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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 subject to:-

(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 The applicant entering into a Section 106 Agreement to secure the following:

i) A contribution of £5,256 towards the improvement and maintenance of Borstal Recreation Ground;

ii) A contribution of £18,000 towards primary education facilities; and

iii) The provision of: security fencing to the site; a new pavilion (including caretakers accommodation); and permanent secure storage facilities for sports equipment.

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.
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, sight lines 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 and been made available for use in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

9 Prior to the commencement of the development hereby permitted details of the layout, construction and fencing for the replacement tennis courts shall be submitted to and approved in writing by the Local Planning Authority. The tennis courts shall be provided in accordance with the approved details and be made available for use no later than the start of the first school tennis season following the commencement of construction works on the houses hereby permitted.

10 Prior to the commencement of the development hereby permitted the speed reduction measures for Borstal Road shown on Drawing 0565/GA/01B (or similar measures shown on any Drawing subsequently approved by the Local Planning Authority), together with signage providing advanced warning of the presence of these speed reduction measures, shall be installed and be available for use.
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 prior to the commencement of the development. 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 houses hereby permitted.

12 Prior to the commencement of the development hereby permitted details of the construction and layout for the revised road access onto the playing fields shall be submitted to and approved in writing by the Local Planning Authority. The revised access shall be constructed in accordance with the approved details prior to the first occupation of any of the dwellings hereby permitted and shall thereafter be retained as such.

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 calming 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 Cemetary 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.

A further twelve letters have been received following re-consultations in response to the receipt of amended plans reiterating concerns previously raised, most particularly in relation to: the narrowing of Borstal Road; the loss of parking on site; the lack of a comprehensive landscape scheme; alterations to the proposed access arrangements; the impact on existing residents parking along Borstal Road; the design of the houses; the loss of green space; increased traffic generation; and the siting and design of the traffic calming.

Development Plan Policies

Kent Structure Plan 1996

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

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)

Kent and Medway Structure Plan (Deposit Version) 2003

Policy QL1 (Quality of Development and Design)
Policy QL5 (Density of Development)
Policy TP19 (Parking Standards)

Planning Appraisal

Principle of Development

The site lies within the urban area of Rochester, as defined on the Proposals Map accompanying the adopted Local Plan, but is also part of an area of open space designated under Policy L3 of the adopted Local Plan. The preamble to Policy L3 states that on sites covered by this designation, development will only be permitted in exceptional circumstances. The policy sets out 5 criteria that can be considered as exceptions. 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 children’s play space provision, there is an excess of such provision in the area (measured against the National Playing Field
The applicant has stated in the design statement (paragraph 1.8) that the development will raise funds for the school, the proceeds of which will be used to fund further sports facilities at the school, the development of other educational facilities at the school and provide bursaries or scholarships aimed at state sector pupils. A further letter from the applicant’s states 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 the application 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 provision of an 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 submitted for the Local Planning Authority’s approval and the courts being made available for use no later than the start of the first tennis season following the commencement of construction works for the proposed houses, there would be no net loss of facilities.

Sport England has advised that it considers the strip of land to which the proposal relates incapable of forming or forming part of a playing pitch, given that it is separated from the main playing pitches by a row of conifers. Accordingly the proposal will not result in the loss of or prejudice the 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 provisions of Policy L3, it is considered that the submitted scheme will allow for enhanced facilities to be provided by the school and will 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. It is proposed to the secure the provision of: security fencing for the retained part of the sports pitch; a new pavilion; and permanent secure storage facilities by means of an obligation attached to the recommended Section 106 agreement. It is envisaged that the requirements of this obligation will be funded from the proceeds received by the applicant from the sale of the application site for development purposes.

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 receives a resolution for approval.
Street Scene and Design

The site is self-contained and has little relationship with Borstal 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 4.8 metres, which is 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 Borstal 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 on St Margaret’s Street.

Sight lines of 2 metres x 45 metres to the south and 2 metres x 70 metres to the north are to be provided on either side of the junction with Borstal Road and these forward visibility arrangements are considered to be acceptable and will not be prejudicial to 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.]

[This application was considered by Members at the Development Control Committee on the}
11th January 2006, when it was determined to defer a decision to enable a Members’ site visit to be held.]
Recommendation - Approval with Conditions

(as amended by plans received 7th December 2005)

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

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

3  The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

4  No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed prior to the occupation of any of the dwellings hereby permitted and shall thereafter be retained. Development shall be carried out in accordance with the approved details.

5  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.

6  The plans and particulars submitted in accordance with Condition 1 above shall include:
a) A plan showing the location of and allocating a reference number to each existing tree on site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;

b) details of the species, diameter (measured in accordance with paragraph a) above, and the approximate height and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs c) and d) below apply;

c) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;

d) details of any proposed alterations in existing ground levels and of the position of any proposed excavation within the crown spread of any retained tree or of any tree on land adjacent to the site within a distance of 6 metres from any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree;

e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

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

7 All hard and soft landscape works shall be carried out in accordance with the details approved pursuant to Condition 1. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. The approved planting stock shall be maintained for a minimum period of five years following its planting and any of the stock that dies or is destroyed within this period shall be replanted in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

8 The approved development shall be carried out in such a manner as to avoid damage to the existing trees, including their root systems, and other planting to be retained by observing the following:

a) All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:1991 or otherwise to the satisfaction of the Local Planning Authority. Such tree protection measures shall remain throughout the period of construction.

b) No fires shall be lit within the spread of branches of the trees 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.

9 The proposed garages, drives and turning areas detailed on the plans herein approved shall be constructed in accordance with the approved plans before any occupation of the houses and shall thereafter be retained without any obstruction of access.

10 Prior to the first occupation of the development hereby permitted the area of land within the specified vision splays shall be reduced in level as necessary and cleared of any obstruction between the points 0.6m above ground level at the ends of the splays and thereafter shall be so retained and maintained.

11 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.

12 No part of the dwellings herein approved shall be occupied until they have been soundproofed to reduce the effects of road traffic noise disturbance in accordance with the submitted acoustic assessment and details of the window glazing types and ventilation types shall be submitted to and approved in writing by the Local Planning Authority before they are installed.

13 The details to be submitted in accordance with condition 1 above shall include the existing and proposed finished site levels of the development.

14 Prior to the commencement of any development on site a wildlife survey shall be undertaken and submitted to and approved by the Local Planning Authority. The survey shall record and set out measures to mitigate the impact of the development on protected species on site. The development shall be undertaken in accordance with the approved recommendations and timescales.

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 concerns the curtilage of a detached house, which is set well back from Walderslade Road. The house is now derelict further, it is understood, to fire damage. The site has a number of mature trees and shrubs within and on its boundaries and lies opposite the junction with Chestnut Avenue, at the top of an incline where Walderslade Road rises steeply in a south to north direction. The site frontage has a dense tall tree boundary screen.
which stands behind a close boarded fence and obscures any view of the inside of the site from the street.

On its northern side, the site adjoins the curtilage of the large detached house at no.289, which is sited at the corner of Walderslade Road and Sussex Drive. To the rear [east] the site is adjoined by the curtilage of the Vicarage, which also fronts Sussex Drive and the development in The Wirralls, which comprises mainly semi detached houses and are set at a lower level than the application site. The southern site boundary abuts a detached house set well back from the boundary and angled towards Walderslade Road at no. 303.

The surrounding area is predominantly residential, although the Walderslade Club lies directly opposite the site at the junction with Chestnut Avenue, with an area of parking accessed from Chestnut Avenue.

**Proposal**

The proposal is a revised scheme to one proposed and refused under reference MC2004/1680 for the construction of five detached houses with garages. That decision was subsequently upheld on appeal.

The present application is in part outline and proposes the construction of three 4-bedroomed detached houses, with means of access and siting submitted for consideration at this stage. The proposals illustrate 2-storey houses, with half-hipped roofs and two-storey gabled front projections, with tile hanging at first floor level. Further to revision, the scheme provides for the construction of garages at a level with and between the houses, to obviate the potential for access to the land at the rear, which is identified as a communal amenity area, retaining all of the present trees there. The house on Plot1 [to the north] would have a main front building alignment some 1.1m in advance to that of no.289; the main front walls to the houses on Plots 2 & 3 would be set some 2m in advance of the front bay at Plot 1. Plots 1 and 2 would be accessed off a re-opened and remodelled existing crossover [Access A]; Plot 3 would be served by a new access [Access B].

The application has been accompanied by a noise impact assessment and transport statement, which accompanied the previous application.

**Site Area/Density**

Site area: 0.19 hectares/ 0.47 acres
Site density: 16 dwellings per hectare

**Relevant Planning History**

ME/93/0029 Outline application for erection of one detached dwelling.
Appeal allowed 22nd July 1993.

MC2003/2006 Outline application for seven houses.
Withdrawn.

MC2004/1680 Outline application for construction of five detached houses with garages.

Representations

The application has been advertised by display of a site notice and neighbour notification letters have been sent to the owners/occupiers of 26 Salisbury Ave, 264 to 270 (even nos. inclusive), 274, 289, 303 Walderslade Road, 1 to 9 (odd nos. inclusive) Chestnut Ave, 5 to 9 (consecutive) The Wirralls, and 139 Sussex Drive.

Two letters have been received which raise the concern that, although the proposal is for three houses is regarded as acceptable [in one letter], the noise assessment refers to five and the layout [in its originally submitted form] affords the potential for two more houses, which is objected to on grounds of traffic hazard in Walderslade Road.

Development Plan Policies

Kent Structure Plan 1996

- Policy ENV15 (Built Environment)
- Policy T17 (Parking Standards)
- Policy T19 (Access onto Primary or Secondary Road Network)

Medway Local Plan 2003

- Policy S1 (Development Strategy)
- Policy BNE1 (General Principles for Built Development)
- Policy BNE2 (Amenity Protection)
- Policy BNE3 (Noise Standards)
- Policy BNE43 (Trees on Development Sites)
- Policy H4 (Housing in Urban Areas)
- Policy T1 (Impact of Development)
- Policy T2 (Access to the Highway)
- Policy T13 (Vehicle Parking Standards)

Kent & Medway Structure Plan (Deposit Version) 2003

- Policy SP1 (Achieving Sustainable Development)
- Policy QL1 (Quality of Development and Design)
- Policy QL5 (Quality and the Density of Development)
- Policy TP19 (Vehicle Parking Standards)

Planning Appraisal

The principle of development

The site has an authorised residential use and lies in a predominantly residential area within the urban area of Medway. As such there is no objection in principle to the redevelopment of the site for housing. The Inspector in determining the previous appeal raised no objection to the principle of residential development.

The proposed density falls slightly below the preferred minimum density range of 30 to 50 dwellings per hectare set out in PPG3 and emerging Policy QL5. However the previous
scheme also involved a density shortfall by that standard and this is not considered to be an overriding issue on a site of this size.

Design and appearance

The layout and design of the proposed dwellings, is almost identical to the front element of the scheme which was previously determined, to which no design objections were raised by either the Council or the Inspector. The houses would have front alignments that would broadly reflect the irregular forward line of the neighbouring dwellings at 295 and 303 Walderslade Road and are considered to have an acceptable relationship in that context. The proposed access arrangements enable the development to face onto Walderslade Road and would contribute to the street scene. The submitted Walderslade Road street elevation shows an increase over the roof ridge height of 289 Walderslade Road by about 1.5m. However the eaves height would be similar and taking account of the varying house designs and the general character and nature of development fronting Walderslade Road, it is considered that the scheme design and appearance would be appropriate to its setting.

Amenity considerations

289 Walderslade Road does have flank windows facing onto the site, however the outlook and light available to them is severely curtailed by existing trees around the common boundary while the proposed ‘flank to flank’ separation of 3.6m and relationship is regarded as acceptable in this regard and with regard to the separating distances between existing houses within the vicinity.

The rear garden of 139 Sussex Drive [The Vicarage] would be potentially overlooked from the rear first floor windows in the proposed house on Plot 1, which would be sited with an intervening garden depth of 12m from the party boundary. This would be slightly greater than the intervening garden distances at 7 & 8 The Wirrals from the garden boundary with 139 Sussex Drive, and it is considered that this degree of separation with the provisions for tree retention and the potential for additional screen planting would obviate any unacceptable effects on the privacy for neighbouring residents there or within the development. The distance of the new houses from the backs of properties in The Wirrals, which are set at a lower level than the proposed development, would be at minimum ‘back to back’ distance of some 35 metres. Although 6 to 8 The Wirrals are at a significantly lower level than the application site, this degree of separation together with the provisions for tree retention at the rear of the site should address any concerns in regard to the aspect of the development from the back of these neighbouring properties, although details of finished site levels under the development are pertinent to this matter and the submission of these for further consideration would be appropriate as a conditioned requirement under any permission.

The scheme would provide for adequate private amenity space to serve the dwellings and acceptable conditions of privacy for them. As the houses would front Walderslade Road the effect of road traffic noise is a material consideration in regard to the level of amenity for occupants of the proposed houses. However the bulk and disposition of the houses will substantially screen the effect of noise on the proposed private amenity areas, and the acoustic appraisal submitted by the applicants demonstrates that an acceptable internal noise environment can be achieved with sound attenuation measures. The proposals are therefore regarded as acceptable under the provisions of policy BNE3 of the Medway Local Plan.
**Effect on trees**

Though some trees are to be retained, the proposal will require the removal of some of those, mainly concentrated towards the front of the site. In this regard the present revised proposals offer substantial planning advantages over the previous scheme. The aboricultural advice within the Council with regard to the earlier development was that none of the trees within the site would be suitable for individual Tree Preservation Order protection because of their condition. It has been noted that the retention of some of the trees is desirable and the reduced incursion of the building and engineering works would facilitate this. Subject therefore to a condition requiring landscaping, it is considered that the scheme is acceptable under the provisions of policy BNE43 of the Medway Local Plan.

**Highway and Parking**

It is to be noted that it was only the concerns about the highway impacts of the earlier scheme that led to and supported the Council’s refusal of that development, and the support of that decision by the Appeal Inspector, who concluded that the proposal for 5 new dwellings would materially increase the risk of road traffic accidents contrary to Structure Plan policy T19 and Local Plan policies T1 and T2. He recognised that whereas sight lines to the north are available to a distance of about 120m, those to the south are restricted by the change in the carriageway gradient, [the slope down].

The revisions to the scheme, which preclude access to the rear of the site to serve possible additional houses there, address the main concern, and it is noted that the scheme provides for sight lines to the south of 61.874m and 70m for the proposed access points A and B respectively which are considered to be acceptable given the limited potential for additional traffic. The intensification in the traffic attraction to the site by the construction of one additional unit over that which was previously approved would be insufficient to offer a highway ground for refusal to this scheme. However conditions should be applied to any permission in regard to parking and access arrangements with a requirement that the garages are constructed prior to any occupation of the houses to preclude any future proposals for access to the rear of the site to serve further dwellings.

Regarding parking provision, the submitted plans illustrate garage, driveway and on site turning facilities to serve each property and this is considered acceptable to serve the scale of development proposed in this location.

**Other considerations**

**Educational contributions and recreational provision**

The proposed net dwellings increase is 2 and this falls below the threshold for the consideration of potential educational contributions.

It would be possible to provide for recreational provision on site, however this would be at the expense of the potential for tree retention and new planting, which is considered to be of prior importance in securing an acceptable development of the site. Given this and the immaterial net population increase potential, it is considered that no recreational provision requirements would be appropriate in this case.
Wildlife considerations

Concerns were raised in connection with the previous application that the site could be providing a habitat for protected species; however no evidence was provided or available at that time and this was not an issue that was taken into account under the appeal. No representations or evidence in this matter have been provided since and, given that there is an absolute requirement under the Wildlife and Countryside Act 1981 to safeguard protected species, it is considered this matter can be addressed by a condition requiring a wildlife survey to be undertaken and proposal for measures to safeguard protected species should any be identified.

Conclusions and reasons for approval

The council and Inspector have accepted the principle of the application and the basic design and street scene in determining the previous application and appeal. The area of concern specifically related to the highway aspects of the proposal. In reducing the number of units proposed and demonstrating visibility as shown the applicants have satisfactorily addressed the previous concern and reason for refusal and accordingly the application is recommended for approval.

The application would normally be determined under delegated powers but is being referred for Committee determination at the request of Councillor Burt so that Committee may consider the highway issues and solutions in so far as they affect a decision on a site they have previously seen on site.
3 MC2005/1696

Date Received: 2nd September 2005

Location: Land at the Alps, Borstal Road, Rochester

Proposal: Use of land for the siting of eleven storage containers

Applicant: Kings School Estates Bursar Satis House Boley Hill Rochester Kent ME1 1TE

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

Ward: Rochester West

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.

A further four letters have been received following re-consultation with the comments made in this correspondence being more relevant to the proposals subject to application MC2005/1031 referred to above. One of the respondents has commented that permanent storage arrangements should be provided rather than relying on the siting of storage containers on a temporary basis.
**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)
- Policy L1 (Existing Leisure Facilities)
- Policy L3 (Protection of Open Space)
- Policy T1 (Impact of Development)
- Policy T2 (Access to the Highway)

Kent and Medway Structure Plan (Deposit Version) 2003

- Policy QL1 (Quality of Development and Design)

**Planning Appraisal**

**Background**

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.

[This application was considered by Members at the Development Control Committee on the 11\textsuperscript{th} January 2006, when it was determined to defer a decision to enable a Members’ site visit to be held.]
4 MC2005/1761

Date Received: 31st August 2005

Location: Medway Manor Hotel, 14-17 New Road, Rochester, Kent, ME1 1BG

Proposal: Conversion of upper 4 floors of No 17 into four 2 bedroomed self-contained flats and internal/external alterations to 14 - 16

Applicant: Mr E Jansz  Medway Manor Hotel 14-17 New Road Rochester Kent ME1 1BG

Agent: Mr S Downes  The Downes Planning Partnership 21 Westmount Road Eltham London SE9 1JB

Ward: River

Recommendation - Approval with Conditions

(as amended by plans received on 7th December 2005)

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 Prior to the commencement of the development details of the bin store shall be submitted to and approved in writing by the Local Planning Authority. The bin store shall be installed in accordance with the approved details prior to the occupation of any of the flats hereby approved and retained thereafter.

4 The parking areas shall be laid out in accordance with the layout shown on drawing number 1105.WA.07A prior to the occupation of any of the flats hereby approved. The parking areas 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 or 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.

5 Prior to the commencement of the development hereby permitted details of acoustic protection measures for the habitable rooms facing New Road shall be submitted to and approved in writing by the Local Planning Authority and the approved measures shall be installed before the flats are occupied and shall thereafter be retained.
For the reasons for this recommendation for approval please see Planning Appraisal section and conclusions at the end of this report.

Site Description

Medway Manor Hotel is located on the northern side of New Road in Rochester and is a Grade II listed building comprising numbers 14 to 17 inclusive. The premises are located within the New Road Rochester Conservation area. The hotel is set back from the footway and road and forms part of a terrace comprising numbers 13 to 23 (consec). There is a hard standing to the front of the hotel, which is used as a parking area.

The building is of brick construction and has a Welsh slate roof. The hotel was originally built as a terrace of 5 houses, which has subsequently been converted. The former houses that comprise the hotel are three storeys in height with a basement, so that it appears as four storey’s from the rear, with rooms in the roof as well. The hotel has three doorways on the front elevation with large sash windows.

The hotel has more recently been extended to the east so that it connects with 18 New Road. The hotel is also attached to 13 New Road to the west, which is occupied as a school.

To the rear of the hotel is a small garden enclosed by a brick wall, with steps leading down to a large area of hard standing, which provides parking for the hotel. This area is not formally laid out into spaces. There are brick boundary walls around the car park, with some fencing and some landscaping in places. Access to this parking area is from Nags Head Lane up a ramped access. Nags Head Lane and New Covenant Place lie to the rear of the hotel and are in residential occupation.

Proposal

The details for this application and the associated application for Listed Building consent (MC20051762), which appears as the following item on this Agenda, are as follows:

It is proposed to convert the upper floors of number 17 (the eastern extremity of the hotel) into four 2 bedroomed self-contained flats. The lower ground floor of number 17 is to be be retained in the hotel use (as function room and store). Each of the four floors above the lower ground floor level will be converted into a single flat.

The layout of the flats would be the same for each floor, with the bedrooms being located at the rear and the lounge/kitchen/diner at the front. A new internal staircase is to be installed to provide access to the upper floors. To facilitate pedestrian access from New Road to the proposed flats a new doorway is to be installed in the front elevation adjacent to number 18.

A rear access to the car park would be provided for the occupants of the flats through the lower ground floor. A refuse collection point would also be provided at the rear and this is to be sited along the eastern boundary of the hotel car park.

The internal alterations to the hotel can be broken down by floor as follows.

Lower ground floor: Removal of some subdividing walls at the rear to create an enlarged bar area, with the bar servery being relocated away from the rear doors. The installation of a sub-dividing acoustic folding partition to allow a smaller function room to be created if required. In the vaulted alcoves the existing sunbed and sauna are to be removed, the ladies...
Toilets relocated and a new disabled toilet and gents toilets created. This would allow for an area of seating to be provided in each vaulted alcove.

**Mid ground floor:** Laundry room, dining room and gents toilets, which are located along the rear elevation are to be replaced with 4 new bedrooms. The remainder of the dining area would be extended out under the recently approved lantern light to the front.

**Upper ground floor:** The existing meeting room behind reception would be removed to create an enlarged reception area, with wider doors being provided into the bar sitting area. Two new bedrooms are to be created in place of the existing meeting room and toilets located along the rear elevation of this floor.

Other than the creation of the flats there would be no other alterations to the first or second floor of the hotel, which would retain the bedroom layout as existing.

The proposed flat conversion and alterations to the retained part of the hotel will result in the number of bedrooms within the hotel being reduced by six from 43 to 37.

**Relevant Planning History**

**ME/79/775** Change of use from residential to private hotel (number 16 New Road)  
Approved 2 October 1979

**ME/86/571** Conversion of numbers 14 and 15 New Road into an extension of the Medway Manor Hotel (number 16)  
Approved 29 September 1986

**ME/86/683/L15** Listed Building consent for conversion of numbers 14 and 15 New Road into an extension of the Medway Manor Hotel (number 16)  
Approved 29 September 1986

**MC2001/0128** Listed Building application for internal alterations to basement  
Approved 27 March 2001

**MC2005/1892** Construction of rear porch and two lantern lights to front  
Approved 21 November 2005

**MC2005/1894** Listed Building consent for construction of rear porch and two lantern lights to front  
Approved 21 November 2005

**Representations**

The application has been advertised on site by the means of site and press notices. Consultations have been undertaken with the Society for the Protection of Ancient Buildings, and neighbour notification letters have been sent to the owner/occupiers of: 1 and 6 New Covenant Place; 5, 8 and 10 Nags Head Lane; and 11, 13, 18 and 19 New Road.

Twenty-one letters of objection have been received raising the following comments:
- The provision of parking for the proposed flats will lead to there being insufficient on-site parking being provided with the result that additional on-street parking pressures will arise from this proposal;
- The hotel has rowdy functions with excessively loud music and the enlargement of the function facility will cause nuisance to the occupiers of adjoining residential properties;
- Parking for the proposed flats at the front is not acceptable as this is the forecourt, and this will mean additional noise at the front of the hotel;
- Noise and disturbance will arise from the proposed building works;
- Double doors to function suite will not help in the control of noise;
- The proposal will result in a loss of value to neighbouring properties;
- The proposed alterations could result in the function room being converted into a nightclub;
- The proposed flats will not be affordable units;
- Conservation Area will not be enhanced by these proposals;
- The demolition of load bearing walls will damage the integrity of the listed structure;
- Conversion of part of the hotel into flats does not address the demand for overnight accommodation;
- The proposals may result in an increase in anti-social behaviour in the area;
- The provision for sound insulation is inadequate;
- Suggest conservatory type porch used to cover the path, allowing for sound and heat insulation or a larger porch for all three function room doors; and
- Restrictions should be placed upon the time of functions to protect the amenities of the occupiers of adjoining properties.

Re-consultations have been undertaken following the receipt of amended plans.

One further letter of objection has been received reiterating previously stated concerns.

**Development Plan Policies**

**Kent Structure Plan 1996**

Policy ENV15 (Built Environment)
Policy ENV17 (Conservation Areas)
Policy ENV19 (Buildings of Architectural or Historic Importance)
Policy H3 (Housing in Urban Areas)
Policy T17 (Parking Standards)

**Medway Local Plan 2003**

Policy BNE1 (General Principles for Built Development)
Policy BNE2 (Amenity Protection)
Policy BNE3 (Noise Standards)
Policy BNE12 (Conservation Areas)
Policy BNE14 (Development in Conservation Areas)
Policy BNE17 (Alterations to Listed Buildings)
Policy H4 (Housing in Urban Areas)
Policy ED13 (Hotels)
Policy T1 (Highway Impact of Development)
Policy T13 (Vehicle Parking Standards)
Kent and Medway Structure Plan (Deposit Version) 2003

Policy QL1 (Quality of Development and Design)
Policy QL7 (Conservation Areas)
Policy QL9 (Buildings of Architectural or Historic Importance)
Policy FP11 (Tourist Accommodation)
Policy TP19 (Parking Standards)

Planning Appraisal

Principle of Development

The proposed development can be split into two parts - the conversion of part of the hotel into four flats and the internal alterations to the hotel.

With respect to the proposed flats it is to be noted that the site falls within the urban area of where there is a presumption in favour of residential development. Policy H4 of the adopted Local Plan allows for the redevelopment of existing buildings for residential use and mixed commercial and residential uses in close proximity to town centres. The principle of converting part of the application premises into 4 flats is therefore considered to accord with the provisions of Policy H4.

The internal alterations to the hotel need to be considered in terms of the impact they would have on the running of the hotel, in particular the loss of bedrooms that would result from the creation of the flats, and the impact the alterations would have on the amenity of occupiers of adjoining properties.

In addition attention needs to be paid to the parking implications of these proposals, any external alterations, which would affect the character of the Conservation Area and whether the internal alterations would be prejudicial to the Listed status of the premises.

Creation of 4 Flats

The proposed flats would be located one above each other on the mid ground floor, upper ground floor, first and second floors, and all would be identical in layout. One central staircase would given access to all four flats, and a new door is proposed on the front elevation adjacent to number 18.

The flats would each have a floor area of just over 60 m$^2$. Although there is no specific guidance on a suitable floor area for new flats, this size would meet the guidance given in the supporting text to Policy H6 of the adopted Local Plan. It is considered that the flats would be of an acceptable size.

The surrounding area is predominantly residential in character and the principle of the proposed flat conversion is considered to be acceptable, especially given the sites proximity to the centre of Rochester and its facilities.

The proposed flats will potentially be exposed to appreciable levels of road traffic noise arising from their proximity to New Road. Policy BNE3 of the adopted Local Plan seeks to ensure that an acceptable noise environment is provided within new residential
accommodation. In order to safeguard the amenities of prospective occupiers of the proposed flats it is considered that prior to the commencement of the development an acoustic survey should be undertaken by the applicant and details of any acoustic protection measures found to be necessary should be submitted to the Local Planning Authority for approval. The requirement to undertake an acoustic appraisal and install acoustic protection measures can be conditioned and it is recommended that a condition to this effect is imposed upon any forthcoming planning permission for this proposal.

**Loss of Hotel Accommodation**

The main issue associated with the provision of the proposed flats relates to the loss of the hotel bedrooms. There will be a net loss of 6 bedrooms associated with the submitted proposals. The Tourism officer has indicated that the loss of hotel bed spaces is not generally to be encouraged, however in this instance the hotel will benefit from the reinvestment of the funds generated by the proposed flat conversion, and there is undoubtedly a need of considerable improvements to be made to the hotel to bring the accommodation up to a better standard.

It is therefore considered that the loss of bedrooms is acceptable in this instance.

**Internal Alterations to Hotel**

The other internal alterations to the hotel will not only create some additional bedrooms, but will also involve alterations to the communal dining and bar areas and the reception area. It is to be noted that the internal alterations to the hotel accommodation in themselves do not require planning permission and only require Listed Building consent and accordingly any amenity impacts arising from these internal alterations cannot be considered in the determination of the current planning application.

At present the reception area is a very narrow area by the main door, which does not provide a very good first impression for those entering the hotel, with no room for customers to sit or wait to be served. The proposed alterations will result in the reception counter being turned through 90°, thus allowing this area to be opened up into a much larger reception area. The provision of larger doors into the bar at this level would also improve the flow of people through the hotel and create a more welcoming environment. It is considered that these alterations would be of benefit to the hotel and there is no objection to the proposed changes.

The existing dining room is at present underused and therefore represents a waste of space at this level. The proposed changes seek to create some additional bedrooms at the rear, and then focus the dining room at the front of the hotel. It is proposed to extend the dining room into the area, which is to be covered by the new glazed lantern, approved last year. This will create a light and airy conservatory like feel to the space, which it is considered will enhance the dining area. This proposal would involve the removal of a staircase from this area, which leads to the forecourt of the hotel at present. However, it has been demonstrated that this is not an historic staircase, being constructed in concrete, therefore its removal would not result in the loss of historic fabric, which would be to the detriment of the Listed building.

At the lower ground floor level the proposed alterations will be to the existing bar area. At present this area has an appearance of being quite run down and underused, and needs to be improved to enhance the overall use of the hotel. The proposals would open up the central section of this area to create an enlarged bar area, whilst providing scope for a
smaller function room to be created with an acoustic sub-dividing folding partition wall. The bar itself will be moved away from the main doors into one corner at the rear.

The alterations to the vaulted area would create more seating areas and will make a good use of these historic features. It is considered overall that the internal alterations would be an improvement to the layout and appearance of the hotel and improve these facilities.

It is considered that the proposed internal alterations would make best use of the space within the existing hotel, without the loss of any historic fabric.

It is considered that the proposed changes would help improve the internal appearance of the hotel, and thus hopefully help its overall viability while respecting its status as a Listed Building. The proposed alterations are considered to be acceptable in Listed Building terms and accordingly no objection is raised to the proposed internal alterations under the provisions of Policy ENV19 of the Structure Plan, Policy BNE17 of the adopted Local Plan and Policy QL9 of the Kent and Medway Structure Plan (Deposit Version) 2003 (the emerging Structure Plan).

*Street Scene and Design*

The proposals involve minimal changes to the external appearance of the building, and as such they would have a minimal impact on the Listed Building itself, or the character of the Conservation Area within which the premises are located.

The proposed bar alterations would involve the relocation of a secondary access door on the rear elevation to accommodate the new bar area, and provide disabled access. The existing door position would be replaced with a window. No other alterations would be made to this rear elevation.

A new bin store is to be provided to serve the proposed flats. This store will not be unduly prominent and will not detract from the appearance of the building or the immediately surrounding area. Details of the full design of the bin store can be required by condition to ensure it is appropriate for this position.

The only alteration to the front elevation relates to the formation of a new door that will provide access to the new flats. This door would be adjacent to the boundary with number 18 and will be a simple timber door, with three lights above, to match the style of the existing doors in this elevation, with a gauged arch above. It is considered that this door would have a minimal impact on the appearance of the property’s front elevation.

It is considered that the proposed alterations to the front and rear elevations of the hotel are acceptable and in accordance with the provisions of policies ENV15, ENV17 and ENV19 of the Structure Plan, Policies BNE1, BNE14 and BNE17 of the adopted Local Plan and Policies QL1, QL7 and QL9 of the emerging Structure Plan.

*Neighbour Amenities*

Having regard to the comings and goings already generated by the existing hotel use, it is considered that the conversion of number 17 into four flats will generate a level of activity that will not be prejudicial to the amenities of the occupiers of any of the adjoining properties.
A number of objections have been received in relation to the potential for noise and disturbance to arise from the operation of the new bar and function room facilities at the lower ground floor level. As has been stated above these are internal alterations, which only require Listed Building consent, and are not controllable under the terms of the submitted planning application because they relate to the established lawful use of the premises. The amenity implications arising from these internal alterations do not therefore fall to be assessed in the determination of the submitted planning application.

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

Highways

The hotel currently has 36 on-site parking spaces available to it.

The proposed flats will each be allocated one space on the front forecourt. This parking provision would meet the requirements of the adopted parking standards given the site’s central location and proximity to public transport facilities.

The remaining 32 parking spaces will be retained for use in association with the operation of the hotel. With 43 bedrooms and 36 parking spaces the current parking ratio is 0.84 of a space per room and with the introduction of the proposed flats this will ratio will increase marginally to 0.86. It is therefore considered that the introduction of the proposed flats will not have a prejudicial affect upon the hotel’s parking provision and accordingly no objection is raised to the submitted proposals under the provisions of Policy T17 of the Structure Plan, Policy T13 of the adopted Local Plan and Policy TP19 of the emerging Structure Plan.

Conclusions and Reasons for approval

The proposed alterations are considered to represent improvements to the hotel, which should improve its viability, and it is considered that this will offset the loss of six bedrooms arising from the conversion of some of the hotel accommodation into four flats. The flats are located within an urban area and would be of a size, which would be acceptable, with allocated parking in accordance with the Council’s adopted parking standards. The external alterations are considered to be minimal and would not adversely affect the appearance of the Listed Building, or have an adverse impact on the street scene or the Conservation Area. The proposals are therefore considered to accord with Policies ENV15, ENV17, ENV19 and T17 of the Structure Plan and Policies BNE1, BNE2, BNE3, BNE12, BNE14, BNE17, ED13, H4 and T13 of the adopted Local Plan.

[This application would normally fall to be determined under officer’s powers but is being reported for Members consideration due to the number of representations that contrary to the officer recommendation.]
Recommendation - Approval with Conditions

(as amended by plans received on 7th December 2005)

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 bricks and a sample panel of brickwork pointing, mortar mixture and bonding shall be prepared and submitted prior to the commencement of development, and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

3. Prior to the commencement of the works hereby permitted details of: all new internal and external joinery (including doors and windows) and any alterations to existing joinery; vents and flues; new external facing brickwork; alterations to existing brickwork; and any new openings to be formed in the exterior brickwork (drawn at an appropriate scale) shall be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details.

4. Details of the materials to be used in the construction of rainwater goods shall be submitted to and approved in writing by the Local Planning Authority before the works are commenced. The works shall be carried out in accordance with the approved details.

5. Prior to the commencement of the works hereby permitted a structural report shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the removal of sections of the cross walls at the lower ground and mid ground floor levels will not cause excessive stresses in the remaining brickwork that would prejudice the integrity of the building.
For the reasons for this recommendation for approval, please see Planning Appraisal section and conclusions at the end of this report.

This Listed Building application concerns the same proposals as for the preceding item on this agenda (MC2005/1761) insofar as they relate to the conversion of part of the hotel into four flats and the internal and external alterations to Medway Manor Hotel itself. Accordingly the site description, proposal, representations, site history and planning appraisal as they relate to the creation of the flats and internal and external alterations are as set out in the report for the preceding application.

This application is similarly recommended for approval.

Conclusion and reasons for approval

The proposed creation of four flats and the internal and external alterations to the hotel are considered to be acceptable in terms of their affect on the historic fabric and setting of the Listed Building. The submitted application is considered to be in accordance with the provisions of Policy ENV19 of the Structure Plan and Policies BNE14 and BNE17 of the adopted Local Plan and is recommended for approval.

[This application would normally fall to be determined under officer’s powers but is being reported for Member’s consideration due to the extent of representations that have been received contrary to officer’s recommendation.]
MC2005/1863

Date Received: 26th September 2005

Location: Land at 116 Borstal Road, Rochester, Kent, ME1 3BD

Proposal: Demolition of existing dwelling & construction of eight 4-bedroomed dwellings with associated car parking, landscaping & servicing/access

Applicant: Antler Homes South East Ltd., Brewery House High Street Westerham Kent TN16 1RG

Agent: Mr J Kenworthy Barton Willmore Planning Partnership Barton Willmore Planning 6th Floor Venture House 27-29 Glasshouse Street London W1R 6BW

Ward: Rochester West

Recommendation - Approval with Conditions

(and as amended by plans received on 1 November and 1 December 2005)

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 prior to the occupation of any of the dwellings hereby permitted 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 The bathroom windows, with the exception of any rooflights, within the side elevations of plots 1, 2, 3, 7 and 8 shall be fitted with obscure glass and shall be non-opening apart from any top hung fan light. The obscure glazing to be installed pursuant to the requirements of this Condition shall be installed prior to the first occupation of plots 1, 2, 3, 7 and 8 and shall thereafter be retained.

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 (or any Order revoking and re-enacting that Order with or without modification) no windows other than those shown on the plans herein approved shall be installed in the flank walls of plots 1, 2, 3, 4, 6, 7 and 8 herein approved without the prior written approval of the Local Planning Authority.
6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development within Classes A, B, C and E of Part 1 of the Second Schedule to the Order shall be carried out on the site without the prior written approval of the Local Planning Authority.

7 The existing oak tree at the front of the site (marked as T5 on the approved plans) shall be replaced with a replacement tree. The species details for the replacement tree shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. The replacement tree shall be of a girth of 35-40cm and shall be planted in the first planting season after the substantial completion of the development and shall thereafter be maintained for a minimum period of 5 years.

8 In this Condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs a) and b) below shall have effect until the expiration of 5 years from the date of the full occupation of the development hereby permitted use.

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

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

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

9 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.
10. 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.

11. 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.

12. No dwelling shall be occupied until the means of vehicular access has been constructed in accordance with the approved plans and the access shall be constructed with a gradient of no steeper than 1:8.

13. No dwelling shall be occupied until the access road 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.

14. 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 site lies on the western side of Borstal Road and is currently occupied by a large detached dwelling, number 116. The existing dwelling is of brick construction, painted white, with tile hanging to the first floor and clay tiles. There are two detached garages/outbuildings in front of the house, one on either side of the driveway. The access is marked with two brick pillars.

The existing house is set approximately 25 metres behind the back edge of the public footway and sits behind the frontage properties on Borstal Road on either side of the application site.

The application property has a large rear garden area, which is mainly laid to grass, with lots of matures trees and landscaping round the boundaries of the site. The plot depth is approximately 86 metres.

There is a marked change in levels across the site from east (front) to west (rear), with the land falling by approximately 14 metres from the level of the public highway to the rear boundary of the site.
The application site also includes part of the extended area of 8 Goddings Drive. This runs alongside the south-west boundary of 116 Borstal Road. This area is also laid to grass with a number of fruit trees in it and again it has mature trees and shrubs along the boundaries.

Immediately to the north of the application site there is a relatively new development known as The Graylings, which comprises three and four storey town houses, with 7 houses fronting directly onto Borstal Road, while the other 5 houses in this development are located to the rear of the frontage units. To the south and south-west there are a row of five three storey terraced houses and semi-detached two storey houses respectively in Borstal Road and Goddings Drive. To the north-west runs Fay Close, which is a development of detached houses, set at a substantially lower level than the site on what was formerly the Blaw Knox site. Opposite the site entrance there is a steep bank, which leads up to the bungalow development in Abbotts Close.

The trees along the site’s boundary with Fay Close are subject to a Tree Preservation Order (TPO).

Proposal

The submitted application seeks full planning permission for the demolition of the existing house and outbuildings and the construction of 8, four bedroomed, split level houses, with parking and access arrangements.

The access at the front of the site would remain in its current location and a new access road, roughly in the shape of a question mark, utilising the gradient of the site, would be formed to provide vehicular and pedestrian access to the rear of the site. The proposed development would comprise one detached house, more or less sited in the position of the current house, and two pairs of semi-detached houses and a terrace of three houses to the rear of the site.

Plot 1 would be a two/three storey house with an integral garage, which would have gable projections to the front and rear, with one driveway parking space in front of the garage.

Plots 2, 3, 7 and 8 would be semi-detached houses that are two/three storeys in height with rooms in the roofspace, illuminated by front and rear dormer windows (one dormer in the front and rear elevations of each house). Each of these houses would have an integral garage and a driveway parking space to the front. Each of these houses would have front and rear balconies, with the front balcony being formed over the roof of the 1.8 metre deep front projection to the integral garage, while the rear balcony would be formed in metal work supported by columns.

Plots 5, 6 and 7 would be three storey terraced houses with rooms in the roof. The ground floor would be accessed via a ‘bridge’, with the lower ground floor below, to take account of the fact that these units would be cut into the gradient of the site. Parking for these three houses would be shared in the detached, split level, double garage block sited just beyond the north western corner of the rear garden to 118 Borstal Road. The parking for plots 5 and 6 would take the form of one garage space and one driveway space, while plot 4 would have a double garage and two driveway spaces.

The garage block would also be split level, with it appearing as a single storey building when viewed from the east and as a two storey building when viewed from the west. This block would therefore accommodate 4 garage spaces.
The proposed houses would have a mixture of dummy hipped and pitched roofs with flat central areas. The dormer windows would have flat roofs. The external materials would comprise stock bricks, render and a dark roofing tile.

A turning head is proposed at the end of the proposed access road, with one additional parking space being located opposite plot 8, which would be available as visitor parking. The proposed access road would have a minimum carriageway width of 4 metres, increasing to 5.9 metres and would be a shared surface. Formal footpaths will be provided on either side of the access road within the immediate vicinity of its junction with Borstal Road.

**Site Area/Density**

Site area: 0.29 hectares (0.717 acres)
Site density: 27.6 dph (11.2dpa)

**Relevant Planning History**

116 Borstal Road

NK5/69/158 Use of land for residential development
Approved

NK5/69/158/C Use of land for the erection of 5 terraced dwellings with integral garages including lay by
Approved 3 August 1971

*History for 114 Borstal Road*

ME1999/5131 Construction of twelve houses including garages parking and access
Approved 23 September 1999

**Representations**

The application has been advertised on site and neighbour notification letters have been sent to the owner/occupiers of: 2 to 12 (evens) Goddings Drive; 112a, 112b, 114, 114a, 114b, 118, 118a, 120, 120a and 122 Borstal Road; 5 and 6 Abbots Close; 4 and 5 The Graylings; and 4 to 11 (consec) Fay Close.

Nine letters have been received commenting/objecting to the application as follows:

- The existing mature trees on the site should be retained;
- The development should not be permitted to affect the sewage system serving The Graylings and generally the sewerage system in the area will not be able to cope with additional development;
- If no on-site refuse collection service can be provided then a road side bin store needs to be provided;
- The parking provision is inadequate with insufficient provision being made for visitors, which might result in additional on-street parking on Borstal Road;
- Borstal Road is already in effect single track due to cars being parked on one side, and additional cars as a result of the development will make the road more dangerous;
- Traffic calming measures should be provided along this section of Borstal Road;
- Any new development on this site should be in keeping with The Graylings development adjacent to the site;
- Contractors vehicles should not be allowed to use the private access road serving The Graylings for any turning or access, or block it;
- There is nothing wrong with existing house and it is architectural merit and interest and therefore should be retained;
- The proposal represents an over-development of the site, particularly on the lower level;
- The scheme amounts to backland development;
- It is unnecessary to have accommodation in the roof;
- The intensification in the use of an access within the vicinity of Goddings Drive and The Graylings will be prejudicial to highway safety;
- Trees covered by the Tree Preservation Order should be retained, they have not deteriorated significantly since the TPO was made;
- There will be a loss of the view of trees from the properties in The Graylings if these trees are removed;
- Borstal Road is not wide enough in this area to deal with service requirements. The proposed development on this site when added to the proposal for the Alps will exacerbate the situation;
- The removal of any trees will reduce their effectiveness as a noise buffer;
- The proposed development will result in a loss of light, outlook and privacy for the occupiers of The Graylings;
- The proposed front balconies are not in keeping with those at The Graylings;
- Any subsidence experienced by houses in The Graylings will need to be compensated for;
- The proposal will result in a loss of views of the river;
- The development will result in a loss of privacy for the occupiers of properties on Borstal Road;
- Increases in the local population has led to increased crime problems;
- Developers should contribute to schools, hospitals, roads, policing, railway maintenance etc; and
- The boundary wall between numbers 116 and 118 should be retained, as this is an attractive feature

The City of Rochester Society has written objecting to the application on the grounds that it will result in the intensification in the use of an access on a congested highway. It is considered that it would be more appropriate to take the access to the proposed development via The Graylings, which allow a better layout for the development to be achieved.

**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 BNE41 (Tree Preservation Orders)
Principle of Development

The application site lies within the urban area and Policy H4 of the adopted Local Plan encourages residential development within such areas where it involves redevelopment in existing residential areas and/or infilling in such areas. The existing property is not listed and is not of any particular architectural merit and there is therefore no “special” requirement for this property to be retained. The principle of redevelopment on this site is therefore considered to be acceptable and would accord with the above-mentioned policy.

The proposal therefore needs to be considered in terms of its siting and layout, design, impact on neighbouring properties, impact on protected trees, and access and parking arrangements.

Street Scene and Siting

The proposed layout for the development on the rear section of the application site is very similar to the recent development at The Graylings, which lies to the north of the site, and Goddings Drive to the south, which both make best use of the land between Borstal Road and Fay Close. Plot one would be located on the approximate siting of the existing dwelling house, whilst the other 7 properties would be sited in an approximate line with 1-5 The Graylings and 16-38 Goddings Drive. In layout terms the general principle of the backland component of the proposed development is viewed as being acceptable having regard to the recent and historic pattern of development in the surrounding area.

Plot 1 would be located at a slight angle, but would still be visible from Borstal Road, as the existing house is. The remainder of the development would have no impact on the street scene of Borstal Road, given the fall in levels between the road and the siting of these units.

Each of the houses would be provided with their own private garden space to the rear, which would all be in excess of 13 metres in length and to the front there would be landscaped areas to soften the appearance of the development.

Given this existing pattern of development in the immediate vicinity of the site, and the need to make the best use of previously developed land, the proposed layout of development is considered to be acceptable and in accordance with the provisions of Policy ENV15 of the Structure Plan, Policies BNE1 and H9 of the adopted Local Plan and Policy QL1 of the Kent and Medway Structure Plan (Deposit Version) 2003 (the emerging Structure Plan).
Design

The houses have been designed to be in keeping with the general character of the recent development at The Graylings and the external materials can be conditioned to ensure that they are in keeping with those used on the adjoining site.

The design of the houses seeks to make the most of the changing land levels and with the result that houses to the rear of the site appear as being one storey higher to the rear than when they are viewed from the front and follows the arrangements that have employed within The Graylings. It is considered that the proposal would create a continuity of design between this and the adjoining site, which would compliment the area.

Plots 4 to 6 will be accessed via bridges linking the footway in front of them with their front doors, with their lower ground floors being below, again replicating the design solution used in along the Borstal Road frontage to The Graylings site.

Details of the boundary treatment can be secured by condition, however the applicant has confirmed that the existing brick wall along the boundary between the application site and 118 will be retained.

The design of this scheme is considered to appropriate for this location and as such the proposal accords with the provisions of Policy ENV15 of the Structure Plan, Policy BNE1 of the adopted Local Plan and Policy QL1 of the emerging Structure Plan.

Neighbour Amenities

The proposed houses have been designed such that the amenities of prospective occupiers will be protected, in that where side windows are proposed they relate to bathrooms, or non-habitable room windows only, which can be conditioned so that they are installed with obscure glazing.

Plot 1 is set an angle within the site so would not face directly towards the front elevations of plots 2 and 3. In addition the distance between the rear of plot 1 and the front of plot 2 would be 26 metres, which exceeds the recommended separation distances given in the Kent Design Guide.

Plots 2 to 8 would all have rear elevations facing out towards Fay Close. There is however a sheer drop between the rear of the site and Fay Close, with the result that only the top of the roofs in these neighbouring properties can be seen from within the application site. This fact, combined with the existing tree and shrub screening (which is to be retained) along the party boundary between the application site and Fay Close will mean that there will no be unacceptable overlooking or loss of privacy between these developments.

The relationship of the proposed houses at the rear of the site with those fronting Borstal Road (both to the north and south of the access road, ie numbers 110a to 122) would be at slightly oblique angles and the distances involved (in excess of 40 metres) will ensure that no unacceptable overlooking or loss of privacy will result as a consequence of the proposed development proceeding.

The windows in the side elevations of plots 2 and 8 would serve bathrooms or utility rooms only and therefore no unacceptable loss of privacy arising from their presence will arise for the occupiers of 5 The Graylings or 10 and12 Goddings Drive.
In amenity terms the proposed development is considered to be acceptable and in accordance with the provisions of Policy ENV15 of the Structure Plan, Policy BNE2 of the adopted Local Plan and Policy QL1 of the emerging Structure Plan.

Highways

The access into the site would be in the same place as the existing access and sight lines of 2.4 metres x 70 metres can be achieved in both directions, providing an acceptable level of forward visibility for a development of this nature. The junction separation distances the proposed site access and The Graylings and Goddings Drive are also considered to be acceptable.

The access road would be a shared surface/private drive. A turning head would be provided at the end of the road, which would allow service vehicles to enter the site and turn round within it. As such a refuse collection point near the site’s Borstal Road frontage is unnecessary.

The access road and private driveways have been amended to ensure that a gradient of 1:8 can be provided through the site, which would meet the standards specified in Kent Design. A rollover at the entrance to the site from Borstal Road at a gradient of 1:10 has also been provided to ensure cars do not ‘ground’ when entering or leaving the site.

Nineteen parking spaces are to be provided, 9 in garages and 10 on driveways or surface spaces. This provides plots 1-3 and 5-8 with one garage space and one driveway space each and plot 4 with a double garage and two driveway spaces. The remaining space would be for casual visitor parking. This parking provision satisfies the requirements of the adopted parking standards.

The proposed development is acceptable in highway terms and therefore accords with the provisions of Policy T17 of the Structure Plan, Policies T2 and T13 of the adopted Local Plan and Policy TP19 of the emerging Structure Plan.

Effect on Trees

A number of trees would need to be felled to accommodate this development, however many of the trees within the existing property’s rear garden are also to be retained and incorporated into the gardens of the proposed houses. The oak tree located at the front of the site has been shown to be retained, with the driveway being constructed utilising a ‘no-dig construction’ method, to protect its root system. The impact of the proposed development upon this tree has been assessed by the Council’s tree officer, who is of the opinion that this tree is unlikely to survive the construction works associated with the proposed development. It is therefore recommended that a condition requiring the planting of a semi mature replacement tree is imposed on any forthcoming planning permission so that the street scene is not materially altered.

Conditions requiring details of the method of protection of the trees to be retained on site have also been included, along with a requirement for a landscape scheme.
Other Matters

Representations have been received commenting the proposed development will result in the loss of views of the river from existing properties, however because of the change of levels across the application site, it is considered that these views will not be materially affected. Notwithstanding this, it must be borne in mind that there is no right to a view from a private property, therefore this objection cannot be sustained.

The developer will need to get approval from Southern Water for any water supply and sewerage disposal arrangements necessitated by the proposed development.

In this instance the Director of Education has not requested any contribution be made in respect of the provision of education facilities in the area.

Conclusions and reasons for approval

The proposed development is considered to make the best use of the site, and provide a layout and design of development, which will be in keeping with the character of the surrounding area. Adequate access to the site can be achieved from Borstal Road and the site layout meets the requirements of Kent Design and the adopted parking standards. A number of the existing trees on site would be retained and protected, and a landscape scheme including the need for replacement trees has been conditioned. As such the proposal is considered to be acceptable and the application therefore accords with the provisions of Policies ENV15 and T17 of the Structure Plan and Policies BNE1, BNE2, H9, T2 and T13 of the adopted Local Plan. 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 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 21st December 2005, when it was determined to defer a decision to enable a Members’ site visit to be held.]
Proposal: Application for approval of reserved matters pursuant to condition 1 (siting, design and means of access) of planning permission MC2004/0962 for the construction of a three storey block comprising 12 self-contained flats with associated parking

Applicant: AMD Properties Limited C/o Agent

Agent: Mr A King Planning Services Limited The Studio Langdon Hills Golf Club Lower Dunton Road Bulphan RM14 3TY

Ward: Peninsula

Recommendation - Approval of details pursuant to Conditions 1 (siting, design and means of access) and 10 (parking) of outline planning permission MC2004/0962

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

Site Description

This application relates to a site at the corner of Avery Way and the entrance to the Allhallows Holiday Estate. The site is currently occupied by a large building now vacant, which was previously used for vehicle repairs. The site measures approximately 26 metres in width and varies in depth between 27 and 30 metres. The workshop building is located to the rear of the site.

The surrounding area is predominantly residential, with a terrace of three houses immediately to the east (numbers 37 to 41 odd) Avery Way and semi-detached houses to the west, on the opposite side of the access road that serves the holiday estate. To the south, on the opposite side of Avery Way, there are two shops with flats above; whilst to the rear (north) of the site there is Avery House, a detached house set within its own grounds, and the grounds of the Allhallows Holiday Estate.

Proposal

Outline Planning permission to demolish the building and to construct a block of flats on this site was granted on 2 July 2004 under file reference MC2004/0962 with all matters (siting, design, external appearance, means of access and landscaping) being reserved for future consideration. The number of flats was not specified under the terms of the outline planning permission that was granted.

The currently submitted application seeks reserved matters approval for the siting, design and means of access for the proposed block of flats. The submitted drawings show a
predominantly three storey, L-shaped building, including rooms in the roofspace. The main frontage would be to the east west section of Avery Way and the building would be 25 metres wide. The main block would be 11.5 metres deep, but it would be staggered at its eastern extremity to take account of the angle of Avery Way and to correspond with the front elevation of the neighbouring property at 37 Avery Way. Due to this stagger, the proposed block will be set back between 4 and 8 metres from the public highway and there would be a 1 metre gap to the party boundary with 37 Avery Way.

The return frontage (western elevation) would run parallel to the north south stretch of Avery Way that provides access to the Holiday Park and will be 23 metres long and have a depth of up to 7 metres. This elevation of the block includes an archway under the first floor that will provide access to a rear parking area. The western elevation of the block will be set back approximately 1.5 metres from the back edge of the highway. The main bulk of this western section of the block will rise to approximately 9 metres above the prevailing ground level, although there would be two “tower” type features, one on the corner of Avery Way and one at the northern end of this limb of the building and these features will have a maximum height of 11.7 metres.

The proposed accommodation will comprise: 1 one bedroom and 2 two bedroom flats, together with the ground floor of a maisonette, on the ground floor; 1 one bedroom and 4 two bedroom flats, plus the upper floor of the maisonette, with two bedrooms on the first floor; and 1 one bedroom and 2 two bedroom flats, on the second floor. A refuse storage area and covered parking would also be provided on the ground floor. The second floor accommodation will generally either be housed in the tower elements or within the roof space and be served by dormer or gable end windows.

Although no details of the proposed external materials have been submitted with the application, the submitted drawings suggest that the block will be clad in brickwork, with some timber boarding being used, while the roof will have a covering of tiles.

The submitted plans indicate that the on-site car parking will comprise 16 spaces, arranged principally in 2 areas. The first area will consist of 7 spaces and will be accessed directly from Avery Way. The second area will be accessed via the proposed archway and will lie to the rear of the building and will be divided into 2 blocks, the first being an undercroft area of 4 spaces and the other being a surface area for 4 cars. A 16th space will be housed within a garage at the northern end of the western limb of the building that will be accessed directly via the part of Avery Way that leads into the holiday camp.

A small landscaped area will be provided to the rear of the proposed block, adjacent to the site’s boundary with 37 Avery Way.

**Site area**

Site area: 0.0741 hectare (0.18 acre)
Site density: 162 u.p.h. (65.5 u.p.h.)

**Relevant Planning History**

MC2003/0857 Additional visitor parking for Avery Way Service Station
Refused 22 January 2004
Appeal allowed 22nd November 2004
MC2004/0962 Outline application for construction of flats
Approved 2 July 2004

MC2005/1317 Demolition of garage and construction of a three storey block comprising
14 two bedroom flats with provision of 14 car parking spaces
Withdrawn

Representations

The application has been advertised on site and in the press as a major development. Neighbour notification letters have been sent to the owners/occupiers of: 9, 11, 17 to 33 (odd), 37 to 41(odd) and 168 to 180 (even), 216 and Avery House, Avery Way; and 118 Seafront.

Allhallows Parish Council has written raising no objection to the proposed development.

Three letters has been received objecting to the application on the following grounds:

- A three storey building would be out of character with the surrounding area; and
- The provision of additional 12 dwellings will cause congestion at a busy and dangerous junction.

Southern Gas Networks has written giving details of the presence of gas mains in the vicinity.

Southern Water has written to advise that it has no comments to make.

Development Plan Policies

Kent Structure Plan 1996:

Policy ENV15 (Built Environment)
Policy T17 (Parking Standards)
Policy RS1 (Rural Settlements)

Medway Local Plan 2003

Policy BNE1 (General Principles for Built Development)
Policy BNE2 (Amenity Protection)
Policy BNE23 (Contaminated land)
Policy H11 (Residential Development in Rural Settlements)
Policy T13 (Parking Standards)

Kent and Medway Structure Plan (Deposit Version) 2003

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

Planning Appraisal

The principle of the development

The principle of building a block of flats on this site has been accepted with the granting of
outline planning permission and accords with the provisions of Policy H11 of the Local Plan. The number of units, layout, siting of the proposed building, design and appearance and means of access, are to be assessed under this application and are matters addressed below.

Design and appearance

In terms of layout and siting, the proposed flat block would be correspond with the front and rear building lines of the neighbouring property at 37 Avery Way, where it immediately adjoins that property and will increase in depth further to the west as the distance from number 37 increases. The western limb of the block will front onto the stretch of Avery Way that provides access to the holiday park. This siting represents a considerable improvement on that of existing building, which is to the rear of the site, unrelated to any established building line and resulting in a poor outlook from Avery House which lies to the rear of it.

In terms of scale, the proposed building will be more prominent than the existing workshop building on the site, but in this location, on a corner and at the top of a hill, a more prominent building will be acceptable will enhance the appearance of the area. The main bulk of the building would rise to a ridge height of 9 metres, compared to 8 metres for the neighbouring house at number 37. In terms of detail, the design of the building is considered to be acceptable, subject to the use of appropriate materials.

In visual terms the proposed building will enhance the appearance of the locality and no objection is, therefore raised to the design of the proposed development 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 2003 (the emerging Structure Plan).

Amenity considerations

In terms of light, privacy and outlook, the only property close enough to be affected is the immediately adjoining end of terrace house at 37 Avery Way. There are no windows in the flank wall of that property and only one window, serving a bathroom is to be installed within the flank wall of the proposed block of flats. The proposed development will not give rise to any unacceptable overlooking of number 37. The kitchen windows to the rear of the first and second floor flats at the northern end of the proposed block will face towards the rear gardens of the adjoining houses in Avery Way, but as the closest window will be 18 metres from the boundary with number 37, the potential for overlooking will be minimal and will not give rise to an unacceptable loss of amenity for the occupiers of these existing properties.

The proposal would not result in any overshadowing or loss of light to the neighbouring property and the removal of the existing building to the rear of the site will result in a considerable improvement in outlook for the occupiers of number 37 from the rear of that property.

The proposal is likely to result in a reduction in activity levels and traffic generation compared to the authorised garage use and will remove any disturbance in terms of noise, fumes etc that might arise from the operation of the garage.

Having regard to the aforementioned considerations, no objection is raised to the application in amenity terms under the provisions of Policy ENV15 of the Structure Plan, Policy BNE2 of the adopted Local Plan and Policy QL1 of the adopted Local Plan.
Parking

The submitted drawings show the provision 16 car parking spaces (one space per flat and four visitors spaces). The adopted vehicle parking standards (as maxima) require the provision of up to 1.5 spaces per dwelling, making a total of 18 spaces. Although the site is within a village and some distance from the town centre, there is reasonable access to public transport with a bus stop outside the site and an hourly service 7 days a week. No objection is, therefore, raised to the proposal under the provisions of Policy T17 of the Structure Plan, Policy T13 of the adopted Local Plan and Policy TP19 of the emerging Structure Plan.

Other matters

When the outline planning application was determined, no education contribution was sought on account of the nature of the application and the site’s location in Allhallows, where there has recently been a school closure. Similarly, in view of the rural location and the fact that there are no local authority play facilities in the locality, no contributions are sought towards the provision of open space or play facilities.

In view of the previous use of the site, a condition was attached to the outline planning permission requiring a contamination investigation to be carried out, in accordance with the provisions of Policy BNE23 of the Local Plan. The details pursuant to this condition are still to be submitted.

Conclusions and reasons for approval

It is considered that the principle and density of development is acceptable in this location and that the current proposal is acceptable in terms of: design; affect on the amenities of the occupiers of neighbouring properties; highways and parking. The application is, therefore, considered to be in accordance with the provisions of Policies ENV15, T17 and RS1 of the Structure Plan and Policies BNE1, BNE2, H11, and T13 of the adopted Local Plan and the application is accordingly recommended for approval.

[This application would normally fall to be determined under officers’ delegated powers, but is being reported for Members’ consideration due to the number of representations that have been received that are contrary to the officer recommendation.]
Date Received: 1st November 2005
Location: 4 Higham Road, Wainscott, Rochester, Kent, ME3 8BB
Proposal: Construction of two storey side, single storey rear extension, porch to front and dormer to front (demolish existing garage and relocate fencing)
Applicant: Mr J Last  4 Higham Road Wainscott Rochester Kent  ME3 8BB
Agent: Mr J Liddiard 14 Wentworth Drive Cliffe Woods Rochester Kent  ME3 8UL
Ward: Strood Rural

Recommendation - Approval with Conditions

(as amended by plans received on 2nd 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 the 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 revoking and re-enacting that Order with or without modification) no windows, other than those shown on the plans herein approved, shall be installed in the northwestern elevation of the two storey side extension and the southeastern elevation of the single storey rear extension without the prior written approval of the Local Planning Authority.

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

Site description

The application property is a two-storey, semi-detached house located in close proximity to the junction between Higham Road and Hollywood Lane/Hoo Road. The immediately surrounding area comprises a mixture of terraced, semi-detached and detached houses or bungalows. The design of the front elevation of the application property includes a 2 storey bay feature that has a front projection of 1.1 metres. The exterior of the house is clad in a mixture of roughcast render, red brick and tile hanging.

To the front of the house there is a hardstanding capable of accommodating three vehicles. To the side of the property there is a single storey flat roofed extension, which is in part occupied by a single garage that extends as far as the property’s current western boundary.
It is to be noted that the application property’s western boundary is set at a slight angle with the result that its front garden is wider than its rear garden. The rear garden is enclosed with 1.8 metre high fencing.

The application property is bounded to the east by 2 Higham Road, which is the other half of this pair of semi-detached houses, and to the west by 6 Higham Road an end of terrace house.

There is a footpath running between the side boundaries for the application property and number 6. This footpath is approximately 1.8 metres wide and provides rear pedestrian access to the application property and adjoining properties, as well as the agricultural land to the rear/north of the site. The applicant has submitted that this access is a private access, which is in his ownership, over which the occupiers of neighbouring properties have a “right of way”.

**Proposal**

The submitted application is for the construction of: a two-storey side extension, a single storey rear extension; a porch to front, and a dormer window to front. The proposed works will involve the demolition of the existing garage.

The proposed two-storey side extension will occupy the full depth of the property and its width will vary between 4 metres (to the front) and 3 metres. This side extension will accommodate a garage and WC at ground floor level and a bedroom with en-suite and part of bathroom at first floor level. The side extension will have a hipped roof to replicate the property’s existing roof form. The front elevation of this addition includes a first floor level bay feature, replicating the existing first floor bay. The roof space of this side extension will accommodate a dressing room that will be illuminated by a roof light within the side roof slope.

The proposed flat roofed, single storey rear extension will be approximately 8.6 metres wide (at its maximum) and will occupy the space behind the existing property’s rear elevation, from the party boundary with number 2, and the area immediately behind the proposed side extension. This rear extension will have a depth of 3.6 metres and will be 3 metres high. The proposed rear extension will accommodate a new kitchen and a dining room.

The proposed front dormer window will be of a pitched roof design and will be 1.2 metres wide, sited between the gable roof features of the existing and proposed bays. The proposed dormer window, together with 2 roof lights to be inserted in the rear roof slope of the property’s existing main roof, will serve a new bedroom to be created with the conversion of the property’s existing roofspace into habitable accommodation.

The extended property will have 4 bedrooms.

The proposed porch will be located at the front of the property, between the existing bay feature and the garage door in the proposed side extension. The porch will measure 2.2 metres by 1.1 metres and will have a mono-pitched roof that will tie into the tile hanging between the ground and first floor windows on the existing bay and the tile hanging that will form the base of the proposed bay feature.

It is to be noted that the width of the proposed side and rear extensions has been reduced by 0.5 metre because of a concern that the width of these additions, as originally proposed,
would have had a prejudicial affect upon the amenities of the occupiers of 6 Higham Road. It is also to be noted that the applicant is proposing to move the side boundary fence 0.8 metres to the west, with the result that the footpath between the application property and number 6 will be reduced in width to 1 metre. The relocation of the side garden fence will allow a side access to be formed within the curtilage of the application property.

Representations

Neighbour notification letters have been sent to the owners and occupiers of 1, 2 and 6 Higham Road; 2 and 4 Hollywood Lane; and 4 Wainscott Road.

Two letters and four e-mails have been received objecting to the application on the grounds that the proposal will result in a reduction in the width of the right of way running to the side of the application property.

Frindsbury Extra Parish Council has written commenting that it raises no objection in principle to the proposed additions, but it is concerned about the reduction in the width of the side access and the effect that this might have on the access rights for the occupiers of the neighbouring properties.

Development Plan Policies

Kent Structure Plan 1996

Policy ENV15  (Kent’s Built Environment)
Policy T17  (Parking Standards)

Medway Local Plan 2003

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

Kent and Medway Structure Plan (Deposit Plan) 2003

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

Planning Appraisal

Street scene and design

The proposed two storey side extension, porch and dormer will be visible from Higham Road. The design of the proposed side extension incorporates features found on the original property, namely the external materials, the bay feature and the hipped roof. It is therefore considered that the design of the side extension will respect the character and appearance of the existing property.

The proposed dormer window is modest in scale and its design is in sympathy with the character of the existing property. It is to be noted that a number of properties within the vicinity of the application property have dormer windows. The provision of the proposed dormer window is considered to be acceptable in design and appearance terms.
The proposed porch will be limited in size and its design is consistent with the existing and proposed front projections and its design is therefore considered to be acceptable in streetscene terms.

The proposed single storey rear extension would not be visible from Higham Road due to its siting. To the rear of surrounding properties there have been a number of alterations and extensions of various styles and sizes. The design and scale of this addition is considered to be acceptable.

The design and appearance of the proposed additions are considered to be acceptable and 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).

**Neighbour Amenities**

2 Higham Road is located to the southeast of the application property and as a consequence of this siting relationship the presence of the side extension and front alterations will have no impact upon the amenities of the occupiers of number 2. The presence of the single storey rear extension will have a limited affect upon outlook and the receipt of light for the occupiers of number 2, however this impact will be of a scale that does warrant the refusal of planning permission. Due to the low boundary fence height on the party boundary a condition is recommended to prohibit the siting of any windows, which might be added to the south eastern (side) elevation of the rear extension, at a later date to the detriment of the privacy of the occupiers of number 2.

6 Higham Road is located to the northwest of the application property and as a consequence of this siting relationship the presence of the porch, dormer and single storey rear extension will have no detrimental impact upon the amenities of the occupiers of number 6. Although the proposed side extension, in its amended form will give rise to some additional overshadowing of the rear garden area of number 6, it is considered that this will not be of a scale that would warrant the refusal of planning permission. Although number 4 projects some way to the rear of number 6 and the construction of the proposed extension will impinge upon the outlook from the rear of number 6, as a consequence of the projection of the flank wall of the proposed extension behind the rear of number 6, it is considered that any additional impact upon outlook arising from this proposal will not be so great as to be materially prejudicial to the amenities of the occupiers of number 6. In order to safeguard the longer term privacy of the occupiers of number 6 it is considered that a condition should be imposed upon any forthcoming permission to prohibit the installation of further flank wall windows.

The submitted proposals are considered to be acceptable in amenity terms and the application therefore accords with the provisions of Policy ENV15 of the Structure Plan, Policy BNE2 of the adopted Local Plan and Policy QL1 of the emerging Structure Plan.

A number of representations have been received raising concerns about the reduction in the width of the access between numbers 4 and 6 arising from the submitted proposals. The realignment of the fence will result in the width of the access being reduced to one metre and not the loss of this facility, which the occupiers of adjoining properties have rights to use, albeit that the applicant has submitted that he owns the footpath. The applicant has further submitted that the reduction in the width of this access will enable it to be gated to provide
greater security to neighbouring properties and that the occupiers of properties who have
rights to use the access will be provided with keys so that they will be able to gain entry to the
access. It is to be noted that any rights of way issues arising from the reduction in the width
of the footpath are matters governed under property and/or civil law and are not land use
planning considerations.

Highways

The extended house will have four bedrooms and will continue to have an adequate level of
on-site parking and accordingly no objection is raised to the application under the provisions
of Policy T17 of the Structure Plan, Policy T13 of the adopted local Plan and Policy TP19 of
the emerging Structure Plan.

Conclusion and reasons for Approval

It is considered that the proposed alterations will not detract from the appearance and
character of the existing property or the immediately surrounding area and due to their
location and relationship to neighbouring properties, they will not cause any unacceptable
harm to the amenities of occupiers of adjoining properties. The proposals therefore accord
with the provisions of Policies ENV15 and T17 of the Structure Plan and Policies BNE1,
BNE2 and T13 of the adopted Local Plan and the application is accordingly recommended for
approval.

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

(as amended by plans received on 17th January 2006)

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

3  Prior to the bringing into use of the development hereby permitted 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 and shall thereafter be retained as such.

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. Some work on the development has commenced. 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.

Following re-consultation one email has been received confirming an objection to the application on the following grounds:

- the applicant has not undertaken boundary work that he has been requested to do in breach of an agreement with neighbour;
- the extension will be out of keeping; and
- loss of light to the back yard area will arise.
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)

Kent and Medway Structure Plan (Deposit Version) 2003

Policy QL1 (Quality of Development and Design)

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.]

[This application was considered by Members at the Development Control Committee on the 11th January 2006, when it was determined to defer a decision to enable a Members’ site visit to be held.]
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

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>MC2004/1179</td>
<td>Construction of two storey side extension and canopy to front</td>
</tr>
<tr>
<td></td>
<td>(demolition of garage and porch)</td>
</tr>
<tr>
<td>MC2004/2523</td>
<td>Construction of two storey side extension and canopy to front and</td>
</tr>
<tr>
<td></td>
<td>single storey rear extension (demolition of garage and porch)</td>
</tr>
<tr>
<td></td>
<td>Approved 15/12/04</td>
</tr>
</tbody>
</table>

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 application should be considered in respect of the nature of the amendments together with the potential impact of the proposed amendments on the rest of the approved development.

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.

[This application was considered by Members at the Development Control Committee on the 11th January 2006, when it was determined to defer a decision to enable a Members’ site visit to be held.]
Recommendation - Approval with Conditions

(as amended by plan received on 4th January 2006)

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 dormer windows and roof extension herein approved shall match those used on the existing dwelling.

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

Site Description

31 Rochester Road is a detached property, appearing as a single-storey building from the road but with two storeys to rear. The main roof is hipped and there is a two-storey extension to the south western side and an attached garage to the northwest, with driveway parking for two cars. The property is set back from and below the road and the rear garden slopes down significantly towards the railway line, with a raised patio area adjacent the dwelling.

The property is located within the settlement boundary of Cuxton village. The street scene is very mixed, including bungalows of various designs (many of these are two-storeys to rear) and some two-storey houses. The adjacent property, number 33, has a garage adjacent to the party boundary, which appears as a single-storey structure from the road but which is 2 storeys to the rear. The adjacent property number 29 is set at a lower level and has a conservatory to rear and this property only has windows fitted with obscure glazing facing the application property.

Proposal

The submitted application proposes the formation of a gable end to front and the insertion of dormer windows to either side of the property. These works to enlarge the property’s roof area will facilitate the provision of a study and two additional bedrooms with en-suite facilities.
The proposed gable end would follow the ridgeline of the existing roof and will have a ridge height of 5.2 metres. Each of the proposed dormer windows would feature a gable roofed section towards the front of the property and a flat roof section further to rear. The dormers would be set in from the front and rear elevations and their bases would be set in from the principal side walls, with the flat roof section being narrower in cross section and being set further up the roof slopes. The dormer in the south western elevation would be slightly wider, and would overlap with the roof for the two-storey side extension. The sections of the dormers with pitched roofs would be clad in timber boarding, while flat roofed sections would be faced with concrete plain tiling in a colour to match the main roof.

The current application is a resubmission of previous application MC2005/1791 (see below) and has been amended since its original submission to reduce the size of the side dormers.

Relevant Planning History

ME77/366  Lean-to sun lounge (portable unit)
  Approved 17 June 1977

ME78/1084  Two storey rear extension
  Approved 14 February 1979

ME93/0392  Proposed part single and part two storey side extension
  Approved 23 July 1993

ME96/0358  Construction of replacement garage
  Approved 23 July 1996

MC2005/1791  Insertion of dormer windows to the front and side elevations to facilitate living accommodation in the roofspace
  Withdrawn

Representations

Neighbour notification letters have been sent to the owners and occupiers of 29 and 33 Rochester Road.

Cuxton Parish Council has written objecting to the originally submitted application plans on the grounds that the proposed works would be too large for the existing roof space and would lead to an unsightly appearance from both side and front elevations.

Re-consultations have been undertaken following the receipt of the amended plans and Cuxton parish Council has written maintaining its objection to this application.

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 Design)
Policy BNE2 (Amenity Protection)
Policy T13 (Parking Standards)

Kent and Medway Structure Plan (Deposit Version) 2003

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

Planning Appraisal

Street Scene and Design

Rochester Road has a very mixed street scene at this point. The majority of properties appear as single-storey properties when viewed from the road, but there are a number of two-storey properties nearby and there is a high degree of variation in design between the bungalows. The formation of a gable end would not increase the overall height of the dwelling and it would continue to appear as a bungalow when viewed from Rochester Road. This change to the appearance of the property would not be detrimental to the character and appearance of the area due to mixed character of the existing street scene.

The dormer windows would only be partially visible from the street, due to their siting and the property’s low level setting and set back within its plot. The design of the dormers incorporates a pitched roof section towards the front of the property, which reflects the design of the existing dwelling. The flat roof section further to rear would be much less visible, and also of smaller scale. The property is set relatively close to the properties on either side, further reducing the visual impact of the proposed dormer windows. As a consequence of the proposed dormer windows being set off the main side elevations of the property, they will not have an overly dominant appearance.

Overall it is considered that the scale and design of the dormer windows is acceptable in relation to the existing property and that they would not be detrimental to the character and appearance of the area.

In design and visual impact terms the proposed additions to the property’s roof are considered to be acceptable and accordingly no objection is raised to the application in this respect 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

The proposed works, being at roof level, would not have any significant impact on the outlook, daylight or sunlight for the occupiers of neighbouring properties and this impact will be further minimised by their siting towards the front of the dwelling, with no windows serving habitable rooms in the flank walls of the adjacent properties. The siting of the proposed dormer windows would also prevent any significant loss of privacy for the occupiers of the neighbouring properties.

It is considered that the proposed works will not be detrimental to the amenities of the
occupiers of the adjoining 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

The proposed works will result in the formation of a four bedroomed dwelling. Under the provisions of the parking standards the maximum requirement is three spaces. The property has three spaces available to it and this level of provision therefore satisfies the requirements of the parking standards and accordingly in this respect no objection is raised to the application under the provisions of Policy T17 of the Structure Plan, Policy T13 of the adopted Local Plan and Policy TP19 of the emerging Structure Plan.

Conclusion and reasons for approval

The application is considered to be acceptable in design and street scene, amenity and parking terms. The submitted application is therefore considered to be in accordance 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 determined under officers’ delegated powers but is being reported for Members’ determination due to the representations received from the Cuxton Parish Council that are contrary to the officer 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. 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.

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

Site Description

The application site is located in a wholly residential part of Gillingham. The street has a mix of dwellings including 2-storey semi detached dwellings and semi detached bungalows. There is on street parking on both sides of the road.

The application dwelling is a semi-detached bungalow. To the side is an attached garage with hard standing to the front with parking for up to two vehicles. To the front and rear are large flat roof dormer windows. To the rear is a small garden laid mainly to lawn enclosed to the north by brick wall approximately 1.5 metres in height, to the east and south is close-boarded fencing approximately 1.3 metres in height.

The adjoining property is built to the same style as the application property but without the dormer windows. The neighbouring property to the north is an extended two-storey house with a conservatory to the rear with a variety of both habitable and non-habitable room windows facing the application site.
Proposal

The proposal is for the construction of a single storey front extension and part single / first floor side extension and roof lights to facilitate a loft conversion. It is a re-submission of MC2005 / 1968 which was withdrawn after concerns were raised by officers about the size of the rear dormer to be extended. This application does not now propose to extend the rear dormer.

The front extension will project approximately 1 metre to the front of the dwelling and be approximately 4.8 metres in width. The ground floor extension to the side will project approximately 2.4 metres from the dwelling and be approximately 1.8 metres in depth. The accommodation will provide a porch and enlarged bedroom and utility room at ground floor level and an additional bedroom at first floor level.

Relevant Planning History

MC2005 / 1968 Construction of a part single / first floor side extension incorporating three new dormer windows to front and extension of dormer to rear to provide further increase in additional living accommodation in roof space (removal of existing front dormer).
Withdrawn.

Representations

Neighbour notification letters have been sent to the owners and occupiers of the following properties: 50, 52, 54 Sunningdale Drive, 292 Lonsdale Drive and 2,3 and 4 Wimbourne Drive.

3 letters have been received raising the following points of concern:

- Not in keeping with the surrounding area.
- Loss of outlook to number 54 Sunningdale Drive.
- Result in a dominant form of development when seen from dwellings in Sunningdale Drive.
- Overshadowing the rear gardens of Sunningdale Drive.
- Concerns regarding the increase in the size of the dormer.
- Overlooking into the rear garden of 54 Sunningdale Drive due to dormer.

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

The dwellings in the street are of a mixed character and the addition of the front and side extensions will not cause detrimental harm to the street scene. Due to the presence of various roof designs the use of a barn-hipped roof to the side extension will not cause detrimental visual harm. The extensions are in keeping with the original dwelling in terms of scale and proportion. The extension to the side will result in the loss of space to the side of the dwelling though due to the arrangement of the properties and the orientation of the dwellings to the north this will not cause any detrimental harm to the street scene.

It is therefore considered that the proposals are acceptable in terms of impact on character of the street 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

Number 54 Sunningdale Drive to the northeast is of sufficient distance away from the application property not to be impacted upon in terms of shadow, light or outlook. The proposed alteration of the windows in the dormer will result in a reduction in the amount of overlooking, as the proposed obscure glazed windows will replace existing clear glazed ones. There is no need to control this obscure glazing by condition due to the existing impact.

Number 50 Sunningdale Drive and to a lesser extent Number 52 Sunningdale Drive face directly onto the flank wall of the existing dwelling and single storey garage. This is visible over the boundary fencing from the rear garden and the conservatory and rear habitable room windows of these properties. The proposed side extension will be coming closer to the boundary with the dwellings though due to the distances between the application site and these dwellings (approx 11 metres) and the limited height of the extension (approx 3.8m to the guttering on the half hip) there will be no detrimental impact in terms of outlook, daylight or dominance. The application site is set to the south of these dwellings though in terms of sunlight due to the existing impact caused by the dwelling and as the roof ridge will not be increasing in height any impacts in terms of sunlight will be minimal and not considered significant. No windows are proposed to directly face on to the rear gardens of these dwellings therefore not impacting on privacy and this can be controlled by the condition recommended.
Number 3 Wimbourne Drive is not considered to be negatively impacted by the proposed extension with regard to loss of outlook, daylight, sunlight or privacy to the neighbour due to the siting of the development primarily to the north of the application site.

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 would result in the creation of an additional bedroom. The property has off-road parking for two vehicles and there is ample on street parking available. 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 the number of letters of representation received contrary to the officers recommendation.]
Date Received: 1st December 2005

Location: 164 High Street, Rochester, Kent, ME1 1EX

Proposal: Change of use from shop (class A1) on ground floor with music shop on upper floor into an Estate Agents (class A2)

Applicant: Mr E Ahmed & Mr R Rains  33 Maidstone Road Chatham Kent   ME4 LDP

Agent:

Ward: Rochester West

Recommendation - Approval with Conditions

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

Site Description

The application property is a Grade II Listed, three storey, mid-eighteenth century, building with a large single storey flat roof rear extension (which it shares with number 166). The application premises have had a variety of uses in the past with a shop unit on the ground floor with residential over and most recently have been occupied as a coffee shop on the ground floor with a music shop on the upper floors. The ground floor principally comprises two interconnected rooms with toilets and a kitchen at the rear and two rooms on the first floor and two rooms on the second floor.

The application property is located within a part of the High Street where the ground floor uses comprise a mixture of: Class A1 “retail shops”; Class A2 “financial and professional services”; Class A3 “restaurants and cafes”; and Class A4 “drinking establishments”, with commercial or residential accommodation above.

Proposal

The submitted application proposes the change of use of the ground and first floors to an estate agent’s (Class A2). It is submitted that the ground floor area would serve as the principal office and display area, while the first floor front and rear rooms would respectively be used as a meeting room and a storage area. The premises would open between 08.45 and 18.30 (Mondays to Fridays), 08.45 to 17.00 on Saturdays and 10.00 to 16.00 on Sundays. Five full time and one part time members of staff would be employed at the premises.

No structural alterations to the property are proposed.

[It is to be noted that at the time of the original submission of the current planning application]
the premises were vacant, although subsequently the use as a estate agent’s office has commenced, albeit that the premises have not been opened to the general public.]

Relevant Planning History

NK5/62/24 Extension to shop premises
   Approved

ME/95/0540/L33 Fascia sign and internal partition
   Approved 19 September 1995

Representations

The application has been advertised on site and in the press as development in a Conservation Area. Neighbour notification letters have been sent to the owners/occupiers of 137a, 137b, 139, 139a, 141, 141a, (Flats 1-5) 141a, 145, 147/149, 158, 162, 162a, 166 and 166a High Street. A letter has also been sent to the City of Rochester Society.

The City of Rochester Society has written objecting to the application on the grounds of the loss of retail floorspace in this specialist local shopping centre.

Two letters have been received from the occupiers of neighbouring shops raising no objection to the change of use and further commenting that as the property has been vacant for some time it will be beneficial to have it re-occupied rather than seeing it left in an empty run down condition. The reoccupation of the property will therefore make the High Street more attractive.

Development Plan Policies

Kent Structure Plan 1996

Policy ENV15 (Built Environment)
Policy ENV17 (Conservation Areas)
Policy ENV19 (Buildings of Architectural or Historic Importance)
Policy T17 (Vehicle Parking Standards)

Medway Local Plan 2003

Policy BNE1 (General Principles for Built Development)
Policy BNE2 (Amenity Protection)
Policy BNE12 (Conservation Areas)
Policy BNE14 (Development in Conservation Areas)
Policy BNE17 (Alterations to Listed Buildings)
Policy R8 (Rochester City Centre)
Policy R17 (A2 and A3 uses and change of use)
Policy T13 (Vehicle Parking Standards)
Policy T14 (Parking Strategy)

Kent and Medway Structure Plan (Deposit Version) 2003

Policy QL1 (Quality of Development and Design)
Policy QL7  (Conservation Areas)
Policy QL9  (Buildings of Architectural or Historic Importance)
Policy TP19 (Vehicle Parking Standards)

Planning Appraisal

The issues for consideration arising from this proposal are: whether the use of the premises as a Class A2 estate agent’s is acceptable in principle in this location; the effect of the proposed use on the character of the Conservation Area and the Listed Building; amenity considerations; and parking.

**Principle**

The application property is located within Rochester City Centre and is therefore subject to Policies R8 and R17 of the adopted Local Plan.

Policy R8 of the adopted Local Plan contains a presumption in favour of Class A1, A2 and A3 (the latter should now include Classes A4 and A5 following the recent amendment to the Use Classes Order) uses provided they support the vitality and viability of the centre as a whole and they are compatible with the specialist and tourism related character of the centre or cater specifically for the day to day needs of the local resident population. Policy R17 of the adopted Local Plan supports changes of use within the core area of Rochester within Classes A1, A2 and A3, except where the addition of such a use within a particular part of the centre would cumulatively have a detrimental effect on the character and retail function of the centre or visual amenity in the area.

Within the south-eastern section of Rochester High Street, between Blue Boar Lane/Crow Lane and Star Hill (numbers 123 to 177 odd and 140 to 196 even), there are currently 52 commercial properties, including the application property. Of these properties, currently 30 (57%) are in retail (Class A1) use, although four of these are currently vacant. 13 (25%) of these properties are used for professional and financial services (Class A2), with 7 (13%) restaurants/cafes (Class A4) and 2 (4%), public houses. If the proposed change of use were permitted, there would be 29 (56%) properties in retail (Class A1) use and 14 properties (27%) in professional and financial service (Class A2) usage. It is, therefore, considered that the proposal would not have a detrimental affect on the retail function of the High Street and would comply with the aforementioned policies.

**Effect on the character of the Conservation Area and the Listed Building**

The current application proposes no alterations to the layout or external appearance of the building. It is therefore considered that this proposal will not detract from either the character or structural integrity of this Listed Building or the character of the Conservation Area. The proposed use is therefore considered to be acceptable under the provisions of Policies ENV15, ENV17 and ENV19 of the Structure Plan, Policies BNE1, BNE12 and BNE17 of the adopted Local Plan and Policies QL1, QL7 and QL9 of the Kent and Medway Structure Plan (Deposit Version) 2003 (the emerging Structure Plan).

**Neighbour Amenities**

Policy ENV15 of the Structure Plan, Policy BNE2 of the adopted Local Plan and Policy QL1 of the emerging Structure Plan seek to ensure that new development does not have a
prejudicial affect upon the amenities of the occupiers adjoining properties. In particular these policies seek to ensure that changes of use do not detract from the existing appearance and character of an area or give rise to levels of activity and traffic generation that would be detrimental to the amenities of surrounding occupiers.

Having regard to the application premises location within a busy High Street and the nature of the proposed use, which is consistent with a town centre location, it is considered that the proposed use will not give rise to levels of activity or traffic generation that would adversely affect the amenities of the occupiers of adjoining properties.

The proposal 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.

Parking

The adopted Vehicle Parking Standards require the provision of one space per 18 m$^2$ for both retail (Class A1) and office (Class A2) uses. Although no parking is to be provided, there are public car parks nearby and there is good accessibility to public transport. No objection is therefore raised to the application under the provisions of Policy T17 of the Structure Plan, Policy T13 of the adopted Local Plan and Policy TP19 of the emerging Structure Plan.

Conclusions and reasons for approval

Having regard to the aforementioned considerations, it is considered that the submitted proposal will not result in: an increase in financial or professional uses that will adversely affect the vitality and viability of the city centre; any detriment to the character or appearance of the streetscene, the Conservation Area or the listed status of the application property; any prejudice to the amenities of the occupiers of adjacent premises; or any unacceptable level of additional parking pressure in the area. The submitted application is therefore viewed as being in accordance with the provisions of Policies ENV15, ENV17, ENV19 and T17 of the Structure Plan and Policies BNE1, BNE2, BNE12, BNE17, T13, R8 and R17 of the adopted Local Plan.

[This application would normally fall to be considered under officers’ delegated powers but has been reported for Members’ consideration due to the representations that have been received from the City of Rochester Society that are contrary to the officer 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  Materials used in the construction of the external surfaces of the extension herein approved shall match those used on the existing dwelling.

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

Site description

The application property is a two-storey, semi-detached house. Within the vicinity of the application property there are a number of other two-storey semi-detached houses, which are similar in design. The application property is one half of a pair (numbers 9 and 11) of semi-detached houses that are set forward of the next pair of houses to the north east (numbers 5 and 7). The gap between the flank wall of the existing property and its party boundary with number 7 is 1.35 metres.

Proposal

This application is for the construction of a single storey side extension running the full depth of the application property. The proposed extension would be approximately 1.2 metres wide and would range in height between 3.5 (rear) and 4.1 (front) metres. The proposed extension will be clad in bricks and roofing tiles to matching the existing property. The proposed extension would have a hipped pitch roof and would accommodate a new WC and provide additional space for the hall and kitchen.

[It is to be noted that if it were not for the fact that the proposed extension is within 2 metres of a boundary and exceeds 4 metres in height, this addition would constitute “Permitted Development” and would not require planning permission.]
Relevant Planning History

ME/86/363  Construction of single storey side extension
Approved 23 June 1986

Representations

Neighbour notification letters have been sent to the owners and occupiers: of 7, 8, 10, 11 and 12 Charles Drive; and 11 Pilgrims Way.

Cuxton Parish Council has written objecting to the application on the grounds that the proposed extension will be too close to the party boundary giving rise to a “terracing affect” and would set a precedent for similar proposals in the future.

Development Plan Policies

Kent Structure Plan 1996

   Policy ENV15    (Kent’s Built Environment)

Medway Local Plan 2003

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

Kent and Medway Structure Plan (Deposit Plan) 2003

   Policy QL1     (Quality of Development and Design)

Planning Appraisal

Street Scene and Design

The proposed extension will be visible from the public highway, especially having regard to the staggered siting of the application property relative to the neighbouring property at number 7. However having regard to the single storey nature of this extension and the presence of other similar side extensions and side garages within the street, it is considered that its presence within this street would not detract from the character or appearance of the streetscene or set an undesirable precedent for this type of addition. Given the single storey nature of this proposed extension it cannot be described as an example of terracing, especially having regard to the staggered relationship with the neighbouring property.

The design and appearance of the proposal will be in sympathy with the original dwelling and the application is therefore considered to be in accordance with the provisions of Policy ENV15 of the Structure Plan, Policy BNE1 of the adopted Local Plan and Policy QL1 of the Kent and Medway Structure Plan (Deposit Version) 2003 (the emerging Structure Plan).

Amenity Considerations

The only property that will be affected by the proposed extension will be 7 Charles Drive, which has a door in its side elevation that would face towards the flank elevation of the
proposed extension door, which serves a kitchen. Having regard to the staggered relationship between numbers 7 and 9, it is considered that the proposed extension will not be prejudicial to the amenities of the occupiers of number 7 in terms of any unacceptable loss of light, overshadowing or loss of privacy.

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

**Conclusion and reasons for Approval**

The application is considered to be acceptable in design, street scene and amenity terms. The submitted application is therefore considered to be in accordance with the provisions of Policy ENV15 of the Structure Plan and Policies BNE1 and BNE2 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’ determination due to the representations received from the Cuxton Parish Council that are contrary to the officer 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. Materials used in the construction of the external surfaces of the extensions 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 revoking and re-enacting that Order with or without modification) no windows shall be installed in the flank walls of the extensions 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 conclusion at the end of this report.

Site description

The application property is a two-storey detached house. The immediate street scene comprises generally larger houses of varying designs. The application property has a 2.7 metre deep, flat roofed, front projection, which accommodates a garage and this addition occupies approximately half the width of the house. To the rear of the house there is a single storey flat roofed extension, which has a depth of 2.4 metres, which occupies the full width of the property. The rear garden is enclosed by 1.5 metre high close boarded fencing. The ridge line of this property runs at right angles to Brompton Farm Road.

The property to the west of the application property, number 252, is similar in design and there is a high conifer hedge along the party boundary between these properties. The other immediately neighbouring property, number 256, is a semi-detached house.
Proposal

The submitted application proposes the construction of: a part two-storey and part first floor front extension; and a first floor rear extension.

The proposed front extension will incorporate the existing front garage projection. The proposals therefore involve building at first floor level above the existing garage projection (which has a width of 2.9 metres) and the construction of a 1.5 metre wide, full 2 storey extension attached to the side of the garage projection. The resultant front projection will be 4.4 metres in width and a full 2 storeys in height. This addition would have a gable roof form and would accommodate an enlarged hallway at ground floor level and an enlarged front bedroom on the first floor.

The proposed first floor rear extension would occupy the full width of the property, being built directly above the existing single storey extension and would be 2.4 metres in depth. This extension would allow the property’s existing two rear bedrooms to be enlarged and would also result in the creation of a new bathroom.

The proposed extensions would be clad in brickwork and tile hanging to match the existing property.

It is to be noted that the application property benefits from a Certificate of Lawfulness for proposed development for the construction of side dormer windows to facilitate the conversion of the property’s roof space into habitable accommodation.

Relevant Planning History

MC2005/1730 Lawful Development Certificate (Proposed) for the construction of dormer windows to sides to facilitate loft conversion
Approved 19 September 2005

Representations

Neighbour notification letters have been sent to the owners and occupiers of: 241, 252 and 256 Brompton Farm Road; and 1, 2 and 4 Hawkenbury Rise.

Two e-mails and two letters have been received objecting to the application for the following reasons:

- Concerns over the number of vehicles parking at the proposal site;
- The proposal will change the appearance of the dwelling and the street scene;
- The construction works will result in contractors parking and rubbish;
- The front and rear extensions will result in a loss of outlook from windows in neighbouring houses; and
- The proposed development will devalue adjoining properties.
Development Plan Policies

Kent Structure Plan 1996

Policy ENV15 (Kent’s Built Environment)
Policy T17 (Parking Standards)

Medway Local Plan 2003

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

Kent and Medway Structure Plan (Deposit Plan) 2003

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

Planning Appraisal

Street Scene and Design

While the proposed front extension will change the appearance of the application property, it is considered that this addition will be in keeping with the character of the existing house and will not detract from the character of the wider streetscene. It is also considered that the scale of the front extension is such that it will not appear as being unduly prominent within the streetscene.

The proposed first floor rear extension would not be visible from the public highway. The rear extension has been designed to replicate the design of the existing property and will therefore be in keeping with its character and appearance.

The design and appearance of the proposed extensions are considered to be acceptable and accordingly no objection is raised to this aspect of the application under the provisions of Policy ENV15 of the Structure Plan, Policy BNE1 of the adopted Local Plan and Policy QL1 of the Kent and Medway Structure Plan (Deposit Version) 2003 (the emerging Structure Plan).

Neighbour Amenities

The neighbouring properties at numbers 252 and 256 respectively lie to the south west and north east of the application property. Although the submitted proposals involve the provision of front and rear additions, it is considered that their depth and siting relative to numbers 252 and 256 are such that their presence will not give rise to unacceptable overshadowing or losses of outlook, light or privacy for the occupiers of those immediately neighbouring properties. The submitted plans indicate that no windows will be installed within the flank walls of the proposed extensions, however the introduction of windows into these elevations at a later date could give rise to an unacceptable loss of privacy and accordingly it is recommended that a Condition is imposed on any forthcoming planning permission for this development prohibiting the insertion of windows without prior consent first being obtained.

It is considered that the construction of the proposed extensions will not give rise to an
unacceptable loss of amenity for the occupiers of the immediately neighbouring properties. Accordingly in amenity terms the application is viewed as being in accordance with the provisions of Policy ENV15 of the Structure Plan, Policy BNE2 of the adopted Local Plan and Policy QL1 of the emerging Structure Plan.

Highways

The proposed works will not result in the creation in any additional bedrooms, therefore the proposals will not have any additional impact on parking provision. Accordingly no objection is raised to the application under the provisions of Policy T17 of the Structure Plan, Policy T13 of the adopted Local Plan and Policy TP19 of the emerging Structure Plan.

Conclusion and reasons for Approval

It is considered that the proposed extensions will not detract from the appearance and character of the existing property or the immediately surrounding area and due to their location and relationship to neighbouring properties, they will not cause any unacceptable harm to the amenities of occupiers of adjoining properties. The proposals therefore accord with the provisions of Policies ENV15 and T17 of the Structure Plan and Policies BNE1, BNE2 and T13 of the adopted Local Plan and the application is accordingly recommended for approval.

[This application would normally fall to be considered under officer’s delegated powers but has been reported for Members’ determination because of the number of representations that have been received expressing views that are contrary to the officer recommendation.]
Recommendation - Refusal

1. The development would prejudice the character and amenity of the locality and result in the loss of land that is recognised as making a positive and valuable contribution to the Area of Local Landscape Importance within which it is located. The proposal is therefore contrary to Policies S2 and ENV2 of the Kent Structure Plan 1996, Policy BNE34 of the Medway Local Plan 2003 and Policies SP1, E3 and QL1 of the Kent and Medway Structure Plan (Deposit Version) 2003.

Site Description

This site forms part of the triangular in shape strip of land that is bounded by Lords Wood Lane to the east and Old Lordswood Lane to the west. The application site is within this open area and is separated by a gap of some 56 metres from the two storey dwelling to the north (No.803). The land to west of Old Lords Wood Lane forms part of Beechen Bank, which is heavily wooded and that land is the subject of a woodland Tree Preservation Order. The application site is generally flat and has a covering of rough grassland.

Proposal

This application is seeking full planning permission for the erection of a two storey 5 bedroom dwelling house. The plot measures some 0.141 hectares in area. The development is a large dwellinghouse in a substantial curtilage. The overall height of the development will amount to some 9 metres in height above the ground level. A large gravelled parking zone is proposed to the north-western side of the development site and access is achieved via the private access track located to the west of the development site.

Site Area/Density

Site area: 0.141ha (0.35 acres)
Density: 7.1dph (2.9 dpa)
Relevant Planning History

Tree Preservation Order No.1 1972 (W1) Beechen Bank, Walderslade.

ME/86/665 Outline application for residential development
Refused 17th November 1986
Appeal dismissed 16th November 1987

ME/88/1293 Outline application for residential development
Refused 21st March 1989

ME/97/0630 15 metre high telecommunication mast
Withdrawn 11th September 1997

ME/98/0045 15 metre high telecommunication mast
Approved 16th March 1998

ME/99/5357 30 metres high telecommunication mast with associated buildings
Approved 29th September 1999

MC2000/1216 Outline Application for residential development
Member resolution for approval subject to the prior completion of a legal agreement
22nd October 2000
Application called in by the Secretary of State and refused on 17th April 2002 following a Public Inquiry

MC2000/1716 Telecommunications Prior Approval Application for the installation of additional and replacement antennae and dishes, additional and replacement cabins and extended site compound to allow site sharing
Withdrawn 29th November 2000

MC2002/2619 Telecommunications Prior Approval Application for the installation of 3 antennae on existing mast together with a 4 metre by 11.78 metre enlargement of the existing compound, installation of an equipment cabin, two meter cabinets, relocation of an existing meter cabinet and ancillary equipment
Prior approval given subject to conditions 27th January 2003

MC2005/1175 Outline application for residential development
Refused 8th September 2005.

Representations

The application has been advertised on site by means of site notices. Neighbour notification letters have been sent to the owners and occupiers of: 2 to 10 (evens) Tuscan Drive; and 803 Lords Wood Lane. Consultation has also been undertaken with Maidstone Borough Council (the immediately adjoining Local Authority).

Four letters have been received supporting the application for the following reasons:
- New housing in keeping with those adjoining the site would represent an improvement to the local vicinity and enhance the overall appearance of the land.

- The development of this land would prevent it from being used by Travellers.

- The site is in a sustainable location and well served by public transport and local services, including shops, schools, doctors, etc.

Kent and Medway Towns Fire Authority have raised concerns regarding the development stating: “The Access to this property via (an unmade) 1.7 metre width road is totally unsatisfactory for fire service proposes”.

Maidstone Borough Council object to the proposal on the following grounds:

1. The development would prejudice the character and amenity of the locality, which is recognised as within an Area of Local Landscape Importance. The proposal would be contrary to Policy BNE34 of the Medway Local Plan 2003 and Policy ENV35 of the Maidstone Borough Wide Local Plan 2000.

2. The proposal would result in the loss of an area of amenity land which contributes to preserving the setting of the adjoining Beechen Bank Area of Local Landscape Importance contrary to the provisions of Policies ENV15, ENV16 of the Kent Structure Plan 1996, Policy L3 of the Medway Local Plan 2003 and ENV22 and ENV35 of the Maidstone Borough Wide Local Plan 2000.

**Development Plan Policies**

Kent Structure Plan 1996

- Policy S1 (Sustainable Development and Energy Conservation)
- Policy S2 (Environment)
- Policy ENV1 (Countryside)
- Policy ENV15 (Built Environment)
- Policy RS5 (Development at Hamlets and in the Countryside)
- Policy H3 (Housing Development in Existing Urban Areas)
- Policy T17 (Parking)

Medway Local Plan 2003

- Policy BNE1 (General Principles for Built Development)
- Policy BNE2 (Amenity Protection)
- Policy BNE3 (Noise)
- Policy BNE25 (Development in the Countryside)
- Policy BNE34 (Areas of Local Landscape Importance)
- Policy BNE41 (Tree Preservation Orders)
- Policy H4 (Housing in Urban Areas)
- Policy H5 (High Density Housing)
- Policy T1 (Impact of Development)
- Policy T2 (Access to the Highway)
- Policy T13 (Vehicle Parking Standards)
Planning Appraisal

Background and Matters of Principle

This site has been subject to a number of planning applications, the most recent of which was refused by Members of the Development Control committee on 8th September 2005. The application previous to that an outline application for residential development (MC2000/1216) was “called-in” for determination by the Secretary of State, following a Member resolution to grant outline planning permission for residential development contrary to the Officer recommendation. Following the holding of a public inquiry the Secretary of State refused planning permission and this decision is material to the determination of the current planning application.

As with the determination of all proposals for development, the starting point for the consideration of planning applications is the provisions of the adopted Development Plan. The Medway Local Plan 2003 defines this area of land as lying outside the designated urban area and within an Area of Local Landscape Importance (ALLI). This being the case, the Council would normally apply the rural restraint policies set out in the adopted and emerging Structure Plans and the adopted Local Plan to any development proposal on this site. As part of the formulation of the currently adopted Local Plan the applicant lodged an objection to this site’s inclusion with the Beechen Bank ALLI and sought to have it included within the urban area so that it would be considered to be acceptable for residential development. In considering this objection, the Local Plan Inspector concluded that the designation of this land as part of the ALLI was appropriate and that Lords Wood Lane formed a positive defensible boundary to the urban area and he could see no reason to alter it. The Inspector therefore recommended that the application site should continue to be included within the ALLI.

In contrast to the Local Plan Inspector’s conclusions, the Secretary of State in his decision relating to planning application MC2000/1216 concluded that the “site cannot be considered to lie within the open countryside” and thus for practical purposes forms part of the urban area. Despite reaching this conclusion the Secretary of State agreed with the Local Plan Inspector that the site makes a positive and valuable contribution to the landscape function of the ALLI and refused to grant planning permission accordingly.
Based on the Secretary of State decision it is clear that the general rural restraint policies contained within the constituent parts of the Development Plan should not be used in the consideration of the current planning application. Accordingly the principle of the proposed development falls to be assessed under the provisions of Policies S2, ENV2, ENV15 and ENV16 of the Structure Plan, Policies H4, H5 and BNE34 of the adopted Local Plan and Policies SP1, E3 and QL1 of the Kent and Medway Structure Plan (Deposit Version) 2003 (the emerging Structure Plan). Whilst the rural restraint policies are not being applied to the consideration of this application, it is clear from the Secretary of State’s previous decisions in respect of this site that the ALLI policies are wholly relevant and must be considered in the determination of this application.

In considering the 2000 planning application for residential development on this site the Secretary of State stated that:

“… the site falls within the Area of Local Landscape Importance. The Secretary of State accepts that the site performs an important function as a valuable part of the local landscape and contributes to the designation as an ALLI. He agrees that the site could not be developed for housing at a density suggested by the applicant, or a density in accordance with PPG3, without having a serious and prejudicial impact on the contribution it currently makes to the particular landscape function of the ALLI and the character of the area”.

Having regard to the advice contained in Planning Policy Guidance Note 3 (PPG3) Housing, Policy H4 of the adopted Local Plan and the Secretary of State’s previous deliberations it is clear that the site would accord with the national and local policy of a sequential approach to housing development. However, it is also clear that the larger site makes a positive and valuable contribution to the landscape function of the ALLI and as such its development for housing, even a single dwelling, would be prejudicial to the ALLI’s function and character and that this proposal is therefore contrary to the Development Plan policies which seek to protect the ALLI. Policy S2 of the Structure Plan and ENV34 of the adopted Local Plan are quite clear in that they seek to resist development, which is prejudicial to the landscape function of the area.

There have been no material changes in the circumstances since the previous planning applications for residential development on this site were refused. No reasoned justification has been put forward by the applicant to indicate why a departure from the adopted ALLI Policies would be acceptable in this case, notwithstanding the numerous unsuccessful previous attempts to obtain approval for residential development on this site. In addition no economic or social benefits have been put forward which are so overwhelming that they outweigh the priority to conserve the landscape function of the ALLI.

The application is therefore viewed as being contrary to the aforementioned policies that seek to protect designated Areas of Local Landscape Importance.

Furthermore, it should be noted that the applicant has allowed a gap of some 56 metres from the edge of his site to the boundary with the adjoining house at 803 Lordswood Lane. Bearing in mind the history of the site, should the current application be approved this would facilitate further similar development should the current application be approved.

Amenity Considerations

It is considered, having regard to the application site’s siting relative to adjoining properties that the proposed development would not have an adverse affect upon the amenities of the
occupiers of those properties. The proposed development would not give rise to any unacceptable loss of: light, overshadowing or privacy and it would not give rise to any adverse overbearing affect for the occupiers of any of the dwellings within the vicinity of the site.

Not withstanding the in principle objection to the development of this site, no objection is therefore raised in amenity impact terms to the application under the provisions of Policy ENV15 of the Structure Plan, Policy BNE1 of the adopted Local Plan and Policy QL1 of the emerging Structure Plan.

**Highway Considerations**

With regard to the highway issues, the applicant proposes that access should be via Old Lords Wood Lane and there is no objection to the proposed level of parking or the access arrangements, although the Kent and Medway Towns Fire Authority have raised concerns regarding the unsatisfactory unmade 1.7 metre wide road for fire service proposes.

The Old Lord Wood Lane access this road is in a poor state of repair and would be likely to require substantial improvement in order to provide an adequate access. It should be noted that the works required to upgrade Old Lords Wood Lane would be likely to have an adverse impact upon some of the protected trees on Beechen Bank.

It is considered that the on-site car parking related to the development on this site more than accords with the provisions of the adopted vehicle parking standards.

**Conclusion**

The circumstances of this site have not significantly changed since the Councils previous refusal and the Secretary of State’s refused planning permission. The development of the whole site, even a single dwelling would unquestionably seriously prejudice the landscape function of the designated ALLI. It is therefore recommended that planning permission be refused for the reasons stated in this report.

[This application would normally fall to be considered under Officers’ delegated powers but has been reported for Committee determination at the request of Councillor Jarratt and due to the number of representations that have been received that are contrary to the officer 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. Materials used in the construction of the external surfaces of the development herein approved shall match those used on the existing dwelling.

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

Site description

The application property is a detached, 2 bedroomed, bungalow in an area that comprises detached, semi-detached and terraced two-storey houses and bungalows of varying designs. To the front of the bungalow there is an area, which has been laid out to provide parking for three vehicles. There is an area that has been raised to provide access to the front of the property. To the rear of the bungalow there is a single storey rear extension, which projects to a depth of approximately 2.2 metres. The boundary treatment within the rear garden comprises a mixture of closed boarded fencing and planting up to approximately 1.2 metres in height. The land level steps down across the site in a south-westerly direction towards 17a Everest Lane.

The application site is bounded to the north by a block of 3 garages and a detached bungalow to the south at number 17a.

Within the immediate vicinity of the application property there are a number of extensions of varying designs. These extensions comprise single storey and two storey additions and dormer windows.
Proposal

The submitted application proposes an enlargement of the property’s roof, including an increase in the ridge height with the insertion of 2 dormer windows.

The proposed alterations involve altering the shape of the property’s roof from a hipped form to a gable style with “barn” hips and a ridgeline running parallel to the public highway. The reconfiguration of the roof will result in it having an increased volume and the new ridgeline will be 0.45 metres higher than the highest point of the existing roof. The gable end will have a render finish, while the roof will be clad in plain concrete tiling. It is proposed that 2 rooflights will be installed in the front roof slope.

The proposed dormer windows will be centrally located within the newly formed rear roof slope and will each be 2.5 metres wide, topped with hipped roofs with ridge heights coinciding with the new ridge level for the main roof. The dormer cheeks will have a tile hung external finish.

The proposal will therefore result in the conversion of this bungalow into a chalet bungalow and the enlarged roof area will accommodate two additional bedrooms, one with an en-suite, and a study.

Relevant Planning History

NK5/50/84A Garage Approved

NK5/50/84 Conservatory Approved

Representations

Neighbour notification letters have been sent to the owners and occupiers of: 2, 4, 17a and 23 Everest Lane; and 9, 11, 13 and 15 Mill Close.

An e-mail and two letters have been received objecting to the application for the following reasons:

- Loss of privacy; and
- The design of the additions will detract from the appearance of the existing bungalow and the street scene.

Development Plan Policies

Kent Structure Plan 1996

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<tr>
<th>Policy</th>
<th>Description</th>
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<td>ENV15</td>
<td>(Kent’s Built Environment)</td>
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<tr>
<td>T17</td>
<td>(Parking Standards)</td>
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Planning Appraisal

Street Scene and Design

The area surrounding the application site is characterised by houses and bungalows of varying styles and it is therefore considered that the proposed increased ridge height and change in the roof form will not detract from either the character or appearance of the existing property or the wider streetscene. The proposed dormers will be located to the rear of the property and have been designed and scaled to be in sympathy with the appearance of the extended roof and will be similar in appearance to other dormer windows in the surrounding area.

The submitted proposals are considered to be acceptable in design and appearance terms and accordingly no objection is raised to this aspect of the application under the provisions of Policy ENV15 of the Structure Plan, Policy BNE1 of the adopted Local Plan and Policy QL1 of the Kent and Medway Structure Plan (Deposit Version) 2003 (the emerging Structure Plan).

Amenity Considerations

The neighbouring property at 17a Everest Lane is located to southwest of the application property and lies at a lower level. Although the proposals will result in an increased roof height and volume, it is considered that the increased mass of the application property’s roof area will not result in any unacceptable increased overshadowing of or loss of light to number 17a having regard to the distance between the properties and their siting relative to one another with their front and rear elevations essentially aligning with one another. Having regard to this relationship it is also considered that the proposed works will not result in the extended property creating a sense of overbearing for the occupiers of 17a. It is further considered that the proposed works will not result in any unacceptable overlooking of number 17a, given that no windows are to be installed in the newly formed south western gable wall.

With respect to the impact of the proposed roof enlargement upon the occupiers of the neighbouring properties to the rear of the application property in Mill Close, having regard to the distances involved (in the order of 35 metres back to back) it is considered that the submitted proposals will have no detrimental affects upon the amenities of the occupiers of the adjoining properties in Mill Close.

The application is considered to be acceptable in amenity terms and accordingly is viewed as being in accordance with the provisions of Policy ENV15 of the Structure Plan, Policy BNE2 of the adopted Local Plan and Policy QL1 of the emerging Structure Plan.
Highways

The proposals result in the number of bedrooms at the property increasing from 2 to 4. This property has 3 parking spaces available to it and this level of provision is considered to be adequate to accommodate the requirements of a four bedroomed property in this location, having regard to the provisions of the adopted parking standards. The application is therefore in accordance with the provisions of Policy T17 of the Structure Plan, Policy T13 of the adopted Local Plan and Policy TP19 of the emerging Structure Plan in this respect.

Conclusion and reasons for Approval

Having regard to the nature of the proposed works and the mixed character of the surrounding area, this application is considered to be acceptable in design, street scene, amenity and parking terms. The submitted application is therefore considered to be in accordance 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 recommended for approval.

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