be provided on the west side of the vehicular access point and no obstruction of sight more than 0.6 metres above carriageway level shall be permitted within the splay thereafter.
- 12 Prior to the commencement of any development works, a site investigation shall be undertaken to determine whether any protected species such as slow worms, great crested newts, common lizards or bats are on site. The results of the investigation and any mitigation measures required to safeguard these species from the proposed development shall be submitted to and approved in writing by the Local Planning Authority with the approved mitigation measures being undertaken prior to the commencement of the development.
- 13 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.

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

Site Description

This application relates to a plot of land situated behind properties in Eastern Road (Nos.2 to 12) and King Edward Road (Nos 36 to 64). The land is mainly used as allotments (albeit some do not appear to be in active use) and has a number of derelict garages adjacent to an unmade vehicular roadway accessed from Eastern Road. Within the side elevation of No.12 Eastern Road (the only property adjacent to the access point onto Eastern Road) is a first floor window. There are no ground floor windows and within the rear garden deriving access from the unmade vehicular track way is a large garage. The garden of No.12 Eastern Road is bounded by a 2 metre high brick wall and fence.

The site is also bounded on the northeast partly by a mesh fence and gates to another undeveloped parcel of land and immediately to the East by 6 cottages (95 to 105 Grange Road). The ground level of these properties is approximately 2 metres lower than the application site. The gardens serving these properties are mainly to the side. No.95 Grange Road has a first floor window within the elevation facing the application site. This serves a bedroom. Most of these cottages derive their vehicular access from Grange.

The southern boundary backs onto the gardens of 91-93 Grange Road. There are a number of fruit trees within the allotment part of the site as well as a number of mature deciduous trees between the application site and the lower vehicular track way serving the Grange Road cottages.

Due to the derelict nature of the garages and the site generally, it attracts unsociable behaviour and consequent complaints to the Council's enforcement team.

Proposal

This application (as amended) proposes the demolition of the existing buildings on the site and the erection of 10 dwellings within two terraced rows comprising of five three-bedroomed houses. The existing access from Eastern Road will be upgraded and provision will be made for 20 car parking spaces, two of which are for disabled users. A few of the boundary trees are shown to be retained along with existing hedging and the planting adjacent to the eastern boundary. Additional landscaping is also proposed.

The dwellings will have rear gardens of approximately 4.5 metres in width and 9 metres in length, with the two end gardens having a width of approximately 6.5 metres.

The applicant is the West Kent Housing Association and they advise that one terrace of 5 dwellings will be for shared ownership (potentially professional people) and one terrace of 5 dwellings will be for sub market sale. West Kent Housing Association intends to liaise closely with neighbouring residents regarding the management of the building works on site.

The ground floor accommodation of the terraces will comprise of kitchen, toilet, living/dining room area whilst the first floor comprising of 2 bedrooms and a bathroom with a third ensuite bedroom within the roof space. A dormer window within the rear elevation will serve the bedroom. The height to eaves level will be 5.1 metres with 9.8 metres to the ridge height.

Site Area/Density

Site Area: 0.2495 hectares (0.616 acres)

Site Density: 40 d.p.h (16 d.p.a)

Relevant Planning History

GL59/97B Outline for the reconstruction of 6 existing garages and 6 additional garages.
Approved 9 June 1964

GL59/97C Outline for the erection of a terrace of 4 houses with 2 garages and/or parking spaces per unit
Refused 13 August 1973 on the grounds that the land is suitable for redevelopment as a whole and the proposed piecemeal development

would jeopardise such comprehensive redevelopment; and that a proper access road should be constructed

- GL59/97D Outline for the erection of 2 semi-detached bungalows
Refused 17 March 1983 on the grounds that the proposed development would be cramped with inadequate space about the dwellings and being out of character with other development and detrimental to the amenities of the occupants of the proposed dwellings. In addition the access proposed was sub standard
- GL64/108/90/0226 Land rear of West of Dial Road/Eastern Road, Gads Hill
Outline application for the erection of a two-storey block of 12 one-bedroomed flats
Refused 1 May 1990
- GL64/108/90/616 Land rear of West of Dial Road/Eastern Road
Outline application for the erection of a two two-storey block of four flats
Approved 1 November 1990
- GL64/108N Land rear of West of Dial Road/Eastern Road
Outline application for the erection of a two-storey block of 12 one-bedroomed flats
Refused 23 November 1989
- MC1999/5209 Land West side of Dial Road, fronting onto Eastern Road
Application for the erection of a two blocks of six flats with associated parking
Refused 29 September 1999
Appeal dismissed 16 February 2000
- MC2004/1203 12 Eastern Road
Construction of 2-storey rear extension to facilitate conversion of existing dwelling into two 2-bedroomed houses and construction of a new 3-bedroomed house with associated parking
Refused 26 July 2004

Representations

The application has been advertised on site and Southern Water; British Gas and the SE Electricity Board have been consulted as well as the Kent Police Architectural Liaison Officer.

Neighbour notification letters have been sent to the owners and occupiers of the following properties: 2 to 12 and 1 to 17 Eastern Road; 1 to 21 Dial Road; 20 to 72 King Edward Road; 91 to 115 Grange Road. Hand deliveries were also given to the dwelling at St Sexburga Hall called No.4.

In response to the application as originally submitted, 22 letters (from 21 households) were received objecting to the development on the grounds of:

- Loss of wildlife and a natural area;
- Development of this natural wildlife area will not comply with the Wildlife and Countryside Act 1981;

- Apart from the garages, the rest of the land is not unused but is in active use as allotments (some for 25 years);
- The additional traffic will make it unsafe for pedestrians;
- Object to resultant increase in noise and pollution;
- Eastern Road is a small quite cul de sac and should remain so;
- Over-development and inadequate car parking provision;
- Loss of privacy, overlooking and loss of views, loss of outlook;
- The proposal will over burden the sewerage system;
- Loss of peace and quiet;
- The local infrastructure in terms of access and parking is already over stretched, especially on football days;
- Concern over access for emergency and refuse vehicles;
- Object to affordable housing which already causes problems in the area, e.g. The Vineries and Hazlemere Drive;
- Where will the additional children play?
- Concern that the increase in traffic and construction vehicles would have a detrimental impact on the cellars of adjacent Victorian houses;
- There is already enough new houses being built within the local vicinity;
- Concern that should the occupiers of the proposed dwellings have access to the alleyway to the rear of properties in King Edward Road, it is noted on deeds that the occupiers in King Edward Road have responsibility for the upkeep of the alley;
- Bungalows would be better on this site and which are few in the area;
- Object to the loss of any trees on the bank adjacent to properties in Grange Road;
- The cottages in Grange Road opposite the site do not have a private rear garden as such and therefore the existing occupiers would suffer from a loss of privacy;
- The area should be retained and better used for allotments;
- Concern over the impact upon local schools, doctors etc;
- Concern over the instability that works may cause to the steep earth bank in front of the adjacent cottages in Grange Road (97 to 105);
- If the development goes ahead the lane to Grange Road should be closed off; and
- The site would be more suitable for 2 or 3 larger houses with large gardens.

Southern Water has no objections to the proposal with regard to the proposed method of foul sewage disposal. They advise on the distances to public surface water sewers in the vicinity of the site and give information and a plan extract showing the position of the existing public sewers and advising that no new building or new tree planting should be located over or within 3 metres of the public sewer. A copy of the letter has been sent to the agent.

Transco British gas advise of the location of their Low Pressure gas mains and which they advise no mechanical excavations should occur within 0.5 metres. This pipe is situated adjacent to the access road serving 95 to 105 Grange Road. A copy of the letter has been sent to the agent.

The Kent County Architectural Liaison Officer advise that the existing garages may well be a crime generator and their removal may improve quality of life in the locality. The officer is also concerned about the existing rear alleyways to properties in King Edward Road and Eastern Road and their potential for crime generating and he would prefer to see these removed if possible or gated. If not possible adjoining rear boundaries should be 2-metre high close-boarded fences. Further detailed advice on secure by design is offered and this has been copied to the applicant.

Following the receipt of amended plans, five additional letters have been received objecting to the application and reiterating previously expressed concerns, most particularly relating to: the loss of privacy; parking provision; access arrangements; highway capacity; and implications for wildlife.

A further comment has been made expressing a preference for the provision of old age person's bungalows on the site rather than houses.

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)

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 BNE23	(Contaminated Land)
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 Plan September 2003

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

Government Advice

PPG1: General Policies and Principles
PPG3: Housing

Planning Appraisal

This application raises the following issues for consideration:

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

Principle

The site is within the urban area of Gillingham and currently comprises a number of derelict garages and unused allotments, which attract unsociable behaviour and causes a nuisance to local residents. In such locations Local and National policy and advice is that the principle of redeveloping redundant sites for residential purposes is accepted subject to the use of good design, the impact on residential amenity and other policy considerations.

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

The terraces have been designed with a traditional simple character to the front and rear elevations reflecting much of the style of nearby adjacent terraces to the north and west. Stairwell windows are proposed (on the amended plans) within the flank gable elevations (as suggested by the Kent County Architectural Liaison Officer) that will assist in providing security. The terraces are proposed to have small dormers within the rear roof slope but these have been carefully designed not to be intrusive. It is considered that the properties have been well designed and will be in keeping with the adjacent terraces and the area in general. A 16 metre spacing in-between the two terraces and gaps of at least 2 metres from the northern and southern boundaries provides adequate spacing. No objection is therefore raised to matters of design.

The proposed car parking spaces are in two separate areas, thereby splitting up the areas of hard surfacing and intermixing with soft landscaping. Existing boundary trees are also retained and additional planting proposed. The proposed planting will help to soften the development. It is therefore considered that the landscaping proposals will enhance the development and ensure its assimilation into the street scene.

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

Impact on Amenities

Whilst the principle of the development is acceptable, it is important that the scheme does not cause unacceptable detriment to the amenities of occupiers of neighbouring properties in terms of loss of light, privacy, noise and disturbance etc.

The existing derelict garages have the potential to degrade further to the point where they are actively harming the amenity of residents. The number of complaints the Council receives about the application site and the garages is a demonstration of this.

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 with an average of 4.5 metres in width and 9 metres in length are

considered acceptable and comparable to the width of the garden size of properties in Eastern Road and King Edward Road.

As the rear of dwellings in King Edward Road have relatively long gardens, are situated approximately 25 metres west of the proposed dwellings and at a higher level there would be no unacceptable overlooking of the rear of these properties. There are no habitable rooms facing north towards Eastern Road and therefore there will be no overlooking. In addition these properties have rear gardens in excess of 25 metres so there will be no unacceptable overlooking of the development site.

There would be a distance of approximately 15 metres increasing up to 23 metres from the front elevations of the proposed dwellings and the existing cottages opposite in Grange Road. In addition as these dwellings are sited at a lower ground level than the proposed dwellings it is considered that the proposed dwellings would not have a detrimental impact upon the occupiers of these properties. With regards to neighbours concerns regarding the stability of the embankment adjacent to the eastern boundary, the agent confirms that as the building works will be 4 metres away at its closest point, and with modern foundation construction methods that there will be little chance of any destabilisation of the embankment. The bearing course for any hard surfacing will also be designed to spread any loads safely and in any case such safety matters are dealt with under the Building Regulations.

However, as these cottages main garden space is to the side of the dwellings it is considered important to retain the existing bank of vegetation in front of these cottages in order to ameliorate the potential impact of the proposed car parking spaces upon the occupiers of these dwellings in terms of loss of privacy, noise and disturbance. This planting is shown to be retained and is conditioned accordingly.

It is considered that the impact of the design and scale of the proposed terraces 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.

It is considered that the occupation and use of the proposed 10 dwellings would not generate much greater activity than the potential usage of the 20 existing garages on the site. In addition redevelopment for housing would remove an underused site, which currently attracts undesirable behaviour.

In view of the previous use of the site for garages it is considered prudent to require a site contamination investigation by way of a condition.

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

Highways Impact, Traffic and Car Parking

With regard to vehicle parking, the adopted vehicle parking standards (as maxima) for dwellings within this area of medium transport accessibility allows the provision of two spaces for each three-bedroomed dwelling, a total of 20 spaces. The submitted block plan shows the provision of 20 spaces and therefore it is considered that the development will satisfy this parking requirement and no objection is therefore raised to the application in this respect.

The access road has been designed on Home Zone principles of restricting carriageway widths in order to reduce traffic speeds, increase the amount of soft landscaping, and introduces shared surfaces for both pedestrian and vehicles. In terms of highway safety and visibility onto Eastern Road the submitted scheme is therefore considered acceptable.

Developer contributions

In this case a commuted payment of £8,328 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 Gillingham North Ward is 0.88 hectares. There is one operational play area with associated informal open space at Grange Road Play Area within easy access of the proposed development with poor infrastructure in constant need of refurbishment and maintenance due to the pressure of overuse. It is anticipated that any contribution would be tied to the improvement of this facility.

The Director of Education has confirmed that the proposed development is within an identified area of growth and therefore a developer contribution towards additional educational facilities should be sought. In this case a commuted payment of £43,700 is required. This is based on the proposed 10 units generating a need for 5 primary school places at £30,000 and 2 secondary school places at £13,700.

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

Recommendation and Reasons for approval

The proposed development is within the urban area, will improve the appearance of an unused derelict garage site and will also 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 and at the request of Councillor Mark Last who is concerned that the proposal is backland development that should be refused and would prefer to see the land developed as open space or allotments for the local residents.]

[This application was considered by Members at the Development Control Committee on the 12 January 2005 when it was determined to defer a decision to enable a Members' site visit to be held.]

Issues Raised at the Member Site Visit on 22 January 2005

Land ownership

The applicant's agent advised that the applicant's solicitor had confirmed the accuracy of the site's eastern and western boundaries. The applicant's agent further advised with respect to the boundary with 12 Eastern Road the scheme had been designed so as not to have an impact upon the boundary with that property. With respect to the disputed boundary with 91 Grange Road the applicant would be seeking legal advice and if the current understanding of the position of this boundary was incorrect then the boundary fence would be re-sited. Such a

change will not affect any decision made by the Council as planning authority given that boundary treatment details would be for approval following the issuing of a planning permission for this development.

The meaning of shared ownership

The applicant advised that shared ownership allows for occupiers of the dwellings to purchase up to 50% of a property's value. Five of the proposed dwellings would be for "sub-market" sale, which would allow for outright purchase at a level below market value.

Stability of earth bank fronting Grange Road

A concern was raised about the possible undermining of the earth bank fronting Grange Road. It is to be noted this is a matter that would be addressed when a Building Regulations submission is made.

Access for emergency vehicles

Concern was raised that the development could give rise to increased on-street parking, which could affect access for emergency vehicles in the area. This is a matter that the highway officer has considered while assessing this proposal.

Wildlife considerations

Concerns were raised that the development would adversely affect wildlife on the site. It is to be noted that Condition 12 requires surveys to be undertaken for the presence of various species on the site and mitigation measures to be put in place if these species are found to be present.

[This application was considered by Members at the Development Control Committee on the 2nd February 2005 when it was determined to defer a decision to enable further negotiation to take place.]

Members requested consideration be given to providing rear vehicular access to serve existing properties in Eastern Road and King Edward Road. The applicant has considered this and acknowledged parking problems in the area exist. However to provide rear access to properties in King Edward road would remove most of gardens of the proposed properties to the extent that the scheme could not be developed. Even providing access to properties in Eastern road would result in the loss of at least one further unit and the scheme has already been reduced by 3 units as a result of officer negotiation. In addition the existing garages on site are not used so the proposed development is not taking away parking for existing residents. In recognition of the issue though amended plans are submitted which detail 2 parking spaces per dwelling on site which is at the limit of the Councils own maximum standards but will ensure that the development will not exacerbate car parking problems in the area.

5 MC2004/2221

Date Received: 28th September 2004

Location: 4 Second Avenue, Chatham, Kent

Proposal: Demolition of existing warehouse and construction of a two storey warehouse

Applicant: Mr Singh 37 Watson Avenue Chatham Kent ME7 2NP

Agent: Mr Z Banda ZHB Design Limited 10 Kent House Lane Beckenham Kent BR3 1LF

Ward: Luton & Wayfield

Recommendation - Approval with Conditions

(and as amended by letter, plans received on 17th December 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 buildings are occupied and shall thereafter be maintained for the duration of the development. Development shall be carried out in accordance with the approved details.
- 3 Details and samples of any materials to be used externally and any means of enclosure shall be submitted to and agreed in writing by the Local Planning Authority before development is commenced and development shall be carried out in accordance with the approved details. Such details shall include details of the type and colour of the wall and roof cladding.
- 4 No machinery shall be operated, no process shall be carried out and no deliveries taken or dispatched from the premises outside the following times: 0700 to 1900 hours Mondays to Fridays and 0800 to 1800 hours Saturdays nor at any time on Sundays, Bank Holidays or Public Holidays, unless otherwise agreed in writing by the Local Planning Authority. No power driven machinery shall be operated on the premises other than inside the building with all doors and windows closed.
- 5 No materials, plant or other equipment of any description shall be stored in the open other than in areas and to such heights as have been approved in writing by the Local Planning Authority.
- 6 The area shown on the permitted drawings for vehicle parking shall be kept available for such use and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) or not, shall be carried out on the land

so shown or in such a position as to preclude vehicular access to this reserved parking space.

- 7 Prior to the occupation of the building hereby approved, details of signage and details of all external lighting shall be submitted to the Local Planning Authority for approval in writing. Such signs and lighting shall thereafter be erected and maintained in accordance with the written approval.
- 8 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.

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

Site Description

This application relates to a relatively small single storey industrial building situated on the western side of Second Avenue within an existing employment area. Residential properties lie directly to the north and west of the site, approximately 10 to 12 metres away from the site's boundary. The properties to the west are set at a slightly higher ground level (approximately 1 metre) than the application site. The ground level of the site is slight raised (by approximately 1 metre) from the ground level of properties in First Avenue. The warehouse building is situated at the northern end of the Industrial Park and Second Avenue is a no through road for vehicles where it adjoins First Avenue.

The building looks run down and is bounded to the north and south by 2 metre high chain link fencing with metal gates to the front, covered by climbers. The rear boundary to the west comprises of a fence covered by shrubs. To the north the boundary adjoins a gated alleyway, which skirts around to the rear of the site. The building is sited directly adjacent to the southern boundary with an area of hard standing for car parking to the north and west of the building as well as in front of it.

To the south, situated 1 metre away from the boundary, the adjacent site is occupied by a large building used as a MOT centre. This building has high side windows within the elevation facing onto the application site and which serve the car workshop area. Large rooflights within the roof provide the majority of light into this building. Cars park in front of this building. Directly opposite is a large complex of buildings and car parking courtyard, occupied by EDF Energy.

The buildings within this old established light industrial estate are a mix of outdated older buildings and newer metal clad buildings above brick walls.

Proposal

It is proposed to demolish the existing single storey warehouse building and to build a two storey replacement warehouse. The applicant will continue to use the building for the store of goods associated with his shoe shops and stalls. Two existing part time staff will be retained and three new full time staff employed. Hours of usage are proposed as 7:00 to 18:30 weekdays; 8:00 to 16:00 Saturdays and 8:00 to 13:00 Sundays. The number of cars visiting the site each day is anticipated to increase from 3 cars up to 6 cars and from 2 light good vehicles (under 3 ton) up to 5 vans. Five spaces for cars and two for lorries are proposed to be provided.

The existing warehouse has a width of 5.6 metres, length of 12.5 metres, height to eaves of 2.5 metres and 3.3 metres to the roof apex. It is sited approximately 7.3 metres back from the front boundary; 12.5 metres from the rear boundary and 6.5 metres from the northern boundary. It is situated abutting the southern boundary. There are a row of high level windows flanking the northern elevation. There is an outside toilet behind the warehouse.

The proposed replacement warehouse has a width of 6.8 metres, length of 27 metres, height to eaves of 5 metres and 5.8 metres to the roof apex. It will be sited approximately 4.3 metres back from the front boundary; 1.2 metres from the rear boundary and 4.6 metres from the north boundary. It will be sited 0.8 metres from the southern boundary. The warehouse will also have a small office and toilet situated on the first floor. It is proposed to be constructed of red brick cladding with a profiled metal sheeting roof. Narrow high level windows below the eaves are proposed for the southern elevation with full sized windows serving the ground floor only within the northern elevation. One metal roller shutter door is also proposed at first floor level. No fenestration is proposed for the front or rear elevations. The remainder of the site will remain for vehicle parking.

Representations

The application has been advertised on site and neighbour notification letters have been sent to the owners and occupiers of the following properties: 12 to 26 (evens) First Avenue; 8 to 12 Pheasant Road; 2 and 9 Second Avenue and hand deliveries were given to the adjacent MOT centre, EDF Energy, AH Apps Funeral Directors and Technology House.

10 letters and a petition of 27 signatures have been received objecting to the development on the grounds of:

- Loss of light and sunlight to rear of properties and gardens
- Overlooking and loss of privacy
- The building is too large and too tall
- The building is over development for the site and being so close to the boundaries will dominate and enclose adjacent residential properties
- Object to the likely noise and vehicle disturbance, lorries already cause disturbance leaving at 6:00am on Sundays and returning after 22:00pm
- Concern that increased parking and traffic will affect the safety of pedestrians and cyclists, with particular concern for children and parents attending the nearby schools.

- Concern over possible conflict with parking in nearby roads associated with the start and end of school time
- Concern that the problems associated with rubbish laying around, rat infestation and noisy generators operating all night will worsen
- Obstruction of views detrimental to neighbouring property

Following the receipt of amended plans, six additional letters have been received objecting to the application and reiterating previously expressed concerns, most particularly relating to: loss of light, privacy and outlook; scale and overbearing impact and noise generation.

Development Plan Policies

Kent Structure Plan 1996

Policy S1	(Sustainable development)
Policy S2	(Environment)
Policy ENV15	(Built Environment)
Policy ED1	(Allocation of Business Floor space)
Policy NK2	(Strategic Policy in Medway Towns)
Policy T17	(Parking Standards)
Policy T18	(Development and Traffic)

Medway Local Plan 2003

Policy S1	(Development Strategy)
Policy S2	(Strategic Principles)
Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Provision)
Policy BNE3	(Noise Standards)
Policy ED1	(Existing Employment Area of Second Avenue)
Policy T1	(Impact of New development on the Highway Network)
Policy T13	(Vehicle Parking Standards)

Kent and Medway Structure Plan (Deposit Version) 2003

Policy SP1	(Sustainable Pattern of Development)
Policy QL1	(Quality of Development and Design)
Policy QL5	(Quality and Density of Development)
Policy TP14	(Development Traffic and HGVs)
Policy TP19	(Vehicle Parking Standards)

Planning Appraisal

This application raises the following issues for consideration:

- a) Matters of principle and impact upon the industrial centre,
- b) Design and impact upon the street scene
- c) Whether the proposal would cause harm to the amenities of the nearby residential units.

- d) Whether the proposal would prejudice highway safety and car parking implications.

Principle

The site is within an established employment area identified in the adopted Local Plan under Policy ED1 where there is a presumption in favour of light industrial development and offices (Class B1). The proposed building for a warehouse use falls within a Class B8 use. Considering the existing use of the site as a warehouse and the proposed hours of operation, the principle of the development is considered acceptable.

Design Considerations

The existing employment site at Second Avenue contains buildings of a variety of colours, heights and styles, but basically functional in appearance. Some of the buildings are now in a poor state of repair.

In street scene terms, the proposed building is of a typical design for light industrial units and would be in keeping with the commercial and mixed styles of buildings, subject to a condition requiring the submission and approval of materials before works commence. Although the building will occupy a larger proportion of the site than the existing building, will be sited closer to its boundaries and will be 2.5 metres higher than the existing building, it is considered that this is no different from adjoining industrial buildings and as such it will have very little impact in terms of impact upon the appearance of the street scene and impact upon the character of the Industrial estate.

The proposed use of land is very efficient but can lead to problems if the service areas become cluttered by external storage. Such storage would reduce parking and available delivery areas and lead to problems of accessibility within the site. Accordingly a condition is recommended with respect to control over any external storage.

In terms of design and appearance, the proposal, would be in keeping with the area and represents an improvement over what currently exists on the site and is therefore in compliance with the built environment policies of the Development Plan.

Impact on Amenities

The application site is well contained and surrounded by similar business uses to the south and east, and it is not anticipated that there would be any harm to the amenities of the occupiers of those buildings.

It is considered that the principal issue in this case is the effect of the proposal on the living conditions of neighbouring residents in terms of noise and general disturbance, domination, enclosure, loss of privacy, loss of light and outlook.

The dwellings in Pheasant Road are at a slightly higher level approximately 14 metres away from the proposed building. There are no windows proposed within the rear elevation. As a result it is considered that the impact on the amenity of the occupiers of these dwellings would not be so great as to warrant a refusal of planning permission.

The dwellings in First Avenue will be situated approximately 16.5 metres away from the new building and although the building will be closer to the boundary of these properties than the existing building there will still be a gap of 4.6 metres to the boundary. The application site

has been viewed from the garden and first floor of a property in First Avenue. The siting of a large tall lorry parked adjacent to the boundary with properties in First Avenue allowed comparison with the proposed new building and it is considered that the impact would not be so great as to warrant a refusal of planning permission.

The issue which caused overlooking has been resolved through the amended plans which relocate these windows within the ground floor of the northern elevation.

Due to the normal business hours proposed, it is not considered that the proposal will have any harmful impact upon the residential amenities of the occupiers of adjacent dwellings. It should be noted that currently due to the long established nature of the business there are no restrictions on hours of operation upon the current use of the existing building.

Any consent granted must be conditioned so as to provide adequate safeguards against unreasonable disturbance due to noise. In view of some of the problems highlighted by local residents relating to the storage of rubbish and vans running constantly in order to generate electricity, conditions are recommended to ensure that "No machinery shall be operated, no process shall be carried out and no deliveries taken or dispatched from the premises outside the following times: 07.00 to 19.00 Monday to Fridays and 08.00 to 18.00 Saturdays, with no activities on Sundays, Bank Holidays or Public Holidays" and that "No power driven machinery shall be operated on the premises other than inside the building with all doors and windows closed."

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

Highways Impact, Traffic and Car Parking

The adopted vehicle parking standards (as maxima) allow the provision of 4 car parking spaces and one space for commercial vehicles. The submitted information indicate the provision of 5 car parking spaces and provision for HGV parking in 2 spaces. This provision is considered acceptable.

The internal site layout is considered acceptable. The site access onto the internal industrial estate road has adequate visibility. Potential traffic generation levels are not considered to be a problem as the site is allocated for employment use

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

Recommendation and reasons for Approval

On balance, it is considered that the proposal will maximise the use of the site in accordance with current Government guidance. It will improve the area and offer more useable accommodation than that which currently exists on this site, while it is not considered that it will, subject to the conditions imposed, cause any unacceptable harm to the amenities of occupiers of neighbouring properties. The application is therefore recommended for approval subject to conditions.

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

Councillor Tony Goulden on the grounds that the development is too large and will over dominate the adjacent dwellings and their gardens.]

[This application was considered by Members at the Development Control Committee on the 12 January 2005 when it was determined to defer a decision to enable a Members' site visit to be held. It was also deferred by Members on 2nd February 2005 in order that further negotiations may take place.]

Members view at the committee was for the applicant to consider a single storey building with car and vehicle parking to the front of the building and on street. This request has been put to the applicant who has advised that there are parking restrictions on second avenue around his plot which restricts car parking between the hours 08:00 - 18:00 Mon- Sat. Accordingly he cannot achieve his desired floorspace on site in a single storey building and wishes the application to be determined in its current form.

6 MC2004/2265

Date Received: 4th October 2004

Location: Rose & Crown P.H., Stoke Road, Allhallows, Rochester, Kent

Proposal: Conversion of public house into dwellinghouse

Applicant: Mrs V Watson Rose & Crown P.H. Stoke Road Allhallows Rochester Kent

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

Ward: Peninsula

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 full details of both hard and soft landscape works have been submitted to and approved by the Local Planning Authority and these works shall be carried out as approved. These details shall include hard surfacing materials. Soft landscape works shall include:- planting plans, 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.
- 3 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.
- 4 The area shown on the permitted drawings for vehicle parking shall be kept available for such use and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

Site Description

This application relates to the Rose and Crown Public House, which is a Grade II Listed building located on the western side of Stoke Road. The building dates from the late eighteenth century and has painted brickwork with a hipped roof and a brick chimneystack. There is a single storey extension with a catslide roof to the side (north) erected following the grant of planning permission and Listed Building consent in 1981. There are also two single storey rear extensions, one with a pitched roof and one with a flat roof and balcony over.

The accommodation within the building currently comprises the bar, associated kitchen and toilets on the ground floor, with living accommodation (a lounge and three bedrooms) on the first floor, and an additional bedroom in the roofspace. To the rear of the public house, there are three wooden outbuildings, which are to be demolished under the application. There is a small parking area immediately behind the building, accessed via a drive to the side. There is a larger car park to the side, with its own access. Behind these parking areas is a garden, which has become neglected and overgrown.

The surrounding area is predominantly residential, although immediately opposite the site there is All Saints Church, which is also a Grade II Listed building.

Proposal

The proposal is to convert the public house into a dwellinghouse. The submitted drawings show a lounge, sitting room, dining room, kitchen and utility room on the ground floor, four bedrooms and a bathroom on the first floor and a further bedroom in the attic. The car park immediately behind the public house would be used as a parking area to serve the proposed dwelling.

[The parallel application for Listed Building consent (MC2004/1570) appears earlier on this agenda.]

Relevant Planning History

ME/81/90	Single storey extension to form new toilet and storage Approved 26 February 1981
ME/88/1551	Extension to bar area Refused 6 June 1989
MC2001/1311	Construction of a single storey rear extension to public house and construction of a detached three bedroom bungalow and garage to rear and retention of existing mobile home during construction Withdrawn
MC2001/1312	Listed Building Consent for replacement windows and door to front, new railings to side and construction of a single storey rear extension Withdrawn
MC2003/2603	Outline application for construction of six dwellings with associated parking. Refused 1 April 2004

- MC2004/1057 Outline application for the conversion of the public house into a dwelling house and the construction of six dwellings with associated parking
Undetermined
- MC2004/1570 Listed building consent for internal alterations to ground floor to facilitate the conversion of the public house into a dwelling house
Reported elsewhere on the agenda

Representations

The application has been advertised on site and in the press as development affecting a Listed Building. Neighbour notification letters have been sent to the owners/occupiers of: 9, 11, 20, 22, 24, 28-38 (even), 6 and 7 Beatty Cottages, Juniper house, The Peacheys, All Saints Church, the Post Office and Social Club, Stoke Road; and 220 Avery Way. Letters have also been sent to the Kent Historic Buildings Committee, the Dickens' Country Protection Society and the County Archaeological Officer.

Four letters have been received objecting to the loss of the pub because it is an important community facility.

A petition of 125 signatures and one letter were received as a result of the consultations on the application for Listed Building Consent under reference MC2004/1570 objecting to the loss of the public house.

Allhallows Parish Council has written raising no objection to this application, but has further commented that it remains opposed to any other development on the site.

The County Archaeological Officer has written advising that he has no comment on the conversion of the building.

Development Plan Policies

Kent Structure Plan 1996

Policy ENV15	(Built Environment)
Policy ENV19	(Buildings of Architectural or Historic Importance)
Policy RS1	(Rural Settlements)
Policy RS2	(Housing Development at Rural Settlements)
Policy T17	(Parking Standards)

Medway Local Plan 2003

Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)
Policy BNE17	(Alterations to Listed Buildings)
Policy BNE18	(Setting of Listed Buildings)
Policy H11	(Residential Development in Rural Settlements)
Policy T13	(Parking Standards)

Kent and Medway Structure Plan (Deposit Version) 2003

Policy QL1	(Quality of Development and Design)
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Policy QL9	(Buildings of Architectural or Historic Importance)
Policy TP19	(Vehicle Parking Standards)

Planning Appraisal

The issues for consideration in respect of this proposal are: the principle of the development; the loss of the public house; the effect of the proposal on the Listed Building and its setting; amenity considerations; and access and parking.

The principle of the development

The application site lies within the built confines of Allhallows and is within a predominantly residential area. Policies RS1 and RS2 of the Kent Structure Plan 1996 (the approved Structure Plan); and Policy H11 of the Local Plan support the principle of minor development within the confines of the village of Allhallows.

The loss of the public house

Public houses potentially provide valuable community facilities and objections have been raised to the submitted application on account of its potential loss. The applicant has been asked to demonstrate that the existing use is no longer viable, and is unlikely to become viable, in accordance with Central Government Advice as contained in PPS 7 'Sustainable Development in Rural Areas' and Policy R10 of the adopted Local Plan. The applicant's agent has produced a statement to address this issue, which makes the following points:

"The applicant has held the lease to the public house since 1995 and the freehold since 1999, although turnover has always failed to meet costs. It is open daily from 1200 to 2300 although it may close earlier if there is no-one in the bar, although staff costs and overheads remain the same. Various promotions have failed to attract extra custom.

Changes in economic and social life, both locally and nationally have affected the public house. Other facilities have competed with the pub including licensed premises within the Holiday Park and Golf Club, two shops in the village with licences to sell alcohol and another pub at the northern end of the village, the British Pilot which is brewery owned and includes restaurant facilities. The applicant sought and obtained planning permission to extend the building to include a restaurant, but the requirements to ensure that the development preserved the character of the Listed Building, made the scheme unviable.

This supporting document cites other examples of pubs and restaurants in local villages that have closed in recent years and have either been converted to dwellings or in some cases demolished and replaced by new houses."

It should also be noted that the public house is a commercial operation and the applicant/owner is entitled to close it without any consent from the local authority and leave the building standing empty. Under the circumstances, it is considered that although the loss of the public house is to be regretted, no objection can be raised to the proposal in this regard.

The effect of the proposal on the Listed Building

The application proposes a change of use of a Listed Building, which will necessitate alterations to that building. Existing and proposed plans have been submitted as part of the application, which show internal alterations to the building. No material changes to the external appearance of the building are proposed and a separate application for Listed Building Consent for these alterations has been submitted and is to be considered elsewhere on this agenda.

PPG15 'Planning and the Historic Environment' (1994) states that the best way of securing the upkeep of historic buildings is to keep them in active use (Para 3.8). In principle the aim should be to identify the optimum viable use that is compatible with the fabric, interior and setting of the historic building (Para 3.9). The best use will often be the use for which the building was originally designed, and the continuation of that use should certainly be the first option (Para 3.10). The approved Structure Plan states that where a change of use is proposed, applicants may be requested to demonstrate that continuation of an existing use is impractical (Para 4.50). With respect to Listed Buildings Policy ENV19 of the Structure Plan states that changes of use will normally be permitted where these would provide the best reasonable means of conserving the character, fabric, integrity and setting of a listed building. The adopted Local Plan states that proposals for changes of use must include information relating to any associated alterations to the Listed Building (Para 3.4.52). Policy BNE17 states that changes of use affecting a Listed Building will not be permitted if they are: detrimental to the character of the building; unsympathetic in design, scale, appearance and use; or do not retain original features and materials. The applicant has submitted a supporting statement as to why it is considered that the existing use is no longer viable and there is a need for a change of use. The alternative would be for the public house to close and for the building to remain empty resulting in its gradual decline and deterioration.

It is considered that the proposed change of use of this Listed Building will not detract from its character and in this respect 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).

Amenity considerations

No alterations are proposed in terms of additional windows or extensions and accordingly the proposal would have no impact on the amenities of neighbouring properties in terms of privacy, daylight or outlook. No objection is, therefore, raised 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.

Highways/parking

The adopted vehicle parking standards require the provision of up to two spaces per dwelling in this location. The submitted drawing shows parking for the proposed dwelling within its curtilage. Although it is recommended that this rear area is landscaped to form a private garden, there is sufficient space for two vehicles to be parked. No objection is, therefore, raised 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.

Conclusion and Reasons for Approval

In the light of the above assessment of the application proposals, the submitted application is considered to be acceptable in visual, Listed Building, amenity and highway terms and accords with the provisions of Policies ENV15, ENV19 and T17 of the Structure Plan and Policies BNE1, BNE2, BNE17 and T13 of the adopted Local Plan. The application is accordingly recommended for approval.

[The application would normally fall to be determined under Officers' delegated powers but is being referred for Members' determination because of the number of representations that have been received expressing views contrary to the officer recommendation.]

7 MC2004/2321

Date Received: 13th October 2004

Location: Land at the Searchlight, Main Road, Chattenden, Hoo, Rochester, Kent

Proposal: Part approval of reserved matters pursuant to Condition 1 (siting, design and external appearance, Condition 4 (boundary treatment) and Condition 10 (parking and garaging) of outline planning permission MC2004/0686 for the construction of 42 dwellings (comprising 37 flats and 5 houses) with associated access roads and parking/garaging.

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

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

Ward: Strood Rural

Recommendation -

The imposition of the following additional Condition on outline planning permission MC2004/0686:

15. Prior to the occupation of any of the development concerning Plots 50 to 91 (inclusive) and subject to application MC2004/2321, the emergency access identified on drawing 1294/04A and linking the application site with Elm Avenue shall be completed and made available for use in accordance with the approved drawing. The emergency access shall thereafter be retained and maintained as such for the duration of the development hereby permitted. The emergency access shall not be used as a general means of vehicular access to the application site.

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

Site Description

The application site forms approximately 30% of an area of land allocated for residential development in the Medway Local Plan 2003, known as Toad Hall and The Searchlight, after the two houses that occupy the site. The application site concerns The Searchlight and has an area of 0.965 hectares (2.38 acres) and has been referred to as "Phase 2" of the development of the allocated site by the applicant.

The application site lies to the south of Main Road and east of Elm Road, Chattenden and is at the edge of the built up area. To the east are open fields and to the south a wooded slope leads down to the Medway Estuary. Immediately to the south of the application site there is a Site of Special Scientific Interest (SSSI).

The site forms the southern portion of the allocated site. The access to Main Road was approved in 2001 and its extension through Phase I to the Phase II boundary was approved as part of the proposals contained within application MC2004/1150.

Proposal

The submitted application seeks part approval to reserved matters relating to: siting; design; external appearance; car parking and garaging; and road layout pursuant to outline planning permission MC2004/0686 for the construction of 42 dwellings. Outline permission MC2004/0686 was granted on 24 May 2004, for the residential development at a density of not less than 30 dwellings per hectare (dph).

Reserved matters for Phase I of the development at Toad Hall/The Searchlight, on part of the Toad Hall site, comprising 49 dwellings, was approved under file reference MC2004/1150 on 18 August 2004.

Permission is now sought for Phase II of the development on The Searchlight site in its entirety. The development the subject of the current application would be served from the main site access road leading from main Road. The current proposals also require the provision of an emergency access because more than 50 dwellings would be served by the main access and this emergency access would lead from Elm Avenue and pass between 53 and 55 Elm Avenue.

The proposed residential development would comprise: five 2 bed terraced houses, four 3 bed apartments and thirty three 2 bed apartments.

The majority of the development comprises apartments, although the proposed form of development has changed from the large formal mansion block previously proposed under application MC2003/2348 to four smaller 2 and 3 storey blocks, which are to be laid out around a formal central "circus" (round courtyard).

The proposed development would be constructed in facing brickwork but the elevations of the proposed apartment buildings would be punctuated by rendered areas or by vertical cedar cladding. Some second floor sections are also to be timber clad to reduce the impression of height. Staircases are emphasised by aluminium curtain walling.

The group of 5 terraced houses will be clad in brick and tile.

Site Area/Density

Site Area: 0.965ha (2.38 acres)

Site Density: 43.5dph (17.6 dpa) 33 dwellings/hectare approx.

Current cumulative density for Toad Hall and The Searchlight = 36 dph (115 dpa)

Relevant Planning History

MC2003/0316	Full application for the erection of 105 dwellings Refused 9 October 2003 Appeal lodged and subsequently withdrawn 27 May 2004
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MC2003/2304	Outline application for residential development at 30 dwellings per hectare Refused 10 December 2003 Appeal lodged and subsequently withdrawn 27 May 2004
MC2004/0686	Outline application for residential development at 30 dwellings per hectare Approved 24 May 2004 following the conclusion of a Section Agreement
MC2004/1150	Part approval of reserved matters pursuant to outline planning permission MC2004/0686 for the construction of 49 dwellings with associated access roads and parking/garaging (Phase 1) Approved 18 August 2004

Representations

The application has been advertised in the press and on site by means of site notices located in Main Road and Elm Avenue. Neighbour notification letters have been sent to the owners and occupiers of the following properties: Tamarisk, 39, 41, 41A, 43, 45, 47, 49, 51, Peppercorn and Lingley House, Elm Avenue.

Hoo St. Werburgh Parish Council has written objecting to the application for the following reasons:

- the application site may historically form part of the curtilage of a nursery, but it had very few buildings on it and it cannot therefore be considered to be a "brownfield" site. The site should be treated as being agricultural and thus "greenfield" land outside the village boundary and urban brownfield sites should be developed ahead of this site. The proposed scale of development is not appropriate for a small hamlet and development of this nature should be directed to the principal urban areas;
- the submitted application does not demonstrate how the development will be integrated with the character of the surrounding area and safeguard the wildlife interest of the area. It is unclear what trees will be retained on the site;
- the proposals represent an over-development of the site and there will be an undue preponderance of flats on this site. Three storey blocks will not be in keeping with the character of the area and if flats are to be provided on the site they should be sited closer to Main Road;
- the isolated parking compounds will be under utilised and could become the subject of anti-social activities, with the result that on-street parking will occur on the narrow estate roads within the development;
- inadequate provision is being made for on-site open space and recreational facilities;
- the vehicular access to the site is unlikely to be adequate to serve a development of the scale that is proposed, emergency vehicles and refuse freighters may have difficulties negotiating it. The submitted plans show the provision of a separate emergency access of 3.8 metres in width, however it is considered that there is sufficient width available between neighbouring properties for this access to be provided without it encroaching onto neighbouring properties. General usage of the

emergency access will supposedly be precluded by the installation of bollards, but the Parish Council is concerned that these will be removed by residents so that this access will be capable of being used as a general access;

- the development will potentially adversely affect the Saxon Shore way footway that crosses the site;
- there are inadequate local services (schools, medical facilities etc) to serve the proposed development;
- the development will be prejudicial to the amenities to the occupiers of neighbouring properties in terms of loss of outlook and privacy and the generation of noise and disturbance;
- there are limited water and foul drainage facilities in the area and the development will place additional pressures on these services to the detriment of existing residents in the area. If storm water drainage is not provided to an adequate level the development will add to surface water flooding problems in the area;
- the developer should help to fund the proposed extension to the village's burial ground;
- the developer should adopt a code of construction practice during the construction phase to minimise the impact of the construction works on neighbouring residents; and
- if development proceeds on this site it should be undertaken using sustainable building methods.

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

- unacceptable effect on the countryside and wild life;
- the development will place additional pressures upon local infrastructure, schools medical facilities etc;
- there is no need for additional housing in the area;
- loss of outlook especially for the occupiers of bungalows in Elm Avenue; and
- the proposed density will be excessive.

Southern Water has written raising no objection to the proposed development and has further advised that it will require full drainage details to be agreed with it prior to commencement of any development on the site.

Kent Police's Architectural Liaison Officer has written advising that any: communal parking areas should be well lit, undercroft parking should be secured and recessed doorways should be avoided.

Development Plan Policies

Kent Structure Plan 1996

Policy S9	(Infrastructure and Community Facilities)
Policy ENV5	(Nature Conservation Areas)
Policy ENV7	(Trees, Woodland and Hedgerows)
Policy ENV15	(Built Environment)
Policy T17	(Parking Standards)
Policy T18	(Traffic Generation)

Medway Local Plan 2003

Policy S6	(Planning Obligations)
Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)
Policy BNE6	(Landscape Design)
Policy BNE34	(Areas of Local Landscape Importance)
Policy BNE35	(Nature Conservation Sites)
Policy BNE43	(Trees on Development Sites)
Policy H1	(New Residential Development)
Policy H3	(Affordable Housing)
Policy T1	(Impact of Development)
Policy T2	(Access to Highway)
Policy T13	(Vehicle Parking Standards)

Kent and Medway Structure Plan 2003 (Deposit version)

Policy SP1	(Sustainable Patterns of Development)
Policy SS3	(Sustainable Approach to Location of Development)
Policy SS5	(Enhancing Existing Communities)
Policy E8	(Protection and Enhancement of Biodiversity)
Policy E9	(Trees, Woodland and Hedgerows)
Policy QL1	(Quality of Development and Design)
Policy QL13	(Provision for New Community Services and Infrastructure)
Policy HP1	(Housing Provision and Distribution)
Policy HP7	(Range and Mix of Housing Provision)
Policy HP8	(Affordable Housing)
Policy TP2	(Transport and the Location of Development)
Policy TP19	(Parking Standards)

Planning Appraisal

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

Principle

The principle of development on this site has been established through the Local Plan process and the granting of outline planning permission under application reference MC2004/0686. The Toad Hall/Searchlight site has been allocated for residential development under Policy H1 of the adopted Local Plan. One phase of the development permitted under

the terms of the outline permission has already had its reserved matters approved under the terms of application MC2004/1150.

The currently submitted application is concerned only with the approval of reserved matters, pursuant to the outline planning permission, in respect of Phase II of the development.

The outline planning permission is accompanied by a Section 106 Agreement which made provision for a number of community infrastructure facilities concerning: education contributions; contributions to off-site play space provision; affordable housing on site; and the protection and maintenance of the adjoining SSSI.

This application is concerned solely with the details of design and layout and directly associated matters. The principle of development of the site has been established by the granting of outline planning permission and since the proposals meet the provisions of Policy H1 of the Local Plan, no objection can be raised to the principle of the proposed development.

Design and Layout

The layout for the Searchlight site is substantially different to the proposals for this part of the site that were originally proposed under the terms of “full application” MC2003/0316. Under that earlier application a “mansion block” accommodating flats was proposed for this site. Application MC2003/0316 was refused planning permission and one of the refusal grounds identified by Members raised specific concerns about the scale of the mansion block and its appearance having regard to the character of the surrounding area.

The principal access point for the whole of the Toad Hall/Searchlight is in a position already fixed by an earlier planning permission granted in 2001, which granted consent for the point of access onto Main Road and the first 10 metres of the new roadway into the site. The proposals contained within the current application are reliant upon the internal estate road approved under the terms of the earlier reserved matters application (MC2004/1150).

The current reserved matters application for the Searchlight part of the site proposes a less intense and formal approach to the provision of apartments when compared with the previously refused mansion block proposal contained within application MC2003/0316. The smaller two and three storey flat blocks are considered to be more in scale and character with the existing family housing adjoining this site, as well as the houses permitted on part of the neighbouring Toad Hall under the terms of the earlier reserved matters application MC2004/1150. The submitted proposals achieve a density, which is locally slightly over the “PPG3 minimum” of 30 dph, in a way that respects the character of the surrounding area.

Landscaping is shown as indicative and a formal scheme for landscape layout and management will need to be submitted prior to commencement of the development.

In design and appearance terms the submitted proposals are considered to be in accordance with 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

The main amenity effects arising from this development upon the occupiers of neighbouring property relate to the potential for: noise and disturbance to; and the loss of outlook to the rear of properties in Elm Avenue.

The issue of increased disturbance was discussed at length during the Local Plan process, which resulted in the allocation of the site for residential purposes, and again in the earlier submissions. In any event the new access had been agreed in 2001 prior to the present development being proposed. Once traffic associated with this development is within the main body of the site, traffic calming and management proposals will control vehicle speeds and consequently vehicle noise.

Residents in Elm Avenue will have a view of new development but it will be at some distance from those properties due to the generally long length of the existing rear gardens. There would be adequate space for intervening landscaping and screening. Direct overlooking at levels that would be unacceptable will not arise.

The block spacing between the existing properties in Elm Avenue and the proposed development will be such that adjoining residents will not experience any unacceptable loss of privacy, loss of light or over shadowing.

Concern continues to be raised about the effect of the development on existing infrastructure and services. However, this is not a “reserved matter” as such. The Section 106 Agreement has addressed the consequences of this development on local facilities through the various contributions that are to be made.

It is therefore considered that the proposed development will not give rise to an unacceptable loss of amenities to the occupiers of neighbouring properties and no objection 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.

Traffic and Transport

The traffic generation issues arising from the development of this site for residential purposes were addressed during the consideration and determination of the outline application, when it was determined that the proposed access would be capable of accommodating the requirements of the proposed development. Given this background no objection is raised to the proposed access arrangements for the currently submitted reserved matters application under the terms of Policy T18 of the Structure Plan and Policy T1 of the adopted Local Plan.

The proposed parking arrangements satisfy the requirements of the adopted vehicle parking standards and accordingly 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.

Recommendation and Reasons for Approval

The proposed development is considered to be acceptable in appearance and layout terms. Having regard to the location and the relationship of the existing properties in Elm Avenue relative to the proposed development, it is considered that the proposal will not cause any unacceptable harm to the amenities of occupiers of adjoining properties. The proposal

therefore accords with the provisions of Policies ENV15 and T17 of the Structure Plan and Policies BNE1, BNE2, H1, T1, T2 and T13 of the adopted Local Plan and the application is accordingly recommended for approval.

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

8 MC2004/2382

Date Received: 22nd October 2004

Location: Perry Hill Farm, Perry Hill, Cliffewoods, Rochester, Kent, ME3 7TX

Proposal: Construction of a detached triple garage

Applicant: Mr A Kirton Perry Hill Farm Perry Hill Cliffe Woods Rochester Kent

Agent:

Ward: Strood Rural

Recommendation - Refusal

- 1 The proposed garage by reason of its scale would represent an unacceptable form of development in the countryside. The application is therefore contrary to the provisions of Policies ENV1 and RS5 of the Kent Structure Plan 1996, Policies BNE1 and BNE25 of the Medway Local Plan 2003 and Policies E1 and QL1 of the Kent and Medway Structure Plan (Deposit Plan) 2003.

Site Description

The application site comprises a detached house set within a substantial residential curtilage. The site is bounded: along much of its eastern boundary by the public highway (Perry Hill); and along the southern and part of the western boundaries by the working farm at Perry Hill Farm, which is in a different ownership to the application site. There is an access road for farm use running along the western boundary of the site, over which the applicants do not have a right of way. There are other dwellings to the south and farm buildings to the west. The area is generally rural in character, with large areas of arable land and open countryside with interspersed buildings.

Proposal

The submitted application seeks consent for the construction of a detached triple garage capable of accommodating two cars and a van/motor home. The proposed garage would be sited 20 metres to the south west of the application property. The internal layout of the garage is such that there two areas for car storage to either side of a central storage area for a motor home. The proposed garage block would have an overall width of 14.29 metres and a depth varying between 6.7 and 8.4 metres. The proposed garage would have a hipped roof and its maximum ridge height would rise to 5.6 metres. Two single garage doors and one pair of 'barn' doors would provide access to the building. It is proposed that the walls of the building would be clad in weatherboarding while the roof would have a covering of plain clay tiles.

Relevant History

MC2002/0923 Construction of a self-contained flat and garage block
Refused 9 December 2004

Representations

The application has been advertised by means of a site notice and neighbour notification letters have been sent to the occupiers and occupiers of 2 Perry Hill and The Bungalow, Perry Hill.

Cliffe and Cliffe Woods Parish Council has written raising no objection to the application but has requested that a condition is imposed on any forthcoming planning permission for this development preventing the conversion of the garages into residential accommodation.

The Dickens Country Protection Society has written raising no objection to the application but has requested that a condition is imposed on any forthcoming planning permission for this development preventing the conversion of the garages into residential accommodation.

Planning Policies

Kent Structure Plan 1996

Policy ENV1	(Protection of the Countryside)
Policy ENV15	(Built Environment)
Policy RS5	(Development in the Countryside)
Policy T17	(Parking Standards)

Medway Local Plan 2003

Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)
Policy BNE25	(Development in the Countryside)
Policy T13	(Parking Standards)

Kent and Medway Structure Plan (Deposit Plan) 2003

Policy E1	(Protecting Kent's Countryside)
Policy QL1	(Quality of Development and Design)
Policy TP19	(Parking Standards)

Planning Appraisal

The key matters for consideration arising from this development are: matters of principle having regard to the application site's location within open countryside; the design and appearance of the garage; and its affect upon the amenities of the occupiers of surrounding dwellings.

Matters of principle

The application site is located outside the settlement boundary for Cliffe Woods, as identified on the Proposals Map that accompanies the adopted Local Plan. Policy BNE25 of the adopted Local Plan indicates that modest extensions or annexes to existing dwellings will

usually be permitted, however the explanatory text accompanying this policy advises that a 25% floorspace enlargement limit will normally be applied to such additions.

In this case it appears that the original dwelling house has been altered at various times in the past, albeit that there are no records for these additions. These alterations to the property appear to include the conversion of stables to the rear of the property into habitable accommodation and the addition of a porch.

Additions that require planning permission and that have been built or given permission since planning records began concern a conservatory and the recently approved small two storey extension at the front of the dwelling (removing the original porch).

Although in this case it is difficult to determine the original floor area for this dwelling (ie the floor area that was in existence in 1948 when the Planning system came into being) the dwelling as it stands today has a floor area of approximately 225 square metres. The conservatory has a floor area of about 20.6 metres and the front extension has a floor area of about 12.26 metres (less the original porch footprint of 6.13 metres). As such the extensions to the property that can be identified as recent additions have already increased its floor area by 12% increase.

The proposed garage has a footprint measuring approximately 96 square metres, representing a 43% increase in the floor area of the original property which when taken with the other recent additions referred to above would result in a floorspace increase of 55%.

However, not only is the proposed garage block considered to be overly large in numerical terms when it is assessed against the provisions of Policy BNE25, but in physical terms it is considered that there are concerns about scale and bulk of the proposed garage when it is compared to the proportions of the existing house.

The footprint of the original house measures approximately 11.3 metres by 13.5 metres, while the footprint of the proposed garage is 14.29 metres by a depth ranging between 6.7 to 8.4 metres. The proposed garage block by reason of its scale will appear as a relatively large structure that will be disproportionately large when compared with the existing property, with the result that it cannot be considered to be subservient to the existing house.

The proposed garage block is not considered to amount to a 'modest extension' to dwelling in the rural area due to its scale and bulk and the application in this respect is therefore viewed as being contrary to the provisions of Policy BNE25 of the adopted Local Plan.

Design and appearance

In terms of design, the proposed garage block would have the appearance of a small barn. The design of the proposed building would be in keeping with its rural location and in itself is unobjectionable. However as has been alluded to above the scale of this building relative to the existing house is such that it would appear as being out of scale with that property.

Neighbours' amenity

There are no residential properties in close proximity to the proposed garage block and the proposal will not therefore have any adverse affect upon the amenities of the occupiers of adjoining properties. No objection 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.

Conclusion

For the reasons set out above the proposal is considered contrary to the identified rural restraint Development Plan policies and the application is therefore recommended for refusal.

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

[This application was due to be considered by Members at the Development Control Committee on the 22nd December 2004 but was deferred from decision at the applicant's request because he was minded at that time to make amendments to the application.

Following this deferral the applicant has advised that he wishes the application to be considered in its originally submitted form and has made the following representations in support of the application.

"I have four children, all of them ski. Thomas Kirton is the fastest skier of his age in Great Britain. He has to train in Europe and races for Great Britain in the children's GB team.

In order for him to attend the races I have to take him in our campervan. The van is fully winterised and built for this purpose, it is also the most cost effective way of attending the races.

You will notice that the centre part of the garage is for storing the campervan. The main reason being security, it having been broken into at our home. At the moment it has two broken windows.

This would then leave a double garage that I need to store gardening equipment in, we have nearly three acres of garden. The tractor, lawn mowers, 6 push bikes, 2 motorbikes, will all go in one side and the car in the other side..."

While the applicants representations are not it is considered that they do not amount to a sufficiently weighty justification for warranting a departure from the cited development Plan policies that seek to prevent excessive development occurring in the rural area. The applicant has been requested to give consideration to reducing the size of the proposed garage so that the proposed development could be viewed as being in accordance with the provisions of the rural restraint policies that are applicable to this case. Notwithstanding this request he applicant has elected not to amend the application and the Officer recommendation therefore remains one of refusal for the reasons stated previously.]

9 MC2004/2388

Date Received: 19th October 2004

Location: St Simon Stock Roman Catholic Church, Bleakwood Road, Walderslade, Chatham, Kent ME5 0NF

Proposal: Construction of presbytery and alterations to church roof to facilitate single storey extension to front (incorporating new entrance) and two storey extension to side (demolition of annexe)

Applicant: St Simon Stock Roman Catholic Church The Presbytery 5 Bleakwood Road Walderslade Chatham Kent ME5 0NF

Agent: Mr L Mineham Ubique Architects 187 Tunbury Avenue Chatham Kent ME5 9HY

Ward: Walderslade

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 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development within Part 1, Classes A - H (inclusive) and Part 2, Class A of the Second Schedule to the Order shall be carried out on the site without the prior written approval of the Local Planning Authority.
- 4 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved by the Local Planning Authority and these works shall be carried out as approved. These details shall include-proposed finished levels of contours; means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artifacts and structures (e.g. external furniture, play equipment, refuse or other storage units, signs, lighting etc); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc); retained historic landscape features and proposals for restoration where relevant.] Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and implementation programme.

- 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 The parish hall and meeting rooms (numbered 1, 2 and 3) shown on drawing no. 308/100 shall only be used between the hours of 0700 to 2300 Mondays to Sundays and at no other times.
- 7 The approved details of the parking/turning areas, as shown on drawing number 308-100, shall be completed before the commencement of the use of buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development Order 1995 (or any Order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them.

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

Site Description

The application site lies on the north eastern side of the bell head of Bleakwood Close. The site consists of the existing church building, the access, some of the parking area and part of the grounds. The site area amounts to some 0.17 hectares. The existing church building is constructed from an unattractive grey block work under a flat roof. The site itself is relatively open and is read in relation to the adjoining open space. To the south-west of the site is two storey housing. These properties are gabled north-east to south-west and are constructed from red stock brick and weather boarding under a tiled roof. On the south-eastern side of the site is the St. Thomas More RC Primary School which is a mixture of single and two storey buildings. The north eastern side of the site, beyond the parking area, is a thick coppice of trees which are some 10 metres + in height. Beyond the tree screen is housing in Highgrove and Greenacre Close. These houses are two storeys in height and are on a slightly lower ground level. To the north of the site is an area of open space.

Proposal

This is full planning permission for an extension and alterations to the church and the erection of a new presbytery. Clearly this application falls into two distinct elements and each will be described in turn.

Extension and alterations to the church

To facilitate this development the existing flat roof element, measuring 12.1 metres in width by 6.1 metres in depth, located on the southern side of the building is to be demolished. Once this structure is removed, the proposal seeks to construct an extension to the southern and west facing sides of the building. These additions will project to the south some 2.7 metres beyond the existing extension being removed bringing the total depth of the building to 29.7 metres (excluding any overhang). The side addition will project some 4 metres beyond the

main portion of this elevation and bring it in line with the existing sacristy Etc. The effect of these additions is to square up the form of development and enable a new pitched roof to replace the existing flat roof. The proposed roof will be gabled north to south and will measure some 8.8 metres to ridge level and some 4.3 metres to eaves level. The majority of the roof will form a void above the congregational seating area and altar. However, the area above the parish hall, measuring 9.8 metres in depth by 16.1 metres in width located on the southern side of the building, will provide 3 meeting rooms of various sizes, toilets, service area and access. At ground floor the additions will enable the provision of a parish hall, a kitchen, a lobby, a store, disable toilet, repository, main lobby and small chapel area. A gabled canopy entrance to the main lobby is proposed on the west facing elevation. This will hip back into the main roof slope and have a ridge height of some 7 metres and an eaves height of some 4.4 metres in height.

Proposed Presbytery

This element of the proposal is located on the western side of the church and is positioned in close proximity to the northern portion of the land in the churches ownership. In this position there would be a gap of some 3 metres between the church and the Presbytery. This dwelling will measure some 14.9 metres in width and 6.5 metres in depth. Gabled north to south in a similar style to the main church building the house will have a ridge height of some 8 metres above ground level and an eaves height of some 2.4 metres above ground level. The presbytery will provide a living/dining area, a kitchen, a meeting/admin room, a W.C, an office and an interview room at ground level whilst at first floor the dwelling will provide Two bedrooms both with en-suites and a study.

Materials proposed are off white fair faced blockwork at ground floor level, which matches that of the existing church building, and black stained weatherboarding at first floor level. The eaves are to consist of black fascia boarding and the roof is to be covered in Groveberry terra cotta roof tiles. The window and door frames are to be dark blue in colour.

Ancillary works

Alterations are proposed to the existing vehicular and pedestrian access as well as the provision of a dedicated parking space for the priest close to the presbytery. The highway alterations proposed included the enlarging of the access and the provision of new drive, which can also be used for disabled parking for parishioners when the church is use.

Site Area/Density

Site Area:	0.17 hectares (0.42 acres)
Density	5.9 dph (2.4 dpa)

Representations

The application has been advertised by means of a site notice. Neighbour notification letters have been sent to the owners and occupiers of: 1 to 11 (odds), 2, 17 and 19 Bleakwood Road.

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

- Reduction in quality of life;

- The new presbytery is not necessary, church already owns two properties in Bleakwood Road which are adequate for the priest and/or any guests;
- Loss of parking by the formation of new access of off cul-de-sac head;
- The proposed medium sized hall, attached to the church will be used for social functions (i.e. wedding receptions Etc). This will lead to noise and disturbance to adjoining occupiers as a result of the uses and people leaving late in the evening. If allowed the use of the hall should be restricted to 10PM;
- Church Authorities proposed to have a garden of remembrance alongside the presbytery. This will increase traffic and parking and will be generally detrimental to the amenities of local residents;
- Existing parking problems will be exacerbated during the day;
- Loss of outlook and view;
- No need for the development; and
- There are other alternative sites where such a development would be acceptable.

Development Plan Policies

Kent Structure Plan 1996

Policy ENV15	(Kent's Built Environment)
Policy H3	(Housing in Urban Areas)
Policy T17	(Parking Standards)

Medway Local Plan 2003

Policy BNE1	(General Principals for Built Development)
Policy BNE2	(Amenity Protection)
Policy BNE3	(Noise)
Policy H4	(Housing In Urban Areas)
Policy L3	(Protection of open space)
Policy T1	(Impact of Development)
Policy T2	(Access to the Highway)
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 Principles

The proposed development clearly splits into three entities.

- The extensions to the church including the alterations to the roof and the provision of additional facilities within the church building at ground and first floor level;
- The proposed presbytery; and

- Other ancillary works including alterations to the access, the turning head and the existing car parking .

Extensions to the Church

With regard to the first element of the development, the extensions to the church including the alterations to the roof and the provision of additional facilities within the church building at ground and first floor level. The church building currently takes the form of an unattractive flat roof building of blockwork construction. The squaring up of the building and the addition of a pitch roof will result in a clear improvement to the character and appearance of the building, as well as enabling additional parish facilities to be provided. The adopted Local Plan at Chapter 9 recognises the importance of community facilities and the protection of existing community provision, including churches. This proposal is not only considered to protect the existing provision, but is considered to positively promote and enhance the community provision in this locality. This combined with the positive improvements to the design of the building and its external appearance will result in acceptable improvements to the surrounding area and the streetscene in general. Due to the nature of the proposal and its setting, this element of the development will not result in a discordant feature in the locality. This being the case, the proposal in design and streetscape terms is considered to be acceptable and no objection is raised to this aspect of 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).

In terms of the impact of this aspect of the development on the amenities of adjoining occupiers, the proposal clearly includes additional community facilities in the form of a parish hall, which replaces the existing annex portion of the church, as well as providing meeting rooms at the first floor level on the southern portion of the building. The church building is positioned some 34 metres to the west of adjoining housing in Bleakwood Road and the additional amenity elements included in this development are located on the opposite side of the building to these properties. This means that the lobby area and toilet facilities are positioned between the meeting rooms, parish hall, etc and the housing in Bleakwood Road. In terms of the hour of operation, there are no restrictions in terms of hours of use on the main church building as it currently stands. Although additional rooms and facilities related to the Parish Hall are proposed, these would not be likely to prejudice the amenities of adjoining residential properties beyond any activity in the main portion of the church. However, it is reasonable to restrict the hours of use of the new meeting rooms and parish hall to between 07:00 and 23:00 hours, which conforms with the advice in PPG24 (Planning and Noise). The imposition of such a condition would not prejudice the main use of the church and services such as midnight mass etc.

In terms of parking, whilst it is recognised that the access at the head of the road is being slightly widened, it is considered that the slight loss in on-street parking, which occurs in this bell head, would not prejudice the amenity of neighbours such as to warrant a refusal of this application. Adequate off street provision exists in and adjoining this site and this being the case this development is considered to be acceptable in this regard.

No loss of amenity to adjoining occupiers is considered to occur as a result of either the above issues and when combined with the visual improvements that will occur as a result of the alterations to the church building this element of the development is considered to be acceptable in terms of policies BNE2, BNE3, T1 and T13 of the adopted Local Plan.

Presbytery

Turning to the second element of the development, the proposed Presbytery. The site is located within the urban area of Walderslade adjoining an area of land that is allocated as protected open space within the Medway Local Plan. The principle considerations in relation to this development is whether or not the site is located in an area appropriate for residential development which accords with the advice contained in Planning Policy Guidance Note number 3: Housing (PPG3) and Policy H4 of the adopted Local Plan, and the general principles of built development (BNE1). In addition to the above the proposal needs to be considered in terms of its resultant impact on the amenities of the adjoining occupiers and the occupiers of this proposed development (BNE2). Finally, this development needs to be considered in terms of highway and pedestrian safety (T1 and T13).

The site is located within the urban area as defined by the development plan where residential development is generally encouraged by PPG3. Policy H4 of the Council's adopted development plan indicates that the residential development of vacant/derelict land within the urban areas or the redevelopment of existing residential areas and infilling in such areas where a clear improvement in the local environment will result, is acceptable. The site is located outside of the L3 protected open space and does not directly affect this designation and this being the case, the general principle for the redevelopment of this land is considered to be acceptable.

In terms of design, siting and external appearance, the site is of a size that can accommodate the proposed development. The proposed siting and the size of the development is such that it will not appear as an uncharacteristic feature in the surrounding area or the streetscene in general. The design is reflective of the design concept of the main church building and due to the nature of the surrounding area will not result in a discordant feature. Although this proposal will result in the introduction of a new residential unit of accommodation, this in itself is considered to be acceptable having regard to the fact that the surrounding area and the nature of the adjoining houses.

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).

Visual amenity considerations - presbytery

Having regard to the site's relatively open nature, the proposed dwelling being side on to the adjoining housing and its distance relative to those 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. Adequate privacy distance exists between adjoining properties to avoid a loss of amenity arising. Furthermore, the proposed dwelling would have adequate amenity space surrounding it. 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.

Other Ancillary matters

The submitted block plan shows alterations to the existing vehicular and pedestrian access as well as the provision of a dedicated parking space for the priest close to the presbytery.

The highway alterations proposed included the enlarging of the access and the provision of a new drive, which can also be used for disabled parking for parishioners when the church is in use. Vehicles currently park in the turning head, but the widening of the access is not considered significant enough to warrant the refusal of this application, especially when improved access and parking arrangements for this community facility will result from the development. 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.

In regard to the ancillary works proposed. These elements of the development are considered to be acceptable in terms of their impact on the character and appearance of the area and the streetscene in general. Furthermore none of the amenities of adjoining occupiers are considered to be adversely effected and no objections have been raised on highways grounds. This being the case, the ancillary aspects of development associated with the various elements of this proposal are considered to be acceptable.

Other Issues

The comments and objections from the neighbours have been noted. However, none of the concerns raised are considered to be of sufficient weight to warrant refusal of the proposal. The fact that the church may own other properties in the immediate vicinity is not a planning consideration and this proposal does not include any reference to a garden of remembrance. In terms of the latter concern, Members may wish to note that if no physical development occurs (as defined by Section 55 of the Town and Country Planning Act 1990 (As Amended)) in the formation of such a garden, planning consent would not be necessary for such a feature within the confines of the church. This being the case such a feature could be created now with no consents from the Planning Authority needing to be sought.

Conclusion and reasons for approval

The proposed development will result in a church building that will represent an improvement in design grounds over what currently exists, while the proposed presbytery will be designed to reflect the extended church. The overall streetscene will therefore be enhanced. The provision of improved community facilities is encouraged within the development plan while the other ancillary matters will not cause any unacceptable harm to the area. The proposal therefore accords with the provisions of the policies specifically referred to within the appraisal section and the application is accordingly recommended for approval.

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

10 MC2004/2503

Date Received: 9th November 2004

Location: Land rear of Cliffe Village Club, Church Street, Cliffe, Rochester, Kent

Proposal: Change of use from allotments to recreational play area

Applicant: Mr C McLoughlin Cliffe & Cliffe Woods Parish Council 19 Spenlow Drive Walderslade Woods Chatham Kent ME5 9JT

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

Ward: Strood Rural

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 use hereby permitted is commenced and shall thereafter be maintained for the duration of the development. Development shall be carried out in accordance with the approved details.
- 3 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved by the Local Planning Authority and these works shall be carried out as approved. These details shall include: - proposed finished levels of contours; means of enclosure; hard surfacing materials; 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.

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

Site Description

This application relates to a parcel of land measuring approx. 34 metres by 26 metres which forms part of a larger land holding owned by the Parish Council. Most of the land, of which the application site forms part, is used as allotment gardens, although this part is currently not being used.

There are two buildings on this side of Church Street: The Village Club, a private club in front of the application site and the Cliffe Memorial Hall, which is owned by the Parish Council. Behind the Memorial Hall, there is a sports field, also owned by the Parish Council whilst there is a children's play area immediately south of the Village Club. On the east side of Church Street, there are residential properties and the grounds of St. Helen's School, Cliffe. The site is accessed via an unmade track between the Village Club and the Memorial Hall.

Proposal

The proposal is to use the land as a recreational play area. It is submitted that a grassed area, measuring 32 metres by 22 metres will be excavated and tarmaced. A tarmac path will be laid to the neighbouring play area and the tarmac extended to the existing access track. The whole area is to be fenced. This will enable the area to be used for such activities as a small kick about area, similar to that which exists on St Mary's Island.

Representations

The application has been advertised on site. Neighbour notification letters have been sent to The Village Club and to the owners/occupiers of 102-118 (even) Church Street. Letters have also been sent to the Dickens Country Protection Society and to the Medway Towns Sports Council.

Seven letters have been received from local residents and from allotment holders objecting on the following grounds

- Loss of allotments;
- Proposal would increase vandalism; illegal activities and anti social behaviour;
- Noise and disturbance 24 hours a day;
- Light pollution;
- The site will not be managed; and
- Proposal will bring no benefits to the village.

Cliffe and Cliffe Woods Parish Council have responded to the effect that the proposal is supported by 81.54% of the village and will be used by adults and younger members of the community so there could be less anti social activities. Power will be provided but there are no plans to install floodlighting.

Development Plan Policies

Kent Structure Plan 1996

Policy RS5 (Development in the Countryside)

Medway Local Plan 2003

Policy BNE1 (General Principles for Built Development)
Policy BNE2 (Amenity Protection)
Policy BNE25 (Development in the Countryside)
Policy L3 (Protection of Open Space)

Planning Appraisal

The site lies outside the built confines of the village and therefore the proposal falls to be assessed under the criteria identified in Policy RS5 of the Kent Structure Plan 1996 (the approved Structure Plan) and Policy BNE25 of the Local Plan. The site also lies within a protected area under Policy L3 of the Local Plan which contains a presumption against the loss of formal open space, informal open space, allotments or amenity land. As the proposal is for a community facility it needs to be considered under the provisions of policy CF2 of the Local Plan as well.

The site currently forms part of allotment gardens, although this part is currently not in use. Under the proposal, it would become an area of formal open space, essentially remaining in a use that would be acceptable under Policy L3.

Policy BNE25 seeks to protect the countryside. While the existing lawful use as an allotment and the proposed use as formal play area are both leisure uses, clearly the laying of a tarmac surface and enclosure with fencing will have a much harder and less rural feel to it. However the fencing and surfacing will be seen against the backdrop of the village club. In addition the use needs to be considered against Policy CF2 for new community facilities. The provision in this location links to the village hall and club and will provide a facility for youngsters and others within the village to use.

The proposal will be unobtrusive and would be screened by the existing building and as such would not adversely affect the character, functioning and appearance of the countryside. No objection is, therefore, raised to the proposal under Policies BNE1 or BNE25.

Policy BNE2 of the Local Plan requires new development to protect the amenities enjoyed by nearby and adjacent properties, having regard to, inter alia, noise, activity levels and traffic generation. Whilst the concerns of local residents are noted, these relate to problems of anti social behaviour which occur at present and which cannot in themselves, be addressed under planning legislation. The application site is located behind the Village Club, approx 55 metres from the nearest dwelling. Furthermore, it is considered that this hard surfaced area would primarily serve as a recreational area for the village and is unlikely to generate significant levels of activity and traffic. Having regard to the site's location, to the existence of the Club and the Memorial Hall and the likely level of activity and traffic generation, no objection is raised to the proposal under Policy BNE2 of the Local Plan.

Conclusion and reasons for approval

While the proposed development will encroach into the countryside its visual impact will be limited by the existence of the surrounding community buildings. Its use will have a benefit to the community providing a valuable recreational facility for youngsters and others in the village and will link to the general community uses of the adjoining buildings. It is not considered that the development will harm the appearance of the countryside, that it will provide a valuable community use and in this location will not cause any harm to residential amenity. The proposal therefore accords with the above mentioned policies and is recommended for approval.

The application would normally be considered under delegated powers but is being reported to committee due to the extent of representations received contrary to the recommendation.

11 MC2004/2527

Date Received: 8th November 2004

Location: 39 Rochester Road, Halling, Rochester, Kent, ME2 1AQ

Proposal: Outline application for demolition of existing bungalow and construction of a pair of semi-detached dwellings

Applicant: Mr D Clout Temple Homes 4a Clipper Close Medway City Estate Rochester Kent ME2 4QR

Agent:

Ward: Cuxton & Halling

Recommendation - Approval with Conditions

- 1 Approval of the details of design, external appearance of the building(s) and 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 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied and shall thereafter be maintained for the duration of the development. Development shall be carried out in accordance with the approved details.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 (or any Order revoking and re-enacting that Order with or without modification) no windows shall be installed in the flank walls of the proposed houses herein approved without the prior written approval of the Local Planning Authority.
- 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 a programme agreed with the Local Planning Authority. The approved planting stock shall be maintained for a minimum period of five years following its planting and any of the stock that dies or

is destroyed within this period shall be replanted in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

- 7 The details to be submitted in pursuance of Condition 01 shall show adequate land, reserved for the parking or garaging of vehicles and upon approval of the details, 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.
- 8 The vehicle turning areas shown on the drawings hereby approved shall be provided before the dwellings are occupied and shall be retained for the duration of the development hereby permitted.

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

Site Description

The application site measures approximately 15 metres wide by 54 metres deep and is currently occupied by a small detached bungalow, probably built around the 1930's. It has a grass drive leading to a hardstanding at the side. The site slopes, steeply at first, but then gently from front to rear, leaving the existing bungalow approximately a metre lower than the road.

This part of Rochester Road is characterised by similar development comprising predominantly detached bungalows, with some houses and chalet bungalows. To the north, the neighbouring property (37) is a detached bungalow with another detached bungalow at 35. 33 is a detached house. To the south, 41 and 43 are a pair of semi-detached bungalows. To the rear the site is bounded by the Strood-Maidstone (West)-Paddock Wood railway line, immediately beyond which is the River Medway.

Proposal

The proposal is to demolish the bungalow and to construct a pair of two storey semi-detached dwellings. The application is in outline form with matters of design, external appearance and landscaping reserved for future consideration.

Matters of siting and means of access are for consideration within this application and in this respect the submitted drawings show that the two houses would occupy the same building line to the front as both neighbouring properties, with bays projecting approximate a metre forward in the centre. The proposed houses would have the same building line to the rear as the neighbouring property to the south (41 Rochester Road). There would be a two metres gap to each side boundary.

The proposed houses would be accessed via a shared drive in the centre of the site and each house would have a turning area.

Site Area/Density

Site area: 0081 hectare (0.2 acre)

Site density: 25 d.p.h. (10 d.p.a.)

Representations

The application has been advertised on site. Neighbour notification letters have been sent to the owners/occupiers of 22-28 (even), 35, 37, 41 and 43 Rochester Road.

Halling Parish Council has written objecting on the grounds of over-development and that the proposal is not in keeping with other bungalows.

One letter has been received raising the following concerns:

- Any development should not extend rearwards to interfere with views of the river;
- The proposed houses should not overshadow the neighbouring house and garden;
and
- A pair of houses would detract from the surrounding area which is predominantly bungalows.

Development Plan Policies

Kent Structure Plan 1996

Policy ENV15	(Built Environment)
Policy T17	(Parking)
Policy T19	(Access to primary road network)

Medway Local Plan 2003

Policy BNE1	(General Principles for Residential Development)
Policy BNE2	(Amenity Protection)
Policy H11	(Residential Development in Rural Settlements)
Policy T13	(Vehicle Parking Standards)

Kent and Medway Structure Plan 2003

Policy QL1	(Quality in Development and Design)
Policy TP19	(Vehicle parking Standards)

Planning Appraisal

The main issues for consideration arising from this application are:

- the principle of the development;
- design and effect on the character of the area;
- amenity considerations; and
- highways and parking.

Principle

The site is within the built confines of North Halling, as identified on the Proposals Map to the Medway Local Plan 2003. The principle of residential development is, therefore acceptable and in accordance with the provisions of Policy H11 of the adopted Local Plan.

Design and effect on the character of the area

Although the application is in outline form and matters of design fall to be assessed at the detailed stage, it is appropriate at the outline stage to consider whether a pair of semi-detached houses would be acceptable in this location. Although this section of Rochester Road comprises predominantly detached bungalows there is a terrace of four houses further north (15-21 odd Rochester Road), and two detached houses (23 and 33 Rochester Road). There is only one chalet bungalow, although three bungalows have rooms in the roofspace, but no dormers. The only semi-detached properties are immediately adjoining. Overall, the character of the area is of a low density development of predominantly, but not exclusively detached bungalows.

A pair of semi-detached houses would not be strictly in character with the locality. However, in view of the mixed nature and variety of properties within the area, subject to satisfactory design, bulk and scale, the development would not cause any intrinsic harm or detract from the character and appearance of the locality. No objection is, therefore, raised under the provisions of Policy ENV15 of the Kent Structure Plan (the approved 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

The proposed houses would be sited so that there would not be an adverse impact on the amenities of the neighbouring properties in terms of light or outlook. It is recommended that a condition be attached to any planning permission controlling windows in the flank walls of the proposed houses to ensure that there would be no unneighbourly overlooking. Subject to this condition, no objection is raised under Policy BNE2 of the adopted Local Plan.

Highways/Parking

The proposal would result in the repositioning of the vehicular access onto a primary distributor route and an increase in the number of properties served by that access from one to two. However, turning areas are to be provided to serve each property. It is not, however, considered that the repositioning of this access and the intensification of use would result in an increased risk of accidents or traffic delays and no objection is, therefore raised under Policy T19 of the approved Structure Plan.

The submitted drawings show parking for two cars per dwelling which is in accordance with the Council's adopted vehicle parking standards. Accordingly, no objection is raised 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.

Conclusion and reasons for approval

The proposed development is within the built confines of the urban area. The plot has sufficient width to accommodate the development proposed and it is considered that two houses would not be harmful to the character of the area. There will be no harm to the amenities of occupiers of adjoining properties. The development is therefore in accordance with the above mentioned development plan policies and is recommended for approval.

[The application would normally fall for determination under Officer delegated powers, but is being referred to the Committee for consideration on account of the objection from Halling Parish Council.]

12 MC2004/2683

Date Received: 1st December 2004

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

Proposal: Construction of an attached 3-bed 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 Within one month of the date of the permission hereby granted written details and a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The subsequently approved 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.
- 2 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, Strood.
- 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 development within Part 1, Classes A, B, C, D, E, F and G of the Second Schedule to the Order shall be carried out on the site without the prior written approval of the Local Planning Authority.
- 4 Within one month of the date of the permission hereby granted, a plan showing adequate land reserved for the parking or garaging of vehicles to serve both the proposed house and the existing dwelling at 134 Brompton Lane shall be submitted in writing for written approval by the Local Planning Authority. The subsequently approved parking arrangements 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.
- 5 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.

- 6 Subject to the Local Planning Authority approving the development pursuant to planning application MC2004/2824, the works comprised in that development consisting of the construction of a first floor rear extension at 134 Brompton Lane, shall be carried out concurrently with the works comprised in the development hereby permitted consisting of the construction of the first floor rear projection providing the bedroom, bathroom and part of the landing. Any variation to this must first be agreed in writing by the Local Planning Authority.

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

Site Description

The application site comprises the former side garden area to number 134 Brompton Lane and measures approximately 31 metres in depth by 5.5 metres in width. The house previously granted planning permission under file reference MC2004/1679 within the application site is already under construction and is up to first floor level. Number 134 Brompton Lane was 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. With the implementation of planning permission 134 Brompton Lane will become a mid terrace house. Brompton Lane rises from the south east to the north west. 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. A low fronts the site, 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 the 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 east to the 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.

Proposal

This is a fully detailed planning application that seeks planning permission for the construction of an attached two storey three bed house. The house proposed under the terms of the current application is essentially identical to that permitted under planning permission MC2004/1679, with the exception that it is now proposed to build a first floor element above the previously proposed single storey projection.

The proposed house is sited so that its main front elevation will align with that of 134 Brompton Lane. Under the provisions of the current application the depth of the proposed house will increase by 3 metres at first floor level. The single storey front element remains unchanged and ties in with the porch at number 134. The width the house as a whole would be 4.5 metres. The external walls are shown to be finished in a white smooth render, whilst the roof is to be covered in concrete interlocking roof tiles, but not details of colouration have been given. The existing forecourt area is shown to be retained, as per the originally approved scheme and the submitted plans show the provision of parking for both the existing and proposed houses. The submitted 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 an application concerning 134 Brompton Lane for the construction of a single storey front extension and a first floor rear extension has been submitted under file reference MC2004/2824 has been submitted and appears later on this Agenda for determination.]

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 5 September 2003
MC2004/0043	Outline application for construction of an end of terrace house Approved 17 March 2004
MC2004/1679	Construction of an attached 3-bedroomed house Approved 29 September 2004
MC2004/2824	Construction of single storey front and first floor rear extensions at 134 Brompton Lane For consideration elsewhere on this Agenda

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 site is a small plot with parking and drainage not designed for two large houses and one small house;
- The foul drainage system already gets blocked and this proposal would put additional pressure on an existing system, which is struggling;
- The proposal will give rise to a loss of light, outlook and privacy, which will be compounded by the increase in the size of the new house;

- 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;
- Construction works are being undertaken at unreasonable hours and the owner of the site has no regard for adjoining residents;
- 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;
- The proposal will give rise to increased noise disturbance and pollution;
- The development will be claustrophobic;
- The development will increase density in an already crowded area; and
- The proposal if granted will set a precedent for similar development in the area.

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 Principals 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

As Members will be aware this site has been subject of a number of planning applications in the recent past and benefits from an extant consent (MC2004/1679) for the construction of an attached 3-bedroomed house, which is currently under construction. Although the description of development for the current application refers to the construction of a new house, it is in reality seeking to modify the permission that is currently being implemented by adding a first floor rear extension.

Having regard to this recent planning history it is considered that the principle of the proposed development is acceptable and in this general respect no objection is raised to the application under the provisions of Policy H4 of the adopted Local Plan.

Design considerations

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.

Taking the above matters into consideration the submitted application is acceptable in design and streetscape terms and 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 will have adequate amenity space available to it when the development is completed. Adequate privacy distances will exist between the adjoining properties and the proposed house with the result that no unacceptable loss of privacy will arise.

The first floor rear addition currently proposed as an extension to the previously permitted house, if constructed in isolation could adversely affect the receipt of light into rooms to the rear of 134 Brompton Lane as well as the outlook from windows in the rear elevation of that house. However, an application for a first floor rear extension at number 134 under file reference MC2004/2824 has been submitted and is for consideration later on this Agenda. Provided the addition to the proposed house is built concurrently with the proposed extension at number 134 then the first floor rear elevations for both the existing and new houses will align with one another with the result that the projection at the new house will not detract from the amenities of the occupiers of the existing house. It is therefore recommended that a condition is imposed upon any forthcoming planning permission for this proposal to ensure that it is constructed concurrently with the proposed first floor extension at number 134.

Accordingly in this regard, subject to the attachment of an appropriately worded condition, 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.

Recommendation and reason for Approval

The proposed house has been designed to reflect the appearance and character of the existing property and due to its location and relationship with neighbouring properties, it will not cause any unacceptable harm to the amenities of occupiers of adjoining properties. The proposal therefore accords with the provisions of Policies ENV15 and T17 of the Structure Plan and Policies BNE1, BNE2 and T13 of the adopted Local Plan and the application is accordingly recommended for approval.

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

13 MC2004/2703

Date Received: 2nd December 2004

Location: Land rear of 30 St Margarets Street, Rochester, Kent

Proposal: Construction of a detached 3 bedroomed house with integral garage and attached garage and ancillary works

Applicant: Birkby Construction Limited Fir Tree Yard Stockett Land Coxheath Maidstone Kent ME17 4PY

Agent: Mr D Walsh Building Ideas Architects Mill Barn Turkey Mill Ashford Road Maidstone Kent ME14 5PP

Ward: Rochester West

Recommendation - Approval with Conditions

(as amended by plans received 10 February 2005)

- 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, full details of all external materials and samples, including details of facing bricks and mortar colour, the roof and hanging tiles (including bonnet tiles), the cast iron rainwater goods, the flat roof covering and the railing/boundary treatment 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.
- 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. These details shall include: existing and proposed ground levels; 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, 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 The area shown on the drawing marked 2318-08 Rev A 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.
- 7 Prior to commencement of the development hereby permitted details of the: external joinery for all windows and external doors; any external rainwater goods and soil and vent pipes; and any external railings and balconies 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.
- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows other than those shown on the drawings herein approved shall be inserted in the southern elevation of the dwelling hereby permitted without the prior written approval of the Local Planning Authority.
- 9 The first floor window in the east facing (rear) elevation serving the en suite shall be fitted with obscure glass and shall be non-opening apart from any top hung fan light. The obscure glazed window shall be installed prior to the first occupation of the dwelling hereby permitted and shall thereafter be retained for the duration of the occupation of the permitted development.
- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development within Part 1 Classes A to H (inclusive) and Part 2 Class A of the Second Schedule to the Order shall be carried out on the site without the prior written approval of the Local Planning Authority.
- 11 The flat roof over the garage to the rear of the dwelling hereby permitted shall not be used as a balcony, veranda or terrace at any time, and there shall be no alterations undertaken to the property to facilitate such a use (whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification)).

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

Site Description

This application relates to a site to the rear of 30 St Margaret's Street, fronting onto Love Lane Rochester. The site is part of the curtilage of number 30, but is set at a significantly lower level than that property. The site has a width of 12.5 metres and a maximum depth of 28.5 metres. The eastern (rear) boundary of the site comprises retaining walls topped by a gazebo. The site currently accommodates a garage and is walled along the western (front) boundary to Love Lane and the northern boundary, which faces part of the gardens to the Bishop's Palace. Immediately to the south of the site is 25 Love Lane, a part two-storey and part three-storey end-of-terrace house with an integral garage at the lower ground level and the small rear garden raised up to first floor level. There is a flight of steps to the rear of the site providing access between it and the rear garden of 30 St Margaret's Street.

Number 30 St Margaret's Street is a Grade II Listed house. The gazebo just to the north of the site is separately listed but the listing gives no indication of the grade.

The application site is situated within a Conservation Area.

Proposal

The submitted application proposes the construction of a detached, 3 bed, two storey house. The proposal includes two garage spaces. The proposed house would be orientated at right angles to Love Lane, presenting its gable end to the road. Vehicular and pedestrian access to the proposed house would be derived via the existing access to the site. The proposed house would have three bedrooms (two with en-suites) on the upper floor with a separate bathroom. Living accommodation, study/dining room, utility room and kitchen area will be provided on the ground floor.

The proposed house will predominately be two storeys in height, including the front projection. However the garage to the rear of the site will be an attached single storey structure. The proposed house will measure 18.8 metres in depth and have a maximum depth of 7.750 metres. The single storey garage at the rear of the site will be 3 metres in height, while the eaves of the two storey element of the house will be some 5 metres above the ground level at their highest point and the ridge height will be 7.8 metres. The front (western) elevation includes a balustrade in front of the proposed first floor French windows. The roof slope in the northern elevation (facing the garden area of the Bishop's Palace) has a split eaves heights ranging between 3.35 and 5 metres and there is a pair of dormer windows within this roof slope. A small courtyard type garden area is to be provided at the rear of the site behind the rearmost garage.

The proposed house will be clad in red brickwork and the roof will have a covering of clay tiles.

Site Area/Density

Site Area: 0.04 hectares (0.1 acres)

Site Density: 25 dph (10 dpa)

Relevant Planning History

ME/99/0073/MR Construction of two detached dwellings with new garage to number 30 together with demolition of existing garage

Withdrawn

MC2002/0362	Erection of two 2-bedroomed semi-detached houses with parking Refused 16 September 2003
MC2003/1462	Construction of two 3-storey houses with attached garages Refused 3 September 2003
MC2004/0773	Construction of 1 detached 3 bedroomed house with integral garage and attached garage Refused 25 May 2004

Representations

The application has been advertised in the local press and on site by means of site notices as the development affecting the setting of a Listed Building and as being within a Conservation Area. Neighbour notification letters have been sent to the owners and occupiers of: 20 to 36 (inc) and 26a Love Lane; 26, 26a, 30-42 (evens) St. Margaret's Street; and Malt Cottage, Malt House, Malt Lodge, Malt Villa, Malt Mews.

13 letters from 9 households have been received objecting to the application on the following grounds:

- the developer has not indicated how a connection into the foul sewer will be achieved. Connection into the adjoining private system has not been sought. No indication as to the position of the soakaways has been shown. A distance of 3 metres from the property or those adjoining cannot be achieved;
- the materials proposed will be out of keeping with the surrounding properties and the Conservation Area, any materials used should match the other houses in Love Lane;
- the proposal if permitted will set a precedent for similar development;
- the siting of the development together with its unacceptable projection beyond the existing building line will result in a building that has an overbearing impact that is detrimental to the character and appearance of the street scene, the Conservation Area and adjoining properties;
- the development will result in a loss of light, privacy and view;
- the development including the proposed front wall, will affect the character of the Conservation Area within which it is located and the Listed Building adjoining the site. The character of Love Lane and the Conservation Area should be preserved. Additionally, the development will have an adverse impact on the listed gazebo which is in a state of disrepair and has been vandalised;
- the proposed development will result in a loss of view to the Listed Building from the street, which is an important tourist route;
- the development is not harmonious with the adjoining buildings or Love Lane generally. The proposed design is different from other properties and out of tune with the area generally;

- the proposal results in an over-development of the site and area generally;
- adjoining residents will be restricted and inconvenienced;
- the development will result in an unacceptable increase in traffic and there are existing parking problems and safety issues in Love lane. The submitted plans are unclear as to whether any of the parking spaces proposed are to be associated with 30 St. Margaret's Street. If they are this will only leave one garage space associated with the proposed house forcing additional parking on the public highway, which is already inadequate. There is poor access into and out of Love Lane which is narrow and dangerous. Emergency vehicles will be restricted in terms of gaining access to Love Lane as has been experienced recently with cars parked on the highway blocking access to a fire appliance;
- delivery of goods will be almost impossible via Love Lane and the site is so restricted they are unlikely to be able to store materials on site. Damage to Love Lane (A Private Road) and the drainage system will result from the building works;
- previous applications have been refused;
- loss of value to existing properties; and
- the development should be a flat roofed bungalow or a three storey town house.

Development Plan Policies

Kent Structure Plan 1996

Policy S2	(Environment)
Policy ENV15	(Built Environment)
Policy ENV17	(Conservation Areas)
Policy ENV19	(Buildings of Architectural and Historic Importance)
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 BNE14	(Development in Conservation Areas)
Policy BNE18	(Setting of Listed Buildings)
Policy H4	(Housing In Urban Areas)
Policy T1	(Impact of Development)
Policy T2	(Access to the Highway)
Policy T13	(Vehicle Parking Standards)

Kent and Medway Structure Plan (Deposit Version) 2003

Policy SP1	(Conserving and Enhancing Kent's Environment and Ensuring a Sustainable Pattern of Development)
Policy SS3	(Priority for Previously Developed Land and a Sequential Approach to the Location of the Development)

Policy QL1	(Quality of Development and Design)
Policy QL5	(Quality and Density of Development)
Policy QL7	(Conservation Areas)
Policy QL9	(Buildings of Archaeological and Historic Quality)
Policy T19	(Vehicle Parking Standards)

Planning Appraisal

The starting point for consideration of the proposed development is whether or not the site is located in an appropriate area for development. The application site is situated within a predominantly residential area within the urban area. As such the general principle of development on this site is acceptable, having regard to the advice contained in PPG3 "Housing" and the provisions of Policy H4 of the adopted Local Plan. The principle of small-scale in-fill development is accepted in such locations and would contribute to the supply of housing in a sustainable location. As the site has a road frontage onto Love Lane it is considered that it does not fall within the definition of backland or tandem development.

The principle of the proposed development is considered to be acceptable and accordingly the main issues for consideration arising from this application concern its impact upon: the setting of the adjoining Listed Building; the Conservation Area within which it is located; the street scene generally; the amenities of the occupiers of neighbouring properties; and highway matters.

It should be noted that this site has been the subject of a number of applications in the recent past for residential development which have been refused because of concerns with respect to the design and/or scale of the proposed development having regard to the proposed development's siting within a Conservation Area and proximity to the adjacent listed Gazebo.

Street scene considerations and implications for the setting of the adjoining Listed Building and the character and appearance of the Conservation Area

The site is located within the central Rochester Conservation Area, within which consideration of the impact of new development upon the character and appearance of the area is of particular importance. Furthermore, the site is adjacent to Listed Buildings including the listed gazebo immediately to the east, and any impact on the setting and historical significance of such structures is a material consideration in the determination of this application. The listing for the gazebo refers specifically to its 'extensive views across the River Medway' and 'prominent position when viewed from below (ie from Love Lane to the west).

The plot is part of the historic curtilage of the Listed property at 30 St Margaret's Street. It is considered that the physical relationship between the main garden of this property and the application site is limited due to the change in levels between the application site and the listed house. Accordingly it is considered that the proposed development will not detract from the character and setting of 30 St Margaret's Street as a Listed Building. The siting and height of the proposed house are such that the proposed development will not detract from the setting of the gazebo within the rear garden to 30 St Margaret's Street.

The scale of the proposal has been significantly reduced from the previous applications on this site and the height of the proposed development is now considered to be more

appropriate to its context. The development has been redesigned and slightly repositioned so that views of the listed Gazebo have been retained. The design of this submission is felt to be acceptable in terms of its relationship to the adjoining listed buildings, the overall character of the Conservation Area and the street scene in general. The proposal is considered to be acceptable in design and streetscape terms and accordingly no objection is raised to the application under the provisions of Policies ENV15, ENV17 and ENV19 of the Structure Plan, Policies BNE1, BNE14 or BNE18 of the adopted Local Plan and Policies QL1 and QL5 of the Kent and Medway Structure Plan (Deposit Version) 2003 (the emerging Structure Plan).

Amenity Considerations

In terms of the impact on neighbouring properties, the development has been designed in such a way that the proposal will not have any overbearing affects or give rise to an unacceptable loss of light or privacy for the occupiers of adjoining properties. The front of the development projects some 5 metres beyond the front elevation of the adjoining house to the south, number 25 Love Lane. However, due to the design of the development and the off set nature of this element of the proposed house from the boundary with the neighbouring property by some 2 metres, it is considered that this projection will give rise to no adverse loss amenity to the occupiers of number 25. The rear garden of the adjoining property is raised to first floor level and the proposed house, subject to the imposition of conditions: restricting the future insertion of windows; removing permitted development rights; and prohibiting the use of the flat roof over the proposed single garage as a balcony, will result in a development that will have little impact upon the users of the neighbouring garden.

In terms of the rear building line of the development, the two storey element of the development is in line with the adjoining property at number 25 Love Lane and only the single storey flat roof elements project beyond the rear building line of the adjoining house. Due to design and the boundary treatment it is therefore considered that the proposed house will not be overbearing in relation to the adjoining dwellings or result in a undue loss of outlook. Due to the relative orientation of the properties, it is considered that no direct overshadowing would occur.

The only window proposed in the southern elevation facing 25 Love Lane, will serve a kitchen and this would look out on the blank gable end elevation of 25 Love Lane. The balustrades to the front (south-east) and side (south-west) would not provide a viewing platform and are considered to be acceptable. The distance from the front westward facing windows of the proposed house to the properties on the opposite side of Love Lane would be in excess of 21 metres, consequently no unacceptable overlooking will arise. The distance from the proposed houses to the rear of Malt Villa (in Malt Mews, off St Margaret's Street) suggests that there may be overlooking between the existing and proposed properties. However in practice, due to the change in levels between the sites, the top of the proposed first floor windows would be roughly in-line with the top of the boundary structures to the rear of Malt Mews. Overlooking of the garden would therefore be precluded. The only window on the rear (east) facing elevation is at first floor level and will serve an en-suite toilet/shower room. This being the case this window will be obscure glazed and its presence will not result in the loss of any privacy. The development is considered to be acceptable in this regard.

The proposals are considered to be acceptable in terms of amenity and no objection is therefore raised to the application under the provisions of Policy ENV15 of the Structure

Plan, Policy BNE2 of the adopted Local Plan and Policies QL1 and QL5 of the emerging Structure Plan.

Highways issues

Love Lane is a very narrow road with limited footway provision and experiences a high degree of on-street parking. As such, any significant increase in the generation of traffic or in the demand for on-street parking would potentially give rise to amenity and highway concerns.

The site currently provides ample parking for 30 St Margaret's Street. The proposal indicates two garage spaces, although it is possible that a further car could be parked in an area adjoining the lobby and the living area to the house without causing significant manoeuvring problems. The level of off-street car parking complies with the requirements of the adopted parking standards and it is therefore considered that the proposed development will not materially add to the on-street parking pressure currently experienced in Love Lane.

The existing wide opening from the site onto Love Lane would be narrowed as a result of the proposal, thus reducing visibility to either side. The stretch of Love Lane onto which the access would open serves a limited number of properties and it is considered that due to the narrowness of the road, vehicles speeds are very low. It is therefore considered that the use of the proposed access will not be prejudicial to highway safety. It is recognised that there is no footpath on this stretch of Love Lane and that a footpath used by cyclists and pedestrians joins Love Lane from the south close to the site. It is considered, however, that both pedestrians and cyclists and potential residents of the proposed house would be cognisant of the potential dangers and that due to the low number of vehicles likely to be using the access there would be little increased likelihood of accidents.

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.

Conclusion and Reasons for Approval

In the light of the above assessment of the application proposals, the submitted application is considered to be acceptable in streetscene, Listed Building, Conservation Area, amenity and highway terms and is viewed as being in accordance with the provisions of Policies ENV15, ENV17, ENV19 and T17 of the Structure Plan and Policies BNE1, BNE2, BNE14, BNE18 and T13 of the adopted Local Plan. In particular it is considered that the currently submitted proposal has addressed the concerns that were identified in the refusal of the earlier applications concerning this site. The application is accordingly recommended for approval.

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

14 MC2004/2746

Date Received: 9th December 2004

Location: Land rear of Main Road & 3-11 Elm Avenue, Chattenden, Rochester, Kent

Proposal: Outline application for residential development

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

Agent: Mr E Przyjemski David Hicken Associates Southgate House High Banks Loose Maidstone, Kent ME15 0EQ

Ward: Strood Rural

Recommendation - Approval subject to:

- A) The applicant entering into an agreement/obligation under Section 106 of the Town and Country Planning Act 1990 to secure:
- i) a contribution of £4,370 per dwelling of two or more bedrooms towards the provision of educational facilities in the locality; and
 - ii) a contribution of £300 per one bedroom dwelling, £551.50 per two bedroom dwelling and £811 per dwelling of three or more bedrooms towards the provision of equipped play facilities and formal sports provision in the locality; and
- B) the following conditions:
- 1 Approval of the details of siting, design and external appearance of the building(s), means of access 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 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied and shall thereafter be

maintained for the duration of the development. Development shall be carried out in accordance with the approved details.

- 5 The plans and particulars submitted in accordance with Condition 1 above shall include:
- a) A plan showing the location of and allocating a reference number to each existing tree on site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;
 - b) details of the species, diameter (measured in accordance with paragraph a) above, and the approximate height and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs c) and d) below apply;
 - c) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
 - d) details of any proposed alterations in existing ground levels and of the position of any proposed excavation within the crown spread of any retained tree or of any tree on land adjacent to the site within a distance of 6 metres from any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree;
 - e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

In this Condition "retained tree" means an existing tree which is to be retained in accordance with paragraph a) above.

- 6 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 the existing and proposed ground levels; means of enclosure, car parking layouts, other 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.
- 7 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. The approved planting stock shall be maintained for a minimum period of five years following its planting and any of the stock that dies or is destroyed within this period shall be replanted in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

- 8 The principal access to the site shall only be taken from the existing site access road leading from Main Road that passes to the east of the property known as Delcot and which serves development on the site of the former Toad Hall and Searchlight subject to planning permission MC2004/0686.
- 9 The details to be submitted in pursuance of Condition 01 shall show adequate land, reserved for the parking or garaging of vehicles. The development shall not be commenced until the aforementioned parking arrangements have been approved in writing by the Local Planning Authority. Upon approval of the details, 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.
- 10 Prior to the first occupation of the development hereby permitted, vision splays of 2.0 metres x 2.0 metres shall be provided on both sides of the vehicular access points and no obstruction of sight more than 0.6 metres above carriageway level shall be permitted within the splays thereafter.

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

Site Description

The application site lies to the rear of nine named frontage properties on the southern side of Main Road and numbers 3 to 11 (odd) on the eastern side of Elm Avenue. These neighbouring properties comprise detached properties of various designs. The site is bounded: on two sides (north and west) by rear gardens of existing houses and bungalows in Main Road and Elm Avenue; and to the south by land forming part of the Toad Hall/Searchlight residential development site which benefits from planning permission granted under file reference MC2004/0686.

The application site is essentially rectangular in shape and has a depth (north/south axis) that varies between 40 and 46 metres and a width (east/west axis) of 95 metres.

The application site lies within the village boundary for Chattenden, but is currently open and undeveloped, having been laid to orchards in the past.

Proposal

The submitted application seeks outline planning permission for residential development on the site. No details have been provided and therefore all matters relating to design, external appearance, siting, means of access and landscaping have been reserved for future consideration.

The application is accompanied by a Planning Statement, which indicates that access to the site is to be gained from the road network currently being installed to serve the Searchlight/Toad Hall site permitted planning permission under file reference MC2004/0686, although the precise point of access has not been identified at this stage.

At this stage, the applicants are seeking to establish the principle of developing this site as a logical extension to the allocated site at Toad Hall/Searchlight. It is envisaged that the site will be developed at a density in the range between 30 to 50 dwellings per hectare.

Site Area/Density

Site Area: 0.40 hectares (1.0 acre)
Site Density: Dwelling numbers not specified and therefore not known at this stage. Development at a similar density to that on the neighbouring Toad Hall/Searchlight site would suggest between 9 and 12 dwellings per hectare being provided on this site.

Relevant Planning History

MC2004/ 2348 Outline application for residential development
[The application site included frontage properties in Elm Avenue and proposed an independent access by demolishing 11 Elm Avenue]
Refused February 2004

Searchlight/Toad Hall

MC2003/0316 Full application for the erection of 105 dwellings
Refused 9 October 2003
Appeal lodged and subsequently withdrawn 27 May 2004

MC2003/2304 Outline application for residential development at 30 dwellings per hectare
Refused 10 December 2003
Appeal lodged and subsequently withdrawn 27 May 2004

MC2004/0686 Outline application for residential development at 30 dwellings per hectare
Approved 24 May 2004 following the conclusion of a Section Agreement

MC2004/1150 Part approval of reserved matters pursuant to outline planning permission MC2004/0686 for the construction of 49 dwellings with associated access roads and parking/garaging (Phase 1)
Approved 18 August 2004

MC2004/2321 Part approval of reserved matters pursuant to outline planning permission MC2004/0686 for the construction of 42 dwellings with associated access roads and parking/garaging (Phase 2)
For consideration elsewhere on this Agenda

Representations

The application has been advertised in the Press and by site notices. Neighbour notification letters have been sent to the owners and occupiers of 38 adjoining residential properties in Elm Avenue, Main Road and Broadwood Road.

Hoo St. Werburgh Parish Council has written objecting to the application for the following reasons:

- This site has historically been an orchard and should not therefore be considered as a “brownfield” site, it should therefore be protected as a green or open space. The proposal is therefore contrary to national planning policy and Structure and Local Plan policies;
- It has not been proven that there is a need for further development within Chattenden;
- This application should not be determined until there is greater certainty about the access arrangements for the proposed development; and
- Insufficient information has been provided with respect to the proposed number of dwellings this site will accommodate.

One letter of objection has been received raising the following issues:

- The unacceptable effect on the countryside and wildlife;
- The development will place unacceptable additional pressures on local infrastructure, education and medical facilities etc;
- There is no need for additional housing in the area;
- The development will result in a loss of outlook especially for the occupiers of the bungalows in Elm Avenue; and
- The development will be too dense.

Southern Water has written raising no objection to the proposed development and has further advised that it will require full drainage details to be agreed with it prior to commencement of any development on the site.

Kent Police (Architectural Liaison Officer) has written to advise that any: communal parking areas should be well lit; undercroft parking should be secured; and recessed doorways should be avoided.

Development Plan Policies

Kent Structure Plan 1996

Policy S9	(Infrastructure and Community Facilities)
Policy ENV5	(Nature Conservation Areas)
Policy ENV7	(Trees, Woodland and Hedgerows)
Policy ENV15	(Built Environment)
Policy T17	(Parking Standards)
Policy T18	(Traffic Generation)

Medway Local Plan 2003

Policy S6	(Planning Obligations)
Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)

Policy BNE6	(Landscape Design)
Policy BNE34	(Areas of Local Landscape Importance)
Policy BNE35	(Nature Conservation Sites)
Policy BNE43	(Trees on Development Sites)
Policy H1	(New Residential Development)
Policy H3	(Affordable Housing)
Policy T1	(Impact of Development)
Policy T2	(Access to Highway)
Policy T13	(Vehicle Parking Standards)

Kent and Medway Structure Plan (Deposit Version) 2003

Policy SP1	(Sustainable Patterns of Development)
Policy SS3	(Sustainable Approach to Location of Development)
Policy SS5	(Enhancing Existing Communities)
Policy E8	(Protection and Enhancement of Biodiversity)
Policy E9	(Trees, Woodland and Hedgerows)
Policy QL1	(Quality of Development and Design)
Policy QL13	(Provision for New Community Services and Infrastructure)
Policy HP1	(Housing Provision and Distribution)
Policy HP7	(Range and Mix of Housing Provision)
Policy HP8	(Affordable Housing)
Policy TP2	(Transport and the Location of Development)
Policy TP19	(Parking Standards)

Planning Appraisal

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

Matters of Principle

The principle of development on the adjoining Toad Hall and Searchlight site has been established through the Local Plan process, with the whole of that site being allocated for residential development under the provisions of Policy H1 of the adopted Local Plan, and the granting of outline planning permission under file reference MC/2004/0686. One phase of the Toad Hall/Searchlight scheme has already received approval of details. It is also to be noted that the site for the current outline application is included within the residential allocation for the Toad Hall/Searchlight site.

Under Policy H1 of the adopted Local the current application site together with the Toad Hall/Searchlight site have been identified as having a nominal site capacity of 105 dwellings. It should further be noted that the nominal site capacity of 105 units falls short of the minimum density threshold of 30 dwellings to the hectare promoted by the Government in the guidance contained within PPG3 "Housing" and only equates to a level of 27 dph. To achieve a minimum density of 30 dph the allocated site in its entirety will need to yield a minimum of 116 units.

In the light of the fact that the current application site forms part of an allocated site for residential development, well within what will be the extended village envelope for Chattenden, it is considered that the principle of residential development on this site is

acceptable, subject to acceptable details being submitted at the “reserved matters” stage, because the proposal accords with the provisions of the Development Plan.

Although no matters of detail have been submitted with this application a preliminary assessment of issues relating to: design and layout; amenity; and highways is set out below.

Design and Layout

As the application is in outline form, with all matters reserved for future consideration, the full impact of the development on the character of the area will fall to be assessed at the detailed design stage when a detailed pursuant application will have to be submitted for consideration. Nevertheless, it is considered that the site can be developed in a manner that will not adversely affect the character of the area. No objection can therefore be raised to the proposal at this time under the provisions of Policies RS1 and RS2 of the Structure Plan, Policy BNE1 and of the adopted Local Plan and Policy QL1 of the Kent and Medway Structure Plan (Deposit Version) 2003 (the emerging Structure Plan).

Effect on Amenity

Although the application has been submitted in outline form, it is considered that the site can be developed in a manner that will not adversely affect amenities of the occupiers of neighbouring properties in terms of privacy, daylight or sunlight and disturbance having regard to the likely levels of block spacing that will be achieved given the back garden lengths of the majority of the neighbouring properties and the opportunity that will exist to provide screen planting as necessary.

In this regard the application is viewed as being in accordance with the provisions of Policy ENV15 of the Structure Plan and Policy BNE2 of the adopted Local Plan and Policy QL1 of the emerging Structure Plan.

Traffic and Transport

The applicant has indicated that the principal access to the site will be derived from the existing Toad Hall/Searchlight access. A previous proposal taking access to Elm Road by demolishing an existing bungalow was refused on grounds that that would have been piecemeal development resulting in a sub-standard access that would have given rise to conditions that would have been prejudicial to the amenities of the occupiers of the immediately neighbouring properties by reason of the generation of noise and inconvenience.

The previously permitted access arrangements to serve the development of Toad Hall/Searchlight site are considered to be adequate that development as well as the 9 to 12 dwellings that are likely to arise from the development of the current site. It is therefore considered that the proposed development can be appropriately accessed. It is further considered that the local highway network will have sufficient capacity to accommodate the volume of traffic that will be generated by the development. In highway safety terms no objection is therefore raised to the application under the provisions of Policy T18 of the Structure Plan, Policies T1 and T2 of the adopted Local Plan and Policy TP2 of the emerging Structure Plan.

Although the application is in outline form, it is considered that the site can be developed in a manner that will meet the requirements of the adopted vehicle standards. No parking objection is therefore 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.

Other matters

The outline permission for the Toad Hall and Searchlight site is accompanied by a Section 106 Agreement making provision for a number of community infrastructure proposals: education contributions, contributions to off-site play space provision of affordable housing on site and the protection and maintenance of the adjoining Site of Special Scientific Interest. In the present case education and open space contributions are necessary and should be secured by means of a Section 106 Agreement/Obligation as follows.

The application site is in an area of identified school roll growth, with little or no spare capacity in the local schools. The proposed development would add a further demand upon school places in the area. Applying the standard pupil product ratios of 0.5 for primary school spaces and 0.2 for secondary school places to dwellings of two or more bedrooms, the proposed development will yield a combined primary and secondary place contribution of £4,370 per unit.

To address the provision of open space facilities, it is recommended that contributions of up to £300 per one bedroom dwelling, £551.50 per two bedroom dwelling and £811 per dwelling of three or more bedrooms be sought towards the provision of equipped play facilities and formal sports provision in the locality.

Conclusion and Reasons for Approval

In the light of the above assessment of the application proposals, the submitted application is considered to be acceptable in design, amenity and highway terms and is viewed as being in accordance with the provisions of Policies ENV15, and T17 of the Structure Plan and Policies BNE1, BNE2, H1, T1, T2 and T13 of the adopted Local Plan. In particular it is considered that the currently submitted proposal has addressed the highway concerns that were identified in the refusal of the earlier application concerning this site. The application is accordingly recommended for approval, subject to the applicant entering into a Section 106 Agreement/Obligation to secure the identified education and open space contributions.

[This application would normally fall to be considered under the officer's delegated powers but has been reported for Members' consideration at the request of Councillors Kenneth Bamber and Mason and because of the representations that have received from the Parish Council that are contrary to the officer recommendation.]

15 MC2004/2772

Date Received: 14th December 2004

Location: 66 High Street, Gillingham, Kent, ME7 1AY

Proposal: Change of use from solicitor office (class A2) to use for religious worship and activity (class D1) and construction of single storey extension to rear (demolition of rear extensions)

Applicant: Endtime Evangelical Ministries 19 Parker Close Rainham Kent ME8 9NQ

Agent: Kirsten Associates Inc. 179 Robin Hood Lane Walderslade Chatham Kent ME5 9NJ

Ward: Gillingham 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 The use hereby permitted shall only operate between the hours of 1800 to 2100 weekdays and 1000 to 1600 on Sundays
- 3 Before the development is brought into use measures to control the emission of sound from the premises shall be implemented in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter maintained.
- 4 All external doors to the premises prior to commencement of the use hereby permitted shall be fitted with a self-closing devise, which shall be maintained in an operation condition and at no time shall external doors be fixed in an open position.

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

Site Description

The application site is a two-storey, mid-terraced property located within the main retail centre of Gillingham. The current use of the application site is a solicitors (Class A2). The street scene comprises of two- to three-storey properties. The area is a mix of class A1, A2 and A3 uses both at ground floor and upper floors.

To the rear of the site the garden area is small and consists of hardstanding and overgrown vegetation. The boundaries to the rear consist of brick walls approx. 1.6m to 3m high and close-board fencing approx. 1.8m high. There are habitable room windows both on the flank wall and rear elevation of number 64. The upper floors of number 64 are residential in use. At number 68 the rear garden area is overgrown and includes extraction equipment.

Proposal

This application seeks planning permission to construct a single storey extension to the rear of the property (demolishing the existing extensions) and to change the use of the entire ground floor (as extended) from a solicitors office (Class A2) to a religious worship/activity use (Class D2).

The extension would project approx. 10.6m from the rear elevation of the main building and would be approx. 6m wide. The proposed extension would have a flat roof and would be approx. 3m high.

Relevant Planning History

GL/94/0234/48/0007	Proposed change of use from Retail Shop (Class A1) to Solicitors Office (Class A2). Approved 27 May 1994.
NK3/48/7/8624	Alterations to existing shop premises. Approved 20 September 1948

Representations

The application was advertised on site by a site notice and neighbour consultation letters were sent to 59, 64, 65, 68, 69 and 71 High Street Gillingham.

Eleven letters have been received raising the following concerns:

- Loss of A2 use will have a negative impact on the vitality of the High Street;
- The proposed use would not add to identity or attractiveness of town centre; and
- The proposed use would create further demand for parking which would appear destructive to the High Street as a commercial centre.

Development Plan Policies

Kent Structure Plan 1996

Policy ENV15 (Built Environment)

Medway Local Plan 2003

Policy BNE1 (Built Environment)
Policy BNE2 (Amenity Protection)
Policy BNE7 (Access for All)
Policy R5 (Retailing in Gillingham)
Policy R11 (Town Centre Uses)
Policy R12 (Mixed Use Schemes)
Policy CF2 (New Community Facilities)
Policy T13 (Vehicle Parking Standards)

Planning Appraisal

Principle

The High Street in Gillingham Town Centre is severed by Canterbury Street and Skinner Street. The mix of uses along this part of the High Street is varied but with class A1 retail uses predominating at ground floor level with residential above. The only other community use within the vicinity is St. Mark's Church. Policies R11 and CF2 encourage community facilities to be located within easy reach for the surrounding population and a town centre location is considered to be the most appropriate, provided it's presence would not have a detrimental impact on the viability or vitality of the retail core.

Given the mix of uses along this part of the High Street, and taking into account the unit is relatively small, there would no detrimental impact on the area in terms of its retail vitality and viability. In fact the use could assist by bringing people into the high street who will combine visit with utilising other facilities within the centre.

It is considered that the proposal would be in accordance with Policies ENV15 of the Kent Structure Plan, Policies R5, R11, R12 and CF2 of the Medway Local Plan and Policy QL1 of the Kent and Medway Structure Plan (deposit version) 2003.

Street scene and design

In terms of the appearance within the street scene, the frontage is already serving an office, which is not considered to be as active as a primary retail shop frontage. Taking this into account, there would be relatively little impact on the appearance of the unit within the street scene.

The proposed single storey rear extension would be quite large in terms of the projection from the rear elevation of the property and would also have a flat roof. However, the rear garden areas of the units along this part of the high street are relatively unkempt or have been developed with various extensions and/or extraction equipment. The rear garden area of the application is well screened on all sides, therefore the proposed extension would not have a detrimental impact on the character of the area.

It is considered that the proposal would be in accordance with Policies ENV15 of the Kent Structure Plan, Policy BNE1 of the Medway Local Plan and Policy QL1 of the Kent and Medway Structure Plan (deposit version) 2003.

Neighbours' amenities

Due to the design of the proposed extension with a flat roof and taking into account the height of the boundary treatment to all sides of the rear garden area, there would be no detrimental impact on the amenities of the occupiers of numbers 64 and 68.

The use of amplified equipment to enhance services is not unusual for this type of use. Coupled with the windows to be located on the north western side of the extension, this could result in a potential conflict between the proposed use and the adjacent residential use. The

applicant has agreed to submit an acoustic survey of the proposed use which would also set out any necessary mitigation measures.

Highways

The site is within the Town Centre which in this area is well served by public car parking facilities and accordingly no objection is raised in this regard.

Conclusion and reasons for approval

The proposed use would not harm the vitality and viability of the Town Centre. It would introduce a valuable community facility within an appropriate location. The built form would have no negative impact on the amenities of adjoining occupiers. The proposal is therefore in accordance with the above mentioned Development Plan policies and is recommended for approval

This application would normally fall for determination under powers delegated by Planning Committee but is reported to more than three letters have been received expressing views contrary to the recommendation.

16 MC2004/2806

Date Received: 20th December 2004

Location: 2 Hoo Common, Chattenden, Rochester, Kent, ME3 8LT

Proposal: Construction of single storey extension to the side and bay window to front ground floor with canopy over

Applicant: Mr & Mrs M Terry 2 Hoo Common Chattenden Rochester Kent ME3 8LT

Agent: Mr R L Thornton 30 Cheriton Road Rainham Kent ME8 OEU

Ward: Strood Rural

Recommendation - Approval with Conditions

(and as amended by plans received on 26th January 2005)

- 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.

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

Site Description

2 Hoo Common is a two-storey semi-detached property in a corner plot. The property is located in a residential area within the village of Hoo St Werburgh. It is set slightly lower than the road, and has a conservatory to the rear, with its entrance door on the flank wall. The front garden provides driveway parking for three cars, with the remainder laid to lawn, and has a brick wall of approx. 1m in height, while the rear garden is enclosed by a close boarded fence approx. 1.8m high.

The character of the area generally is mixed, although there are several properties similar to the application site in the vicinity. The adjoining property at no. 4 has a small bow window to front. The pair of properties beyond this (nos. 6 and 8) are set further forward, and no. 6 has flank wall windows facing the application property. There is no uniformity in the gaps between properties; however, on Broadwood Road all the properties are set back from the road, with the odd-numbered properties in line with the application site's flank wall. There are various porches and side extensions visible in the vicinity.

Proposal

The proposal is for a single-storey side extension, a bay window with canopy to the front and a new boundary fence. The extension, which would also feature a bay window to front, would

provide a study/bedroom and a utility room, and would project 3.7m from the flank wall of the property for its entire depth. The extension would have a gable end roof with a ridge height of 4.6m. The bay window and the bay in the extension would have a mono-pitched canopy above. The plans as originally submitted detailed an extension projecting 5 metres from the flank wall.

The boundary treatment proposed is a 1.8m high close boarded fence to enclose the rear, garden, beginning in line with the front wall of the house. Double gates are proposed to the rear of the side boundary.

Representations

The owners and occupiers of 1 and 4 Hoo Common and 11 and 28-40 (evens) Broadwood Road have been notified of the application.

Hoo St Werburgh parish council objected to the application as originally submitted on the grounds that it would be an over-intensification of the site.

Following re-consultation on the amended plans a letter has been received from a local resident confirming no objection to the proposal.

Development Plan Policies

Kent Structure Plan 1996

Policy ENV15	Built Environment
Policy T17	Parking Standards

Medway Local Plan 2003

Policy BNE1	Built Development
Policy BNE2	Amenity Protection
Policy T13	Parking Standards

Kent and Medway Structure Plan (Deposit Version) 2003

Policy QL1	Quality of Design
Policy TP19	Parking Standards

Planning Appraisal

Street Scene and Design

Although properties in Hoo Common and Broadwood Road are set back from the highway, there is no uniform building line, and several of these properties also feature front porches or side extensions. As originally proposed the extension would have filled almost the entire gap to the side of the property, which would have prejudiced the open character of the area. However, it is considered that the amendments to reduce the width of the extension have overcome this problem. By leaving a gap of 2m to the side boundary, particularly as it is single-storey, the extension would have no detrimental effect on the character and appearance of the area. It is considered that it is of appropriate scale in relation to the existing dwelling and would not result in an over-development of the plot, which is of

reasonable size. Given the mixed character of properties in the area, and noting that the adjacent property has a bow window to front, it is considered that the proposed bay windows and canopy are considered to be acceptable in terms of design and in relation to the character of the area.

The proposed close boarded fence would replace a similar existing fence, although it would be sited directly on the boundary rather than being set in and would extend further forward than the existing. Bearing in mind the presence of the similar existing fence, it is considered that the proposed boundary treatment would have a minimal and acceptable effect on the character of the area and the appearance of the street scene, and would not prejudice the openness of the area.

Neighbour Amenities

Given the location of the property on a corner plot, and the siting, scale and design of the proposed extension, it is considered to be at sufficient distance from all nearby properties to have no impact on their amenities in terms of loss of outlook, sunlight, daylight or privacy.

Highways

The proposed extension would not encroach on any parking areas or vision splays, and although an extra bedroom would be provided the property is considered to have sufficient off-street parking available. No highway safety objection is raised.

Conclusions and reasons for approval

Taking into account the relatively minor scale of the proposal as amended, its siting and design, and the location of the application site, it is considered that the extension would not be detrimental in terms of visual amenity issues, its impact on neighbouring properties' amenities or its impact on highway safety, and is therefore in accordance with the provisions of policies BNE1 and 2 of the Medway Local Plan 2003. The proposal is accordingly recommended for approval.

[This application would normally fall to be determined under officers' delegated powers, but is being reported for Members' consideration due to the letter from the parish council expressing views contrary to the officer's recommendation.]

17 MC2004/2824

Date Received: 22nd December 2004

Location: 134 Brompton Lane, Rochester, Kent, ME2 3BA

Proposal: Construction of single storey front & first floor rear extensions

Applicant: Mr M Viridi 134 Brompton Lane Strood Rochester Kent ME2 3BA

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

Ward: Strood North

Recommendation - Approval with Conditions

(as amended by plans received on on 25th January 2005)

- 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.
- 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.
- 4 Subject to the Local Planning Authority approving the development pursuant to planning application MC2004/2683, the works comprised in that development consisting of the construction of the first floor rear projection providing the bedroom, bathroom and part of the landing at 134 Brompton Lane, shall be carried out concurrently with the works comprised in the development hereby permitted consisting of the construction of the first floor rear extension. Any variation to this must first be agreed in writing by the Local Planning Authority.

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

Site Description

The application property was formally a two-storey, semi-detached house, but will shortly become a mid-terraced dwelling with the implementation of planning permission MC2004/1679, which has granted consent for the construction of an attached house within what was the side garden area to number 134. Works have commenced on the implementation of planning permission MC2004/1679.

The application property has a small front porch and a flat-roof single-storey rear extension. The front garden is hard-surfaced providing parking spaces for two cars, and is bounded by low fencing to front and adjacent to number 132. To rear the patio area is set lower than the rest of the garden. The rear garden is bounded by close board fencing, approximately 1.8 metres high and there is a garage to rear accessed via Steele Street.

Brompton Lane slopes significantly downwards from northwest to southeast. The area features predominantly turn-of-the-century and 1930s semi-detached and terraced properties, although other styles and ages of property are found in this street.

The ground level at 132 Brompton Lane is slightly lower, although the floor level of the properties is the same. To the rear, 2 Steele Street has its flank wall in close proximity to the party boundary, with one first floor window facing into the garden. The new house that is being constructed to the side of 134 Brompton Lane has been designed as a copy of the existing house to which it will be attached, with a single-storey rear projection. [A revised application MC2004/2683 for the new house to the side of 134 Brompton Lane has been received showing a corresponding first floor rear extension and is for consideration elsewhere on this agenda.]

Proposal

The submitted application proposes the construction of a single-storey front extension to provide additional lounge space and a first floor rear extension to enable an existing bedroom to be enlarged.

The first floor rear extension would be sited above the existing single storey rear extension and will have a depth of 2.9 metres. This first floor extension will occupy approximately three quarters of the width of the property and is to be set 2 metres in from the party boundary with number 132. It is to be noted that this extension has been amended to reduce its width, originally it was proposed that this addition would have extended across the full width of the property. The proposed rear extension will have a hipped roof with a ridge height of 7.2 metres and a mono-pitched roof would be constructed over the remaining 2 metre wide single storey extension.

The single-storey front extension would have a depth of 1.5 metres so that its front elevation follows the alignment of the existing porch. The front extension will infill the gap between the porch and the party boundary with number 132. The mono-pitched roof would also be in line with the existing porch and will have a ridge height of 3.2 metres.

It is proposed that both extensions will be finished in white render to match the exterior finish of the existing property.

Relevant Planning History

MC2003/1546	Construction of a part single and part two storey side extension Approved 5 September 2003
MC2004/0043	Outline application for construction of an end of terrace house Approved 7 March 2004
MC2004/1679	Construction of an attached 3-bedroomed house Approved 29 September 2004

MC2004/2683 Construction of a attached 3-bed house
For consideration elsewhere on this Agenda

Representations

Neighbour notification letters have been sent to the owners and occupiers of: 1 and 2 Steele Street; and 67 to 71(odds), 132 and 136 Brompton Lane.

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

- loss of privacy and loss light to rear garden;
- closeness and proximity of the development;
- loss of views of Rochester from surrounding properties, including views of Rochester Castle, Bridge and Cathedral;
- the proposed extension will not be in keeping with character of area, particularly the historic character of surrounding properties which are over 100 years old;
- noise and disturbance from construction work;
- lack of parking raises severe highway safety concerns;
- it may not be possible to construct adequate foundations for the front extension;
- concern that the applicant is trying to “develop by stealth” by submitting repeated revised applications; and
- the proposal will be of no benefit to the surrounding area or nearby residents.

Development Plan Policies

Kent Structure Plan 1996

Policy ENV15	(Built Environment)
Policy T17	(Parking Standards)

Medway Local Plan 2003

Policy BNE1	(Built Development)
Policy BNE2	(Amenity Protection)
Policy T13	(Parking Standards)

Kent and Medway Structure Plan (Deposit Version) 2003

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

Planning Appraisal

The main matters for consideration arising from this application are: design and appearance; the affect on the amenities of the occupiers of the neighbouring properties and parking implications.

Street Scene and Design

The proposed front extension is small in scale and many properties in the area have porches or small front extensions. The front extension will therefore not have a significant impact on the street scene. In design terms it is considered to be sympathetic to the design of the existing property and to the character of the area.

The first floor rear extension will be partially visible from Steele Street but given its siting to the rear of the property it is considered that it will not have any significant impact on the character of the street scene. Although two storey rear extensions are not a feature of the area it is considered that it would not be detrimental to the character of the area or to the appearance of the property.

In design and appearance terms the submitted proposals are considered to be in accordance with 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

Given the limited scale of the proposed front extension and its design and siting, it is considered that it will not have any detrimental impact on the amenities of the occupiers of the adjoining properties in terms of loss of outlook, sunlight, daylight or privacy.

The proposed first floor rear extension, in its amended form, is to be set in 2 metres from the party boundary with number 132. By in setting the flank wall of the rear extension from the party boundary with number 132, the presence of this extension will not give rise to an unacceptable loss of outlook or daylight for the occupiers of number 132. Although the new pitched roof to be constructed over what will remain of the existing single storey extension will cause some loss of daylight to the ground floor window at 132, this will be so slight compared to the existing situation that no objection can be sustained in this respect. Due to the relative orientation between numbers 132 and 134, the former will suffer only very minimal additional overshadowing. As no flank windows are proposed the presence of the proposed rear extension will not give rise to an unacceptable loss of privacy for the occupiers of number 132. The rear-facing bedroom window would have similar views to those from the existing first floor windows and will be at such a distance relative to the neighbouring property in Steele Street that it will not give rise to any unacceptable overlooking of that property. The property to the rear is considered to be at sufficient distance that although the proposed extension would be visible from the flank wall windows there will be no significant loss of outlook, sunlight or daylight as a result.

Due to the projection and orientation of the proposed extension along the party boundary with the house currently under construction to the north west of the application property, there is potential for significant and unacceptable losses of outlook and daylight to arise at first floor level for the prospective occupiers of the new house. However, there is a current application for a similar rear extension concerning the new house, a proposal that is the subject of

planning application MC2004/2683, which appears elsewhere on this agenda. The proposed first floor rear extension for the neighbouring new house would be of the same depth as the addition proposed at number 134 and provided both rear additions are constructed at the same time then the extension at number 134 will not result in any unacceptable loss of outlook or daylight for the occupiers of the new neighbouring house. It is therefore considered that this concern can be overcome by a condition requiring the two extensions to be built together. There will be some additional overshadowing to the rear garden of the new property, particularly during the early afternoon, but this will occur at a level that would not warrant the refusal of planning permission.

In amenity terms the proposal is considered to be acceptable and in accordance with the provisions of Policy ENV15 of the Structure Plan, Policy BNE2 of the adopted Local Plan and Policy QL1 of the emerging Structure Plan.

Highways

The proposed front extension would reduce the front garden area, which is currently used for parking, but given its siting and small scale, it would not reduce the property's overall parking provision. The rear extension would provide an enlargement of an existing bedroom rather than any additional accommodation and would therefore not increase the property's demand for parking space. Although it is accepted that parking is limited in the area, the property has sufficient on-site parking to comply with the parking standards and no objection can therefore be raised on this ground.

In parking terms the application accords with the provisions of Policy T17 of the Structure Plan, Policy T13 of the adopted Local Plan and Policy TP19 of the emerging Structure Plan.

Recommendation and reason for Approval

The extensions have been designed to reflect the appearance and character of the existing property and due to their size, location and the relationship of the existing property to surrounding properties, will not cause any unacceptable harm to the amenities of occupiers of adjoining properties. The proposal therefore accords with the provisions of Policies ENV15 and T17 of the Structure Plan and Policies BNE1, BNE2 and T13 of the adopted Local Plan and the application is accordingly recommended for approval.

[This application would normally fall to be determined under officers' delegated powers but is being reported for Members' consideration due to the need for it to be considered in conjunction with application MC2004/2683.]

18 MC2004/2845

Date Received: 23rd December 2004

Location: Land Adj. to 130 Maidstone Road, Rochester, Kent, ME1 3DT

Proposal: Change of use from shop to hot food takeaway and brick built extractor flue

Applicant: Mr G Singh 48 Hoath Lane Wigmore Gillingham

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

Ward: Rochester West

Recommendation - Refusal

- 1 The activity associated with the operation of the proposed hot food take-away during the evening period is likely to give rise to unacceptable levels of noise and disturbance to adjoining residents contrary to the provisions of Policy ENV15 of the Kent Structure Plan 1996, Policies R18 and BNE2 of the Medway Local Plan 2003 and Policy QL1 of the Kent and Medway Structure Plan (Deposit Version) 2003.
- 2 The absence of adequate off-street parking facilities to serve the requirements of the proposed use will be likely to result in on-street parking in Maidstone Road and Shaws Way that will be prejudicial to highway safety. The proposal is therefore contrary to Policy T17 of the Kent Structure Plan 1996, Policies R18 and T13 of the Medway Local Plan 2003 and Policy TP19 of the Kent and Medway Structure Plan (Deposit Version) 2003.
- 3 The proposal will unacceptably add to the demand for on-street parking in the area and will result in a detrimental impact on residential amenity. The proposal is therefore contrary to the provisions of Policy ENV15 of the Kent Structure Plan 1996, Policy BNE2 of the Medway Local Plan 2003 and Policy QL1 of the Kent and Medway Structure Plan (Deposit Version) 2003.

Site Description

The application property comprises a recently constructed end-of-terrace Class A1 shop unit that is currently vacant, with two flats above. The application property is in a parade of commercial units with flats above and the other commercial units in the parade include: a hairdresser; a funeral parlour; a florist; an aerial sales and repairs outlet; a motor spares shop and a general convenience store/mini supermarket. Opposite the site to the east, is St. Margaret's Cemetery. To the north, south and west of the application premises there are residential properties in Grange Road, Shaws Way and Maidstone Road.

Off-street parking is available to the rear of the property for the residents of the flats. In front of this parade of shops there is a parking lay by with loading bays that is capable of accommodating approximately 12 cars.

The majority of the units in this parade have opening hours between 9.00 am to 5.30 pm, although the mini-market opens between 6.00 am until 10.00 pm generally throughout the week with slightly reduced hours over the weekend.

Proposal

The submitted application seeks permission for the change of use from a shop (Class A1) to a hot food takeaway (Class A3) and the construction of brick clad chimneystack to the rear to house the proposed extraction system.

The proposed hot food takeaway unit would comprise a waiting area to the front of the unit with kitchen, storage and preparation areas to the rear of the premises. It is proposed that the hot food takeaway unit would trade between 11.30 am to 2.00 pm and 4.00 to 10.00 pm Mondays to Saturdays inclusive and not at all on Sundays and be staffed by one full time employee and one part time employee.

The only external works would involve the construction of the chimneystack housing the extraction system and this would be approximately 1.4 metres high and 700mm square.

Relevant Planning History

130 and land adjacent to 130 Maidstone Road

ME/81/6/AT	Installation of Illuminated projecting sign Refused 16 March 1981
ME/85/40/AT	Installation of Illuminated projecting sign Refused 4 July 1985
ME/87/704	Outline permission for shop with flat over Approved 8 September 1987
ME/87/704/A	Details pursuant to outline for shop with flat over Approved 21 July 1988
ME/89/0319	Proposed erection of shop with two 1-bedroomed flats over Approved 18 July 1989
ME/89/1031	Proposed erection of restaurant and take-away with residential accommodation above Approved 21 November 1989
MC1999/6083	Construction of a restaurant with residential accommodation above Refused 14 February 2000
MC2002/0348	Construction of a three storey building comprising retail shop at ground floor level, 2-bedroomed flat at first floor level and 1-bedroomed flat at second floor level Approved 5 June 2002

120 Maidstone Road

ME/77/782 Proposed Takeaway food shop
Refused 13 February 1978
Appeal dismissed 1989

122 Maidstone Road

ME/89/0713 Proposed change of use to hot food takeaway
Refused 15 August 1989

124 Maidstone Road

ME/90/0811 Change of use to hot food take-away
Refused 20 November 1990

ME/86/580 Proposed change of use from retail grocery store, to take-away hot food
Refused 9 September 1986

ME/92/0049 Change of use from Class A1 (Greengrocery/Grocer) to Class A3) Hot
food takeaway)
Refused 17 March 1992
Appeal Dismissed 4 August 1992

ME/92/0275 Change of use from class A1 to Class A3, (Hot food takeaway)
Refused 9 June 1992

128 Maidstone Road

ME/89/1003 Change of use from shop to hot food takeaway
Refused 24 October 1989
Appeal Dismissed 2 July 1990

Representations

The application has been advertised on site and neighbour notification letters have been sent to the owners and occupiers of: 116a, 118, 120, 120a, 122, 122a, 124, 124a, 126, 126a, 126b, 128, Flat 128, 130, Flat 130, 132, 136 and St. Margaret's Cemetery Maidstone Road; 1, 2, 3, 4, 6, 7, 13,14 Shaws Way; and 7, 14, 15, 16 Grange Way.

Forty-three letters and a petition of 310 signatures have been received objecting to the application for the following reasons:

- There is inadequate parking to serve the proposed use and the proposal will result in increased on-street parking and congestion in the area which will be prejudicial to highway safety;
- The proposed use will give rise to noise and vibration disturbance for adjoining residents;
- The proposal will give rise to unacceptable odours;
- The proposal will give rise to disturbance through increased activity and a loss of privacy for adjoining residents;

- Inadequate refuse storage arrangements will be made and the proposed use will result in litter problems in the surrounding area;
- The proposed use will result in increased numbers of vermin in the area;
- The proposal will encourage loitering and anti-social behaviour; and
- There is adequate provision of hot food takeaway facilities in the surrounding area and the proposed outlet will impact upon the viability of other surrounding hot-food takeaways.

Development Plan Policies

Kent Structure Plan 1996

Policy ENV15	(Built Environment)
Policy T17	(Parking Standards)

Medway Local Plan 2003

Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)
Policy R18	(Take Away Hot Food Shops, Restaurants, Cafes, Bars and Public Houses)
Policy T1	(Impact of Development)
Policy T13	(Parking Standards)

Kent and Medway Structure Plan: Deposit Version 2003

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

Planning Appraisal

Policy Context and Principle

Policy R18 of the adopted Local Plan sets out criteria for the consideration of proposals to establish Class A3 food and drink premises, including hot food takeaway outlets, outside core retail areas. Policy R18 indicates that Class A3 uses will not be permitted where, inter alia, they would have a detrimental impact on the amenities of neighbouring residents, particularly in relation to noise disturbance at anti-social hours and the generation of odours, and an adverse affect upon highway safety would arise. For such uses to be acceptable mitigation measures should be available to address: noise; general disturbance; the generation of odours; and the provision of adequate parking to meet the parking demand that it is expected to be generated by the proposed use.

It is considered that the proposal does not comply with the provisions of Policy R18 and other more specific issue based policies contained within the development plan for the reasons set out below.

It is to be noted that this parade of shops has been the subject of a significant number of planning applications for proposed changes of use from Class A1 shops to Class A3 hot food takeaway outlets. The vast majority of these historic applications have been refused planning permission, principally on grounds of adverse impact upon the amenities of the occupiers of adjoining properties and/or highway safety arising from the inadequate provision of parking

facilities to serve the proposed outlets. Three of these applications have subsequently been the subject of appeals, which were variously dismissed on the grounds of adverse impacts upon residential amenity and highway safety. This extensive planning history is material to the consideration of the current application.

Amenity Considerations

It is proposed that the hot food takeaway outlet would trade up until 22:00 (10pm) Mondays to Saturdays inclusive and not at all on Sundays. It is considered that even within this relatively early closing time the proposed use would be likely to cause unacceptable levels of extraneous noise disturbance to the occupiers of neighbouring dwellings. The proposed use is likely to generate a significant level of car borne trade and with the attendant noise and activity such vehicles would generate (slamming of doors, the playing of radios and the starting of engines) residents would be likely to experience a material increase in noise disturbance, compared with the prevailing situation, in the mid to late evening period when they could otherwise reasonably expect a reduced level of activity.

10pm is a relatively early closing time for this type of outlet and it is likely that if the proposed business was to prove to be successful, or for that matter unsuccessful, pressure would develop post the granting of any planning permission for the current proposal to extend the opening times to later into the evening period with result that the potential for noise disturbance at anti-social times to be exacerbated. The protection of residential amenity within the immediate vicinity of the application premises requires that any forthcoming planning permission for this use would be the subject of very restrictive opening hours and these limitations on the permission would call into question the benefit of any such permission granted. It is considered that this concern about noise being generated in association with the proposed use could not reasonably be controlled by condition, having regard to the advice contained within Circular 11/95, which concerns the use of planning condition.

In this respect it should be noted that the Inspector who dismissed the appeal relating to 128 Maidstone Road in July 1990 considered that a condition controlling hours of opening would not prevent unacceptable noise levels and that such a condition could subsequently be construed as being unduly restrictive and therefore onerous upon the applicant. The Inspector also commented that such a condition could also be susceptible to pressure to extend hours to include a later closing time. The Inspector who dismissed the appeal relating to 124 Maidstone Road in August 1992 took a similar approach to this issue, finding a closing time of 9.30pm as proposed by the applicant to be too onerous and thus impractical.

Having regard to the proximity of the application site to residential properties, it is considered that the proposed use would result in an unacceptable increase in noise and disturbance to the occupiers of neighbouring properties and that in this respect the application is contrary to the provisions of Policy ENV15 of the Structure Plan, Policies BNE2 and R18 of the adopted Local Plan and Policy QL1 of the Kent and Medway Structure Plan (Deposit Version) 2003 (the emerging Structure Plan).

With respect to the control of cooking odour, it is proposed that these will be controlled by with the installation of extraction equipment trunked through a new chimney stack. It is considered that modern extraction equipment can adequately address the generation of odours and accordingly, subject to the imposition of a condition requiring the installation of appropriate equipment, this issue could be addressed without the proposed use giving rise to an unacceptable loss of amenities for the occupiers of neighbouring properties.

Design Considerations

The only change to the external appearance of this property arising from this proposal would involve the construction of the brick built flue. The brick built flue would have a similar appearance to other chimneys sited in this terrace. Taking this into account there would be no detrimental impact on the appearance of the street scene as a result of the proposed flue. In appearance the proposal accords with the provisions of Policy ENV15 of the Structure Plan, Policy BNE1 of the adopted Local Plan 2003 and Policy QL1 of the emerging Structure Plan.

Highways

The site is located in a principally residential area. Most of the commercial units within the parade, with the exception of the mini supermarket, operate within usual business hours. There are limited parking facilities available to serve the shop units in this parade and the flats above. The yards to the rear of the shop units appear to be used more for storage purposes than parking, while the lay by area in front of the parade is heavily used. It is common for the spaces within the lay by to be fully utilised with the result that vehicles park opposite the parade in the road and on the footway. The adopted vehicle parking standards (as maxima) indicate that six spaces should be provided in the case of hot food takeaway outlets to provide for the needs of both staff and customers having regard in particular to the high turnover of car borne customers such establishments attract.

It is considered that the proposed change of use would add to the considerable demand for parking in the immediate vicinity of the application site, with the result that increased on-street parking will arise, which having regard to the high flow of traffic along Maidstone Road, would give rise to conditions that would be prejudicial to highway safety with vehicles parking indiscriminately in inappropriate locations, for example at the junctions of Maidstone Road with Shaws Way and Grange Way, and/or undertaking manoeuvres that will interrupt the free and safe flow along Maidstone Road. It is therefore considered that in the absence of adequate parking that the proposal is contrary to the provisions of T17 of the Structure Plan, Policies R18 and T13 of the adopted Local Plan and Policy TP19 of the emerging Structure Plan.

It is further considered that because of the limited off-street parking facilities available to serve the proposed use that it has the potential to give rise to on-street parking within Shaws Way and Grange Way, which are particularly narrow streets, which would be prejudicial to the amenities of residents in these streets. In this respect the application is considered to be contrary to the provisions of Policy ENV15 of the Kent Structure Plan, Policy BNE2 of the Local Plan and Policy QL1 of the emerging Structure Plan.

Recommendation

The application for the reasons set out above is unacceptable in amenity and highway terms and is therefore contrary to the sited Development Plan policies. The application is therefore recommended for refusal.

[This application would normally fall to be determined under Officers' delegated powers but is being reported for Members determination at the request of Councillor baker because of the level of representations that have been received objecting to this application.]

19 MC2004/2852

Date Received: 30th December 2004

Location: 41 Rolvenden Road, Wainscott, Rochester, Kent, ME2 4PF

Proposal: Construction of two storey rear, single storey front and side extensions (demolition of existing front porch)

Applicant: Mr S S Hothi 14 View Road Cliffe Woods Rochester Kent

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

Ward: Strood Rural

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 dwelling.

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

Site Description

The application property is a two storey semi-detached house located in an area of dwellings of the same build and general design.

The site is located at the junction of Rolvenden Road and Ashenden Close. The property has been extended in the past with the addition of a two storey side extension and a front porch. A high level boundary wall runs along the side of the house and the rear garden is enclosed by 1.8 metre high fencing on top of a low level wall. The ground level of the application site is between 0.8 and 1.2 metres above the road level. The application property also has a basement, with a floor to ceiling height of about 1.7m, which is used for storage.

The property has an allocated garage in Ashenden Close to the rear of the site. There is hardstanding capable of accommodating 2 cars at the side of the property.

Proposal

This application is for the construction of:

- a garage to the side of the property;
- a two storey extension to the rear of the property; and
- a single storey front extension.

The proposed garage as a consequence of the angled nature of the property's side boundary would be wider at the rear than the front. The front of the garage would be set in line with the front elevation of the main body of the property and the rear elevation would align with the rear elevation of the house. The proposed garage would have a pitched roof.

The two-storey rear extension would occupy two thirds of the width of the property's rear elevation as currently extended and its western flank wall would be set in from the party boundary with 43 Rolvenden Road by 3.3 metres. The proposed extension would have a depth of 3.1 metres and would accommodate a utility room and breakfast room at ground floor level and extend an existing bedroom and provide a new en-suite bathroom at first floor level. This extension would have a gabled end pitch roof

The front extension will project in line with the porch and would therefore have a depth of 1.35 metres and will provide additional dining room space. This extension will have a mono-pitched roof.

It is proposed that all three extensions will be constructed in facing brickwork and roof tiles to match the external materials that have been used on the exterior of the existing property.

Relevant Planning History

85/910 Front porch and two-storey side extension
 Approved 21st December 1985

Representations

Neighbour notification letters were sent to the owners and occupiers of: 2, 4, 5 and 6 Ashenden Close; and 39, 43, 44, 46, 48 and 50 Rolvenden Road.

Frindsbury Extra Parish Council has written objecting to the application on the grounds that the proposals:

- represent an over development of the site;
- the appearance of the extended property will 'vary' from surrounding houses and therefore alter the street scene; and
- there will be inadequate parking to serve the requirements of the extended property.

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

- the proposals represent an over development of the site;
- the extensions will be out of character with area and other properties in the street;
- the proposals will result in increased on-street parking in an area which already has limited parking availability; and
- the proposal will result in the loss of daylight to 43 Rolvenden Road.

Development Plan Policies

Kent Structure Plan 1996

Policy ENV15	(Built Environment)
Policy T17	(Parking Standards)

Medway Local Plan 2003

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

Kent and Medway Structure Plan (Deposit Version) 2003

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

Planning Appraisal

The main matters for consideration arising from this application are: its appearance; the affect on the amenities of the occupiers of the neighbouring properties; and parking implications.

Street Scene and Design

It is considered that the design of the proposed extensions compliments the design of the original dwelling and other dwellings in the street.

The front extension is of a small single storey projection, designed to be in-line with the existing front porch. It will therefore have a minimal presence within the streetscene.

The proposed garage will appear as a subservient extension to the original dwelling. From Ashenden Close the rear garden fencing will significantly screen the appearance of the garage.

The rear extension will have a gabled roof and will occupy about two thirds of the width of the property's existing rear elevation. This extension will have a depth of 3.1 metres and will therefore not appear as being unduly prominent when it is viewed from the rear.

It is considered that the design and scale of the proposed extensions will be in keeping with the character of the existing property and in this respect 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 Kent and Medway Structure Plan (Deposit Version) 2003 (the emerging Structure Plan).

Impact on neighbours' amenities

The proposed additions will all be well set away from the application property's party boundary with 43 Rolvenden Road and there will be no windows in the north western elevation of the proposed rear extension facing number 43. These factors, in combination with the limited projection of the rear extension, mean that the proposed additions will not

give rise to any loss of amenities for the occupiers of 43 Rolvenden Road in terms of loss of outlook, privacy or light. There will be some additional overshadowing of the rear garden of 43 Rolvenden Road during morning hours but the extent and duration of this overshadowing is not sufficient to warrant the refusal of planning permission.

Due to the gap between 39 and 41 Rolvenden Road, as a result of the former lying on the opposite side of Ashenden Close, the proposed extensions will have no adverse affect upon the amenities of the occupiers of number 39.

The neighbouring properties in Ashenden Close, to the rear of the application property, are about 25 metres from the rear elevation of the application property. As a consequence of this distance the proposed extensions will not give rise to a loss of amenity for the occupiers of those properties in terms of a loss of outlook, privacy, light or overshadowing.

In amenity terms the proposal is considered to be acceptable and in accordance with the provisions of Policy ENV15 of the Structure Plan, Policy BNE2 of the adopted Local Plan and Policy QL1 of the emerging Structure Plan.

Highways matters

This development will provide a garage to the side of the dwelling, where there are currently 2 off-street parking spaces. The property also has a garage within Ashenden Close.

The property, as currently extended, has 5 bedrooms. As a result of this development there will not be an increase in the number of bedrooms. However, there will be a decrease in the number of parking spaces available from 3 to 2 due to the construction of the new garage on the existing parking area.

The adopted Vehicle Parking Standards require the provision of a maximum of 1.5 parking per dwelling within the urban area. The 2 parking that would be available to this property would satisfy the requirements of the parking standards and accordingly 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.

Other Matters

Many of the letters received raise matters that are not material to the consideration of the current planning application. These concerns appear to relate to the occupation of the property in the past when it was rented and the representations that have been received suggest that the enlargement for this property will result in a recurrence of these former problems.

The type of tenure and nature of occupancy for dwellinghouses do not fall to be considered in land use planning terms so long as the property concerned continues to be occupied under the provisions of Class C3 of the Use Classes Order. In this respect Class C3 allows dwellinghouses to be occupied as shared houses by up to 6 unrelated people living as a single household as well as by single families.

Recommendation and reason for Approval

The extensions have been designed to reflect the appearance and character of the existing property and due to their size, location and the relationship of the existing property to

surrounding properties, will not cause any unacceptable harm to the amenities of occupiers of adjoining properties. The proposal therefore accords with the provisions of Policies ENV15 and T17 of the Structure Plan and Policies BNE1, BNE2 and T13 of the adopted Local Plan and the application is accordingly recommended for approval.

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

20 MC2005/0016

Date Received: 5th January 2005

Location: 234 Nelson Road, Gillingham, Kent, ME7 4LU

Proposal: Demolition of bungalow and construction two houses

Applicant: TGB Brickwork Ltd C/o TGM Bridge Stable Cottage Manor Lane
Longfield Kent DA3 8ND

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

Ward: Gillingham South

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 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 The first floor window on the northern elevation of the northern plot shall be fitted with obscure glass and shall be non-opening apart from any top hung fan light and shall thereafter be maintained.
- 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 northern elevation of the northern plot herein approved without the prior written approval of the Local Planning Authority.
- 5 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied and shall thereafter be maintained for the duration of the development. Development shall be carried out in accordance with the approved details.
- 6 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.

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

Site Description

The site is located at the corner of Nelson Road and Napier Road. To the south of the site is a raised grassed area, and footpaths run round the perimeter. To the north of the site is another detached bungalow. The boundary between the two properties is block brickwork while the remainder of the site is bounded by a 1.6m high brick wall.

The site is located in a mainly residential area. Nelson Road is characterised by terraces, whilst Napier Road has a mixture of detached and semi-detached houses. Slightly further to the north of the site is a builders merchants yard, with the building having a similar height to a two storey building.

The bungalow itself (which is now being demolished) had a few flat roof additions and a detached pre-fabricated concrete garage was sited to the north of the bungalow. Access to the site is from a driveway situated by the boundary with 232 Nelson Road, with iron gates.

There are a number of trees within the site, along the perimeter, which include some relatively mature fir trees along the western boundary, one by the driveway entrance, and some other trees round the southern curved boundary.

Proposal

It is proposed to demolish the existing bungalow and to construct two houses with attached garages.

The new properties would front onto Nelson Road, and are proposed to be of the same design. Vehicular access would be from Napier Road with two separate driveways being proposed. The two dwellings would be separated by one of the garages, with the other being sited on the northern elevation of the property closest to 232 Nelson Road.

The dwellings would be positioned across the footprint of the existing bungalow, and extending slightly further south.

The houses would have a two storey, gabled, bay window detail on the front elevation. Dummy chimneys are proposed and the properties would have a ridge height of 10.1m.

Materials proposed are facing brick and Redland grey cambrian slates. Stone/concrete head beams are proposed above the windows and traditional sill projections below.

Site Area/Density

Site area: 0.065 hectares (0.16 acres)

Site density: 31 dph (12.5 dpa)

Relevant Planning History

MC2004/2473 Demolition of bungalow and construction of two houses with attached garages
Withdrawn 23 December 2004

Representations

The application has been advertised on site. The owners and occupiers of the following properties have been notified of the application: 232, 167- 181 (odds) Nelson Road and 257-263 (odds) Napier Road.

Three letters have been received raising the following concerns:

- Loss of light and sunlight due to proximity of dwelling to neighbouring bungalow;
- Even as amended scheme will affect light to this whole of this side of the adjoining bungalow (including windows to lounge and bedroom);
- Bungalow would be 'lost' between 2 tall buildings either side;
- Scheme should be for bungalows not two storeys;
- Design not in keeping with other properties in the area;
- Bungalow next door would look odd with two houses beside it;
- Parking problems;
- Spoil view from neighbours property;
- Only bungalows should be built here;
- Unacceptable aesthetic change to the appearance of the area;
- Height and separation of the buildings would be intrusive;
- Increase in housing density in an area which is predominantly low density;
- Development would have an adverse effect on the character of the Gillingham Park Conservation Area; and
- Will set a precedent for encouraging other developments of a similar nature.

Development Plan Policies

Kent Structure Plan 1996

Policy ENV15	Built Environment
Policy ENV16	Urban Open Space and Town Cramming

Medway Local Plan 2003

Policy BNE1	General Principles for Built Development
Policy BNE2	Amenity Protection
Policy BNE12	Conservation Areas
Policy H4	Housing in Urban Areas
Policy T1	Impact of Development
Policy T2	Access to the Highway
Policy T13	Parking Standards

Kent and Medway Structure Plan (Deposit Version) 2003

Policy QL1	Quality of Development and Design
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Planning Appraisal

Principle

The site lies within the built up area, where the principle of residential development is acceptable, in accordance with Policy H4. The proposal will therefore be considered in the light of the design and amenity policies of the adopted Local Plan.

This application is a resubmission, following the withdrawal of a similar scheme at the end of last year.

Street Scene and Design

The proposed dwellings have been designed to replicate the style of properties in Nelson Road, in terms of the gabled bay windows at the front, the arched doorway and the chimney. It is considered that the proposal would compliment the character of the area and the street scene, when viewed from Nelson Road.

The character of the properties in Napier Road is not as strong as in Nelson Road, as there are a variety of styles and designs in the general locality of the site. The proposed rear elevations are relatively plain, but it is considered they would not be harmful to the street scene, especially when viewed in the context of the rear elevations of 228 and 230 Nelson Road and the Builders Merchant next door.

As you approach the junction of Napier Road and Nelson Road from the south, there would be a marked change in the appearance of the site, with the gable side elevation of the one of the dwellings being visible in contrast to the existing bungalow. The windows and chimney help give some interest to this elevation, which would otherwise be quite plain, and the existing trees along this southern boundary would help soften this elevation.

It is considered that the site is large enough to accommodate these two properties whilst retaining adequate amenity space for both dwellings.

The site lies adjacent to, but outside of, Gilligham Park Conservation Area. Given the design of the dwellings it is considered that they would not materially affect the character of the Conservation Area. Control over the materials to be used in construction could be secured by condition.

Neighbour Amenities

The previous scheme was withdrawn due to officer concern about the proximity of the house to the neighbouring bungalow at 232 Nelson Road. At that time the flank elevation of the new house would have been only 5.5m away from the side of the neighbouring bungalow. In order to provide a more acceptable relationship between these properties, the garage for the closest new dwelling has been relocated to this elevation, so that the two storey element is moved a further 2.7m away from the bungalow.

It is considered that this increased separation, combined with the skewed angles the dwellings would sit at, would ensure that the new house would not have an overbearing effect on the occupiers of the bungalow.

The first floor window on the external side elevations of the proposed dwelling closest to the bungalow serves a bathroom, therefore it is appropriate to condition this be obscure glazed, which will ensure a loss of privacy would not occur for the occupiers of the neighbouring bungalow.

The replacement of the bungalow with two houses would result in a different outlook for the properties in both Napier Road and Nelson Road. However, given the siting of the garages between the houses, there would still be gaps between the two dwellings allowing views through and around the dwellings from the existing properties.

The increase in housing density created by this proposal would be minimal given that there would only be a net gain on 1 dwelling. Furthermore the density of development on site would only be just over the minimum density of 30 dwellings per hectare promoted by PPG3, and it is therefore not considered to be an over-development of the site in this respect.

Highways

The proposed dwellings would have two parking spaces each (one in the garage and one on the driveway in front). The driveway is of sufficient length that cars could pull off the highway to wait while opening the garage doors, therefore the scheme would not affect the free flow of traffic.

The number of parking spaces proposed exceeds the parking standards for urban areas with high accessibility (proposed at 1.5 spaces per unit), which this site would fall within. However, given the congestion that was evident in the area with on street parking (and the objection received in relation to this), it is considered that this over-provision would be acceptable.

The creation of an additional dwelling would intensify the use of the access onto Napier Road but not to the detriment of highway safety.

Conclusions and reasons for approval

The proposal is considered to be an improvement over the previously withdrawn scheme in terms of addressing the impact on the amenities of the adjoining bungalow, and the dwellings are considered to be of an appropriate design and siting. The proposed development is therefore considered to be acceptable, in accordance with Policies ENV15 and ENV 16 of the Structure Plan and Policies BNE1, BNE2, BNE12, H4, T1, T2 and T13 of the adopted Local Plan, and is recommended for approval.

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

21 MC2005/0047

Date Received: 13th January 2005

Location: 26 Guinness Drive, Wainscott, Rochester, Kent ME3 8GE

Proposal: Part conversion of garage to form habitable room

Applicant: Mr P Cutts 26 Guinness Drive Wainscott Rochester Kent ME3 8GE

Agent:

Ward: Strood Rural

Recommendation - Approval with Conditions

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

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

Site Description

The site for the proposed part conversion of garage to form habitable room is on a late 1990's development. This particular part of the development consists of only of six dwellings that are to the northwest end of Guinness Drive, which is a cul-de-sac. This group of houses are a distance from the rest of the development. There is a large bank to the south of the site which results in this group of houses not being visible from Ashcroft Road. Within this group of housing there are detached and semi-detached properties. They all have a common modern design by using similar details such as the high roof pitches and the use of different colour bricks from the rest of the house around the windows. To the front of the dwellings there is a shared surface of black tarmac.

Currently parking is provided with one space in the garage, another in front of the garage with the shared surface providing additional visitor spaces.

Proposal

This application proposes to retain the front of the existing garage as a store, (utilizing the existing garage door for access) and to convert the rear two thirds of the garage into a habitable room (dining room). The only external building works proposed are the removal of the rear door and window and their replacement with a set of French doors.

Representations

Neighbour notification letters have been sent to the owners and occupiers of 24 & 28 Guinness

Frindsbury Extra Council has written objecting to the application on highway grounds. This is due to it being at the end of a cul-de-sac where there are narrow roads. The loss of this parking space will put extra pressure on parking provision.

Development Plan Policies

Kent Structure Plan 1996

Policy ENV15 (Built Environment)

Medway Local Plan 2003

Policy BNE1 (General Principles for built development)
Policy BNE2 (Amenity protection)

Kent & Medway Structure Plan (Deposit Plan) 2003

Policy QL1 (Quality of design)

Planning Appraisal

The main issues for consideration arising from this application are:

- Street scene;
- Neighbour amenities; and
- Highways and car parking.

Street Scene and Design

The front part of the garage will remain unchanged as the garage door will be retained to serve a storage area at the front. There will therefore be no impact in terms of the street scene. To the rear French doors will be installed in place of the current door and window but this will not have any impact in terms of the appearance and character of the property. The proposal is therefore acceptable in relation to Policy BNE1 of the Medway Local Plan 2003

Neighbour amenities

In amenity terms the proposed part conversion of garage to form habitable room is considered to be acceptable and will have no impact on the amenities of neighbouring properties. No objection is raised in this respect 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.

Highways

The result of the development would mean that the garage will be lost for off street car parking. This will mean that there will only be one space on site for the parking of a vehicle although there will be a visitor space available within the shared surface area. On the basis of the availability of this space within the shared area it is not considered that the loss of the garage for vehicle parking will cause any harm to parking in the adjacent roads and therefore there will be no harm to general amenity of neighbouring residents.

Conclusion and reasons for Approval

The visual impact of the proposed development is not harmful while the shared surface will allow for visitor parking to ensure that the proposal does not cause congestion on neighbouring roads and thereby detrimentally affect the amenities of neighbouring residents. The proposal is in accordance with the above mentioned Development Plan policies and is recommended for approval.

[The application would normally be determined under officers' delegated powers, but is being referred for members' consideration due to the letter received from the Parish Council expressing views contrary to the officer recommendation.]
