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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.
Recommendation - Approval with Conditions

(as amended by plans received on 25 October and 22 November 2005)

A The application being referred to the Secretary of State as a Departure from the Development Plan.

B A section 106 agreement being entered into to secure a contribution of:

- £5,256 towards the improvement and maintenance of Borstal Recreation Ground; and
- £18,000 towards primary education facilities

C The imposition of the following conditions:

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

2 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied and shall thereafter be retained. Development shall be carried out in accordance with the approved details.

3 Details and samples of any materials to be used externally and any means of enclosure shall be submitted to and agreed in writing by the Local Planning Authority before development is commenced and development shall be carried out in accordance with the approved details.

4 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: existing and proposed ground levels including any earthworks; car parking layouts; other vehicle and pedestrian access and circulation areas; and hard surfacing materials. Soft landscape works shall include details of replacement trees; 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 and maintenance 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 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.

7 Prior to the first occupation of the development hereby permitted, vision splays of 2 metres x 70 metres to the north of the vehicular access point and 2 metres x 45 metres to the south of the vehicular access point shall be provided, and no obstruction of sight more than 0.6 metres above carriageway level shall be permitted within the splays thereafter.

8 No part of the development shall be occupied until the means of vehicular access has been constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

9 Prior to the commencement of development details of the layout, construction and fencing for the approved tennis courts shall be submitted to the Local Planning Authority and approved in writing. The tennis courts shall be provided in accordance with these approved details, and be available for use prior to the start of the first school tennis season following the commencement of development.

10 Prior to the commencement of development details of the warning signs for the speed reduction measures along Borstal Road shall be submitted to the Local Planning Authority and approved in writing. These approved signs shall be provided at the same time as the speed restraint measures and prior to the occupation of any part of the development hereby approved.

11 Prior to commencement of the development hereby permitted an investigation shall be undertaken to determine the nature and extent of any contamination. The results of the investigation together with a risk assessment by a competent person and details of a scheme to contain, treat or remove any contamination as appropriate, shall be submitted for the written approval of the Local Planning Authority. The approved scheme shall be fully implemented and a completion
report issued by the competent person referred to above, stating how remediation has been completed and that the site is suitable for the permitted use, shall be provided to the Local Planning Authority prior to first occupation of the development hereby permitted.

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 forms part of land owned by Kings School, Rochester, and is located on the eastern side of Borstal Road in Rochester. There is an existing access from Borstal Road, opposite numbers 70, 72 and 74, which is up a steep incline and through gates up to the site. The site is zoned within the Local Plan as part of a larger area as an area of protected open space.

At present the site has a mixture of uses. There is an area used for the storage of 11 metal containers, plus some hardstanding and mounds of earth. In addition there are two grass tennis courts located at the southern end of the site. The existing access road runs through the site and provides a link to the sports pitches that lie to the east of the site. The sports pitches are separated from the application site by a row of substantial leylandii trees, which form the rear boundary of the site.

On the bank leading from the site down to Borstal Road are some mature trees and hedge screening, but which are not particularly well maintained.

There is a change in levels between the site and Borstal Road, so that the site is at a much more elevated position. In addition there are changes in levels across the site, so that it rises away from the access to the southern boundary of the site with the Abbotts Close development, and also rises, with plateaus in the middle from Borstal Road to the east.

To the east of the site is the playing field, while to the south are properties located in Abbotts close, and the Foord Almshouses. To the west are the large detached properties fronting onto Borstal Road, and to the north the cemetery, allotments and bowls green.

Proposal

This is a full planning application for the relocation of the tennis courts and the erection of 6 detached five-bedroom houses.

The houses would front towards Borstal Road and would be sited in a line, extending from the edge of the site with Abbotts Close back along to where the containers are currently sited.

The houses are of a modern design, and each would essentially be the same, but with three handed. In addition the end two properties have been varied slightly to create the ‘bookend’ effect. For these two properties the projection of the living rooms has been extended slightly in height.

The houses are essentially interlocking cuboid volumes, which are designed to fragment the built mass, and provide a human scale. From the front elevation they would be three stories, but due to the change in levels, would appear as two storey from the rear (with the ground floor being at a sunken level). The fractured appearance would be reinforced by the use of
different materials to emphasise the different elements of the design. The houses would have a flat roof to be used as a sun terrace, and there would be a sunken courtyard to the rear. Each would have a double garage with parking in front and would share the same access road.

The houses would have a maximum width across the frontage of 12.5m and a maximum depth of 18m (including the balcony projection at the front). The height of the houses would be 10m with the stairwell leading up to the terrace extending to 11.5m in height.

At ground floor level there would be a study, guest bedroom and family room, whilst at first floor level the dining room, kitchen and living room would be located with an open plan design. A balcony would be provided off the living room facing towards Borstal Road. The four main bedrooms, all with en-suite would be located on the second floor, along with access to the roof terrace.

The two tennis courts would be relocated within the playing fields, adjacent to the northern boundary and the bowling green.

Site Area/Density

Site area: 0.9487 hectares (including area for new tennis courts) (2.35 acres)
Site density: 6 dwellings per hectare (2.5 dpa)

Site area of proposed houses only: 0.6108 hectares (1.51 acres)
Site density: 10 dwellings per hectare (4 dpa)

Relevant Planning History

MC2005/1696 Use of land for siting of eleven storage containers
To be considered later on this agenda.

Representations

The application has been advertised on site and in the press. Sport England has been consulted. Neighbour notification letters have been sent to the owner/occupiers of 66-102 (evens) Borstal Road; 8 and 9 Abbotts Close; 48-68 (consec) Foord Almshouses; and the Bowling Green Club House.

Re-consultation letters were sent to the above properties and the owner /occupiers of The Territorial Army Centre, St Margaret’s Street; 1-60 (consec) The Queen Mother Court; and 137 and 104-160 (evens) in order to advertise the fact that the proposals included traffic calming along Borstal Road.

Twenty-six letters of objection were received in relation to the original plans raising the following points:

- Site large enough for the sight lines to be created without reduction in the width of the road
- Reduction in the width of the carriageway along Borstal Road would put those cars parked opposite on Borstal Road at risk from lorries passing through a gap of 2.6m
- Reduction in width of carriageway will cause further congestion and safety hazards
- Reduction in width of carriageway would result in the road being too narrow for the medium sized commercial vehicles which use it
- Visibility splays would get overgrown from vegetation on the banks and would need to be constantly cut back.
- Bank should be cut back to provide sight lines, not bringing the junction forward
- Application should include a landscape plan detailing what trees are to be retained and cut down and what new trees would be planted
- Many houses in Borstal Road would be overlooked as a result therefore landscaping important
- The development should secure some planning gains (affordable homes, play areas, library facilities, education facilities or contribution towards these)
- As entrance road is a private drive there seems no necessity for a large entrance to accommodate refuse vehicles – a communal refuse collection point should be provided instead
- Unnecessary to provide for the simultaneous entrance and exit of cars for such a small development
- Proposed houses are box-like and ugly and out of keeping with the surrounding neighbourhood
- Design of houses would not protect the character of the area or reflect the surroundings
- Site is a greenfield site which is not allocated for development in the Local Plan
- Development would break up the street scene which is currently tree lined along its length
- Junction not suitable for such development
- This development could lead to wholesale development of the Alps and the loss of one of Rochester’s green areas
- Development would be in breach of covenants regarding the original use of the land as open space
- Loss of privacy towards Abbott Close properties due to proximity of dwellings and their height/balcony
- Traffic claming measures are in the wrong place to warn people of the hazards and the need to slow down
- Unclear how much vegetation will be removed and there is lots of wildlife in this area that would be affected
- Possible flooding from the development for Borstal Road generally and numbers 70 and 72 specifically
- The proposed traffic calming measures will cause noise and disturbance for the houses at 70 and 72 Borstal Road and make access to their garages difficult
- The traffic calming will reduce on street parking spaces
- Site is not only used as an access, maintenance sheds and tennis courts – it also provides parking for sporting events. 23 Cars were parked on the site recently
- No replacement provision has been made for this parking and there is no room for it to be accommodated on the streets
- Without the parking facilities the sports pitches will not be able to be used properly
- No replacement siting for the 11 metal maintenance sheds has been provided. It will be difficult to find somewhere unobtrusive to site these within the remaining area
- Current landscaping is scruffy and needs to be properly managed. There is concern that the occupants of the new houses would want this screen reduced to afford views towards the river
- Swept path diagrams show the access is inadequate, with vehicles turning right completely blocking the entrance road. No diagram for a left hand turn has been provided – presumably it is not possible
- Access road too steep and will not be suitable for residential traffic or emergency vehicles
- If the application is approved who would maintain the bank
- No plans for segregating children from the access road. This is frequently used at present by school children going to use the sports facilities
- This development will exacerbate the parking situation, which is already made worse by visitors to the bowling club and Territorial Army units parking in the road.
- Garages would not be used for parking, but as a store room, therefore there would not be sufficient room to park by the houses themselves
- Construction works would disturb the residents of Queen Mother Court
- If permission is given it should be subject to no trees being removed along Borstal Road – suggest a TPO should be imposed on these trees
- Disappointed with the schools decision to sell another of Rochester’s ever dwindling open spaces
- More families will result in more children playing in Borstal Road
- Development detrimental to the semi-rural nature of the road

Cllr Baker has written to object to loss of school’s recreational facilities. The site should be used for parking rather than new housing if it is really not needed. Issues of access to the site would be similar to the St Nicholas Cemetery site, which was refused. Rochester/Borstal already being covered in concrete.

City of Rochester Society object to the loss of open space and playing fields. The site is outside the area proposed for development in the Medway local Plan. Inadequate access to the site.

Sport England has written to advise that the application relates to a strip of land adjacent to the main playing field but separated from it by a row of conifers. The area is not useable as part of the playing field. It does include two tennis courts but these will be replaced on the main playing field in an area that is underused. The replacement of the courts will not prevent the field from accommodating 3 full size pitches. The proposal therefore complies with Sport England’s own policies and no objection is raised.

**Development Plan Policies**

Kent Structure Plan 1996

Policy ENV15 Built Environment

Medway Local Plan 2003

Policy S6 Planning Obligations
Policy BNE1 General Principles for Built Development
Policy BNE2 Amenity Protection
Policy H4 Housing in Urban Areas
Policy L1 Existing leisure Facilities
Policy L3 protection of Open Space
Policy T1 Impact of Development
Policy T2 Access to the Highway
Policy T13 Vehicle Parking Standards
Policy QL1  Quality of Development and Design  
Policy QL5  Density of Development

Planning Appraisal

Principle of Development

The site lies within the urban area of Rochester, as defined on the proposals maps in the Local Plan, but is also part of an area of Open Space covered by policy L3. The preamble to this policy states that on sites covered by this designation, development will only be permitted in exceptional circumstances. The policy itself reiterates this but gives 5 criteria that would provide such an exception. These are as follows:

(i) sports and recreation facilities can best be implemented or retained and enhanced through development of a small part of the site; or
(ii) alternative open space provision can be made within the same catchment area and is acceptable in terms of amenity value; or
(iii) in the case of outdoor sports and childrens play space provision, there is an excess of such provision in the area (measured against the n.p.f.a. standard of 2.4 hectares per 1,000 population) and such open space neither contributes to, nor has the potential to contribute to, informal leisure, open space or local environmental amenity provision; or
(iv) in the case of educational establishments, the development is required for educational purposes and adequate areas for outdoor sports can be retained or provided elsewhere within the vicinity; or
(v) the site is allocated for other development in the local plan.

The applicant has stated in the design statement (paragraph 1.8) that the development will raise funds for the school, the proceeds of which would be used to fund further sports facilities at the school, the development of other educational facilities at the school and to provide bursaries or scholarships aimed at state sector pupils. A further letter from the applicant’s state that with specific reference to sports facilities the funds would enable a secure sporting environment to be provided through the provision of new security fencing, a new pavilion and secure storage facilities for sports equipment. The funds would also enable the school to build the new caretaker facilities that are to be provided over the pavilion (for which there is an extant planning permission), and the possibility of providing an all-weather sports pitch (subject to the need to obtain necessary planning consents).

Although this part of the site is included within the open space designation, with the exception of the two tennis courts it provides little sporting or amenity benefit. For the most part it is used for the siting of the storage containers and the access road, and is separated from the main pitch area by the row of conifers.

The two tennis courts are to be relocated to a more central part of the site, close to the bowls green. This area does not form part of any pitch and therefore the relocation of the courts will not have a knock on impact on any other facility. In addition it is clear that the courts in their current position are secluded from the main site, and for security reasons their relocation would be preferable. Subject to details of these courts being provided to the LPA and that the courts are available for use prior to the start of the tennis season following the commencement of development, there would be no net loss of facilities.
Sport England have been consulted on the application and have stated that they consider the strip of land to which the proposal relates is not capable of forming, or forming part of, a playing pitch, given that it is separated from the main playing pitches by a row of conifers. Therefore it would not result in the loss of, or inability to make use of, any playing pitch or the loss of any other sporting/ancillary facility on the site. As such Sport England have raised no objection to the scheme.

On the basis of the information submitted and in the light of the criteria of Policy L3, it is considered that the scheme would allow for enhanced facilities to be provided by the school and would not result in the loss of any existing sports facilities. As such the scheme is considered to meet the requirements of Policy L3 and is acceptable in principle.

Notwithstanding this and on the basis of the designation of the site as an area of open space the application would need to be referred to the secretary of state as a departure from the Development Plan, if the application is recommended for approval.

Street Scene and Design

The site is self-contained and has little relationship with Bortsal Road, due to the elevated position of the site and the mature screening along the bank in front of it. It is therefore considered that it is possible to achieve a modern design of dwelling along here, without it having a negative impact on the Victorian/Edwardian properties opposite.

The houses would be uniformly spaced within the ‘street’ with the land rising up from the rear elevation towards the line of conifers behind. Given the symmetry and uniformity of the design of the dwellings, it is considered that this linear siting would work well, and would emphasise their design features.

The choice of external materials have been utilised in order to break down the bulk of the buildings and to emphasize various elements, such as the recessed ground floors and the extrusions that form the balconies to the living rooms. The ‘street’ has also been ‘contained’ by slightly altering the two end properties by enlarging the end projection of the living rooms thus creating what the architect describes as ‘book ends’.

It is considered that the modern designed houses would not harm the appearance of the street scene, as they would not be seen within this context and in this regard the design is considered to be acceptable.

The properties would all have their own private garden areas to the rear, and roof terraces, therefore adequate amenity space would be provided, at a level appropriate for the size of the houses.

The density of development would be only 10 dwellings per hectare, which would fall below the guidance given in PPG3. This is a very linear site that would be difficult to develop at a significantly higher density, and indeed an increase in the number of units would raise further issues relating to traffic generation and the use of the access onto Borstal Road. The proposal is for a unique development that requires a suitable setting, and as such it is considered that the density of the scheme is acceptable in this instance. It should also be noted that a large part of the site area is taken up with the bank and landscaped area that extends down from the plateau area to Borstal Road, and in terms of actual development area, the density would be higher than the figure provided.
The proposed development would require the removal of the existing storage containers located on site. These are utilised by the school for the storage of sports equipment and maintenance equipment. The school use these containers for security reasons only, as in the past they have suffered a great degree of vandalism at the site. Three previous concrete buildings have been burnt to the ground and the existing pavilion also set on fire. The school have advised that the problem is the lack of surveillance on site at present that allows such vandalism to occur. In order to address the issue of the need to remove these containers if this application were to be approved, the applicants have submitted a separate application for the re-siting of the containers for a temporary period. This application (MC2005/1696) is also for consideration on this agenda.

**Neighbour Amenities**

The site is very secluded and well screened from Borstal Road by the trees growing in the bank and due to its elevated position. In addition the houses would be set back approximately 12m from the edge of the bank. It is therefore considered that the new dwellings would not cause issues of overlooking towards the properties in Borstal Road. Any views from the roof terrace in this direction would be over the top of the houses opposite towards the river beyond.

There is concern that there will be pressure from the new occupants to cut back the trees on the bank to afford better views, and this would result in loss of privacy for the occupiers of the houses in Borstal Road. The distance between facing elevations would be approximately 25m, a separation that would accord with the guidance given in Kent Design Guide. It is therefore considered that even if the tree screen were to be thinned, such an objection could not be sustained.

In response to these concerns the applicants have stated that at present the school maintains the bank, but should the development go ahead, a residents management company would maintain the landscaped areas within the site.

There has also been an objection raised by the occupants of 8 Abbotts Close, who are concerned about overlooking from the end property due to the height of this dwelling, the use of the roof as a terrace and the change in levels between the application site and their property.

At the closest point the dwelling at this end of the site would be 10m away from the shared boundary and 32m away from the property itself. The only windows located on this side elevation would serve the stairwell and hence would not result in any overlooking from the rooms in the building itself. However the use of the roof as a terrace could create concerns. Amended plans have been submitted which increase the height of the balustrade wall along this edge of the roof terrace to a height of 1.8m to ensure that direct overlooking towards the garden of 8 Abbott Close would be avoided. In addition raised walls on one side of the roof terrace for each of the other properties have also been provided, both for continuity of design and to ensure privacy is maintained between the new houses.

**Highways**

The proposed layout shows that each property would have an integral double garage and two parking spaces in front. This provision is considered to be acceptable for this location. Given
the provision of 4 on-site spaces for each property it is unlikely that the development would create any demand for parking on Borstal Road itself.

The amended site layout shows an improved road layout on site which would be provided as a shared surface past the raised table at the entrance. A turning head has been provided in between plots 3 and 4 to allow for vehicles (including large vehicles such as refuse trucks) to turn within the site. The width of the access road would be 4.8m which would be acceptable for a shared surface, and speed restraint measures are also proposed along the length of this access road in front of the dwellings.

A footway would be provided along the western side of the access road as it rises from Borstal Road to the entrance into the houses at the raised table, and along to the sports field beyond.

The development will require the provision of additional traffic calming measures along Bortsal Road, and these have been shown on drawing number 0565/GA/01 B. Three additional sets of speed cushions would be included in the vicinity of the access point and these would match the existing ones, located further to the north by The Queen Mother Court and St Margaret’s Street.

Visibility splays of 2m x 45m to the south and 2m x 70m to the north would be provided, and the junction arrangements are considered to be acceptable, and would not prejudice highway safety.

Comments have been received about the loss of parking that would result if this development were to go ahead. At present this parking only takes place on an informal basis, and is mainly used when sports events are taking place such as matches or sports day. The site is not a formal car park and as such there would not be a loss of a formal facility in this instance.

**Landscaping**

As stated earlier the school’s aim is for the shared landscaped areas to be maintained by a residents management company. Full details of landscape proposals will be secured through a condition, and a requirement for ongoing maintenance can also be covered in this way to ensure the scheme is integrated into its surroundings.

**Other Matters**

There is no requirement for a percentage of the development to be affordable housing, as the number of units falls below the threshold, and although the site area is noted as 1 hectare by the applicant, this includes the land for the tennis courts as well as the area for the houses.

Given the number units proposed and the lack of any on site provision, requests have been made for contributions towards education facilities and improvements to off site informal open space and equipped play areas. The education contribution would be for £18,000 towards primary school facilities in the locality. The open space contribution would be for £5,256 to be spent on improvements to Borstal Recreation Ground. These contributions would be secured through a Section 106 agreement.
Conclusions and reasons for approval

The proposed development would not result in the loss of any specific sports facilities, but would allow for the reinvestment of funds into additional sports equipment for the School. A modern housing development is proposed which would be located within a stand alone site, and would not affect the street scene of Borstal Road. Adequate parking would be provided on site, and an acceptable junction can be provided onto Borstal Road. The proposal is therefore considered to be in accordance with Policies L3, H4, BNE1, BNE2, T1 and T13 of the Medway Local Plan, and is recommended for approval subject to referral to the Secretary of State, the S106 agreement and conditions as laid out.

[This application would normally fall to be determined under officer’s powers but is being reported for Members consideration due to the extent of representations that have been received contrary to the officer recommendation.]
Date Received: 15th August 2005

Location: 175 Berengrave Lane, Gillingham, Kent, ME8 7UJ

Proposal: Demolition of existing bungalow and construction of detached 4 bedroom chalet style bungalow with integral garage

Applicant: Mr & Mrs Reynolds 40 Northumberland Avenue Rainham Gillingham Kent

Agent: Mr P Smith Forward Planning 543 Lords Wood Lane Chatham Kent ME5 8NR

Ward: Rainham North

Recommendation - Approval with Conditions

(as amended by drawings received 25th October 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 development is occupied and shall thereafter be retained. Development shall be carried out in accordance with the approved details.

3. Details and samples of any materials to be used externally and any means of enclosure shall be submitted to and agreed in writing by the Local Planning Authority before development is commenced and development shall be carried out in accordance with the approved details.

4. 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 permitted plan shall be installed in the flank wall(s) of the dwelling herein approved without the prior written approval of the Local Planning Authority.

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 thereafter.

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.

7 Details showing existing and proposed site levels and cross section through the proposed building and site boundaries shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

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 refers to no.175 Berengrave Lane, which comprises a detached bungalow set approximately 5 metres back from the road, approximately 1.5 metres from its south west boundary and approximately 6.5 metres further forward to Berengrave lane than no.173. The existing bungalow is fairly simple in its form and design and is semi dilapidated and unoccupied. The driveway to the north elevation is narrow and facilitates approximately two cars (one in front of another).

The rear garden is part grassed and part overgrown. A number of out buildings exist on the northern boundary. The adjacent property to the south (No.173) is set approximately 1 metre from the boundary with the application site, projects approximately 9 metres past the rear building line and has three windows on its side elevation facing towards the application property. Two of these windows serve non-habitable rooms while the third is a secondary window serving a kitchen/dining room that has its main light providing and outlook window to the rear leading into a conservatory. The boundary treatment generally consists of fencing and planting.

The area is semi-rural in character with properties occupying only the western side of the road. To the east is Berengrave Nature Reserve with its planting abutting the road. All properties surrounding the application property in the vicinity are simple formed detached bungalows with the exception of the neighbour to the north no.177. This property is a large two-storey detached house with exceptionally large grounds. That property is set approximately 10m from its boundary with the application site.

Proposal

The application seeks full planning consent for the demolition of the existing bungalow and the construction of a four bedroomed bungalow as a replacement. The proposed property would comprise a lounge, dining room, breakfast, kitchen, study, utility and integral garage at ground floor level with four bedrooms (two with ensuite) and a bathroom at first floor level. The property would measure approximately 12.4 metres in width by 14.9 metres in depth (at its deepest point) to a height to the ridge of approximately 8.1 metres.

It is proposed to set the property back more in line with the adjacent property to the south. It will project approximately 3.5 metres further forward than that property, reflecting the way the properties to the south are staggered towards the road, and will project behind the rear wall of the original dwelling of the no 173 but not as far as the conservatory that serves that property. The property is proposed (at the front) to be set 1 metre from the northern boundary and 1.5 metres from the southern boundary with no 173.
The property would appear as a chalet bungalow at front with the use of three pitched dormer windows in the first floor roof space. At rear, the roof eaves is set approximately 2.5m higher that the front in order to increase the floor space at first floor level and as such, the property appears more as a two-storey dwelling at rear. The roof is hipped to all sides to reduce its impact.

**Site Area/Density**

Site Area: 0.11 ha (0.27 acres).
Site Density: 9.09 dph (3.7 dpa).

**Planning History**

MC2005/1276 Demolition of existing bungalow and erection of a 5-bedroomed detached house with attached single garage
Withdrawn by applicant

**Representations**

The application has been advertised on site and neighbour notification letters have been sent to the owners and occupiers of: 165, 167, 169, 171, 173, 177 and 179 Berengrave Lane as well as no.681 Lower Rainham Road.

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

- The proposal represents over-development of the plot and would dominate neighbouring properties
- The proposed dwelling is out of character with the street scene
- The proposal would lead to loss of light and privacy to neighbouring properties
- The proposal would increase danger to the highway

Following concerns relating to the impact of the proposal upon the neighbour at no.173 regarding loss of outlook, the applicant submitted revised plans staggering the proposal away from the boundary with no.173 at rear. A re-consultation exercise was undertaken expiring on the 9th November 2005.

The neighbour at no.177 has raised further concerns that the street scene drawings do not represent an accurate representation of the building heights, and that the proposed bungalow is much taller than shown against the neighbouring properties. The applicant responded with an email followed by a letter and amended street scene plan indicating that the ridge heights were now accurate and disputes the concerns of no. 177. The applicant has expressed a wish for a decision based upon the information received however has agreed to a topography condition, which has been added.

**Development Plan Policies**

Kent Structure Plan 1996

Policy ENV15 (Built Environment)
Policy H3  (Housing)
Policy T17  (Parking Standards)

Medway Local Plan 2003
Policy BNE1  (Built Environment)
Policy BNE2  (Amenity Protection)
Policy H4   (Housing in Urban Areas)
Policy H5   (Densities)
Policy T1   (Impact of Development)
Policy T13  (Parking Standards)

Kent and Medway Structure Plan (Deposit Version) 2003
Policy QL1   (Built Environment)
Policy QL5   (Quality and Density)
Policy HP4   (Housing)
Policy TP19  (Parking Standards)

Planning Appraisal

Principle

The application site is within an area defined in the Local Plan as linear development where in principle additional housing is acceptable. Although the density of the proposed development is lower than that advocated in PPG3, the proposed development would be consistent with the character and appearance of the area and is therefore considered to be acceptable.

The main determining issues for consideration arising from this proposal are:

- its impact on the street scene,
- the effect of the proposal upon the amenities of the occupiers of neighbouring properties; and
- impact on the highway.

Street Scene and Design

The general street scene is characterised by bungalows with the exception of no.177, which comprises a large two-storey dwelling on a much wider and deeper plot size to that of its neighbours. The bungalows themselves are simple in form though vary in design and siting; no.169 also has a front dormer window addition.

In addition the existing bungalow on site is very small and has a shallow roof with the result that it is smaller in height and bulk than its neighbours. Having regard to the mixed nature of building designs and types within the vicinity of the application site, it is considered that the proposed development would respect the built form, mass and siting of neighbouring properties that define this area and would therefore have no negative impact on the character and setting of the street scene. Whilst being set closer to the boundaries with both neighbouring properties, it is considered that the detached properties would continue to be distinguishable from each other and would not alter the appearance of the detached nature of properties in this vicinity. In order to ensure that the development is undertaken in the form
envisaged a condition is required relating to site levels and cross sections to be provided and approved prior to the commencement of the development.

The proposal is therefore considered to be in accordance with the provisions of Policies ENV15 and RS1 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

The neighbouring property to the south at No.173 has a number of windows on the side elevation that face towards the application site. Two of these windows serve non habitable rooms while the third serves as a secondary window for a kitchen dining room, where the main window is to the rear leading to a conservatory.

Initial concerns were raised regarding the height and proximity of the proposed property in relation to the side elevation kitchen window to no.173. As a consequence of this the applicant has submitted revised plans stepping the building away from the boundary with no.173 by an additional 2.7 metres. The revised scheme is considered to bear an acceptable impact upon the outlook amenity.

Although the principal building type in this vicinity are bungalows, first floor overlooking does exists caused by dormer window additions to properties further to the south as well as by no.177. The first floor element to the application property at rear would owing to their siting and angle of view lead to an increase in the level of first floor overlooking to no.173 particularly towards the rearmost part of the garden. This level is not considered unacceptable.

The property to the north, No.177, is set well away from the boundary and there will not be any outlook or loss of light issues to that property.

It is accepted that the proposed property would introduce some overlooking for both no.173 and 177 however the windows proposed will look down the garden rather than directly towards neighbouring property or garden and any loss of privacy is not considered to be so severe to justify a refusal on these grounds.

It is considered that the proposed development will not have any unacceptable impact on the amenities of the occupiers of the neighbouring properties and accordingly 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 Structure Plan.

Highways

At present, the current access/egress for vehicles to this property would rely on vehicles reversing onto the highway. The proposal would increase the parking area to front and would facilitate vehicle turning on-site, which would constitute an improvement for the occupiers of the site as well as passing vehicle traffic.

It is considered that the level of traffic that will be generated by the proposed development will not be prejudicial to the operation of the local highway network.
It is considered that the proposed development will not be detrimental to highway safety and accordingly no objection is raised to the application under the provisions of Policy T19 of the Structure Plan, Policies T1 and T13 of the adopted Local Plan; and Policy TP19 of the emerging Structure Plan.

**Conclusion and reasons for Approval**

It is considered that the proposal would result in a form of development which would be in character with the street scene, would not adversely affect the amenities of the occupiers of neighbouring properties and would provide a satisfactory level of off-street car parking. The application is considered to be in accordance with the provisions of Policies ENV15, RS1 and T17 of the Structure Plan and Policies BNE1, BNE2 and T13 of the adopted Local Plan and is accordingly recommended for approval.

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

[This application was considered by Members at the Development Control Committee on the 30th November 2005, when it was determined to defer for a Members site visit.]
Recommendation - Approval with Conditions

1. The storage containers hereby permitted shall be removed and the land restored to its former condition on or before 31 January 2009 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

2. Prior to the relocation of the containers, details of a colour for the coating of the containers shall be submitted to the Local Planning Authority and the details agreed in writing. The containers shall be coated in the approved colour within one month of the approval of the details.

3. No more than 11 storage containers shall be sited at any one time within the areas outlined in red and blue on the site location plan (drawing no. DHA/5353/01) without the prior consent of the Local Planning Authority.

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

Site Description

The application site forms part of the playing fields at the Alps, which lies on the eastern side of Borstal Road and is accessed by a private driveway from the main road. The land in question is a rectangular area that lies to the north of the existing pavilion building. To the rear (west) of the site is a mature tree and hedge screening, which also runs round the northern boundary of the playing fields in this area.

The pavilion located next door is a concrete flat roof building that is of little merit, with its doors and window being boarded up.

Proposal

This is an application for a temporary consent for the siting of eleven storage containers. The containers would be typical metal shipping containers and would be relocated from their
current location which is on the land the subject of the application site for 6 houses considered earlier on the agenda. While the earlier application is dependent on the removal of the containers this application can be considered in isolation and is not dependent on permission being granted for the 6 houses.

The application seeks a three-year temporary consent for the containers to be used for the storage of sports equipment during which time a more permanent and improved storage facility will be sought.

**Relevant Planning History**

**MC2005/1031** Construction of six 5 bedroom detached dwellings with garages and replacement tennis courts, and traffic calming on Borstal Road  
To be considered elsewhere on this agenda

**Representations**

The application has been advertised on site. Neighbour notification letters have been sent to the owner/occupier of 66-102 (evens) Borstal Road; 108 and 110 Borstal Road; 1 Gun Tower Mews; 112A The Graylings; 2 Fay Close; 21 and 62 Priestfields; 76 St Margaret’s Street; 6, 14 and 59 The Queen Mother Court; 8 and 9 Abbotts Close; 48-68 (consec) Foord Almshouses; and the Bowling Green Club House.

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

- Any development on this site will be the beginning of the end for The Alps, which is a valuable green lung in an over developed Rochester.
- This application should be considered together with the application for housing to avoid a disjointed outcome.
- Concerned that the application is only for a temporary period to justify works of a lower standard or a way to save money
- Containers will be unsightly adjacent to the pavilion and dwarf this building.
- More permanent solution should be designed and built now.
- If a temporary consent is granted then it should only be for 18 months from completion or occupation of the houses, by which time a permanent facility should be built.
- Applicant ought to be made to confirm that sufficient funds would be reserved from the housing development to cover the cost of providing a permanent facility.
- What will containers be used for?
- If containers need to be emptied, refilled or changed it may require HGV’s to use the access, which is at a narrow part of Borstal Road.

**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
This application has been submitted in order to address the need that will arise for the relocation of the storage containers from their current position, if the application for six houses were to be approved. Given that it would not be possible to give a temporary consent for the re-siting of the containers as part of that housing application, a separate application was invited from the applicants. Although it is unlikely that the re-siting will proceed should the housing application fail, this application can be treated in isolation and the issues are to provide for satisfactory short term storage for the school in an appropriate location without impacting upon the use of the playing field or the visual amenities of the area.

**Principle of Development**

The proposed location for the containers is adjacent to the existing pavilion building. Along this edge of the wider playing fields the location does not form part of any playing pitch, therefore the siting of the containers would not result in the loss of any existing sporting/leisure facilities.

It is necessary for the sports equipment to be stored at the site, as it would be unrealistic to have to transport everything to and from the site, therefore some storage facilities need to be provided. There is no dispute that the use of these metal storage containers is not the ideal solution, given their design. However the school have suffered a number of vandalism attacks in the past on more traditional storage facilities located at this site. The current appearance of the pavilion demonstrates the vulnerability of buildings on this site. As a result the school have resorted to storing equipment in these containers, as they are not susceptible to vandalism and arson.

The main problems with vandalism relates to the lack of security at the site at present. If the proposed houses were to be approved this would bring a level of security to the area due to the number of people that would be living there. With increased natural surveillance the threat of vandalism would reduce and the need to use the containers for storage would be overcome, such that a more traditional storage facility could be provided.

As a temporary measure to cover the potential interim period between the granting of permission for the houses to their construction and occupation, a three-year temporary consent has been applied for the use of these containers in this new location.

Given the problems that have occurred in the past and the need for storage facilities on site, it is considered that the principle of a temporary consent for these containers would be acceptable.
Location and Design

The containers are quite unsightly, however the proposed location for their siting would be well screened by the existing tree/hedge screen along the edge of the playing fields here. The buildings would not be visible from Borstal Road and would therefore have no impact on the occupants of properties here, or affect the street scene in this area.

The containers would only be seen from within the site. They would also be seen within the context of an existing pavilion building, thereby grouping all the structures together in one location. The pavilion building is not of such merit that the storage containers would affect its setting, and given the temporary nature of any consent it is considered that this location would be acceptable.

A condition has been suggested to ensure that the containers are all coated in a colour which would be appropriate for their location within the playing fields.

Neighbour Amenities

The siting of the containers would not have any impact on nearby properties due to their location within the site and the existing mature screening surrounding them.

Highways

The relocation of the containers from their current position to the proposed location would only have a minimal highway impact at the time of their relocation. Given the nature of the sports equipment stored there, there would be no need for HGV’s to visit the site regularly.

Conclusions and reasons for approval

If the application for six houses is approved there will be a need to relocate the storage containers which currently occupy part of this site. It is considered that a temporary consent for three years for their relocation would be acceptable, due to the need for the equipment to be stored at the playing fields and the current problems experienced with vandalism against more traditional buildings. The school have been advised that a string of temporary consents would not be forthcoming, and that once the houses are constructed and the level of natural surveillance in the area has increased the containers will need to be replaced with a more traditional storage facility, appropriate to the location of the site within Rochester.

On this basis the application is considered to be acceptable, in accordance with Policy BNE1, BNE2, L1 and L3 of the Local Plan, and is recommended for approval.
Recommendation - Approval with Conditions

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

1 Approval of the details of siting, design and external appearance of the building and the landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

2 Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted in writing to the Local Planning Authority for approval. Such application for approval shall be made to the Authority before the expiration of three years from the date of this permission and the reserved matters shall be carried out in accordance with the approved details.

3 The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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 prior to the occupation of any of the dwellings hereby permitted and shall thereafter be maintained. 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 6m 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 The approved development shall be carried out in such a manner as to avoid damage to the existing trees, including their root systems, and other planting to be retained by observing the following:-

(a) All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2005 or otherwise to the satisfaction of the Local Planning Authority. Such tree protection measures shall remain throughout the period of construction;

(b) No fires shall be lit within the spread of branches of the trees and other vegetation;

(c) No materials or equipment shall be stored within the spread of the branches of the trees and other vegetation;

(d) No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees and other vegetation;

(e) Ground levels within the spread of the branches of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

7 No part of the development shall be occupied until the area shown on the approved plan for vehicle access turning 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.

8 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.

9 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 conclusions at the end of this report.

Site Description

The application concerns a part of three garden curtilages related to numbers 94, 96 and 98 Woodside. No 96 is a large two 2-storey detached house. The dwellings either side (No’s 94 and 98 Woodside) are bungalows. The rear boundary of the site backs onto the rear gardens of the Bungalows in Lakewood Drive. The rear boundaries of the properties are formed by close board fencing, which is supplemented with various tall mature conifers and shrubs on both sides of the fence. There is a Walnut tree, which is the subject of a Tree Preservation Order within the site at the rear of no. 96.

Proposal

This application has been submitted in outline form and all matters have been reserved for future consideration with the exception of the means of access. The description of the development, on the submitted forms, is an “outline application for the erection of 3 No. 3-4 bed chalet bungalows with access and detached garages. Whilst all matters, except means of access, have been reserved for future consideration the applicant has submitted illustrative plans which demonstrates a site layout for three dwellings together with the access road/turning head and related parking/garage spaces. Additionally, an illustrative floorplan showing a chalet bungalow has been submitted.

The closest point of the development to the rear boundary of the site (southern side) is 13 metres to the rear of the garage and 16 metres to the rear of the chalet bungalow. The closest point of the development to the eastern side boundary of the site with the garden of No. 100 Woodside is 2.6 metres to the rear of the garage and 6 metres to the rear of the proposed chalet bungalow. A distance of some 38 metres is shown between the closest point of the proposed chalet bungalow on the illustrative layout and the dwelling at No.100. The closest point of the development to the western side boundary of the site with the gardens of No. 88 & 92 Woodside is just below 1 metre to the rear of the garage and just under 5 metres to the rear of the proposed chalet bungalow. A distance of some 43 metres is shown between the closest point of the proposed chalet bungalow on the illustrative layout and the dwelling at No.92. The drawing shows an access drive wide enough for two cars to pass located between no’s 94 and 96 Woodside. This access curves some 30+ metres into the site to allow adequate space around the protected Walnut tree referred to above.

Site Area/Density

Site Area 0.26 hectares (0.643 acres)
Site Density 11.5 d.p.h (4.65 d.p.a)
Relevant Planning History

MC2005/0262 Outline application for construction of a 4-bedroomed detached dwelling and detached garage at 96 and part of 94 Woodside, Gillingham
Outline Planning Consent Granted 4th April 2005

MC2003/2132 Outline application for the erection of a 1 No. 4 bedroom dwelling at 96 Woodside, Gillingham
Outline Planning Consent Refused 17th November 2003
Dismissed on appeal 15 April 2004.

Representations

The application has been advertised on site. The owners and occupiers of the following properties have been consulted on the application: 33-45 (odds) Lakewood Drive and 93, 88, 92, 94, 96, 98, and 100 Woodside.

The Kent and Medway Towns Fire Authority have written advising that the access appear satisfactory. However, the access needs to be constructed to take the weight of fire engines and provide suitable turning, otherwise the distance to the dwellings will be too far to comply with the County of Kent Act.

Wigmore Community and Residents Association have objected to the development on the basis that the proposal is for backland development and there is a long-standing policy, which resists such uses, preventing a change to the character of the area. They also raise objection to a further access being created on to Woodside stating it is not needed.

5 letters have been received (three from one address, one written and signed on behalf of two addresses and one written on behalf of one address). Two of the letters request the application be considered at a public meeting and that the development be restricted to bungalows rather than chalet bungalows as detailed in the description of the development. The remaining three letters object to the development on the following summarised grounds:

- The development will have an adverse effect on the character and appearance of the surrounding area.
- The development does not allow sufficient width of access to allow vehicles to pass especially at the entrance, which will be especially dangerous at the access with Woodside.
- Inadequate parking.
- Concern re access for emergency vehicles.
- The refuse and recyclable materials point will be some 70 metres from the proposed properties and large stationary vehicles will block the carriageway whilst loading.
- The effect of the development on trees, especially those to the south of the site.
- The development will lead to other such schemes and result in congestion, loss of a clean environment and affect the quality of life.
- The development will effect the piece and quite of the adjoining properties.
- Loss of privacy.
- Loss of view.
- No details of any protection to the residents in Lakeside Drive have been submitted.
- Development is piecemeal and will effect the comprehensive redevelopment of the area.
- The proposal is about monetary gain.

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 H9 (Backland and Tandem Development)
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 and
- whether the development is acceptable in terms of highway and parking matters.

Background

Whilst Members will have noted from the history section that an Outline Planning Application was dismissed on appeal in 2004, this was purely on the grounds that the Planning Inspector was concerned that the access & passing bay to that scheme would fall within the canopy of the protected Walnut Tree.

The Planning Inspector in her decision letter considered that the scheme before her would be sited a considerable distance back from the road and would appear spacious when viewed from the road. Furthermore she noted that there were a few backland/tandem developments in the area and that an appropriately designed dwelling would blend in with its surroundings and makes a more efficient use of the land. She considered that in view of the distances between existing and proposed dwellings, together with the layout of the adjoining gardens and the positioning of the access road there would not be any material harm on the privacy or other living conditions of the occupiers of the adjoining dwellings. She considered it appropriate to impose a condition concerning the surfacing material of the access road, but did not consider there to be adequate reason to object on amenity grounds.
In response to concerns raised by local residents on the grounds of highways safety and precedent the Inspector stated:

“Concern has been expressed about the possible effects of traffic generated by the proposal in relation to congestion and highway safety. In my opinion the proposed scheme would provide sufficient on site parking and turning facilities to cater for the day-to-day requirements of the proposed dwelling. In addition one additional dwelling would not add materially to the amount of traffic in Woodside, or have an adverse impact on highway safety and access for emergency vehicles…

I am satisfied that my conclusions will not set a precedent for unacceptable forms of development elsewhere in the locality”

Following this dismissal the applicant reviewed their position, widening the site to include part of the garden of No. 94 Woodside, which enabled the access to be modified so that the access was considered to be acceptable in terms of its effect on the protected Walnut tree. The Arboricultural Officer concluded that the revisions adequately addressed the tree issue and in the light of the inspectors considerations on MC2003/2132 the revised application (MC2005/0262) was considered to be acceptable and was approved subject to conditions.

Matters of principle, design and amenity

In terms of the principle of residential development on this site, it is considered that this proposal is acceptable in terms of the general guidance given in PPG3 “Housing”, which encourages the re-development of existing land in urban areas to avoid inappropriate development in green field locations. Local Plan Policy H4 reflects this stance and allows for residential infilling within the urban area provided the proposed development will not have an adverse impact upon the local environment.

Having regard to Policy H4, as well as Policies H9 (backland and tandem development) and BNE1 (General Principles for Built Development) of the adopted Local Plan and the Planning Inspectors previous deliberations, in relation to MC2003/2132, it is considered that the principle of residential development in this sustainable location is appropriate and acceptable. Whilst it is acknowledged that the number of units proposal has increased to 3, the distance of the development from the road and the spacious nature of the development site and its surroundings leads to the conclusion that there will be no material harm to the character and appearance of the surrounding area. Appropriately designed dwellings, such as those shown on the illustrative floorplans, which are sited in a manner shown on the illustrative site layout would blend in with its surroundings and make a more efficient use of the land.

In terms of amenity, sufficient distances would exist between the existing and proposed dwellings to comply with the standards set down in Kent Design. On the basis of the illustrative layout provided, together with the layout of the adjoining gardens and the positioning of the access road no adverse effect on the privacy or other living conditions of the occupiers of the adjoining dwellings would occur. In terms of issues such as privacy the previous planning Inspector concluded that such matters could be satisfactorily addressed by boundary treatment, noting the potential for planted separation between the new and existing houses, while the additional activity and traffic generated by the dwelling would not seriously harm the living conditions of occupiers in either 94 or 96 provided the access road is suitable surfaced. This can be dealt with by way of planning condition.
The suggested footprints of the dwellings combined with the illustrative designs and the considerable distance between the neighbouring houses results in no unacceptable building to building relationships, in terms of light, outlook or privacy, need arise. The indicated areas of private amenity space to serve the new houses and be retained for the existing properties are acceptable in regard to the amenities for existing and prospective occupiers.

Accordingly no objection is raised to the application under the provisions of Policies H4, H9 BNE1 or BNE2 of the adopted Local Plan.

**Density**

Turning to the issues of the density of the development. This would be in the order of 11.5 dwellings per hectare on a site of some 0.26 hectares, which is below the range identified as minimum criteria in national planning policy guidance and expectations in the appropriate guidance in Planning Policy Guidance Note 3: Housing and the emerging policy QL5 in the Kent and Medway Structure Plan. However, the density proposed reflects the density of the prevailing surrounding built environment and would not be out of character with the area in that regard. Moreover the Inspector in her appeal findings found no harm with the proposal on the ground of density.

**Impact of the protected walnut tree**

The one matter of amenity, in which the Planning Inspector supported the Local Planning Authority’s concern, was in regard to the close relationship between the proposed access drive and the protected Walnut tree. As stated above the applicants amended their proposal under planning reference MC2005/0262 to address this matter. The revised access overcame the concerns of the Council and that consent was granted. The access related to this proposal has not significantly changed from that approval and the Arboricultural Officer has not raised any comments or objection to this development. This being the case, this aspect of the development is considered to be acceptable in terms of Local Plan policy BNE43. However, conditions should be imposed to ensure appropriate safeguards during construction.

**Parking and highways matters**

With the exception of the principle of the development, the only other aspect open for consideration at this stage is the means of access. 2 dwellings over that currently approved is a not significant level of intensification to be detrimental to highway safety. Furthermore visibility along Woodside is satisfactory, though a condition requiring 2mx2m pedestrian visibility is necessary. The access road has been amended by the applicant, to measure 4.1 metres in width on the bend to allow 2 cars to pass. Furthermore the illustrative layout demonstrates that a fire appliance can turn within the development site.

The illustrative layout demonstrates that the development would be able to make provision for adequate off site parking to serve the new dwellings in accordance with the parking standards adopted by the Council, without any effect on the parking arrangements available to serve the houses on the site frontage. The development is therefore regarded as acceptable in terms of the implications for the local highway network and limited additional traffic that will be generated. 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.
Other Matters

With regard to the issues of the refuse storage area and the means of boundary enclosure to protect the amenities of adjoining properties, these are aspects of detail that are not open to consideration at this stage. However, it would be appropriate to impose suitable planning conditions to require the submission of these details at a later stage.

Conclusion and reasons for approval

The principle of the proposed development and the details of the means of access are considered to be satisfactory. The proposed development will not be out of context with its surroundings and it is considered to be acceptable for the reasons outlined above. It is therefore recommended that the proposal be approved subject to the imposition of appropriate conditions.

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

[This application was considered by Members at the Development Control Committee on the 21st December 2005, when it was determined to defer a decision to enable a Members’ site visit to be held.]
5 MC2005/2013

Date Received: 17th October 2005

Location: North Street Square (adjacent to No 100 High Street), Strood, Rochester, Kent.

Proposal: Erection of 3.07 metre high, 3.2 metre wide, non-illuminated advertising hoarding

Applicant: Massimo Valenza City Design 2M Srl Italy C/O The Agent

Agent: Mr N Alderton Prospective Planning Gazle Slope Piltdown Uckfield East Sussex TN22 3XA

Ward: Strood North

Recommendation - Approval with Conditions

1 (i) Any advertisements displayed and any site used for the display of advertisements shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

(ii) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

(iii) Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.

(iv) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

(v) No advertisement shall be sited or displayed so as to obscure or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

2 Prior to the installation of the signboard hereby approved, details and/or samples of the materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The signboard shall be installed in accordance with the approved details and thereafter maintained in such form.

3 The frame of the signboard hereby approved shall be painted or powder coated black prior to its first installation and shall thereafter be maintained in such form
For the reasons for this recommendation for approval, please see the Planning Appraisal section and conclusions at the end of this report.

Site Description

North Street Square is a public amenity space in Strood town centre, within the Core Retail Area. The square is hard surfaced and has recently been refurbished providing a sculpture, benches and some small trees and planted areas. It is bounded by the High Street and North Street on 2 sides and the walls of adjacent buildings including the post office on the others. The application site is adjacent the two-storey flank wall on the western side of the square. The area is of mixed commercial character, and features a variety of both illuminated and non-illuminated signage.

Proposal

The proposal relates to advertisement consent for the display of an advertisement hoarding, which would be 3.2m wide and a total of 3.1m high. It would consist of three panels in a frame; a central panel displaying a local map and two narrower panels to the sides displaying advertisements. The panels would be set 0.8m above ground level.

Although no details of the materials have been submitted the agent has verbally confirmed that the panels would be etched brass while the frame and the panel backing would be metal.

Representations

The application was advertised on site and owners and occupiers of the following neighbouring properties have been notified: 90 to 104 (evens), 107 to 121 (odds), Flat at 107, 135, 139 and Radio Rentals, High Street; 13-17 North Street; and 1 to 3 (odds), 4-8 (evens) Tolgate Lane.

The City of Rochester Society objects on the grounds that there is no justification for the proliferation of unnecessary signs and that a reduction in the amount of existing hoardings in the area would be preferable.

The Strood Town Centre forum object on the grounds that the size of the sign is excessive and that it is inappropriately sited.

One neighbouring occupier objects on the following grounds

- The location of the hoarding is illogical as it would not be seen by passing traffic
- The hoarding will disfigure North Street Square, which has recently been remodelled at great expense and is an uncluttered and pleasant area in an otherwise unattractive town centre
- The hoarding will attract pigeons
- The hoarding would encourage graffiti
Development Plan Policies

Kent Structure Plan 1996

Policy ENV15 (Built Environment)

Medway Local Plan 2003

Policy BNE1 (General Principles for Built Design)
Policy BNE2 (Amenity Protection)
Policy BNE10 (Advertisements)
Policy BNE11 (Hoardings)

Kent and Medway Structure Plan (Deposit Version) 2003

Policy QL1 (Quality of Design)

Planning Appraisal

Street Scene and Design

The site of the proposed sign is currently a blank, two-storey brick wall, which makes little contribution to the character of the area. While North Street Square has been refurbished and hard landscaped to a high standard, there is no continuity in the edging of the square, and many of the boundary and flank walls which border it have a utilitarian or even unattractive appearance. The proposed signboard would be sited directly against the flank wall of 100 High Street and although it is large, its design and the context of the much larger wall would prevent it appearing unduly prominent or out of scale with its surroundings. There is also scope for its appearance to be softened further when the small planting areas either side have become established. The design of the sign is of reasonable quality and is enhanced by the use of unusual materials. It is considered that it would not represent visual clutter and that it would not be detrimental to the character and appearance of the square.

There are concerns that with signage of this type a lack of maintenance can lead to an unacceptable deterioration in the appearance of the signboard and that the information contained within it can be left to go out of date. In this case the agent has indicated that the parent company would continue to maintain the signboard and it is noted that the Council has powers to require discontinuance of an advertisement if it becomes unsightly.

Amenity Considerations

The proposed hoarding would not impact on the amenities of the occupiers of any adjacent properties.
Highways

The sign would be sited at the back edge of the square and given its format is aimed at pedestrians rather than motorists. Given also that it would be non-illuminated, it is considered that it would not cause any detrimental to highway safety.

Conclusion and Reasons for approval

Taking into account its design, materials and siting, it is not considered that the proposed signboard would be detrimental to the character and appearance of the area, and its siting is such that no highway safety or neighbour amenity issues are raised. The signboard is therefore considered to be in accordance with Policy ENV15 of the Kent Structure Plan 1996, Policies BNE1, BNE2, BNE10 and BNE11 of the Medway Local Plan 2003 and Policy QL1 of the Kent and Medway Structure Plan (Deposit Version) 2003.

[This application would ordinarily fall for determination under delegated powers but has been referred to committee due to the number of representations received contrary to the officer’s recommendation.]
MC2005/2019

Date Received: 17th October 2005

Location: Site adjacent to Station Car Park, behind No's 215/217 High Street, Rochester, Kent

Proposal: Erection of 3.07 metre high, 3.2 metre wide non-illuminated advertising hoarding

Applicant: Massimo Valenza City Design 2M Srl Italy C/O The Agent

Agent: Mr N Alderton Prospective Planning Gazle Slope Piltdown Uckfield East Sussex TN22 3XA

Ward: River

Recommendation - Approval with Conditions

1  (i) Any advertisements displayed and any site used for the display of advertisements shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

   (ii) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

   (iii) Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.

   (iv) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

   (v) No advertisement shall be sited or displayed so as to obscure or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

2  Prior to the installation of the signboard hereby approved, details and/or samples of the materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The signboard shall be installed in accordance with the approved details and thereafter maintained in such form.

3  The frame of the signboard hereby approved shall be painted or powder coated black prior to its first installation and shall thereafter be maintained in such form.
For the reasons for this recommendation for approval, please see the Planning Appraisal section and conclusions at the end of this report.

Site Description

The application site is within Rochester station car park, against the rear wall of the adjacent car sales/repairs garage. The Rochester station building itself is an attractive, traditional building, but other buildings and structures surrounding the car park are less so, including concrete panel fencing and corrugated-roofed garage outbuildings immediately adjacent to the application site. There are a number of planting areas within the car park, and street furniture is generally of a traditional design. Several large advertisement hoardings are visible on flank boundary walls to the southeast side of the car park. The site is within the Star Hill to Sun Pier Conservation Area.

Proposal

The proposal relates to advertisement consent for the display of an advertisement signboard, which would be 3.2m wide and a total of 3.1m high. It would consist of three panels in a frame; a central panel displaying a local map and two narrower panels to the sides displaying advertisements. The panels would be set 0.8m above ground level.

Although no details of the materials have been submitted the agent has verbally confirmed that the panels would be etched brass while the frame and the panel backing would be metal.

Relevant Planning History

ME91/0595 Proposed erection of tourist information points
Approved 20/08/91

Representations

The application has been advertised on site and in the press, and the owners and occupier of the following properties have been notified: 209-213, 215-217, 233 and Rochester Railway Station, High Street, and British Rail, Furrells Road.

The City of Rochester Society objects on the grounds that there is no justification for the proliferation of unnecessary signs and that a reduction in the amount of existing hoardings in the area would be preferable.

The Rochester City Centre forum objects on the grounds that the size of the sign is excessive and that it is inappropriately sited.

Development Plan Policies

Kent Structure Plan 1996

Policy ENV15 (Built Environment)
Policy ENV17 (Conservation Areas)
Street Scene and Design

While the site is located within a conservation area it currently consists of a blank and unattractive wall that makes no contribution to the character of the area. Its immediate surroundings are also unattractive, consisting of utilitarian buildings and boundary treatment belonging to the garage complex to rear. The proposed signboard would not be a flat hoarding like those on the other side of the car park, and its design has attempted to break up its mass in order not to appear dominating or overly intrusive. The design is broadly in keeping with the traditional street furniture, and the unusual use of materials is considered to make a positive contribution to the character of the area. Overall the sign would be an improvement on the existing appearance of the site and therefore in accordance with the principles of maintaining or enhancing the appearance of the conservation area.

There are concerns that with signage of this type a lack of maintenance can lead to an unacceptable deterioration in the appearance of the signboard and that the information contained within it can be left to go out of date. In this case the agent has indicated that the parent company would continue to maintain the signboard and it is noted that the Council has powers to require discontinuance of an advertisement if it becomes unsightly.

Amenity Considerations

The signboard would not impact on the amenity of occupiers of adjacent property.

Highways

The sign would be sited at the back edge of the pavement and given its format is aimed at pedestrians rather than motorists. Given also that it would be non-illuminated, it is considered that it would not cause any detrimental to highway safety.

Conclusion and Reasons for approval

The advertisement signboard raises no neighbour amenity or highway safety issues, and taking into account its design and siting is not considered to be detrimental to the visual amenity of the conservation area. It is therefore in accordance with Policies ENV15 and ENV17 of the Kent Structure Plan 1996, Policies BNE1, BNE2, BNE10, BNE11, BNE12 and...
BNE15 of the Medway Local Plan 2003 and Policies QL1 and QL7 of the Kent and Medway Structure Plan (Deposit Version) 2003.

[This advertisement would ordinarily fall for determination under delegated powers but has been referred to committee due to the representation received from the Rochester City Centre Forum and City of Rochester Society contrary to the officer’s recommendation]
Recommendation - Approval with Conditions

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

2. Prior to the commencement of development, details of the proposed lighting columns, including level of illumination, shrouding and lightspill shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and thereafter maintained in such form.

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

Site Description

Cuxton Marina is located outside of any defined urban area and within a Tidal Flood Area and Strategic Gap. The marina consists of two compounds surrounded by security fencing and earth bunds (these are taller to the northeast compound), which are used for the parking of boats and trailers, with some mobile buildings used for storage/offices etc. The northeast compound also has lighting columns around the edge.

The land slopes down to the River Medway to the southeast. Surrounding uses are mixed, with a small industrial estate to the northeast and the Kent Boat and Ski Club to the southwest. The access to the site is via an unmade track to the north; beyond this is a railway embankment with the railway screened by vegetation. The nearest residential properties are the other side of the railway, at a higher level and a distance of over 30m.

Proposal

The proposal is for the erection of 2.4m high security fencing and the formation of earth bunds. These would be to the southwest compound, and would replace the existing boundary treatment. The bunds would have a 5.6m wide footprint and a maximum height of 1.5m. The
fencing would be chain link with barbed wire to the top. 7 lighting columns are also proposed to the edge of the compound; these would be 6m high. No details of the lighting have been provided.

Relevant Planning History

MC2000/1759  Erection of a 2.4 metres high security fence to compound, formation of earth bund walls and erection of six 6 metres high lampposts
Approved with conditions 17/01/01

MC2005/0877  Retrospective application for the siting of a caravan for residential and security purposes
Refused 27/06/05

Representations

The application has been advertised on site. The Environment Agency, Network Rail and the owners and occupiers of the following properties have been consulted on the application: 4-13 Hillcrest Drive; 9-17 (odds) Rochester Road; Port Medway Marina and Kent Boat and Ski Club, Station Road; and Units A, B1, B2, C, D, E, F, G, H, J1, J2, J3, J4 and L, Cuxton Industrial Estate.

The Environment Agency has raised no objection to the proposal but advised that sufficient margin should be left to allow maintenance of the river frontage.

Network Rail have raised no objection but requested that details of lighting and soakaway drainage be submitted as these may affect the railway.

Cuxton Parish Council has objected on the grounds that the lamp columns are considered to be too high and would cause light pollution to residents in Hillcrest Drive and Rochester Road.

One neighbouring resident has objected on the following grounds:

- Land disturbance and false light would further diminish the wildlife habitat which has already been largely destroyed by the Marina buildings
- Impact on view from rear of his property
- Impact of lighting on his property

Development Plan Policies

Kent Structure Plan 1996

Policy ENV1  (Countryside Protection)
Policy ENV15 (Built Environment)
Policy MK5  (Strategic Gap)
Policy NR5  (Development in Flood Risk Areas)

Medway Local Plan 2003

Policy BNE1  (General Principles for Built Development)
Planning Appraisal

Principle

The site is outside of any defined urban area and within a Strategic Gap. There is a general presumption against inappropriate development in these areas. However, the site is part of an already built-up complex, and the development is in association with an established use. It would not materially alter either the extent of built form or the nature of the Marina use. It is therefore considered that the proposed works would not be contrary to the aims of the relevant policies.

Street Scene and Design

The Marina and its surroundings have a mixed character including a range of industrial uses in the estate to the northeast. The site is almost entirely hard surfaced, and occupied by parked boats and trailers, and associated paraphernalia. Although it is outside of any defined urban area and therefore classified as countryside, it does not make any particular contribution to the character of the area. Fencing and bunds are already in place around both compounds, though those around the southwest compound are smaller in scale than the current proposal, and further security fencing is visible at adjacent premises. The northeast compound also features lighting columns similar to those proposed which were granted consent in 2001. It is therefore considered that the proposed works would not have a significant impact on the character and appearance of the area.

Amenity Considerations

The proposed works are relatively small in scale and would not significantly alter the appearance of the area. Given also the significant distance between the site and the nearest residential properties, and the fact that they are separate by the railway embankment, it is not considered that the fencing or earth bunds would have any material impact on residential amenities in terms of loss of outlook, sunlight, daylight or privacy.

Very limited details of the proposed lighting columns have been submitted. In terms of their physical presence, the 6m height is not considered to have any impact on amenities of neighbouring properties in terms of loss of outlook, sunlight, daylight or privacy, given the distances involved. Given the presence of existing lighting columns on the adjacent compound, the addition of a limited amount of further lighting would not have a materially worse impact on neighbouring properties compared to the existing situation. It is also noted in this respect that the vegetation to the railway embankment will provide a degree of screening.
However, given the limited amount of detail submitted, a condition is recommended so that the exact impact of the proposed lighting can be further assessed.

**Highways**

The proposed fencing and earth bunds would leave sufficient width for vehicular access into and past the site, and would not obstruct vision splays. It is noted that Network Rail raise concerns regarding the impact of the proposed lighting on passing trains, but they raise no objection subject to submission of details. A condition requiring this can be imposed to ensure that the details are satisfactory, and subject to this it is not considered that there would be any detrimental impact on highway or rail safety as a result of the proposal.

**Other matters**

The site is within a Tidal Flood Area, however the Environment Agency has raised no objection and it is considered that the proposal would not have a detrimental impact on existing flood patterns or defences.

A neighbouring resident has raised issues of wildlife habitat, however, given the existing nature and use of the site, it is not considered that there is any significant wildlife interest involved and the proposals would therefore not be detrimental in this respect.

Railtrack have stated that any soakway drainage constructed within 10m of the railway may affect the stability of the embankment. While this is not a material planning consideration in this case, an informative is recommended to draw the issue to the applicant’s attention.

**Conclusion and Reasons for Approval**

The proposed works are considered not to be contrary to countryside protection principles, or to the character and appearance of the area, given its existing appearance. The impact on residential amenities is considered to be negligible, and outstanding issues relating to the lighting can be satisfactorily resolved by condition. The works would not have a detrimental impact on highway or rail safety. It is therefore considered that the proposal is in accordance with Policies ENV1, ENV15, MK5 and NR5 of the Kent Structure Plan 1996, Policies BNE1, BNE2, BNE5, BNE25, BNE31 and CF13 of the Medway Local Plan 2003 and Policies SS10, QL1, E1 and NR9 of the Kent and Medway Structure Plan (Deposit Version) 2003.

[This application would ordinarily fall to be determined under delegated powers but has been referred to committee due to a representation from the parish council contrary to the officer’s recommendation.]
Date Received: 20th October 2005

Location: Land to the rear of 294 Hempstead Road, Hempstead, Gillingham, Kent, ME7 3QH

Proposal: Outline application for the construction of one dwellinghouse

Applicant: Mr G Gallacher 294 Hempstead Road Gillingham Kent ME7 3QH

Agent: Ward: Hempstead & Wigmore

Recommendation - Approval with Conditions

1 Approval of the details of siting, design and external appearance of the building(s), the means of access thereto and the landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

2 Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted in writing to the Local Planning Authority for approval. Such application for approval shall be made to the Authority before the expiration of three years from the date of this permission and the reserved matters shall be carried out in accordance with the approved details.

3 The development hereby permitted shall be begun or before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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 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.

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 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 The plans and particulars submitted in accordance with Condition 1 above shall include details of the size, species and positions or density of all trees to be planted and the proposed time of planting.

7 The details submitted in pursuance of condition 1 shall show adequate land reserved for the parking or garaging of vehicles in accordance with the adopted vehicle parking standards. This parking area shall be provided in accordance with the approved details and shall be kept available for such use and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

8 Means of vehicular access to the development hereby permitted shall only be from Honeysuckle Close.

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

Site Description

This application relates to part of the rear garden to 294 Hempstead Road, a vehicle repair garage, together with a landscaped area at the end of the cul-de-sac of Honeysuckle Close. The garden is enclosed on three sides by close-boarded fences and open towards property in Hempstead Road. The garden is laid to grass with ornamental trees and shrubs.

The surrounding area is exclusively residential with the rear gardens of the houses in Hempstead Road to the east and south and the newer residential development in Honeysuckle Close and Claridge Court to the north and west.
Proposal

The application proposes the construction of one dwelling and is in outline form with all matters reserved for future consideration. An indicative siting of the proposed house is shown on the site plan, which also shows vehicular access from the turning area at the end of Honeysuckle Close.

Site Area/Density

Site area: 0.0612 hectare (0.15 acre)
Site density: 16.3 d.p.h. (6.6 d.p.a.)

Relevant Planning History

MC2001/0731 Outline application for the construction of one dwelling house.
Approved 14\textsuperscript{th} November 2001

Representations

The application has been advertised on site with notices placed in both Claridge Court and Honeysuckle Close. Neighbour notification letters have been sent to the owners/occupiers of 292, 294 and 296 Hempstead Road; 1, 2, 3, 4, 5, 15 and 17 Honeysuckle Close; and 1, 2, 3, 5, 6 and 7 Claridge Court. A letter has also been sent to the Hempstead Residents Association.

6 letters, including a letter from Hempstead Residents Association have been received objecting on the following grounds:

- Proposal is backland development which Gillingham Council always rejected;
- The proposal could set a precedent for further development in rear gardens in Hempstead;
- Overlooking/loss of privacy;
- Loss of light to neighbouring dwellings;
- Proposal would generate additional traffic in Claridge Court, Honeysuckle Close and Lamplighters Close, exacerbated by the lack of pavements;
- Proposal would result in the loss of grassed areas and amenity space which would impact on amenity and children;
- Proposal would create a hazard for children using the play area on the corner of Honeysuckle Close and Lamplighter’s Close;
- Loss of on street parking in Honeysuckle Close;
- Planning permission has already been refused for dwellings in the rear gardens of other properties in Hempstead Road;
- Construction vehicles at site would cause noise and disturbance and possible damage to the brick access road to the site.
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 H4 (Housing in urban areas)
- Policy H9 (Backland and Tandem 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 TP19 (Vehicle Parking Standards)

Planning Appraisal

Principle

The site lies within the urban area where the surrounding development consists of predominantly single family dwellings. The principle of the development was considered to be acceptable and in accordance with the relevant development plan policies when the previous application was considered and approved in 2001. There has been no change in material circumstances since 2001, other than the adoption of the Medway Local Plan 2003. However, the principle of the development accords with Policy H5 of that Plan and accordingly, no objection is raised.

Character of the Area

Although the application is in outline form, it is considered that a dwelling could be constructed on the land in a manner that respects the established character and amenities of the area, has acceptable design standards and leaves adequate space between buildings. Although there are trees and shrubs on the land these are ornamental garden trees and are not of sufficient value to merit retention. Nevertheless, it is considered that the site could be developed in a manner in which the majority of the trees, especially those on the boundary could be retained. The application is, therefore, regarded as complying with Policy ENV15 of the Kent Structure Plan 1996 (the approved Structure Plan), Policies BNE1 and H9 (iv) and (vi) of the Local Plan and Policy QL1 of the Kent and Medway Structure Plan (Deposit Version) 2003 (the emerging Structure Plan).
Amenity of neighbours

The effect of the proposal upon the amenities of the occupiers of neighbouring dwellings falls to be assessed under the provisions of Policy BNE2 of the Local Plan and Policy QL1 of the emerging Structure Plan. In addition, Policy H9 (i) and (iii) of the adopted Local Plan considers the impact of backland development upon the amenities of the occupiers of neighbouring dwellings in terms of privacy and noise and disturbance. Although the application is in outline form, it is considered that a dwelling could be constructed on the land in a position and to a design that would not adversely affect the amenities of neighbouring residents by reason of unneighbourly overlooking, overshadowing or loss of outlook. Although the proposed development could be classed as backland development on account of it being located in the rear garden of an existing property, it has the potential to achieve its own adopted vehicular access off Honeysuckle Close and would not, therefore result in any additional noise and disturbance from traffic gaining access. The application is, therefore regarded as being in accordance with the afore-mentioned policies and is acceptable in terms of neighbour amenity.

Highways

With regard to vehicle parking, it is considered that there is adequate space on site for cars to be parked in accordance with the adopted standards and therefore the proposal would comply with Policy T17 of the Structure Plan, Policy T13 of the adopted Local Plan and Policy T12 of the emerging Local Plan.

When the previous application was considered, it was felt that Claridge Court was not suitable to serve an additional dwelling as the site could only be accessed via a private drive serving four dwellings (1-7 odd). Access via Honeysuckle Close was regarded as a better alternative as this could be achieved directly onto the public highway, and a condition was attached to the planning permission to the effect that vehicular access shall only be from Honeysuckle Close. It is recommended that a similar condition be attached to the current proposal and accordingly no objection would be raised under Policies H9 (ii) and T2 of the Local Plan.

Precedent

In terms of representations regarding precedent an application for a three bedroom detached bungalow with integral garage on land at the rear of 300 Hempstead Road was refused on 13th August 1998 on the grounds that the proposal represented a cramped, ad hoc development, out of character with the locality and involved the loss of natural features that contributed to the local visual amenities, and was, therefore, contrary to Policies H8, H9 and B16 of the Medway Towns Local Plan 1992, the then adopted Local Plan. However, that application differed from the one currently under consideration in so far as the site was smaller and was one of several plots fronting onto Claridge Court, which is a private driveway serving four detached houses. The current proposal is on a larger site that has access onto the public highway in Honeysuckle Close and in this regard would not set a precedent for the development of other plots to the rear of the houses in Hempstead Road. The proposal would be seen as a rounding off of development in honeysuckle close and in visual terms of Claridge Court while it would not result in the sub division of garden land serving a single dwelling house that would be out of character with the area. Furthermore, unlike the previous proposal, this scheme would not result in the loss of any significant trees.
Conclusion and reasons for approval

The principle of building a detached house on the site is acceptable and it is considered that the site could be developed in a manner that is acceptable in terms of design and appearance, neighbour amenity, access and parking. The proposed development is considered to accord with the provisions of the relevant Structure and Local Plan policies 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 in the light of the number representations that have been received contrary to the Officer’s recommendation.]
Date Received: 2nd November 2005

Location: 78 Nightingale Close, Gillingham, Kent, ME8 8HR

Proposal: Part change of use of ground floor to facilitate a hairdresser working from home

Applicant: Miss L Jons 78 Nightingale Close Rainham Gillingham Kent ME8 9SH

Agent:

Ward: Rainham South

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**Recommendation - Approval with Conditions**

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

2. The use hereby permitted shall only operate between the hours of 09:00 - 19:00 Tuesdays - Fridays with no working on Mondays, Saturdays, Sundays or National Holidays.

3. Clients shall be seen on an appointment only basis and no sign shall be displayed at the property advertising the business without the prior consent of the Local Planning Authority.

4. The use hereby permitted shall be carried on only by Miss Lesley Jons and when the premises cease to be occupied by Miss Lesley Jons the use hereby permitted shall cease and any materials and equipment brought on to the premises in connection with the use shall be removed.

5. No additional staff shall be employed to work at the property without the prior consent in writing of the Local Planning Authority.

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

**Site Description**

The application site is a two-storey semi detached house with attached garage to the side. To the front there is off road parking available for three cars.

The ground floor layout comprises a front room used as a lounge with a door separating it from the rear kitchen/dining area beyond. There is also a separate utility room and cloakroom.
Proposal

It is proposed to use part of the kitchen/diner to facilitate the occupier of the property to operate a home hairdressers.

The applicant would be using the rear kitchen/diner for the work area and has applied for the following hours: Monday closed, Tuesday 9am – 7pm, Wednesday 9am – 4pm, Thursday 9am – 7pm and Friday 9am to 4pm.

Representations

The application has been advertised on site and neighbour notification letters have been sent to the owners and occupiers of 74, 76, 80, 82, 61, 63, 65, 67, Nightingale Close 34, 36, 38, 40 Laurel Walk

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

- Concern that the proposal will set a precedent for the conversion of other residential properties in this area into all sorts of commercial premises.
- Concern that if granted it would be easier for the owner to continue converting the whole house. After all this is a residential house in a residential area
- If the Council permits the proposal then it should consider the following restrictions:
  - The only area shown on the planning application is used for the owners business no and in the future
  - The permission is personal relating to the applicant as long as they live in the property
  - The hours of business are restricted
  - Parking is on the drive to prevent on-street parking
  - There are no external changes to the house including advertisements
  - That the applicant is not allowed to employ anyone
  - There will be no increase allowed in the number of clients forecast in the application and no appreciable expansion will be permitted to the hours of business

Development Plan Policies

Policy ENV15 (Built Environment)

Medway Local Plan 2003

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

Kent and Medway Structure Plan (Deposit Version) 2003

Policy QL1 (Quality of Development and Design)
Planning Appraisal

Street Scene and Design

The proposed change of use will not materially alter the external appearance of the house. In this respect it is recommended that a condition be imposed to ensure that no use of advertisements are allowed without the express consent of the Local Planning Authority.

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

Neighbourhood amenities

The applicant will use an appointment system, with one client at the house at any one time. Taking into account the hours over which the use takes place and that she alone is working, it would appear that for much of the time only 1 additional person will be at the house compared to its normal family usage. This in itself will be unlikely to give any perceptible external impression of business activity.

Regarding noise from within the premises, hairdressing or beauty therapy salons are not normally considered to be noisy activities. Noise specifically associated with such activities normally comes from electric clippers and hairdryers, neither of which is inherently noisy. There may be music being played as a distraction but it would be difficult to distinguish noise from this source compared to the normal domestic use of the premises.

In terms of business deliveries, lotions and chemicals associated with this type of activity tend to be high value low bulk that could be brought in as part of any normal shopping trip. Waste from the hair trimmings and waste paper from approx. 26 persons per week, (taking the worse case scenario), is unlikely to amount to any significant bulk.

It is recommended that conditions be imposed to personalise the use to the applicant while living at the property, not to employ any staff, to have clients on an appointment only basis and to control the hours of use. It is considered that these conditions will protect the residential amenities of the area.

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

Highways

Regarding traffic generation and parking associated with the use, there are three spaces to the front of the property that are available for use by the clients. A further space is also available in the garage to the side of the property.

Accordingly no objection is raised to the application under the provisions of Policy ENV15 of the Structure Plan, Policies T1 and T13 of the adopted Local Plan and Policy QL1 of the Kent and Medway Structure Plan (Deposit Version) 2003 (the emerging Structure Plan).
Conclusion and reasons for approval

The proposed part change of use will not materially alter the external appearance of the property and is not considered to cause a negative impact on the residential character of the area or harm to the neighbours in the area. The application is therefore considered to be in accordance with Policy ENV15 of the Structure Plan and Policies BNE1, BNE2, T1 and T13 of the adopted Local Plan and accordingly it is recommended for approval.

[This application would normally fall to be considered under officers’ delegated powers, but has been reported for Members’ consideration because of the number of representations that have been received expressing views contrary to the recommendation].
Recommendation - Approval with Conditions

(as amended by plans received on 19th December 2005)

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

2. Materials used on the construction of external surfaces of the development 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 north eastern flank wall of the extension herein approved without the prior written approval of the Local Planning Authority.

4. The conservatory window on the north-eastern elevation shall be fitted with obscure glass and shall be non-opening apart from any top hung fan light.

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

Site Description

The application property is located in a wholly residential area. The properties are all terraced. Due to the change in land level, sloping down to the southeast, the dwellings on the northwestern side are 2-storey and those on the southeastern are part 2-storey and part 3-storey. The street is 2-way and has on street parking. To the rear there is a service road with a number of garages fronting it. The dwellings all have 2-storey rear projections that are original features and many have elevated decked areas or patios with stairs leading from the first floor.

The application property is a part 2 storey part 3 storey mid terrace dwelling. The rear garden is laid to lawn and bare soil, with a small patio close to the dwelling. There is a 2-storey
projection to the rear that is an original feature of the dwelling and this projects approximately 1.9 metres from the dwelling. Boundary treatment to the rear is close boarded fencing approximately 1.8 metres in height on the rear boundary with the service road. On the north-eastern boundary there is also close-boarded fencing between 1 metre and 1.8 metres in height. The south-western boundary has mesh fencing approximately 1 metre in height.

Close to the dwelling there are some building works. Footings have been put in place with a breezeblock wall 2 blocks in height along with a 2-2.5 metre high wall on the boundary with number 78 and a raised decked area.

Proposal

The submitted application proposes the construction of a 2-storey extension to the rear with pitched roof and new stairs. The extension will provide a conservatory at first floor and utility room at ground floor level. The extension will project approximately 3.5 metres at ground floor level and approximately 3 metres at first floor level and be approximately 3.25 metres in width. The proposed new stairs will lead from the conservatory to the garden in front of the existing 2-storey projection.

The original proposal involved the construction of a conservatory at ground floor level projecting approximately 6.46 metres from the dwelling and approximately 3.25 metres in width. A decking area was also proposed at first floor level projecting approximately 2.63 from the dwelling. This was revised due to officers concerns regarding the extent of projection from the dwelling and subsequent visual impacts on the character of the terrace.

Representations

Neighbour notification letters have been sent to the owners and occupiers of 74 and 78 St Marys Road and 94, 96 and 98 Richmond Road.

1 letter of representation has been received on behalf of 78 St Marys road raising the following points:

- Blocking out of light to the property.
- Due to lack of light the concrete to the rear of 78 has become green with algae causing safety concerns.
- The greenhouse will be unusable.
- Overlooking into the rear garden.
- Removal of the boundary wall and commencement of works without consent of the owners of 78 St Marys Road.

Development Plan Policies

Kent Structure Plan 1996
Policy ENV15 (The Built Environment)

Medway Local Plan 2003
Policy BNE1 (General Principles for Built Development)
Policy BNE2 (Amenity Protection)
Planning Appraisal

The determining issues in relation to this application relate to:

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

Street scene and design

Due to the siting of the proposed works to the rear of the dwelling it will not cause harm to the street scene in St Marys Road. When viewed from the rear all of the dwellings in St Marys Road have 2-storey rear projections as original features. In addition to this the dwellings to the east in Richmond Road have a variety of 2-storey and single storey projections. Therefore the proposed extension will not cause harm to the character of the terrace. There are also a number of examples of stairs leading from the first floor to the gardens in St Marys Road and therefore the proposed stairs will appear in keeping. In terms of design the proposed extension and stairs will be in keeping with the dwelling in terms of scale and proportion and the pitched roof of the conservatory will complement the dwelling.

It is therefore considered that the proposals are acceptable in terms of impact on character of the terrace and design terms. The proposal therefore accords 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 dwelling to the south, number 74 St Marys Road, will not be detrimentally impacted in terms of sunlight due to the orientation of the dwelling and the path of the sun. This dwelling has a store at ground floor level and an obscure glazed window at first floor level. The proposed extension will be sited approximately 2 metres off of the boundary and will project between 1.1 metres and 1.6 metres further than the dwelling. Therefore due to the arrangement of windows and the siting and extent of projection of the extension there will be no detrimental impact in terms of outlook or daylight. Also due to the arrangement of windows in number 74 the proposed stairs will also not cause detrimental harm with regard to outlook or daylight. In terms of privacy due to the siting of the extension off of the boundary and the arrangement of windows in the rear projection of number 74, privacy will not be impacted.

The dwelling to the north, number 78 St Marys Road also has a store at ground floor level and an obscure glazed window close to the boundary with the application site at first floor level. Due to this there will be no detrimental impact in terms of outlook or daylight. In terms of privacy, no windows are proposed at ground floor and obscure glazed windows are proposed at first floor. Therefore there will be no detrimental impact in terms of privacy though it is recommended this be controlled by condition. In terms of sunlight there is already an impact during the afternoon due to the presence of the existing dwelling. The proposed extension will project between 1.1 metres and 1.5 metres further than the applicants existing
2-storey projection and at its highest point 1 metre higher and therefore any increased impacts to the sunlight reaching number 78 during the afternoon will not be significant and are considered acceptable.

Due to the elevated position of the conservatory overlooking between the rear gardens will be possible. However due to the existing first floor windows and many other examples of patios and decked areas in a similar position in the street there is already an impact in terms of overlooking and this will not worsen the existing position.

The application is considered to be acceptable in amenity terms and 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 Structure Plan.

*Highway considerations*

The proposal will not result in the increase in the number of bedrooms in the dwelling or reduce the amount of off road parking. Therefore no highway objection is raised to the application.

**Conclusion and reasons for approval**

The proposed alterations will not detract from the appearance and character of the existing property or the immediately surrounding area. 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 Policy ENV15 of the Structure Plan and Policies BNE1 and BNE2 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 a request from Cllr Chishti. While the applicant is an employee with the Council he has no direct involvement with the planning process and as such this would not be a reason in itself to refer the application to committee.]
Proposal: Amendment to planning application MC2004/2523 for the construction of two storey side extension and canopy to front and single storey rear extension (demolition of garage and porch) to allow the pitched roof on the single storey rear extension to be changed to a flat roof

Applicant: Mr J Scammell 39 Setford Road Rochester Kent ME5 8LP

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

Ward: Princes Park

Recommendation - Approval with Conditions

1. Materials used on the construction of external surfaces of the extension herein approved shall match those used on the existing dwelling.

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

3. The roof of the extension hereby permitted shall not be used as a balcony at any time and there shall be no alterations undertaken to the property to facilitate such a use (whether permitted by the Town and Country Planning General Permitted Development Order 1995 or not) without the prior written consent of the Local Planning Authority.

4. The garage hereby approved shall be used only for purposes incidental to the enjoyment of a dwelling house, excluding living accommodation, and no trade or business shall be carried on therefrom.

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

Site Description

39 Setford Road is a two-storey semi-detached property. The small rear garden is laid to lawn with fixed panel fencing approx. 1.8m high to no. 41, trellis fencing approx. 1.2m high to rear and a detached garage belonging to no. 37 to the remaining side boundary.
The property is located at the end of a cul-de-sac in an area of 1980s residential development. The street scene is mixed and includes both two-storey and single-storey properties. Some of these have been extended or altered since their erection, including large two-storey extensions such as at no. 40.

The adjoining property no. 41 is of the same style as the application property, with rear facing habitable room windows at first and ground floor. Beyond this property is the rear garden of no. 19 Ryegrass Close, with no. 20 Ryegrass Close’s garden to rear. These properties are bungalows and although their roofs are visible over the boundary treatment and the vegetation in the gardens, their rear elevation windows are not. The adjacent property no. 3 is a detached bungalow with a detached garage adjacent the shared boundary; it has a door and an obscure glazed window on the flank wall facing the application site. The property immediately opposite, no. 43 has one flank wall window facing the application site, which is obscure glazed.

Proposal

The proposal is for the construction of a two-storey side and single-storey rear extension, to provide a garage, kitchen and two additional bedrooms.

The side extension is 3.6m wide for the entire depth of the property, continuing the existing canopy across the ground floor front elevation and with the garage door set back. The rear extension projects 2.5m from the rear elevation of both the existing dwelling and the extension, and is slightly set in from the boundary with no. 41. It has a flat roof 2.7m high, with a further 0.5m of parapet wall to either side. It involved the demolition of a detached garage and conservatory.

The application is retrospective, as the majority of construction works have been completed. It represents a revision to previously approved application MC2004/2523. The change is the provision of a flat roof and parapet walls to the rear extension, in place of the previously approved mono-pitched roof (ridge height 3.6m).

It is noted that the applicant previously inserted patio doors into the rear elevation of the extension, to provide access to the flat roof as a balcony. These have now been replaced with an ordinary casement window, as shown on the currently submitted plans. This is the basis on which the application stands to be determined.

Relevant Planning History

MC2004/1179  Construction of two storey side extension and canopy to front (demolition of garage and porch)  

MC2004/2523  Construction of two storey side extension and canopy to front and single storey rear extension (demolition of garage and porch)  
Approved 15/12/04

Representations
Neighbour notification letters have been sent to the owners and occupiers of: 35, 37, 41 and 43 Setford Close; and 19 and 20 Ryegrass Close. Consultation letters were also sent by email to two previous objectors where only email addresses have been provided.

Four responses have been received objecting to the proposal on the following grounds:
- Loss of privacy from potential use of flat roof as terrace; this has already taken place and although the patio doors have been removed there is nothing to prevent the applicant reinstating these after planning permission has been obtained;
- Loss of property values;
- Loss of outlook and light to no. 41;
- Potential security risk from access to no. 41 from flat roof;
- Use of no. 41’s driveway by the application property as the front of the extension has not been set back;
- Owner is extending in order to sell property and has no regard for neighbours;
- Flat roof is out of keeping with the property and area and looks unsightly, as does blockwork which was previously to be covered by the pitched roof and is now exposed.

**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 Design)
- Policy TP19 (Parking Standards)

**Planning Appraisal**

Planning permission already exists for extensions to this property and the current application is an amendment to that. The amendment only relates to the deletion of a pitched roof to the single storey rear extension and its replacement with a flat roof. The determining factors in this application solely relate to this amendment therefore.

**Street Scene and Design**

The cul-de-sac and neighbouring roads are characterised by a varied street scene including large dwellings in relatively small, closely related plots. While several neighbours have objected to the appearance of the roof, a flat roof at ground floor level is a fairly standard design element and where it is sited to the rear and is not unduly prominent, it is not considered to be unacceptable design in its own right. The rear extension is visible from the road but while no others are visible in the immediate locality it is not considered to be so
prominent within the street scene that it would be detrimental to the character and appearance of the area. The previously approved extension was not considered to represent overdevelopment or to appear cramped; the current proposal does not alter the siting or overall size of the extension and is likewise considered acceptable in these terms. The extension as a whole is designed to reflect the character of the existing dwelling.

*Amenity Considerations*

In terms of impact on the amenities of neighbouring properties, a flat roof rather than a pitched roof will have a lesser impact in terms of the built form. However, it is noted that several residents have concerns that the flat roof of the extension will be used as a balcony, and that previously patio doors were in place to facilitate this. Use of the flat roof in this way would allow views over several neighbouring properties’ gardens in both Setford Road and Ryegrass Close, giving rise to an unacceptable loss of privacy. However, the submitted plans (which now represent the situation on site) have replaced the patio doors with a standard window and therefore no easy access to the flat roof. A condition is recommended to be imposed to ensure this remains the case, and subject to this it is not considered that there would be any significant detrimental impact on the privacy of neighbouring properties, noting also that no flank windows are proposed to the extension.

*Highways*

There are no highway implications to this amended application.

**Conclusions and Reasons for approval**

The amended application will have a lesser impact on neighbours in terms of built form while not impacting unacceptably on the street scene. While the balcony concerns of residents are appreciated this can be controlled by the recommended condition. Accordingly the application accord with policy provisions and is recommended for approval.

The application would normally be determined under delegated powers but is being referred for committee determination due to the extent of representations received expressing views contrary to the recommendation.
Date Received: 10th November 2005
Location: Land to rear of 49 and 51 Wigmore Road, Wigmore, Gillingham, Kent
Proposal: Application for approval of reserved matters pursuant to outline permission MC2005/0858 for the construction of a 5-bedroomed detached house with integral garage
Applicant: Mr R Zerafa  C/o Agent
Agent: Mr J Liddiard  14 Wentworth Drive Cliffe Woods Rochester Kent ME3 8UL
Ward: Rainham Central

Recommendation - Approval of reserved matters relating to siting and design

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

Site Description

The application concerns the rear part of the garden curtilages of 2 detached dwellings within Wigmore Road, which has a frontage to Fellows Close on two sides. A green house and garden store presently stand on the land. The two street scenes are composed of houses and bungalows of various forms and designs; that which most closely relates to the site, in Fellows Close, concerns a recent cul de sac development of 2-storey detached houses.

Proposal

The application concerns the reserved matters of siting, and design pursuant to condition 1 on outline planning permission MC2004/2834 granted on 14th February 2005. That permission concerned a revised scheme for the construction of a house on the site further to a previous grant of outline planning for such development under reference MC2004/2522, with the change concerning a reduction in the site where it abuts the rear garden of no.49, with a realignment of the new party boundary there a further 1.5m within the application site.

Only some information has been supplied with respect to external appearance and landscaping and these aspects cannot be cleared at this time.

The submission also addresses the matter of boundary details, with the construction of a wall between the new curtilage and those to be retained for nos. 49 & 51 [which it is advised is a condition upon the sale of the land]. The submission also shows the construction of walled visibility splays within the present boundary wall as required by condition [5] although because this could have foundation implications for the root structures of nearby tress which could be avoided with fencing, it has been agreed by the applicant’s agent that this matter could be the subject of further re-design consideration and submission.
The scheme provides for a 5-bedroomed house with integral garage on a footprint essentially corresponding to that shown on the illustrative drawing previously approved. The new house front building line would be at distances of 11 and 10m from the back edge of the present road edge with a side alignment at distances of 5.6m, 2.6m and 1.4m from the shrub border edges on either side of, and the turning head itself, respectively in the Close. The house would have a footprint which would leave a mean back garden distance of 13.4m from the angled party boundary with 53 Wigmore Road next to the garages serving 8 Fellows Close and 5 Chamberlain Court. The submitted drawing shows retention of the present wall and fence in Fellows Close apart from a 7.2m gap incorporating 2m x 2m vision splays either side of a new vehicular access off Fellow Close. The house would be provided with a hipped pitched roof at eaves and ridge heights of 5.2m and 6.2m.

**Site Area/Density**

Site Area: 0.040 ha (0.11 acres)
Site Density: 23 dph (9 d.p.a)

**Planning History**

MC2004/2522 Outline application for the construction of 4 bedroom dwellinghouse with integral garage.
Approved 12th January 2005.

MC2005/0858 Outline application for the construction of a detached dwelling.
Approved 7th July 2005.

**Representations**

The application has been advertised on site and the owners and occupiers of 1 to 8 (consecutive) Fellows Close; 35 & 53 Wigmore Road; and 4 & 5 Chamberlain Court have been consulted on the application.

4 letters have been received, making the following representations:

- The scheme represents a backland overdevelopment which will be out of character with and harmful to the street scene in Fellows Close;

- Houses within Fellows Close and in Wigmore Road will suffer from overlooking, a loss of light and outlook;

- The development will increase traffic to the prejudice of vehicular movement and amenity in Fellows Close.

1 letter has been received from the Wigmore Community and Residents Association which notes the previous grant of planning permission and expresses that it is content for the Council to determine the application as its sees fit.

**Development Plan Policies**

Kent Structure Plan 1996

Policy S1 (Sustainable Development)
The principle of development

The site is not designated for any specific purpose and lies within the Medway Towns urban area in the adopted Local Plan and in an exclusively residential area. The principle of infill residential development is therefore unobjectionable in development plan and national planning policy guidance terms as recognised in the outline planning permission to which this submission relates and the earlier planning permission.

Amenity considerations

Much of the representation received reiterates concerns about the development in principle which were raised in regard to the earlier scheme and the matter of unacceptable backland development was noted as normally arising in cases where there is no recognised or acceptable road frontage for access purposes, which is not the situation in this case, or where it would create unacceptable impacts for neighbouring property, which has been dealt with in the previous section of this report.

The proposed house would be sited at distances of 16m and 23m from the nearest neighbouring houses in Fellows Close, and this together with the proposed dwelling height and form would avoid any unacceptable adverse impact on the amenities of neighbouring residents in regard to light loss, and although windows in the front of the new house would have an aspect onto these neighbours, this degree of separation is sufficient to avoid any immediate or unacceptable effects upon the outlook or privacy there and the outlook would be mainly one of overlooking of front areas open to the street scene in a locality where a degree of mutual overlooking of private rear garden spaces is a feature. The position with regard to the nearest neighbouring properties, at 49 and 51 Wigmore Road themselves, would provide for an obscured glass window in the house flank adjacent to the curtilages of those neighbours. The rear windows would be at a distance of some 18.5m from no 51, and 13.4m and from the angled party boundary with 53 Wigmore Road at a point some 20m from the house there. Because of the orientation of the properties, the new house would only
have the potential to affect sunlight to the curtilages of nos. 49 and 51 during the early morning hours, and although there would be some potential garden overshadowing at that time, this would not be to an unacceptable degree. The matter of outlook is subjective but it is pertinent that Kent Design previously recognised an 11m separation between the rear and flank of dwellings as a good rule of thumb approach and it presently recognises a considerable degree of flexibility in this matter according to the site context. Given these distances and the prevailing situation, there is no reason to believe that any unacceptable implications for the amenity of these neighbours in terms of privacy should arise.

The proposed layout would provide an acceptable extent of rear garden for the new house and the provision for a new 2m high boundary wall between the new garden curtilage and those at nos. 49 & 51 would achieve an acceptable separation between them. The development is considered to provide an acceptable standard of amenity for prospective occupants.

Design, appearance and impact on the character of the area

The proposed density of development as approved represents 25 dwellings per hectare, which is below the range identified in national planning policy guidance expectations in PPG3 and emerging Policy QL5 and less than that for some of the immediately neighbouring development in Fellows Close. However the scheme represents a more efficient use of land in accordance with that advice and reflects the general density of other development in the locality, and accordingly no objection was raised in that respect when the outline application was considered.

The proposed house would be of a scale and form consistent with the neighbouring 2-storey development in Fellows Close. Although the scheme represents the only dwelling on this side of the road, it would not constitute an obtrusive or discordant element, which would be objectionable in street scene terms. The design details shown on the submitted drawing of finishes around window and door openings is sparse, however they would allow for the provision of appropriate brick arched heads and sills and this is a matter of detail which can fall to be submitted and considered under the provisions of a reserved matters application for external appearance.

The need for the vehicular access and its position [which was approved under the outline permission] inevitably results in the loss of some trees. These have been assessed as of an amenity value, the removal of which would either not reduce the visual amenities of the area or the need for retention may be overridden by other site factors. In this case, there is no option for securing on site vehicular and parking provision which would avoid the need for some removal and much of the requirement for this arises from the conditioned requirement to provide safe vision splays on either side. The scheme allows for the retention of the great bulk of planting which stands around the flank and rear of the site, in the verge outside the application site and accordingly the proposals are regarded as acceptable in townscape terms subject to the provision of replacement tree planting for those which would be lost as a result of the works required to form the vehicular access and vision splays.

The submitted details are considered to be in character with the locality and would accord with Policies BNE1, BNE2, H4 and H9 of the adopted Local Plan as well as Structure Plan Policy ENV15
Highways/parking

The proposed provision for 2-space parking arrangements are regarded as acceptable in regard to the relevant adopted Council parking standards. The development would attract additional traffic in Fellows Close, but this would not be to a degree which might be considered harmful, and in relation to the overall level of traffic using the road, it would have no significant implications for the local highway network or its capacity.

Conclusions and Reasons for approval

The proposed house accords with the principles established with the granting of the outline consent. It is in keeping with the general character of the area in design terms and will not cause any unacceptable harm to the amenities of occupiers of adjacent properties. Satisfactory parking is proposed to serve a property of this size in this location. The proposal therefore accords with the provisions of the above-mentioned Development Plan policies and is recommended for approval.

This application is being reported to the Committee for determination because of the number of representations received contrary to the recommendation.
Date Received: 15th November 2005
Location: Land between 36-52 High Street, Rainham, Gillingham, Kent
Proposal: Construction of a terrace of three 3-bedroomed houses and four 4-bedroomed detached houses with integral garages
Applicant: Mr R Partridge Temple Estates Limited 9 West End Kemsing Sevenoaks Kent TN15 6PX
Agent: 
Ward: Rainham Central

Recommendation - Approval subject to:—

A A section 106 agreement being entered into to secure a contribution of £5000 towards local accessibility improvements; and

B The imposition of the following conditions:

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

2 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied and shall thereafter be retained. Development shall be carried out in accordance with the approved details.

3 Details and samples of any materials to be used externally and any means of enclosure shall be submitted to and agreed in writing by the Local Planning Authority before development is commenced and development shall be carried out in accordance with the approved details.

4 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 car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artifacts and structures (e.g. refuse or other storage units, signs, lighting etc). Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and implementation programme.
5 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. The approved planting stock shall be maintained for a minimum period of five years following its planting and any of the stock that dies or is destroyed within this period shall be replanted in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

6 The developer shall afford access at all reasonable times to any archaeologist nominated by the local Planning Authority and shall allow him/her to observe the excavations and record items of interest and finds. The developer shall inform the County Archaeologist of the commencement of development not less than two weeks before the commencement of such works.

7 Prior to the first occupation of the development hereby permitted, vision splays of 4.5 metres x 70 metres to the east of the junction shall be provided and no obstruction of sight more than 0.6 metres above carriageway level shall be permitted within the splays thereafter.

8 No part of the development shall be occupied until a means of vehicular access has been constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

9 The area shown on the permitted drawings for vehicle parking and garaging shall be kept available for such use and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

10 Prior to the commencement of the development, an acoustic assessment shall be undertaken to determine the impact of noise from transport related noise sources. The results of the assessment and details of any mitigation measures necessary to ensure a commensurate level of aural amenity within habitable rooms and garden areas shall be submitted for the approval of the Local Planning Authority prior to the commencement of development. The approved measures shall be fully implemented prior to the first occupation of the development herein permitted and thereafter maintained.

11 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 at first floor level in the side elevations of any of the houses hereby permitted without the prior written approval of the Local Planning Authority.

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

Site Description

The site lies on the south-western side of High Street in Rainham, midway between the junctions of Orchard Street and Holding Street. The site is located close to the centre of
Rainham, with a variety of shops in the units opposite, and Rainham Shopping Centre behind these.

The site lies between 36 and 52 High Street. Number 52 is an end of terrace Edwardian building that abuts the footway, whilst number 36 is a detached house set back from the road, as are the other dwellings further to the west.

The site ground level is about 1.5m to 2m above road level and there is a brick-faced retaining wall abutting the footway with various shrubs and trees planted along this edge of the site.

The site has now been cleared and levelled, and construction has commenced on the four detached properties located behind the current site, given approval on 1 December 2004. The site is predominantly surrounded by residential development to the south, whilst it is more commercial to the north.

The access into the site lies towards the north western edge of the site boundary onto the High Street, and provides access to the four properties at the rear and the rest of the site.

There is a change in levels as you drive down the High Street, from west to east.

Proposal

This is a full planning application for the construction of four detached 4-bed properties and a terrace of three 3-bed properties.

The terrace of three would be located adjacent to 36 High Street, on the north-western side of the access. These houses would be two and a half storey in height, with a central gable section and small dormer windows in the front roof plane and velux windows in the rear. No windows are proposed on either side elevation. The buildings are shown as being rendered at ground floor level, with tile hanging at first floor level and slate grey roof tiles.

The four detached houses are all of a similar style to the existing properties that are situated at the rear of the site, and which are nearing completion. They would all have an integral garage with a room above served by dormer windows, and with a pitched roof porch over the front door.

One property would be situated adjacent to plot 4 along the rear part of the site, whilst the other three units would be located along the front portion of the site to the south-east of the access road. These three units would have their front elevation facing into the site, with the rear elevation facing towards the High Street.

Each of the four detached houses would have one garage space and one driveway space in front, whilst the terrace would be provided with five surface parking spaces at the rear to be shared between them.

A visibility splay of 4.5m x 70m is to be provided to the east, with a visibility splay of 2.5m x 70m to the west. A section of the existing boundary brick wall to the east of the access would be re-built to accommodate the sight line.
Site Area/Density

Site area: 0.2188 hectares (0.54 acres)
Site density: 32 dwellings per hectare (13 dpa)

Relevant Planning History

MC2005/1458  Construction of a two storey block with rooms in the roof, comprising twelve 2-bedroomed flats and one 1-bedroom flat with associated parking
Refused 20 October 2005
Appeal submitted

MC2005/0808  Construction of one 2-storey block comprising five 1-bedroomed and ten 2-bedroomed apartments with associated parking
Refused 30 June 2005

MC2004/0486  Construction of one 2-storey block with living accommodation in roof space to facilitate five 2-bedroomed flats; one block part 3-storey part 2-storey with living accommodation in roof space of the 2-storey part to facilitate fourteen 2-bedroomed flats and one 1-bedroomed flat; four detached chalet bungalows with garages; access road and parking facilities
Refused 22 July 2004
Appeal Dismissed 4 April 2005

MC2004/0485  Construction of four detached houses with detached garages and construction of rear access road
Approved 1 December 2004

MC2003/0699  Demolition of dwelling and outbuildings and construction of three 2-bedroomed detached chalet bungalows with detached garages, a 4-bedroomed detached house with detached double garage and a two storey block comprising four 2-bedroomed flats with associated parking
Refused 20 July 2003
Appeal Allowed 18 December 2003

Representations

The application has been advertised on site. Consultations have been sent to Southern Electricity Board, Southern Gas Networks, Primary Care Trust, Kent County Constabulary and KCC Archaeology Section. Neighbour notification letters have been sent to the owner/occupier of 22, 24-36 (evens) and 52-66 (evens) High Street; 29-71 (odds) High Street; 2, 4, 6 and 14-30 Orchard Street; and 7 and 19-39 (odds) Thames Avenue.

Four letters of objection have been received raising the following points:

- Too many properties being put on the plot
- Increase in traffic and amount of vehicles entering and leaving the site, and using High Street
- High Street already busy and getting busier and traffic travels at more than 30mph making it dangerous
- Amount of traffic entering and leaving the site will make it difficult for pedestrians walking across the entrance to the site
- Upstairs rear window of plot 5 should be obscure glazed to avoid overlooking
- Sufficient parking needs to be provided on site to ensure the surrounding roads do not become more congested
- Overlooking as a result of the terrace of three houses
- Concerned that the developer will pick out elements of what has been previously approved and amalgamate them into what is actually built on site – i.e. he could revert to the two storey block of four apartments granted on appeal instead of 2 of the detached houses

One letter of comment received:
- Stressing the need for adequate parking to be provided on site to avoid residents parking on shop forecourts.

The Kent Police architectural liaison officer has written to advise he has no objection.

KCC Archaeology has no objection subject to a condition relating to the need for a watching brief.

Southern Gas Networks advise that there are gas pipelines in the vicinity of the site. The plan showing the route of these pipelines passed to applicant 19/12/05.

**Development Plan Policies**

Kent Structure Plan 1996

- Policy ENV15 Built Environment
- Policy ENV16 Urban Open Space and ‘Town Cramming’
- Policy T17 Parking

Medway Local Plan 2003

- Policy S6 Planning Obligations
- Policy BNE1 General Principles for Built Development
- Policy BNE2 Amenity Protection
- Policy BNE3 Noise Standards
- Policy H4 Housing in Urban Areas
- Policy T1 Impact of Development
- Policy T13 Vehicle Parking Standards

Kent and Medway Structure Plan (Deposit Version) 2003

- Policy HP3 Previously Developed Land
- Policy QL1 Quality of Development and Design
- Policy QL5 Density of Development
Planning Appraisal

Principle of Development

The site lies within the built up area as defined in the Local Plan. Policy H4 allows for the use of vacant land for the redevelopment of existing buildings for residential use, and infilling in such areas, providing a clear improvement to the local environment results. It is therefore accepted that in principle the proposed development of this site is acceptable, subject to detailed consideration of the design, siting and layout of the development, and its impact on the surrounding properties.

Street Scene and Design

The current proposal has sought to address the concerns raised by Members when the previous application for 13 flats was considered in October this year. The scheme has now reduced the number of units proposed to 7, with all of the units being houses rather than flats.

Plot 5, which would sit at the rear of the site, simply continues the line of development in this section of the site. It would be staggered slightly forward of plot 4, which would again replicate the pattern of staggered development in this area. A garden depth of 7m would be provided which would be the same as that provided for plots 1 and 2. A distance of 44m would separate the rear elevation of this new dwelling and that of 39 Thames Avenue, which would exceed the recommended separation distances given in Kent Design Guide, and ensure a loss of privacy would not result. Notwithstanding the above the applicant has confirmed that the rear first floor window would be glazed with obscure glass.

Plots 6, 7 and 8 would be located along the front of the site, and would be well spaced with gaps of between 2 and 3m between each house. Each would be provided with a garden length of 7-8m, which again is comparable to those four houses at the rear of the site.

The siting and design of these four detached properties are considered to be acceptable and would provide a comprehensive development for the site. The provision of detached houses would replicate the pattern of development further seen to the north-west of the site, where there are detached houses located within a rough building line fronting onto the High Street, which these houses would respect.

The terraced properties would also respect this building line, being proposed to be sited in line with the front elevation of 36 High Street, and not extending past the rear elevation of this house. The plans show the dotted outline of the detached house that was proposed in the previous application, and it can be seen that the footprint would not be excessively different to this. It is considered that adequate space about the dwellings can be provided to ensure that the terrace does not look cramped in its setting. A traditional hipped and pitched roof would be provided, but the ridge height would be lower than that of the neighbouring property, number 36. The parking for these units would be located within the central section of the site, and would therefore not have an adverse impact on the street scene for the High Street.

It is considered that the proposed development of 7 houses can be adequately accommodated within the site, without appearing cramped, and would allow adequate amenity space for each of the dwellings. The design of the houses would be in keeping with
the surrounding area and the existing houses nearing completion at the rear of the site. It is therefore considered that the layout and design of the scheme is acceptable and would be in accordance with Policy BNE1 of the Medway Local Plan.

Amenity Considerations

No first floor windows are proposed in the side elevation of plot 6 therefore no direct overlooking of the amenity area of number 52 would result from these proposals. In the same way the terrace of three units has no windows in the side elevations, therefore direct overlooking towards number 36 would not result. The first floor windows on the rear of the terrace serve one bedroom. Overlooking from these windows towards number 36 would be at an oblique angle only, and it is considered this would not be of a level that would warrant a refusal of the scheme on these grounds.

The houses within the front and rear parts of the site would be separated by a distance of approximately 17m. Given that this would be between facing front elevations (rather than over private amenity areas), it is considered that the separation distance would be acceptable.

In this regard the proposal is considered to be acceptable, and would not result in the significant loss of privacy for surrounding properties, therefore would be in accordance with Policy BNE2 of the Local Plan.

Highways

The development would use the existing access point, which would be shared with those properties proposed under this application and the existing four units at the rear. This would result in 11 units using the access onto the High Street. The access road would be 4.8m wide and would allow for two way traffic entering and leaving the site, therefore no hold ups backing onto the main road would result.

A full turning head is provided at the end of this road in front of plots 1-3, with the section extending to plots 4-7 being a shared surface.

The use of this access for the new houses as well is considered acceptable providing the boundary wall is amended to accommodate the required sight line to the east. This has been shown on the submitted drawings and has been covered by a condition to secure this. The sight line to west of the access can be contained within the existing public highway.

The applicants have agreed to pay the sum of £5,000 towards accessibility improvements from the site into Rainham town centre, which would be secured through a S106 agreement.

The level of parking provided on site is considered to be acceptable, and in accordance with the Council’s parking standards, bearing in mind the location of the development close to the centre of Rainham, which has a high level of local facilities.

The proposed access, on site highway layout and parking provision is considered to be acceptable and would be in accordance with Policies T1 and T13 of the Local Plan.
Noise

The site fronts the High Street, a principal route subject to high levels of road traffic noise. However, given the siting of existing dwellings either side of the site, and that the proposed houses would be purpose built, it is considered that this matter is best addressed by conditions in order to ensure that the provisions of PPG23 and Policy BNE3 of the Medway Local Plan can be met.

Off Site Contributions

Each of the houses proposed within the whole site would have their own private amenity space, however, no provision for wider open space facilities is proposed on site.

When planning permission was given for the four detached houses at the rear of the site (MC2004/0485), the application for a larger scheme, which included both these houses at the rear and flats on the front part of the site, was also considered and refused permission. A contribution for improvements to off site open space facilities based on the larger scheme was requested at that time for the sum of £3,675, and although this scheme was refused the applicants paid the full sum of £3,675 as part of the S106 agreement for the four detached houses. Prior to the signing of that agreement the Council confirmed to the applicant that if the sum were to be paid then, a subsequent sum would not be requested for development on the remainder of the site. As such no contribution is now being sought.

Conclusions and reasons for approval

The proposed development has been amended from a flat scheme to provide a reduced number of units to address concerns raised by Members when considering the previous application. It is considered that the development would be in keeping with the surrounding area in terms of the layout and design of development, and would not have a detrimental effect on the occupiers of the existing properties surrounding the site. Adequate parking and amenity space has been shown within the site. The proposal is therefore considered to be in accordance with Policies H4, BNE1, BNE2, T1 and T13 of the Medway Local Plan, and is recommended for approval subject to the S106 agreement and conditions as laid out.

[This application would normally fall to be determined under officer’s powers but is being reported for Members consideration due to the extent of representations that have been received contrary to the officer recommendation.]
14 MC2005/2218

Date Received: 20th December 2005

Location: The Ship, Upnor Road, Lower Upnor, Rochester, Kent, ME2 4UY

Proposal: Construction of a single storey rear extension

Applicant: The Ship Upnor Road Lower Upnor Rochester

Agent: Mr D Evans W D Evans Building Services 45 Galleon Way Upnor Rochester Kent ME2 4GX

Ward: Strood Rural

Recommendation - Approval with Conditions

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

2 Details and samples of any materials to be used externally and any means of enclosure shall be submitted to and agreed in writing by the Local Planning Authority before development is commenced and development shall be carried out in accordance with the approved details.

3 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 hereby approved shall be installed in the extension herein approved without the prior written approval of the Local Planning Authority.

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

Site Description

The application property is a two storey building located on the north-western side of Pier Place that comprises a public house at ground floor level with residential accommodation above. The front and side elevations of the application property are faced in brickwork at ground floor level, with a “mock Tudor” beam and plaster treatment at first floor level on those elevations. The rear elevation is clad in brickwork. The building has a half hipped roof form at each end.

The application property is bounded to the south west (side) by recently constructed houses in Galleon Way (part of the former Upnor quarry site). The application property is bounded to the north and north east by more established terraced properties in Brissenden Close and Pier Place.

The public house has a substantial rear garden with a patio area immediately to the rear of the building. The ground level along the south-western boundary of the public house and the
first 15 metres (approximately) of its garden is approximately one metre below that of the
neighbouring properties in Galleon Way. The patio area extends as far out as the rear
elevation of a detached store building to the rear of the principal building. The remainder of
the rear garden then rises in level. The boundary to Galleon Way, adjoining the public house
and patio area, comprises a 1.2 metre high retaining wall with a 1.8 metre high close boarded
fence above. The north-eastern boundary comprises a 1.8 metre high close boarded fence.

Proposal

The submitted application seeks full planning permission for the erection of a single storey
rear addition. The proposed rear extension is similar in size and design to an addition granted
planning permission in February 2001 under file reference MC2000/1818 and that permission
is still extant. [It is to be noted that the currently proposed extension requires a fresh planning
permission because the external design of this addition is being amended, with full gables
being substituted for the previously proposed half (bonnet) hips and the existing rear
additions are to be demolished and rebuilt as part of the new extension rather than simply
being incorporated into it as was originally envisaged.]

The proposed extension will set at an angle of approximately 68 degrees to the alignment of
the principal rear elevation, so that it runs parallel to the party boundary with the adjoining
properties in Galleon Way at a distance of approximately 1 metre from that boundary. The
proposed extension will be roughly “L” shaped and will have a depth ranging between 2.3
and 16.4 metres and a width ranging between 4.8 and 12.8 metres. The eaves height of the
extension will be 2.4 metres, while the ridge height will be 4.85 metres. No details of the
proposed external finishes have been specified with the application documentation.

The proposed extension will accommodate new toilet facilities, a waiters’ room and a dinning
area providing 44 seats. The proposed windows in the south-western elevation of the
extension (facing towards Galleon Way) will serve the new toilet facilities and will be obscure
glazed. The dining area will be illuminated by rooflights within its side elevations, 2 per roof
slope, and French windows in the rear elevation.

Relevant Planning History

ME/88/0893 Single storey extension to form toilet
Approved 4 August 1988

ME/90/0454 Single storey rear extension
Approved 2 July 1990

ME/95/0276 Demolition of store and erection of single storey side dining room extension
Approved 6 June 1995

MC2000/1818 Construction of single storey rear extension
Approved 2 February 2001

Representations

The application has been advertised on site by means of a site notice. Neighbour notification
letters have been sent to the occupiers and owners of: 31, 32, 34 and 36 Brissenden Close; 2
to 16 (even) Galleon Way; and Flats 1 and 2 Pier Place.
Frindsbury Extra Parish Council has written raising no objection to the proposed extension.

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

- The proposal will increase noise and disturbance for the occupiers of adjoining properties, especially in the light of longer licensing hours; and

- The proposed extension will result in a loss of privacy for the occupiers of neighbouring properties.

**Development Plan Policies**

Kent Structure Plan 1996

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

Medway Local Plan 2003

- Policy BNE1 (General Principals 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 issues for consideration arising from this application are: matters of principle; design; amenity implications; and highway and parking matters.

**Matters of principle and design considerations**

It will be noted from the Proposals and History sections of this report, that the application property has been subject to a number of applications and benefits from an extant planning permission (under file reference MC2000/1818) for an extension of a similar nature to that currently proposed.

The principle of an extension of this scale has therefore previously been established. The currently proposed extension will be very similar in appearance to the previously approved development and it continues to be considered to be acceptable in terms of its siting, scale, height, massing and design. It particular it is considered that the size and siting of the proposed extension are such that this addition will not appear as an uncharacteristic feature in the surrounding area.

Accordingly in design and streetscape terms this proposal is considered to be acceptable 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 nature, the difference in levels between the application property and the neighbouring properties in Galleon Way and the siting of the extension relative to the adjacent houses, it is considered that the presence of the proposed extension will not have a detrimental affect upon the amenities (outlook, light, privacy, noise, pollution, etc) of the occupiers of immediately neighbouring properties. It is further considered that the existing pub garden and patio area currently have the potential to generate some outdoor noise and that the construction of the proposed addition may reduce the scale of this potential source of disturbance by enclosing some of the outdoor activities associated with the operation of the public house within a building.

In amenity terms the proposed development is considered to be acceptable and accordingly no objection is raised to the application in this regard 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.

**Car Parking and Highway Implications**

No off street parking is proposed under the terms of the submitted application and this position is no different to the situation prevailing under the terms of planning permission MC2000/1818. Having regard to the character of Upnor and the parking arrangements within the village, it is considered that the proposed development will not give rise to a level of on-street parking that would be prejudicial to highway safety or the amenities of the occupiers of neighbouring properties. Accordingly no highway objection is raised to this proposal under the provisions of Policy T17 of the Structure Plan, Policies BNE2 and T13 of the adopted Local Plan and Policy TP19 of the emerging Local Structure Plan.

**Conclusion and reasons for approval**

It is considered that the currently submitted proposals are acceptable in design and amenity terms and the application 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 is accordingly recommended for approval.

[This application would normally fall to be considered under the officers’ delegated powers but has been reported for Members’ determination because a member of staff within the Development Control service works within the application premises on a part time basis.]