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<td>MC2006/2260</td>
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<td>Change of use from factory to sikh temple</td>
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<td>Telspec Europe Ltd 1-5 Lankester Parker Road Rochester ME1 3QU</td>
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<tr>
<td>MC2007/0044</td>
<td>Strood Rural</td>
<td>Conversion of existing public house into 2 dwellings together with construction of a part single part two storey side extension and construction of a terrace of three 2 bedroomed dwellings to rear</td>
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with associated parking (demolition of single storey elements to side and rear of existing public house)
Victoria Inn 174 Church Street Cliffe Rochester ME3 7QD

BACKGROUND PAPERS

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

Any information referred to is available for inspection in the Planning Offices of the Council at the Compass Centre, Chatham Maritime, Chatham.
1 MC2006/0324

Date Received: 27th February 2006

Location: Land to rear of 1-3 Cedar Road, Rochester, Kent

Proposal: Outline application for residential development

Applicant: Greenfields Construction Limited C/o Miller Ankas

Agent: Mr A Callaghan Miller Ankas Partnership The Guard House
Historic Dockyard Chatham Kent ME4 4TE

Ward: Strood South

Recommendation - Refusal

1 The proposal, if permitted, would represent an over development of the site which by virtue of the number of units proposed, the nature and density of the development indicated and it's resultant massing would be out of character with the surrounding streetscene and the area in general. The proposal is therefore contrary to Policy QL1 of the Kent and Medway Structure 2006 and policies BNE1, BNE2, and H4 of the Medway Local Plan 2003.

2 The siting and layout of this proposed development does not seek to promote personal safety or the security of the property especially in regard to access arrangements to the site and into the building and would result in a development which has a poor level of amenity for its future occupiers by virtue of its cramped overdevelopment, poor access, poor outlook and habitable room windows positioned in close proximity to commercial and industrial units. The proposal is therefore contrary to Policy QL1 of the Kent and Medway Structure 2006 and policies BNE1, BNE2, and BNE8 of the Medway Local Plan 2003.

Site Description

The application site is located within the urban area of Strood and is located to the rear of 25-29 Darnley Road and 1-5 Cedar Road which form part of the Local Shopping Centre. These shop premises are located to the north and west of the application site. Commercial units generally dominate the character of the immediate surrounding area, although there are residential dwellings located beyond these commercial units in all directions. The site is level and accessed from a private service road to the south of the site. This private road is currently unmade and serves as access to the rear of a range of commercial units including car repairs and other industrial type uses. This private service road also accesses the garages for some residential properties. Currently the plot is vacant and there is fencing, approximately 2 metres in height, to the east and adjoining the private service road, to the southern boundary. To the north the site boundary is open and adjoins the retail premises in Darnley and Cedar Roads referred to above, whilst to the west the flank wall of 5 Cedar Road provides the boundary treatment.
Proposal

The proposal seeks outline planning consent for residential development of eight flats with siting and means of access to be determined at this stage. Matters related to external appearance, design and landscaping are reserved for future consideration, although as the applicants have specified numbers relatively detailed plans have been submitted. This clearly enables the Local Planning Authority to be guided to some degree as to those outstanding matters.

Access to the site is proposed to be from the private service road to the south, part of which the applicant has indicated that he intends to enhance and upgrade as part of the development. The vehicle and pedestrian access will then be directly off of this road, via Cedar Road. The building, which is roughly ‘L’ shaped will have a 1 metre overhang above ground floor level, will be set off the boundary by 0.5 metres (1.5 metres at ground level) from the southern edge of the site. The building frontage will be 25.7 metres in length and have a depth of 8 metres including the overhang. The rear element of the building on the western boundary will measure 9.7 metres in length by 8 metres in depth. The siting of these two parts of the building creates an area in the northeastern corner for landscaping and amenity space.

As stated above external appearance, design and landscaping are all reserved matters and are for future consideration. However illustrative drawings show a development of eight flats over three storeys. The development shows a mix of 1 and 2 bedroom flats with garaging at ground floor level fronting the service road.

Site Area/Density

Site Area: 0.089 Ha (0.22 acres)
Site Density: 90 d.p.h (36 d.p.a)

Representations

The application has been advertised on site and neighbour notification letters were sent to the owners / occupiers of 19, 21, 23, 25, 27, 27a, 29 and 29a Darnley Road, 1, 3, 5, 5a, 5b, 5c, 5d, 15-19, The Vauxhall Warehouse, Guild Group Services, Fortress Fencing and Darnley Autoworks Cedar Road and 1a and All Bits Plumbing and Bathroom Show Rooms Cuxton Road.

Two letters of support have been received from adjoining premises. They support the proposal on the grounds that it will stop illegal activity in the area and result in a regeneration of this area, added security and improvement to the area generally.

Kent Police Architectural Liaison Officer has written raising objection to the development on the following grounds:

“**I have a number of significant concerns and representations in relation to this, from a potential crime reduction perspective.**

*The location is within an area that has suffered from a disproportionately high level of antisocial behaviour, youth disorder and some forms of criminal activity, all of which can adversely affect quality of life for residents and those visiting the area.*
During a six-month period in 2005 the location including adjoining retail parade formed part of an area designated jointly by Kent Police and Medway Council as a Dispersal Area under sections 30-36 of the Anti Social Behaviour Act 2003.

Whilst it is acknowledged development of the site may prove beneficial I have significant concerns as to how the proposed development will benefit or be a sustainable one. It will potentially stand alone in isolation in an area, that shows some decline, limited upkeep, mixed use and potentially little to offer potential residents in terms of outlook, public safety, reduced fear of crime and similar. Safer Places the planning System and Crime prevention ODPM 2004 indicates, ‘Safety and Security are essential to successful, sustainable communities’

Lack of any firm proposals for remedial works, regeneration or similar residential use within the vicinity of the proposal (particularly the areas adjoining the unadopted vehicular route linking Cedar and Cuxton Roads) will clearly reduce potential sustainability of the proposed new development. These areas may potentially act as a crime generator and increase fear of crime to anyone legitimately wishing to use any new accommodation.

The primary access route proposed is at present in very poor condition and has become a desire line for vehicles and pedestrians linking Cedar and Cuxton Road. Similarly there are numerous secluded areas, disused buildings, areas of rubbish and illegal dumping, all of which can indicate a lack of real ownership or care and certainly facilitate antisocial behaviour and add to the fear of crime and I feel without action any new development may be affected adversely by this.

There is a lack of lighting to the access route, which would need to be addressed fully as would the need for the complete access road needing to be brought up to an acceptable standard.

That said the potential visual outlook for residents will be bleak with either the rear of Retail units on Darnley or Cedar Road, or small industrial units, fencing and barbed wire to the primary access route.

The majority of guidance relative to designing out crime and new developments reflects also the need for all publicly accessible spaces to be overlooked and ensure active frontages. This development will not be well overlooked or be afforded any natural surveillance (a blank façade on an industrial unit faces proposed garages and primary communal entrance point for the development) and the primary access will be well away from other street activity along a potentially secluded, dark access route. Medway Local Plan also reflects proposals should ‘encourage passive surveillance and self policing’.

Medway Local Plan indicates under section 3.4.31, ‘avoid the isolation of pedestrians or the creation of dark or hidden areas in the design, landscaping and boundary treatments of footpaths, cycleways and roads’.

Whilst I acknowledge design and other matters are reserved, indicative proposals indicate garages fronting primary non-overlooked access route, overhang of property from first floor and above, which may detract from surveillance or compromise security, recessed communal door, potential access points between buildings fronting Cedar and Darnley Roads all of which should be avoided”.

The applicant’s agent has responded to Kent Police comments by stating:

With the exception of the last paragraph, his [Kent Polices] letter appears to cast doubt on the principle of any form of residential use on the site.
Before designing the illustrative scheme submitted, I was made aware by the applicant of the problems of anti-social behaviour in the area and its poor appearance is all too obvious. These factors were the main generators of the submitted design which presents an easily secured elevation to the access road, while providing as the main outlook from the flats, a good sized garden area which could be attractively landscaped.

[Kent Polices] does not appear to be aware that included with the application is the proposal to re-surface the access road fronting the development. This, together with the two entrances to the development, could be well lit by fittings secured to the building and these measures would tend to discourage anti-social behaviour.

I submit that the proposed development would be likely to have a beneficial effect in reducing anti-social behaviour at least in the immediate locale. A comprehensive redevelopment of the access road and the sites off it, is unlikely to happen but the possibility exists that the submitted proposal could act as a catalyst for an organic form of regeneration.

With regard to [Kent Polices] final paragraph commenting on the design, the garage doors would be of a high security steel roller type and the entrance points similarly specified. The entire development site would be made secure with appropriate boundary treatments. I do take [Kent Polices] point about the overhang above the garages but this could easily be designed out by bringing their entrances forward.

Kent and Medway Towns Fire Authority advise that the proposed access is not satisfactory unless unmade road is constructed to take the weight of a fire engine and a suitable turning point (hammer head) is provided.

Development Plan Policies

Kent and Medway Structure Plan 2006

- Policy SP1 (Conserving and Enhancing Kent’s environment and ensuring a sustainable pattern of development)
- Policy SS1 (Spatial priorities for development and investment in Kent and the role of the settlement hierarchy)
- Policy SS4 (Priority for previously developed land and a sequential approach to the location of development)
- Policy ME1 (Medway)
- Policy QL1 (Quality of Development and Design)
- Policy QL12 (Provision for New Community Services and Infrastructure)
- Policy HP4 (Housing: quality and density of development)
- Policy HP6 (Range and mix of housing provision)
- Policy TP19 (Vehicle Parking Standards)
- Policy NR5 (Pollution impacts)

Medway Local Plan 2003

- Policy S6 (Planning Obligations)
- Policy BNE1 (General Principles for Built Development)
- Policy BNE2 (Amenity Protection)
- Policy BNE3 (Noise Standards)
- Policy BNE8 (Security and Personal Safety)
- Policy BNE23 (Contaminated Land)
- Policy H4 (Housing in Urban Areas)
- Policy H5 (High Density Housing)
- Policy H10 (Housing Mix)
Planning Appraisal

The main determining issues in relation to this application relate to:

- Principle of development;
- Street scene and design;
- Amenity considerations; and
- Highway matters

The Principle of Development

The site lies within the recognised settlement of Strood in the adopted Local Plan and adjoins commercial and retail premises, although residential properties dominate the character of the wider area. Policy H4 allows for residential development within such urban areas, including the use of vacant or derelict land providing the development results in a clear improvement in the local environment. Such development would also have to comply with other relevant policies in the Councils adopted Local Plan. Whilst the Government and Local Plan positively promote the best use of urban land for sustainable and appropriate development and the regeneration of this industrial/commercial backland is desirable the proposed development will not result in a clear improvement to the local environment. Furthermore, it is clear that the amenity of future occupiers might be adversely affected by a development of this density and siting, especially when bearing in mind the concerns raised by Kent Police. On this basis it is considered that the development would be contrary to Policies QL1 and HP4 of the Kent and Medway Structure Plan 2006 and policy H4 in the Medway Local Plan.

Street scene and design

This application is in outline form with all matters except siting and means of access reserved for future consideration. However, the applicants have been quite specific in their description of the development, being eight flats and have submitted illustrative plans to try to demonstrate how, in their view, 8 flats could be achieved on site. The illustrative plans only demonstrate though that the three storey development proposed would be a discordant feature that results in a cramped over-development of the land. This would constitute an unacceptable form of cramped development, which would be visually intrusive and detrimental to the character and appearance of the area in general.
The proposed development and the size of the plot is inadequate in terms of the siting and density proposed especially when bearing in mind the massing of the structure that would be required to accommodate such a development. This being the case the proposal will result in a cramped over-development of the site which will have an adverse and detrimental affect on the character and appearance streetscene and the surrounding area in general

Amenity and Safety Considerations:

This development adjoins predominantly commercial and retail units and will have limited bearing on existing adjoining properties in terms of loss of daylight, sunlight, outlook or privacy. However the proposed siting and the illustrative layouts substantiate the concerns of Kent Police that the development at this density, in this location is likely to cause detrimental impact to the amenities of the future occupiers of the proposal. The siting of the proposed residential units with habitable room windows fronting towards the commercial units to the north and light industrial and storage units to the south is likely to cause harm in terms of outlook and general amenities to the occupiers of the proposed dwellings. Furthermore, the access arrangements into the building and overhang shown on the illustrative plans are poor and will lead to issues regarding secure by design.

Bearing all of the above in mind, this proposal is considered unacceptable in terms of amenity and safety considerations and does not accord with policy QL1 of the Kent and Medway Structure Plan 2006 or policy BNE1, BNE2 or BNE8 of the Medway Local Plan 2003.

Highways

The proposal indicates a set of eight garages providing off road parking, however this forms part of the design of the development which is a matter reserved for future consideration. It is considered that sufficient off road parking could be incorporated into a modest and appropriate development on this site and would not cause any adverse impacts in terms of unacceptable pressure for on street parking. The applicant has proposed to resurface the private access road from the development site to Cedar Road and this would bring the access up to an improved standard for its current users and the future occupiers of the proposed flats. Clearly should Members consider the development to be acceptable this would be need to be controlled by condition. Finally, the increase in use of the access and surrounding road by the creation of eight flats is not considered to result in an unacceptable intensification of the use of the road.

Therefore the proposal is considered acceptable with regard to the impacts on the highway and is in accord with policy TP19 of the Kent and Medway Structure Plan 2006 and policy T13 of the Medway Local Plan 2003.

Other Matter

Noise and Contamination

The site is located in close proximity to commercial and industrial uses and in accordance with Policy BNE3 should be subject to an acoustic survey in relation to the possibility of noise disturbance for future occupiers of the development from these potential sources and any mitigation measures which may be necessary. In the absence of such information, should Members be minded to grant consent it would be appropriate to require this to be undertaken prior to any development being undertaken on the site.
In addition to the above, due to the nature of the surrounding uses, it is considered that there is potential for the site to have suffered some contamination. A condition requiring an assessment of the site to be undertaken to establish if there is any contamination, and a scheme for mitigation against any that is found there would be necessary for any approval.

Subject to these conditions the proposed development is considered to accord with Policies BNE3 and BNE23 of the Local Plan.

**Conclusions and Reasons for Refusal**

Taking into consideration all the above matters, this proposal is considered to represent an overdevelopment of this site, which is out of character with the surrounding street scene and the area in general. Furthermore, the siting and layout of the development does not seek to promote personal safety or security especially with regard to access arrangements to the site and into the building and will result in a poor level of amenity for its future occupiers by virtue of cramped overdevelopment, poor access and poor outlook. Bearing all these factors in mind this development would be contrary to Policy QL1 of the Kent and Medway Structure Plan 2006 and policies BNE1, BNE2, BNE8 and H4 of the Medway Local Plan.

This application would normally be determined under delegated powers but is being reported for Committee determination at the request of Councillors Kieran Magee and Andrews on the basis that the balance of the material considerations in the determination of this application for development within a problematic area, is one best made by the Development Control Committee.

[This application was considered by Members at the Development Control Committee on the 31st 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 additional information received on 25 September, 27 September and 15 December 2006)

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

2  The use hereby permitted shall only operate between the hours of 10:00 to 23:30 Mondays to Fridays; 10:00 to 01:00 Saturdays and 10:00 to 23:30 on Sundays and Bank Holidays.

3  Prior to the commencement of the development hereby permitted, a scheme to minimise the transmission of:
   (a) airborne, structure borne and re-radiated noise and
   (b) vibration
shall be submitted to and approved in writing by the Local Planning Authority. All works, which form part of the approved scheme shall be completed before any part of the development comes into operation and thereafter maintained for the duration of the use.

4  No external flues shall be installed without the prior written approval of the Local Planning Authority.

5  All soil, vent and waste pipes apart from their terminations shall be constructed within the building. No waste pipes shall terminate externally on the front façade or front roof slopes of the building.

6  Details of the mechanical ventilation to serve any of the toilets shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The works shall be undertaken in accordance with the approved details.
7  No fittings associated with the use hereby approved shall be attached directly to the external fabric of the building, without the prior written consent of the Local Planning Authority.

8  The rear fire and emergency door must be kept shut at all times except for emergencies.

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

Site Description

This application relates to a 2 storey mid-terraced building on the south western side of Rochester High Street, within the pedestrianised Conservation area and close to the High Street junction with Corporation Street and The Esplanade. It has a late 20th century shop front of little character. The building is a Grade II Medieval Listed Building and formerly one of a pair of houses with No.14.

The ground floor was last used as a shop and is currently vacant, the first floor was offices. Repair works have commenced in accordance with an earlier consent granted in 2004.

Proposal

The submitted application proposes the change of use of the ground floor of the premises from a shop (Class A1) to a wine bar (Class A4), also serving coffee and light snacks and the first floor from offices to a wine bar only. The premises will operate as one single use. The heating of any food will not require an extraction flue system as the proposal is for light snacks only. A sample menu has been submitted indicating nibbles (crisps, olives), ciabatta bread or baguette, platters Greek, French, goats cheese salad, ham salad.

It is intended to provide on the ground and first floors a bar area with a seating area comprising of groups of tables.

The proposed opening hours are 10:00 to 23:30 Mondays to Fridays, 10:00 to 01:00 on Saturdays, with 10:00 to 23:30 on Sundays and bank holidays. There would be 3 full time staff. No on-site car parking provision can be provided for and it is anticipated that 1 light goods vehicle will arrive per day.

The insertion of a new shop front (late Georgian Style with inset entrances) will be installed in accordance with earlier planning and Listed Building consents.

The applicant advises that there are no additional structural changes to be undertaken, beyond the previous approval (and for which works have commenced on site) although the main differences from the earlier approval will be that there will be no need for the new internal stud partitioning to form the bathroom, kitchen and living area for the formerly proposed living accommodation to the first floor.

In response to the letters of objection the applicant has submitted further clarification including a full drinks menu. The applicant acknowledges that although there are a number of existing A3/A5 uses in Rochester High Street, they intend to open a unique and classy bar,
different to what already exists and enhanced by the historical features of the exposed medieval building, including the 15th century Crown Post spanning a vaulted ceiling.

When researching their business plan, from most people’s perspective, there was perceived to be a gap in the market for an exclusive, impressive coffee/cocktail/wine bar and would be very different from the large commercially sized nearby bars. The applicant considers that the proposed use would provide greater attraction to the area than an office use.

The cooking of food will be limited to a microwave oven. Fresh food will be stored in chillers in the bar area with any surplus provisions in the designated storage area on the second floor. The waste and smells should be minimal and there will be an air condition system. With regard to refuse, it is intended to use a compactor, which will reduce stored waste to approximately 80% of its original size. This will be stored on the ground floor in a special storage area underneath the stairs. The waste associated with the alcoholic bar will be fairly limited, mostly being liquid. For excess glass, it is intended to utilise a recycling glass crusher. The crushed glass will be collected by a waste collection company and recycled. Drinks will be stored in the bar areas on both floors which should allow for adequate storage.

With regard to sound and nuisance, the proposed use of “Hush” high performance acoustic insulation or similar will be used to maximise the prevention of air borne sound that may cause nuisance to adjacent business and residents.

The second floor area is not for public use and will be used as a storage area. Fire escape issues will be covered under the building regulations. Finally, although the first floor area, appears self contained, it shares its entrance within the ground floor area and is accessible via a fully fire proofed staircase and a glass fire rated entrance door to the ground floor with automatic closure in the event of a fire.

Relevant Planning History

MC2001/1796 Listed Building Application for the insertion of a new shop front. Withdrawn.

MC2001/1798 Planning application for the above, as well as a change of use from A1 shop to A2 office use on the ground floor and residential above. Withdrawn.

MC2004/0032 Alterations to shop front to create an independent entrance to the first floor and enlargement of first floor windows in the front elevation. Approved 1.7.2004

MC2004/0034 Listed Building Consent for: external alterations to the shop front to create an independent access to the first floor and enlargement of the first floor window in front elevation; and internal alterations including the removal of a staircase and the insertion of a replacement staircase and changes to partitions and doors to facilitate the conversion of the upper floors into a self-contained flat. Approved 1.7.2004
Representations

The application has been advertised on site and neighbour notification letters have been sent to the owners and occupiers of 1, 3 and 4 Gundulph Cottages; the Masonic Hall, Gundulph Square, 6,6a, 10, 14, 15,16,17,18,19,19a, 20, 22 and the Royal Victoria & Bull Hotel, High Street, Rochester. Letters have also been sent to the City of Rochester Society, English Heritage and the Kent Historic Buildings Committee.

Four letters have been received objecting to the application on the following grounds:

- There is already a sufficient number of food and drink premises within the immediate area of the application site and the premises should be retained in retail use;
- The proposal will compete with other food and drink businesses to their detriment and which are already finding trade difficult;
- Was under the impression that the council had decided to not grant any more licences for A3 uses;
- The proposed use will result in an increase in car parking in the area;
- Concerned that there is limited or no rear exit from the premises contrary to health and safety and fire regulations;
- Concerned about where the rubbish will be stored;
- There are no rights of access to the rear of the property and strong objections are raised if the fire escape door were left open during opening or trading hours and a suitable condition is requested;
- Concerned about sound and noise disturbance to adjacent properties;
- Concerned that another A3 use will further attract drunken behaviour in the street;
- Concerned that no space is shown for food storage or drinks;
- No kitchen area or washing up area is indicated;
- The plans appear to indicate 2 separate independent uses at ground floor and first floor as there is a separate entrance door from the High Street.
- There is no right of access for construction work to be carried out from the rear of the premises
- Concerned about impact on adjacent property both physically and for loss of amenity by the proposed use, including from cooking smells;
- Concerned that the premises is too small to accommodate a licensed premises

The City of Rochester Society objects on the grounds that they would wish to see the existing use remain to protect the role of the High Street as a specialist shopping centre.

National Planning Guidance

PPS1: Delivery and Sustainable Development
PPS1A: Planning System & General Principles
PPS6: Planning for Town Centres
PPG15: Planning and the Historic Environment

Development Plan Policies

Kent and Medway Structure Plan 2006

Policy SP1 (Conserving and Enhancing Kent's Environment)
Policy SS5 (Mixed Use in Town Centres & Inner Urban Areas)
Policy EP14 (Development at the Network of Strategic Centres)
Policy QL1  (Quality of Development and Design)
Policy QL6  (Conservation Areas)
Policy QL8  (Buildings of Architectural or Historic Importance)
Policy TP1  (Integrated Transport Strategy)
Policy TP3  (Transport and the Location of Development)
Policy TP19  (Vehicle Parking Standards)

Medway Local Plan 2003

Policy S1  (Development Strategy)
Policy S2  (Strategic Principles)
Policy BNE1  (General Principles for Built Development)
Policy BNE2  (Amenity Protection)
Policy BNE12  (Conservation Areas)
Policy BNE14  (Development in Conservation Areas)
Policy BNE17  (Alterations affecting Listed Buildings)
Policy R8  (Rochester City Centre)
Policy R17  (A2 and A3 Uses and Change of Use)
Policy T13  (Vehicle Parking Standards)

Planning Appraisal

Having regard to the provision of the Development Plan, it is considered that the main issues arising from the proposal are as follows:

a) Whether the principle of the change of use from retail and offices to a wine bar (Class A3) is acceptable.
   a) Design and impact upon the street scene
   b) Impact upon the Listed Building and the Conservation Area
   c) Whether the proposal would cause harm to the amenities of the nearby residential units and other buildings.
   d) Whether the proposal would prejudice highway safety and car parking implications.

Principle

The application property is situated within Rochester City Centre identified in the Medway Local plan. Policy R8 of the adopted Local Plan specifically refers to Rochester City Centre and supports uses falling within classes A1, A2 and A3 to support the vitality and viability of the centre as a whole. Policy R17 of the adopted Local Plan provides support for the change of use of premises to food and drink uses falling within Classes A3 to A5, subject to there being no adverse affect upon the amenities of the occupiers of neighbouring properties and the cumulative impact of non-retail uses not being detrimental to the character and retail function of the locality.

In this case although there are some existing food and drink uses nearby it is considered that the provision of an additional food and drink use would not give rise to an undue and excessive concentration of such uses within the immediate vicinity of the site.

There are 40 commercial units in the High Street (between 2 to 50 and 15 to 55 High Street,) and the mix of ground floor uses is as follows: 1 in residential ground floor use (Class C3) (3%); 3 vacant (8%); 1 museum use (Class D1) (3%); 17 in Class A1 retail use (43%); 6 in Class A2 office use (15%); and 12 in Class A3 to A5 food and drink use (30%).
The existing percentage of A3 and A5 uses is 30%, with the proposed change of use this percentage increases to 33%. The existing proportion of Class A1 uses is 43%, which would reduce to 40%. Given this mix of shop and non-shop uses it is considered that the proposal would not prejudice the character, amenity or functioning of this part of Rochester High Street and would have the beneficial effect of returning a vacant property (and which has been vacant for some considerable time) into active usage. Furthermore, the site is within an area of mixed use with a developing evening economy and the proposed use will be complimentary to this developing situation. In addition to which the proposal brings back into use floor space that has been vacant and underused for some time and will contribute to the viability and vitality of Rochester City Centre.

Accordingly it is considered that the loss of a ground floor Class A1 retail unit and first floor office in this part of the High Street would not compromise the retail vitality and viability of the immediate area. The proposal is therefore viewed as in compliance with the cited Development Plan Policies.

Street Scene and Design

Policies QL1 of the Kent and Medway Structure Plan and BNE1 of the adopted Local Plan set out criteria for the assessment of proposals in terms of their impact on the built environment and design quality.

There are no external alterations proposed, no external flue is required due to the minimal amount of cooking proposed which will be only by way of a microwave and as a shop front appearance will be retained it is considered that there would be no harm to the appearance of the street scene.

Listed Building and Planning Permission have already been granted for the installation of an attractive shop front appropriate for the character of this medieval building.

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

Impact on the Listed Building and Conservation Area

Policies QL6 and QL8 of the Kent and Medway Structure Plan and Policies BNE12, BNE14, BNE17 and BNE18 of the Medway Local Plan address proposals within Conservation Areas and affecting Listed Buildings.

These policies indicate that proposals should achieve a high level of design that will preserve or enhance the character of the Conservation Area and make a positive contribution and not be detrimental to the character and appearance of Listed Buildings. Original features should be retained.

The applicant is currently undertaken repair and refurbishment works that were approved under the previous consents.

In support of this current application for a change of use to a wine bar, the applicant advises that there are no additional structural changes to be undertaken, beyond the previous approval although the main differences from the earlier approval will be that there will be no need for the new internal stud partitioning to form the bathroom, kitchen and living area for
the formerly proposed living accommodation to the first floor. The second floor will not be used as part of the proposed wine bar use.

It is considered that the property being one of the few and rare medieval buildings remaining in the Medway Towns, and now with the historic timbers exposed would lend it to being opened to the public for such a use and the internal fit-out would be well designed to respect the character of the building and enhanced by the historical features of the exposed medieval building, including the 15th century Crown Post spanning a vaulted ceiling.

In terms of impact upon the character and setting of the listed Building and the Conservation Area, the proposal complies with the above-mentioned Development Plan policies.

**Neighbour Amenities**

With respect to amenity considerations this application falls to be assessed against the provisions of Policy QL1 of the Kent and Medway Structure Plan, Policies BNE1 and BNE2 and R17 of the adopted Local Plan. These policies seek to ensure that the amenities of prospective occupiers and those of existing residents are safeguarded.

It is considered that the principal issue in this case is the effect of the proposal on the living conditions of neighbouring residents and occupiers in terms of noise and general disturbance.

The proposed hours of opening of the wine bar are 10:00 to 23:30 Mondays to Fridays; 10:00 to 01:00 Saturdays and 10:00 to 23:30 on Sundays and Bank Holidays. The property is situated within a busy part of Rochester High Street, which also has a thriving evening economy. This is a location with a mix of existing commercial uses including a number of other restaurant uses and there are no residential properties above or in close proximity to the property. Therefore the proposed hours are considered acceptable and are in keeping with other licensed premises in the vicinity. The recommended sound insulation condition will help to control noise between adjacent buildings.

Due to the limited nature of any cooking on the premises there is no need for an extraction system for the amelioration of cooking smells.

Concerns have been raised that noise from activities associated with the proposed use may give rise to disturbance to the offices adjacent to the development. It is therefore recommended that any consent be conditioned so as to provide adequate safeguards against unreasonable disturbance due to noise:

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

**Highways Impact, Traffic and Car Parking**

While the application property has no off street car parking facilities of its own, it is a Town Centre site which is well served by public car parks and by public Transport and it is not considered that there should be any objection on parking grounds. In terms of servicing, a unit of this size will have limited servicing needs and these can be undertaken in a way that will not impact on neighbouring uses or highway safety.
No highway objection is therefore raised and in car parking terms the proposal is therefore viewed as being acceptable.

**Conclusion and reasons for approval**

Having regard to the aforementioned considerations, it is considered that as the submitted proposal will not result in: an increase in food and drink uses that will adversely affect the vitality and viability of the this part of Rochester City centre; an unacceptable increase in noise or disturbance; and any material increase in on street parking to the prejudice of highway safety in the local area. The submitted application is therefore viewed as being in accordance with the provisions of the Kent and Medway Structure Plan and Medway Local Plan.

*It is further considered that the application brings back into use an important Listed Building and therefore the application is recommended for approval subject to conditions.*

[This application would normally fall to be considered under officers’ delegated powers but is being reported for Members’ consideration due to the number of letters of objection received expressing views contrary to the 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  The materials to be used for the construction of the external aspect of the first floor extension hereby approved shall match the existing building.

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

4  Prior to the commencement of the development a scheme to control the emission of sound from the premises shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved scheme which shall be retained.

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 a single storey semi detached bungalow style building with large front canopy/car port, small open front garden area and 12m deep rear garden area. The other pair of the semi is as original and is being used for residential purposes. To the north is a small housing association owned car-parking area with space for up to 12 car parking spaces.

With the exception of the application site and the other pair of the semi, the properties in this locality are wholly two storey terrace type houses with no front garden.
With the exception of the housing association off street car parking mentioned above, other properties in this locality park their cars on the local highway.

Dale Street is a Cul-de-sac and subject of on street parking restriction.

**Proposal**

The application seek permission for the construction of a first floor extension with pitched roof over to double the usable floor area of the centre from 90 square meters to 180 square metres.

The proposal would result in internal alteration of the ground floor and will make provision for pray area, office, disabled toilet and ablutions room at ground floor level and kitchen, imam room, office, disabled toilet and teaching area at first floor level.

The height of the building to the ridge with the proposed first floor extension would be just over 7m.

**Relevant planning History**

<table>
<thead>
<tr>
<th>Ref.</th>
<th>Description</th>
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<tbody>
<tr>
<td>MC1999/5992</td>
<td>Change of use of the application site from a residential unit to a Local Muslim Centre. Temporary approval granted 24 Feb 2000</td>
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<tr>
<td>MC2001/0029</td>
<td>Renewal of change of use of the application site from a residential unit to a Local Muslim Centre. Approved 05 March 2001</td>
</tr>
<tr>
<td>MC2003/0091</td>
<td>Application for variation of condition of 1 of planning permission ref. MC1999/5992 Approved 23 February 2003</td>
</tr>
</tbody>
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**Representation**

The application has been advertised on site and neighbour consultation letters have been sent to the owners and occupiers of properties 70 to 90 even and 73 and 79 Dale Street and 21 to 27 Scott’s Terrace Chatham.

Two of the letters are from the local MPs in support of the application.

A letter has been received from the occupier of no 78 Dale Street in support of the application.

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

- People in the area already experiencing serious parking problem the application would worsen the situation.
- People going to no 77 Dale Street ignore highway restriction and park on the double yellow lines. The proposal would further increase the demand for existing on street and housing association car parking spaces.
- Cars without permit park on residents permitted holders only area. Increase in the size of the mosque will worsen the situation.
- Parking is particularly difficult on Friday lunchtimes, Ramadan and Ides.
- People arrive very early in the morning.
- This building originally had permission as Muslim day centre and people were supposed to walk to the centre. Clearly the premises have turned into a Mosque and are not a day centre any more and most drive to the place.
- During the summer months late night and early morning praying can easily be heard when they have the windows open.

**Development Plan Policies**

Kent and Medway Structure Plan 2006

Policy SP1  (Conserving and enhancing Kent’s Environment and ensuring a sustainable pattern of Development)
Policy SS6  (Enhancing existing communities (provision of services and facilities that serve local needs))
Policy QL1  (Quality of Development and Design)
Policy QL5  (Mix uses)
Policy QL11 (Protecting and enhancing existing community services)
Policy QL12 (Provision for new community services and infrastructure)
Policy TP19 (Vehicle parking)

Medway Local Plan 2003

Policy BNE1  (General principles for built development)
Policy BNE2  (Amenity protection)
Policy T1  (Impact of Development)
Policy T13 (Vehicle parking standards)
Policy CF2  (New Community Facilities)

**Planning Appraisal**

Having regards to the provision of the Development Plan, it is considered that the main issues arising from the proposal are:

- The acceptability of the additional first floor extension in design term and impact on the character of the area and street scene,
- The impact of the proposed additional usable floor area in terms of the additional coming and going to and from the premises and additional noise and general disturbance on the amenities of the local residents as a result of.
- The potential additional traffic and car parking demand that would potentially result from increase in the floor area of the Muslim centre.
Street Scene and Design

The application site is a semi detached bungalow with substantial forward projection canopy and front garden. Due to the slope of the land from south to north the ridge height of the application site is lower than no 79 Dale Street, which is of the same design and style.

The character of the properties in Dale Street and the locality is mainly of two storey terrace houses with no front garden area. The application site and no 79 Dale Street are the only properties in the area that are bungalow style single storey buildings. Although no 77 and 79 Dale Street in their present form do not harm the character of the area, they are at odds with the long established two-storey house character of the area.

The proposal to construct a first floor addition and alterations to the appearance of the building from a semi detached bungalow style to a two storey building although would to some degree upset the balance of the pair, this alone would not sufficiently harm the character of the area or detract from the street scene to an extent that would merit refusal of the application.

It is therefore considered that on balance the visual impact of the proposal would be acceptable and as such the development accords with policy QL1 of the Kent and Medway Structure Plan 2006 and policy BNE1 of the Medway Local Plan 2003.

Amenity Considerations

Although the proposed first floor extension would upset the visual appearance of these pair of semi detached properties, given the orientation of the properties in the locality, it is considered that the proposal would not cause undue harm to the residential and visual amenities of the surrounding properties with respect to their outlook, day light and sun light.

It is considered that there is a possibility that the use of the first floor in association with the rest of the Muslim Centre could generate some level of noise during the prayer times. To ensure that the noise generated is controlled and impact minimised it is recommended that a condition be imposed requiring the submission of details of sound insulation with regard to the external fenestrations of the extension.

Subject to the above condition and the conditions imposed under ref MC1999/5992 the proposal would not be harmful and would be in accordance with policy BNE2 of the adopted Medway Local Plan 2003 and policy QL1 of the Kent and Medway Structure plan 2006.

Highways

Having regard to the representation received, it appears that parking is a serious issue. However, the current parking problem is not necessarily due to the use of the application site as a Muslim Centre. It is considered that the lack of off street car parking very much reflects the townscape character of the area and the fact that almost all the houses in the area have no off road car parking and as a result wholly rely on and compete for the limited on street car parking space available. To ensure that the limited on street car parking space available is used by the local residents the Council has introduced Controlled Parking Zone system in the area. However, in spite of the CPZ local residents still find it difficult to park in front or close to their homes.
Members are reminded that the use of the site as a Muslim Centre is controlled by planning conditions attached to the permission granted under MC1999/5992. These conditions limit the number of people using the premises to no more than 20 at any one time and also limit the hours of the use of the building. These conditions were imposed to ensure that the use would not prejudice conditions of amenity and highway safety. Records available clearly demonstrate that these conditions have been effective and are being complied with.

The proposal to extend the existing floor area of the building is to improve the services currently provided so the wider members of the Muslim community (women and children) and does not seek to vary any of the conditions that control the use of the building. As such therefore it is considered that on balance the proposal would not adversely impact the highway safety, parking condition or amenities of the local residents and the proposal is in compliance with the terms of policies T1 and T13 of the adopted Medway Local Plan 2003.

**Conclusion and recommendation for approval**

The proposed first floor extension would not detract from the character of the area or the amenities of the occupiers of the surrounding properties. In addition the proposed development would not adversely impact on the current car-parking situation in the locality and highway safety and as such the development is in compliance the terms of the adopted local plan polices and is recommended for approval.

This application would normally fall to be determined under officer’s delegated powers, but is being reported for Members consideration due to the number of letters received raising objections contrary to the officer’s recommendation.
Recommendation - Approval with Conditions

1. The premises shall only be used for the purposes within Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and shall be occupied by no more than 8 residents.

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

Site Description

This application relates to a large detached property within a generous plot on the southern side of Moor Street and on the corner with South Bush Lane to the east. The site lies within Moor Street Conservation Area and an Area of Local Landscape Importance. Residential properties lie to the north, west and south west. Fields lie to the east.

Vehicular access to a large gravel covered car park is secured from South Bush Lane and to the south of the dwelling.

Proposal

This proposal seeks retrospective planning consent for the re-use of the premises as a residential care home. The building was used until 2001 as a retirement home for 13 elderly people with 9 part time staff and all day visiting hours. This is the same use class as the current proposal. Planning permission was then granted to use the property as bed and breakfast and 3 tea rooms. The current owner purchased the property in November 2005 and has used it since that date as a residential care home for 8 residents with mild to moderate learning difficulties. At the time of purchase it was not clear that the bed and breakfast use had been implemented and a change of use back to care home was required. The applicant made enquiries of the planning department and implemented the use based on advise he received. This application seeks to regularise this use.
Relevant Planning History

GL60/114A  Change of use to retirement home for a maximum of 10 persons
Approved 1<sup>st</sup> February 1991.

GL96/0106/60/0114 Erection of a dwelling attached to existing residential care home to
provide manager’s living accommodation.
Approved 26<sup>th</sup> May 1996 – this has not been constructed.

GL97/0600/60/0114 Proposed two storey side extension to residential care home to provide
10 additional bedrooms.
Approved 1<sup>st</sup> December 1997 – this has not been constructed.

MC2000/0010 Change of use from domestic care home to bed and breakfast and 3 tea
rooms.
Approved 24 February 2000

MC2000/1067 Re-build of out building for use as a guest chalet
Refused 11 October 2000

MC2003/2657 Construction of single storey side extension (demolition of side addition)
Refused 05 February 2004

MC2004/0352 Construction of a single storey side extension (demolition of existing side
addition)
30 March 2004

MC2006/1872 Retrospective application for use as care home and proposed
construction of two storey extension to west elevation to provide a total
of 19 bedrooms; formation of self contained flat in roof space for use as
manager's flat and new vehicle access onto Moor Street with 2m high
walls and gate to entrance (demolition of lean-to laundry, carport and
part conservatory)
Withdrawn

MC2006/1874 Conservation Area Consent for demolition of part of conservatory,
carport, lean-to laundry room and part of boundary fencing fronting Moor
Street
Withdrawn

Representations

This application has been advertised in the local press and by a site notice. The owners and
occupiers of the following properties have been advised of the application: 11 and 15 Farriers
Court, Seymour Road; Eastmoor Barn, Burley Oast, 1 & 2 The Homestead, Moor Street
House, The End Barn Burley Oast and SkyLight Barn in Moor Street and The Wagon Barn,
Quinta, Sky Light Barn and Whitegates Farm in South Bush Lane. The NHS Primary Care
Trust has been consulted as well.
4 letters/e-mails have been received which object to the development on the following summarised grounds:

- Poor access arrangements to serve a care home and the potential risk of accidents;
- Vehicles unloading passengers onto South Bush Lane causing obstructions and queues on the A2;
- Blocking of the road, disturbance to adjoining residents and damage, resulting of vehicles, to grass verges fences and adjoining properties;
- Extra traffic that will be generated in this quite residential area
- Inadequate Security;
- Disregard for laws and procedures;
- Retrospective nature of the proposed development;
- The property is not just a care home, but a home for people with severe learning difficulties;
- Effect of the development on the Conservation Area;
- Concern regarding privacy and care of the occupiers and the resultant effect on neighbours;
- Felling of trees.

**Development Plan Policies**

Kent and Medway Structure Plan 2006

- Policy SS8 (Development in the Countryside)
- Policy QL1 (Quality of development and design)
- Policy QL6 (Conservation Areas)
- Policy TP19 (Vehicle Parking Standards)

Medway Local Plan 2003

- Policy BNE1 (General Principles for Built Development)
- Policy BNE2 (Amenity Protection)
- Policy BNE12 (Conservation Areas)
- Policy BNE25 (Development in the Countryside)
- Policy BNE34 (Areas of Local Landscape Importance)
- Policy H8 (Residential Institutions)
- Policy T1 (Impact of Development)
- Policy T2 (Access to the Highway)
- Policy T13 (Vehicle Parking Standards)

Medway Core Strategy Development Plan (Submission Document) August 2006

- Policy CS04 (Built and Historic Environment)
- Policy CS11 (Health and Social Care)
- Policy CS03 (Quality and Sustainable Design)

Medway Housing and Mixed Use Development Plan (Submission Document) August 2006

- Policy HMU08 (Residential Institutional Accommodation)
Planning Appraisal

Background

This site is currently being used as a residential care home for 8 adults with mild to moderate learning difficulties. Whilst the premises have previously been used as a care home until the year 2001 for 13 elderly people, the last authorise use of the premises was as bed and breakfast and tea rooms (MC2000/0010). The proposal seeks to regularise the current use being a use that falls Class C2 (Residential Institution) as defined by the Town and Country Planning (Use Classes) Order 1987 (As Amended). Clearly had there not been an intervening use between 2001 and 2005 planning permission would not have been required for the continued use as a care home.

Planning considerations

The issues for consideration in determining this application are:
- The principle of the proposed use and the rural restraint policies;
- Amenity considerations;
- The level of activity and its impact in terms of amenity and traffic generation; and
- Parking/highway safety considerations.

The Principle of the Proposed Development

The property subject to this application lies just outside the urban boundary of Rainham and is subject to the countryside restraint policies. Policy SS8 of the Kent Structure Plan and Policy BNE25 of the Medway Local Plan 2003 are relevant and seek to protect the countryside for its own sake. However, these policies allow, as exceptions, certain types of developments which in this instance includes the reuse or redevelopment of developed land in lawful use and the development of public or institutional uses for which a countryside location is justified. In this instance it is also important to bear in mind that the property is located within the hamlet of Moor Street and the previous lawful uses of the property. In this instance it is considered that the change of use to care home, which has already taken place, falls within one of the possible exceptions from the normal restraint policies. In addition to the above the principles related to the use as a care home falls to be assessed under Policy H8 of the adopted Local Plan, which sets out 5 criteria that proposals for new residential institutions need to comply with. Each criterion has been addressed below.

Impact on Amenity

This application is seeking approval to regularise the use of the property for 8 residents with 24 hour care provided by carers on a shift basis, with 3 working during the day and a sleep in member of staff overnight. Given the planning history of this site it is considered that in terms of noise and disturbance, the proposed use would not cause any additional harm of either of the uses that the property was previously lawfully put to and it is considered that no overriding harm could demonstrate by the proposed use in this regard.

The nearest adjoining residential property is situated approximately 30 metres away to the south-west and it is considered that the use of the premises as a care facility, at the levels described above, will not result in any detrimental harm to the residential amenities of adjoining properties. As the proposal relates to a reuse of existing premises without any significant alteration which would reflect the residential nature of the locality and the previous
commercial use of the property, there would be no harm to the character of the Conservation Area or the Area of Local Landscape Importance.

Bearing in mind all of the above, it is considered that this use of the premises complies with Policies SS8, QL1 and QL6 of the Kent and Medway Structure Plan 2006 and Policies BNE1, BNE2, BNE12, BNE25 and BNE34 of the Medway Local Plan 2003

*Highway and Parking Issues*

In terms of highways access and off street parking, the applicant has not changed the access arrangement from the previous lawful uses of the site as both the bed and breakfast/tea room use and the preceding use as a care home for 15 residents with 9 part time support staff. As the situation has not changed in terms of the current use and previous use it is not considered that an objection can be raised to the access or parking provided. The existing vehicular access serves a large gravel drive and car park and this being the case the use of the property, as a residential care home, complies with the requirements of the Council’s adopted car parking standards. Therefore, this development is considered to be acceptable in terms of Policy TP19 of the Kent and Medway Structure Plan 2006 policies T1, T2 and T13 of the adopted Development Plan.

Whilst, the proposed use would result in traffic generation, this is not dissimilar to the levels that would have been experienced in relation to the previous lawful uses of the site. Whilst the objections raised by neighbouring properties regarding vehicles parking on the public highway etc and the resultant impacts this has on amenities and public safety have been noted, for the reasons given above, it is not considered that a refusal of planning permission could be justified on this ground.

*Proximity to Local Facilities*

The site adjoins the A2 and is approximately 1km from Rainham Town Centre, which has a variety of shops including a Tesco’s, newsagents, chemist, banks, doctor’s surgeries and other facilities. It is therefore considered that there are facilities within close proximity of the site. The site also has easy access to public transport routes that link the site to Chatham, Maidstone, Gillingham, Rochester, etc., and the facilities these centres contain.

*Adequate Amenity Space*

The property sits in a large plot and has garden areas to both the front and the rear. It is considered that this would be adequate for the proposed number of residents.

*Size of Existing Property*

For a change of use, the policy states that the property should be too large to reasonably expect its occupation by a single household. It is clear from visiting the site and the previous planning history that the Council has previously accepted that the property could be considered to be too large for single family occupation and due to its architectural merit and importance within the Conservation Area, within which it lies, it is considered important that alternative uses are sought to enable its preservation. This being the case, this development is considered to comply with this aspect of the policy.
Street Scene and Design

The proposal does not involve any alterations to the existing property and therefore there has been no change to the external appearance of the property, and no change to its appearance within the street scene. As Members will be aware the Council has to consider the impact of the development on the character and appearance of the conservation area within which it lies to ensure that it is preserved or enhanced. In this instance as the development is only seeking to regularise the change of use, that does not include any building works, no alterations to the external appearance of the building occurs. Additionally, the use is reverting back to a former use as a care home that housed more residents than currently in occupation. On this basis it is not considered that it could be argued, due to the previous consent on this site, that a C2 use as a residential care home would be discordant. On this basis the development is considered to preserve the character of the conservation area and the proposal compiles with policies QL1 and QL6 of the Kent and Medway Structure Plan 2006 and policies BNE1, BNE2 and BNE12 of the Medway Local Plan.

Conclusion and Reasons for approval

In conclusion, this development is considered to meet the exception criteria of the countryside restraint policies in the Development Plan and comply with the requirements of policy H8 related to residential institutions. In addition to these criteria, the development is not considered to result in any adverse impact on the amenities of adjoining occupiers, nor does it result in any adverse impact on the character or appearance of the surrounding countryside, the streetscene, the area of local landscape importance or conservation area within which it lies. No alterations to the existing access are proposed and adequate off street parking is available. Bearing in mind all of the above the proposed development is considered to be acceptable in terms of the Councils adopted development plan policies and it is recommended that retrospective planning permission be granted subject to the condition detailed above.

This application would normally fall to be considered under the officer’s delegated powers but has been reported for Members consideration due to the amount of letters of representation received contrary to the recommendation.
Recommendation - Approval with Conditions

(as amended by plans received on 24th January 2007)

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

2  Notwithstanding the submitted plans and prior to their installation the fencing to
   surround the ball court herein approved shall be powder coated to a colour first
   submitted to and approved in writing by the Local Planning Authority. The
   development shall be carried out in accordance with the approved details and shall
   thereafter be retained.

3  No part of the development shall be commenced until the Local Planning Authority
   has approved a planning application for the installation of security fencing and
   CCTV cameras relating to the development and the approved security fencing and
   CCTV cameras have been installed and are operational

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 refers to Hook Meadow Recreation Ground, which comprises a large open
space field. The park is bordered by residential development; with the closest house to the north set
approx. 75m away and to the east approx. 35m away across Walderslade Road. To the south there
is a library, community centre and church.

There is no boundary along Walderslade Road and the recreation ground can be accessed along
this frontage at any point.
The south eastern section of the recreation ground is predominately on level ground and contains a children’s play area sited behind the church and community centre.

**Proposal**

This application is made under Regulation 3 of the Town and Country General Planning Regulations 1992 for construction of an enclosed ball court.

This application includes the construction of a ball court, which will be approx. 22m x 15m and surrounded by a 3m high mesh fence powder coated in a colour finished to be agreed with the Local Planning Authority.

The ball court is proposed with a green coloured bitumen surface with line markings for basketball, netball and five-aside football. A 2m wide concrete paved area will run the full perimeter of the court. A paved seating area and litter bins will also be provided.

This application differs to that previously before members through the movement of the ball court to approx. 22m from Walderslade Road and has been reduced in size from 27m x 18m to 22m x 15m.

**Representations**

The original application was advertised on site.

Neighbour notification letters of the amendments to the scheme were sent to Beckley Mews: No’s 2 & 3; King George Road: Hookmeadow Community Centre and Walderslade Hookmeadow Library; Meadowside Walk: No’s 39-44 (inclusive); Meadow View: No’s 2 & 3; Walderslade Road: No’s 124, 119-125 (odds), 145 and the Poachers Pocket Public House; and St Phillips and St James Church. In addition to the above, consultation has been undertaken with Kent Police and the Medway Towns Sports Council.

In light of the amended location Numbers 147, 149, 151, 153 Walderslade Road and 1 King George Road have also been consulted.

**Representations to the original scheme**

Six objections were received two from the same household relating to:

- The ball court will destroy the green
- Problems with teenagers hanging around in groups
- It will desecrate the area
- Horrible visual appearance of palisade fencing
- The current location of the play area is in the wrong place, providing a secluded area for all forms of anti-social behaviour and damage to property. To construct another area partially hidden by the community centre/library and further screened by landscaping will only add to problems
- The landscaped banks will be used by motor cycles and will damage the football pitches
- Concern over child safety using a concealed facility
- The Council propose to install security fencing to protect its buildings arising on the Hook Meadow site but there are no plans to help local residents to protect their homes from the same vandalism.
Kent Police raised objection regarding the proposed siting, associated landscaping, restricted surveillance, limited adherence to crime prevention design guidance for play facilities and the possible impact on quality of life, fear of crime and criminal activity. They state:

“Hookmeadow and some of its adjoining aspects and routes are subject to significant levels of adverse youth congregation, antisocial behaviour, disorder and buildings including the Library and Community Centre and Church have been subject to regular criminal damage and graffiti, as youths congregate within the vicinity of which at points is significantly concealed. These factors have impacted on quality of life for residents and legitimate users of the facilities and can cause an adverse drain on Police and Council Community Safety team resources.

I understand that recent multi agency meetings have taken place and Kent Police have provided comprehensive advice regarding [potential target hardening measures to the Library and Community facility. The understanding appears to have been, that for logical sequence the security over these locations was a primary concern and would be enhanced as a priority and then as part of the ongoing consultation and improvement process the provision of a ball court and play facilities would be progressed.

There appear to have been no improvement or planning applications relative to target hardening of the buildings and the installation of a ball court to these will doubtless further increase vulnerability and act as an additional draw and congregation point to youths who may continue to damage both buildings and the ball court. I would contest that it would be better to put in place additional security measures to the adjacent facilities before the establishment of another potential crime generator in the area.

Part of the draw to the proposed development location at present, is the level of concealment partly provided by some deviations of the present buildings, with substantial tree cover and a lack of lighting. Natural surveillance is also limited at many points. The proposed ball court will be greatly concealed by the close proximity of the two buildings (Library and Community Centre) with no surveillance from King George Road. Additionally natural surveillance from Walderslade Road will be very restricted as the plans also indicate a landscaped area fronting the ball court/seating, with grass bund up to 1 metre and tree planting. The design statement indicates that the purpose if to “partly obscure the facility from the road”, however in my opinion this is not desirable or acceptable. Lack of adequate surveillance or supervision over the ball court and adjoining area will increase opportunity for wrongdoing to go unnoticed and could also pose safety and security risks for those legitimately using the facilities”.

In addition to the above Kent Police further advised:

“Another cause for concern is the use of off road motorcycles or similar on Hook Meadow and is highly likely that the incorporation of grass bund to 1 metre will compound this antisocial and criminal activity. It could be seen as a challenge, obstacle or purpose built form of structure or jump or “dirt track”, to encourage those using motorcycles to intensify their activities. This in turn would lead to reduced quality of life for those living close by (due in part to noise nuisance) and significant safety risks to those who may be in the vicinity but concealed by the bund.

One of the drawings appears to indicate the Ball court fence and chicane gates will directly adjoin a possible security fence to the library. If this is the case it is highly likely that the close proximity and linkage will facilitate unauthorised access over fencing and into what could be the secure area of the Library grounds.”
There is a footpath/alleyway that links to Hookmeadow from King George Road via Beckley Mews and this route is a regular generator of antisocial behaviour, crime, disorder, graffiti and noise with its existence affecting quality of life for those living within the vicinity. Past meetings discussed possible closure of this route to reduce these issues and improve quality of life, however should the ball court proceed at this stage the alleyway will undoubtedly serve as a desire line and route for additional youths to access the ball court in turn compounding problems and issues for residents. Thereby affecting their residential amenity due to adverse impact on privacy, noise generation and crime, which would be contrary to Policy BNE1, BNE2, BNE8 of the Medway Local Plan 2003

The present proposal; may, as mentioned result in continued opportunity for criminal damage and graffiti. It would be extremely unfortunate and non-cost effective if, after significant expense and outlay the new ball court were damaged and additional costs were incurred in repairs and remedial works when opportunity for such could have been designed out or avoided.

The application is not in accordance with policy BNE8 of the Medway Local Plan 2003

Section 17 of the Crime and Disorder Act 1998 require Local Authorities and relevant agencies to do all they reasonably can to prevent crime and disorder and enhance community safety

I would respectfully recommend that proposals better improve security and defensible space around the existing buildings and an alleyway closure are pursued initially and full pre-application discussions take place for both these and the all court (Kent Police were not involved in ball court discussion). The ball court would be better situated in a location that is afforded greater natural or formal surveillance, with the landscaped bund removed and consideration given for additional lighting and CCTV to cover the facility.

I confirm that Kent Police are keen to work with agencies, residents and potential users of facilities to ensure opportunities are maximised and any proposed facilities are fit for their purpose and will enhance community cohesion, quality of life and reduce opportunity for crime”

Following these comments, the applicants have undertaken further discussions resulting in the deletion of the bund. Furthermore, discussion with regard to security fencing and CCTV have been undertaken. Kent Police in response to these discussions advised:

“…security fencing being erected and permanent CCTV cameras deployed prior to the creation and works on the ball court commencing would be considered beneficial.”

Kent Police indicated that they would need to be satisfied as to the nature and details of both the security fencing and CCTV system and that they should be fit for purpose. They state that

“The provision of both of these factors … may well reduce vulnerability of the buildings, reduce opportunity for crime and serve to assist/protect the proposed ball court… and aid user safety and security”.

However, it should also be noted that Kent Police still had concerns and felt that all projects relate to Hookmeadow (including the ball court, target hardening, alleyway closure, youth worker provision, children play facility redeployment, etc) have a direct impact on each other and should be progressed as a package of works, integrating all elements rather than as stand alone projects.

The closure of the alleyway/footpath linking King George Road to Hookmeadow via Beckley Mews appears to be of specific concern in relation to the package of works mentioned above.
Chief Inspector Wedlake wrote on behalf of the Police to advise that subject to a condition requiring the security fencing and CCTV to be in place before commencement of the ball court then the police will withdraw their objection.

The agents have written making the following comments:

- The ball court will be a major community and leisure asset for young people in the area
- Young people have complained of lack of facilities for them
- A recent consultation with 36 youngsters revealed an 86% support for the ball court
- There is a need to deal with problems caused by a minority of young people and proposals are currently being drawn up for security fencing and CCTV
- Will comply with Police requirements regarding installation of fencing and CCTV before ball court
- Further delay in a planning approval could prejudice availability of finances for project

The Vicar and Church Wardens of St Philip and St James Church wrote in objecting to the application as originally submitted on the following grounds

- The ball court will be unsupervised, will attract more young people and will result in more vandalism to the church

Representations to the amended scheme

Following receipt of amended plans full re-consultation has been undertaken and any views received will be reported to the Committee.

Medway Youth Parliament have written in support of the application

Development Plan Policies

Kent and Medway Structure Plan 2006

- Policy QL1 (Built Environment)

Medway Local Plan 2003

- Policy BNE1 (Built Environment)
- Policy BNE2 (Amenity Protection)
- Policy BNE8 (Security and Personal Safety)
- Policy L3 (Protection of Open Spaces)
- Policy CF2 (New Community Facilities)

Planning Appraisal

The applicant has reassessed the application in light of member, resident and police concerns and as a result the siting and size of the ball court has been amended.

The main issues for consideration arising from this application are:

- Principle and Impact Upon Open Space
- Street Scene and Design
- Neighbourhood Amenities
- Security and Personal Safety

**Principle and Impact Upon Open Space**

It is acknowledged that the area suffers from anti-social behaviour where there is a regular conflict between residents and young persons. It is contended that a way of tackling this problem is to focus young persons on an alternative activity, something they will find of interest. The application is therefore submitted to provide a focal point and activity for young persons and thus remove some of the conflict and improve the general amenity to surrounding residents.

The site forms part of a wider designated Policy L3 area (under the Local Plan), which seeks to protect open spaces in urban areas for the benefit of the surrounding local community. However, Policy L3 does permit development where “sports and recreational facilities can best be implemented or retained and enhanced through redevelopment of a small part of the site”. In addition, Policy CF2 (of the Local Plan) seeks to promote new community facilities providing there is no negative impact upon surrounding area or residential amenity.

In providing a sport and recreational use of the site, it is considered that the proposal complies with the provisions of both Policies L3 and CF2, which could also lead to a general improvement to the area.

**Street Scene and Design**

The size and height of the proposed ball court would count as both a significant and prominent structure by themselves. However being set against the background of the community centre and library and given the use of appropriate powder coating to the fencing would no doubt reduce its significance with regards to its impact upon the street scene. Therefore the proposals are not considered to cause any negative impact on the street scene. It is recommended that a condition be added to any consent to agree the colour of the fencing.

The proposal is therefore considered to be in accordance with the provisions of Policy BNE1 of the Local Plan and Policy QL1 of the Kent and Medway Structure Plan 2006

**Amenity Considerations**

The principle issue of consideration to residential amenity relates to noise and general disturbance.

The noise levels associated with this type of development arise from the impact of a ball on a hard surface and on a metal fence or from the movement of the participants and others from their raised voices. The intermittent nature of such noises could be cause for complaint. Although the application is not supported by a noise assessment, the location of the ball court is over 75 metres from the residential properties in Meadside Walk to the north and 35 metres from the properties in Walderslade Road to the east. The design of the ball court allows for no screening of noise as the fence is not of a solid construction, therefore the noise will have a direct pathway to the surrounding residential properties. However, the noise climate in the location of Walderslade Road is dominated by road traffic noise. Therefore, the addition of noise from the ball court should not significantly affect the existing noise climate.

In terms of issues relating to outlook and privacy, owing to the proposed siting and the distance of the development from properties within the closest residential areas of Walderslade Road and Beckley Mews, the proposals are not considered to cause any negative impact to their amenities in terms of causing an adverse impact to outlook or privacy.
It is considered that the proposed development will not, on balance, unacceptably affect the amenities of the occupiers of the neighbouring properties and accordingly no objection is raised to the application under the provisions of, Policy BNE2 of the Local Plan and Policy QL1 of the Structure Plan.

Security and Personal Safety

In the original application the police raised concerns over the safety of the facility and its siting with regard to being concealed and out of the way for natural surveillance to occur. The scheme has been amended to move the court closer to Walderslade Road where there will be natural surveillance in this more open location. In addition to this it would be beneficial to add a condition to the approval to ensure that security fencing and CCTV cameras are installed prior to the erection of the ball court.

Conclusion and reasons for Approval

It is considered that the proposal would result in a form of development that would be in accordance with the provisions of protecting open space and encouraging community facilities, would maintain the character with the street scene that would not, on balance, unacceptably affect the amenities of the occupiers of neighbouring properties. The application is considered to be in accordance with the provisions of Policies BNE1, BNE2, L3 and CF2 of the adopted Local Plan and is accordingly recommended for approval.

This application was reported before members on 10 January 2007 and was deferred for the applicants to consider a more suitable location. The application before members has sought to address these concerns.
date: 23rd November 2006
location: Land rear of 75 London Road Rainham Gillingham ME8 7RJ
proposal: Demolition of existing dwelling and construction of four 4-bedroomed detached dwellings
applicant: Mr A Hawkins 187 Edwin Road Gillingham Kent ME8 0AH
agent:
ward: Rainham Central

Recommendation - Approval with Conditions
(as amended by plans received on 23 November 2006 and 2, 9, 16 and 31 January 2007)

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

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

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

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development within Part 1, Class A, B, C and E of the Second Schedule to the Order shall be carried out on the site without the prior written approval of the Local Planning Authority.

5 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved 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; hard surfacing materials; minor artifacts and structures (e.g. refuse or other storage units, signs, lighting etc). Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting
species, plant sizes and proposed numbers/densities where appropriate; and
implementation programme.

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

7  The area shown on the permitted drawings for vehicle parking and garaging shall
be provided (including the car access to serve 75 London Road) prior to the
occupation of any of the dwellings and shall be kept available for such use and no
permanent development, whether permitted by the Town and Country Planning
(General Permitted Development) Order 1995 (or any Order revoking and re-
enacting that Order) or not, shall be carried out on the land so shown or in such a
position as to preclude vehicular access to this reserved parking space.

8  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 first
occupation.

    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.

    d) No level changes are permitted within the root protection area of protected trees
without prior written consent from the Local Planning Authority.

9  A detailed specification of no-dig driveway construction within the root protection
area for tree number 2 shall be submitted to and approved in writing by the Local
Planning Authority for approval prior to commencement of site clearance. The
development shall be undertaken in accordance with the approved plans and
maintained thereafter.
10 No development shall take place until details of the improvements to the access track serving the site have been submitted to and approved in writing by the Local Planning Authority; and no part of the development shall be occupied until the access improvements have been constructed and provided in accordance with the approved details.

11 Prior to the occupation of the dwellings hereby approved the bathroom and en-suite window in the first floor on the southern flank of plot SAL0601 and the en-suite window in the first floor on the northern flank of plot SAL0604 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.

12 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 on the approved plans shall be installed in the flank wall(s) of any of the dwellings herein approved without the prior written approval of the Local Planning Authority.

13 No development shall take place until a method statement detailing the removal of the brick built shed on the western boundary including the timing of the works has been submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in strict accordance with the approved details.

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

Site Description

The site is located to the south of the A2 to the rear of 75 London Road, and is bounded by residential development to the north and east, the Howard School playing fields to the west and a dwelling and a nursery to the south. Access to the site is via an unmade road between 6 and 8 Salisbury Avenue, which also serves a number of garages, a parking court, the nursery and the rear of properties in Salisbury Avenue.

The site is quite well screened with hedgerows around the perimeter and some mature trees. There is an existing dwelling located on the site, known as 6a Salisbury Avenue, which was formerly a garage for number 75 London Road, but which has now been granted a Lawful Development Certificate as a separate dwelling house.

Proposal

This is a full application for the demolition of the existing dwelling known as 6a Salisbury Avenue and the construction of 4 two storey detached houses. The houses would comprise of four 4-bed units. The units would be sited across the centre of the site in a line.

The houses would all have pitched roofs. They would have a maximum height of approx. 8.7m to the ridge, and an eaves height of approx. 5m.

Plot SAL0601 would be provided with an attached double garage, whilst the other units would all be provided with a single garage and driveway parking in front. Access to the site would
remain via the track between 6 and 8 Salisbury Avenue, with a passing bay towards Salisbury Road, the access would be approx. 5m wide, with a footpath located along the southern edge leading from the site to Salisbury Avenue. Access through the site would also be provided for 75 London Road - a requirement of an earlier appeal decision.

Site Area/Density

Site area: 0.213 ha (0.526 acres)
Site density: 18.7 dph (7.6 dpa)

Relevant Planning History

65/66C Outline for 4 detached houses.
Refused 19 February 1987

65/66D Outline for 4 houses.
Approved 22 May 1987

65/66E Outline for erection of 12 retirement bungalows each with garage.
Approved 18 August 1988

94/654 Outline for residential development comprising nine bungalows.
Approved 3 February 1995

MC2000/0413 Outline application for residential development comprising eleven houses and garages.
Refused 9 August 2000
Appeal dismissed 31 May 2001

MC2000/1205 Outline application for residential development comprising nine houses and garages.
Refused 9 August 2000
Appeal dismissed 31 May 2001

MC2001/1664 Outline application for residential development comprising of 11 houses and two garages (Duplicate application of MC2001/1665)
Withdrawn

MC2001/1665 Outline application for residential development comprising of 11 houses and two garages
Refused 2^{nd} January 2002
Appeal dismissed 29^{th} July 2002

MC2003/0432 Outline application for construction of three dwellings
Refused 19^{th} December 2003
Appeal Allowed 23^{rd} September 2004

MC2003/2644 Outline application for the construction of 2 dwellings
Refused 10^{th} March 2004
Appeal Allowed 23^{rd} September 2004
MC2004/2295 Outline application for construction of four dwellings with vehicular access via Salisbury Avenue
Refused 10 December 2004

MC2004/2752 Application for Lawful Development Certificate (existing) for use as a single dwelling
Approved 29 December 2004

MC2005/1656 Construction of six dwellings with associated garaging and access
Refused 16 March 2006

It should be noted that the planning history above relates to different site areas. The current application relates to a reduced site when compared to the 2000 and 2001 applications and appeals, however it is a larger area than that included in the 2003 applications and appeal.

Relevant Planning History for Land to the south at 6b Salisbury Avenue

MC2004/2487 Outline application for construction of two detached houses
Approved 17 March 2005

Representations

The application has been advertised by means of a site notice. Salisbury Avenue residents association has been notified of the application. Neighbour notification letters have been sent to the owner/occupier of 67-75 (odds) London Road; 2, 2a, 3, 4, 6, 6a, 6b, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 30a and 52 Salisbury Avenue; and 9 Century Road.

Letters of objection have been received from 10 households raising the following points:

- The access road to the proposed area would become too busy and dangerous especially during school start and finish times
- There is a right of way running through the site
- Problems with regard to parking
- Cram and over-populate a very small area where planning has already been given for other dwellings to that area
- Must consider “out of the way” the bungalow next to the site
- The land has already been flattened
- Loss of wildlife
- Difficulty of services such as doctors, dentists and teachers in this area
- Loss of privacy
- The passing bay is laughable, understood from previous plans that this was going to be a metal road
- Safety of opening the garage doors onto the access
- The proposal would be a danger to life
- Problems with exiting their right of way at the moment which would be exacerbated by the proposed development
- Decrease in property prices
- Light and noise pollution would interfere with wildlife
- The development has already been started — Enforcement have been advised
- Back garden development that is unsuited to the location
- If the application is granted it is feared that this will only facilitate, in due course, the development of the other land located behind the proposed plot
- The access to the properties is too small
- It would ruin the uniformity of London Road
- Concern about the access to the properties and if yellow lines will be required at the junction with Salisbury Avenue.
- Concern over construction vehicle access and the alleyway
- Concern that the area is not large enough for four houses
- Concern over safety
- Heavy vehicles may damage Salisbury Road

Letters of objection have been received from 5 households including one from the Salisbury Avenue Residents Association following the receipt and consultation upon the amended plans reiterating concerns about the amount of vehicular traffic in Salisbury Avenue, highway safety, impact on local facilities and impact on neighbouring properties.

**Development Plan Policies**

Medway Local Plan 2003:

Policy BNE1  (General Principles for Built Development)
Policy BNE2  (Amenity Protection)
Policy BNE3  (Noise Standards)
Policy H4   (Housing in Urban Areas)
Policy H9   (Backland Development)
Policy T1   (Impact of Development)
Policy T2   (Access to the Highway)
Policy T13  (Parking Standards)

Kent and Medway Structure Plan 2006:

Policy QL1   (Quality of Development and Design)
Policy HP4   (Housing: Quality and density of development)
Policy TP19  (Vehicle parking standards)

**Planning Appraisal**

*Background*

The ‘Relevant Planning History’ section above gives an indication of the long history of this site. In terms of dealing with this current application the following issues are considered to be most relevant.

The most recent approval for development to the rear of 75 London Road was given at appeal in September 2004. Two applications were considered by the Inspector, one proposing 2 dwellings and the second proposing 3 dwellings, both of which were allowed. The current application relates to a different (larger) site area to these two schemes, but wholly includes the area they related to.

The current plans still show dwellings in the area that formed the site in the allowed appeal, but now also includes additional dwellings in the extended site area.

The plans also show the demolition of the existing unit known as 6a. In terms of the existing situation, there is consent allowed at appeal for three units, plus one existing unit on site,
which provides a total of 4. The current scheme therefore represents no increase in the number of units in relation to the current approved situation.

Principle of Development

The site falls within the urban area, as defined in the Local Plan, and the site would therefore fall to be considered against Policy H4 of the plan, as a windfall site. This policy states that redevelopment and infilling for residential purposes is acceptable in principle. Furthermore the appeal inspectors considering development on the site accepted that there was no objection in principle to the residential use of the land.

The proposal is therefore considered to be acceptable and would accord with Policy H4 of the Local Plan and Policy HP4 of the structure plan.

Street Scene and Design

By removing the existing dwelling, 6a, from the site, it has been possible for the applicant to achieve a better layout for development, which overcomes many of the concerns raised in the last application for four houses, as this involved very tight relationships between houses on the site. The current layout sites the dwellings essentially across the central section of the site, so that issues regarding loss of amenity are avoided.

The scheme includes some large areas that would be laid to grass at the front of the houses, which would help soften the appearance of the development and provide a better balance with the amount of hard standing provided for the driveways.

Garden lengths range from between 16.6m (plot SAL0602) to 12.5m (plot SAL0603). Whilst these garden lengths may be significantly less than those provided for existing houses in Salisbury Avenue and London Road, they are not uncommon for modern houses, given the density standards now being worked to under Government advice. These garden lengths are significantly larger than those in the previous application that was refused for six houses MC2005/1656.

The proposals provide for a density of development on the site at 18.7 d.p.h. which would be significantly below the range identified in Government guidance and structure plan policy HP4; however the prevailing adjoining housing in Salisbury Road and London Road is at a significantly lower development density and the proposed development therefore compliments the character of the area.

The proposal is therefore considered to be acceptable and would accord with Policy BNE1 of the Local Plan and Policy QL1 of the structure plan.

Neighbour Amenities

The site lies to the rear of the properties fronting both Salisbury Avenue and London Road, however all of these dwellings have long rear gardens. This would result in distances in excess of 45m between the front elevation of the new houses and the rear of those in Salisbury Avenue, which would clearly exceed the recommended separation distances given in the Kent Design Guide. The flank wall of plots SAL0601 and SAL0604 have first floor windows that relate to en-suite’s and bathrooms, these could be conditioned to contain obscure glass which would overcome any issues with regard to overlooking to the rear of No 75 London Road and 6b Salisbury Avenue.
The rear elevations of the houses face out over the playing fields to the west, therefore would not result in any privacy issues in this direction.

The planning permission granted for two new houses at 6b Salisbury Avenue also needs to be taken into account. At that time an indicative plan showed the two dwellings to be sited parallel to 6b itself, therefore these houses are likely to have their side elevations facing to the north. The only side windows shown on plot SAL0601 are for a downstairs WC and utility room and first floor en-suite and bathroom, therefore given that these would not serve habitable rooms, there is no concern about potential loss of privacy between the two sites.

In terms of noise and disturbance, it is considered that due to the previous permission for three dwellings in outline and the existing dwelling at 6a on site that there would be no additional harm caused as a result of the dwellings, given the number of cars that already use this access road.

The proposal is therefore considered to be acceptable and would accord with Policy BNE2 of the Local Plan and Policy QL1 of the structure plan.

Highways

The site has a complicated ‘highway’ history, which has caused a number of concerns in the past. The outline application allowed at appeal for three houses in 2004 included the upgrading of the track to include a passing place, and this was found to be acceptable to the Inspector at that time. The current proposal seeks to provide a similar layout to this with the road approx. 5m in width and a passing bay approx. 19.6m in length and 2.4m in width.

It should be taken into account that the site already has outline consent for three dwellings, and there is an existing dwelling on site. In effect therefore, this proposal results in no net gain of dwellings. From a highway perspective it is considered that the improvements being made to the access road, which would not only benefit the proposed development but also other users of this access, would result in an improvement to the current situation. Conditions are recommended to secure the highway improvements.

In terms of on site parking facilities, the development would provide each property with one garage space and one driveway space in front, with the exception of plot SAL0601 which would have a double garage and driveway. This provides at least two spaces per dwelling, which is considered acceptable to serve 4-bedroom dwellings in this location. In addition access is made to the rear of 75 London Road, as required by condition attached to the previous appeal decision in 2004.

While it is acknowledged that a large vehicle may not be able to execute a 3-point turn, it is considered that a greater number of maneuvers in turning the vehicle around is very unlikely to pose any safety issues.

The proposal is therefore considered to be acceptable in highway terms, and would accord with Policies T1, T2, T3 and T13 of the Local Plan and Policy TP19 of the Structure Plan.

Trees

Trees numbered 1 and 2 are Thuja plicata (Western Red Cedar), and are the remnants of a group of 4 trees. These trees are protected by preservation order, no. G76/1988. The
amended plans show the construction of the garage for plot SAL0601 taking place outside of the root protection area (RPA) of tree number 1. However, the driveway to this plot will be constructed within 2 metres of the main stem of tree number 2. This tree requires a RPA of 4.40 metres; it is therefore recommended that a condition is added to ensure that the drive construction is of a suitable method to prevent the demise of the tree.

Tree number 3 a mature Beech tree, is situated a sufficient distance from the proposed development to be unaffected by it. However the main stem of this tree is situated within 2 metres of a brick shed that would be demolished as a result of this development. The demolition would be taking place within the RPA and care would have to be taken to remove this shed without damaging the root system. It is recommended that a condition is added that the developer submits a method statement of how they intend to remove the shed without damaging the tree.

The existing site layout drawing SAL0605 is incorrect and Tree no.4 is a Sycamore tree not a Field Maple as listed on the plan. This tree is of low amenity value and appears to be growing from the base of the boundary wall.

Conclusions and reasons for approval

The principle of development on this site is established through Policy H4 and the previous appeal decisions, which permitted outline consent for 3 units. The enlarged site area and the demolition of the existing unit on site, has allowed a better layout of development to be achieved, totalling 4 units, which is considered to be in accordance with Policy BNE1 of the Local Plan. Adequate amenity protection for existing residents can be provided, which would ensure accordance with Policy BNE2 of the Local Plan. The scheme also includes improvements to the access road to the site, which would also benefit existing users of the access, and therefore the proposal would accord with Policies T1, T2, T3 and T13 of the Local Plan. The application is therefore recommended for approval.

The application would normally fall to be determined under delegated powers but has been referred to Committee due to the number of representations received contrary to officer’s recommendation
Date Received: 17th November 2006
Location: The Royal British Legion 78 Livingstone Road Gillingham ME7 2EJ
Proposal: Retrospective application for siting of a storage/bar unit to rear
Applicant: The Royal British Legion Club Ltd 78 Livingstone Road Gillingham Kent ME7 2EJ
Agent:
Ward: Rainham South

Recommendation - Approval with Conditions

1  The use of the building hereby permitted as a bar shall be discontinued after the period of one year from the date of this permission and any materials used or modifications made to facilitate that use shall be removed and the building be reinstated for storage only associated with the use of the British Legion Club in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

2  The use hereby permitted shall only operate one weekend each month between May to September inclusive between the hours of 11:00 to 21:30 Friday and Saturday and 11:00 to 18:00 on Sunday and at no other time unless any variation is otherwise first agreed in writing by the Local Planning Authority.

3  No public address system or amplified music system or sound, which is audible at the site boundary shall be used in connection with the use hereby permitted unless the details of any such systems are agreed in writing by the Local Planning Authority prior to their first use. Any such systems subsequently approved shall be installed in accordance with the approved details.

4  No materials, plant or other equipment of any description shall be stored in the open other than in areas and to such heights as have been approved in writing by the Local Planning Authority.

5  Prior to the installation of any external lighting on the site full details of the proposed lighting (including illumination levels and spread) shall be submitted to and approved in writing by the Local Planning Authority. Any lighting installed on site shall be in full accordance with these approved details.
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 consists of a three storey, detached building located within its own grounds, amongst the residential terraces of Livingstone Road and Gordon Road. The boundaries around the site are mixed in terms of the materials used and the heights. To the front of the site, the southern side, the boundary consists of a section of brick wall approx. 1.6m high, and a section of wall with railings approx. 1.5m high between brick piers. To the western side of the site, the boundary is a rendered wall approx. 1.5m high combined with the side elevations of outbuildings and extensions. The rear boundary to the north is a concrete panelled wall approx. 1.7m high. Palisade fencing has been installed behind the existing boundary treatment and granted planning permission retrospectively. To the right of the building is a large car park that can hold approx 30 cars.

To the rear of the premises within the north western corner of a rear courtyard area is a shed like structure which has a flat roof and painted plywood walls in red paint. The structure has a boarded up hatch. It has a width of 2.25 metres by 3.85 metres depth and a height of 2.44 metres. It is situated abutting the northern boundary but set in 2 metres from the western boundary. The north and western boundaries adjoin rear alleys that skirt around the site, beyond which are the gardens of adjacent residential properties. Within the rear gardens of numbers 91 to 95 Gordon Road are a number of sheds adjacent to the boundary wall.

Proposal

This is a retrospective application for the retention of a storage/bar unit to the rear.

The applicant advises that the primary use is to store garden furniture, tools etc and for occasional use as an outside bar, only two or three times a year for charity functions for the Royal British Legion. It is not intended to use the bar on a regular basis.

Last year the bar was used was in conjunction with a beer festival that ran from Friday to Sunday lunchtime.

Relevant Planning History

NK3/49/459/9266 Alterations and additions to existing premises, Approved on 24 February 1950.

NK3/49/459A Alterations and extensions to existing premises, Approved on 18 December 1964.


MC2002/0049 Outline application for construction of one residential dwelling, Approved on 23 April 2002.

MC2005/0020 Retrospective application for installation of galvanised steel palisade security fencing and gates. Approved 11.2.2005
Representations

The application was advertised on site using a site notice and neighbour consultation letters were sent to 87 to 113 Gordon Road inclusive (odd) and 72 and 74 Livingstone Road and number 90 Livingstone Road.

Four letters of objection have been received and the following concerns have been raised:

- Last summer when the outside bar was put up, the neighbours were subjected to noise all day every weekend and in the summer evenings.
- Last year the outside bar and loud music from outside speakers went ahead without any warning.
- Their children could not sleep at night as the windows had to be kept shut in the hot weather due to the noise.
- Already suffer noise nuisance from the clanging metal gates and from the loud disco music playing every Saturday night.
- Also suffer unsociable behaviour from patrons of the club.
- The club has made residents summer miserable and reduced enjoyment of their gardens.
- Do not believe that it will only be used for the occasional charity function, as it already seems to be in use when the club is open.

Development Plan Policies

Kent and Medway Structure Plan 2006

Policy SP1  (Sustainable pattern of Development)
Policy QL1   (Quality of Development and Design)
Policy QL11  (Protection and Enhancement of Existing Community services)
Policy TP15  (Development Traffic & Heavy Goods Vehicles)
Policy TP19  (Vehicle Parking Standards)

Medway Local Plan 2003

Policy S1   (Development Strategy)
Policy S2   (Strategic Principles)
Policy BNE1 (General Principals for Built Development)
Policy BNE2 (Amenity Provision)
Policy T1   (Impact of New development on Highway Network)
Policy T2   (Access to the Highway)
Policy T13  (Vehicle Parking Standards)
Planning Appraisal

Having regard to the provision of the Development Plan, it is considered that the main issues arising from the proposal are as follows:

a) Principle of development
b) Design and impact upon the street scene
c) Whether the proposal would cause harm to the amenities of the occupiers of nearby residential units/buildings
d) Whether the proposal would prejudice highway safety and car parking implications.

Principle of the development

As the proposed use for storage is associated with the use of the British Legion Club it is considered acceptable. The use as a temporary outside bar associated with a few charity functions would also be considered acceptable, subject to strict controls over hours of use and number of times used within the year in order to protect the residential amenities of the occupiers of adjacent dwellings.

It is therefore considered that the principle of the development would appear to be acceptable, although other considerations are also important.

Street Scene and Design Considerations

Policy QL1 of the Kent and Medway Structure Plan, and BNE1 of the adopted Local Plan set out criteria for the assessment of proposals in terms of their impact on the built environment and design quality.

The character of the area is of two-storey, residential terraced properties. As a detached property located within its own grounds, the application site does not reflect this character.

Although not particularly attractive, the building is considered to be functional and as it cannot be seen from any public viewpoint is considered to be not harmful to the character of the main building or the street scene.

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

Impact on Amenities

Policy QL1 of the Kent and Medway Structure Plan, Policies BNE1 and BNE2 of the adopted Local Plan seek to ensure that the amenities of prospective occupiers and those of existing residents are safeguarded.

It is considered that the principal issue in this case is the effect of the proposal on the living conditions of neighbouring residents in terms of noise and general disturbance.

As the proposed bar use is located adjacent to residential rear gardens whose occupiers would expect to have a reasonable degree of peace and quiet within their garden, the bar use if a permanent feature would not be considered acceptable. However, as a temporary
bar feature used only in connection with a few charity events this use may be considered acceptable, subject to strict controls on number of times and hours of use and restrictions against the playing of amplified music.

However, in recognition of the slightly unusual nature of this proposal and the potential for disturbance to occur if the use is not effectively managed, it is considered prudent to grant a one year temporary consent in order to monitor the situation and its impact upon the occupiers of adjacent properties. Should the bar use prove a problem an application to renew could be refused and strict conditions should ensure that the structure is only used for storage.

In amenity terms the proposal is therefore viewed as being acceptable and complies with Policy QL1 of the Kent and Medway Structure Plan, Policies BNE1 and BNE2

*Highways Impact, Traffic and Car Parking*

It is not considered that the proposed use for a temporary bar a few times of the year would increase the car parking requirement over that what already exists on site.

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

**Conclusions and Reasons for approval**

The building does not have any impact on the character of the area. The proposed use for a limited number of charity events per year should only have a limited but acceptable impact on residential amenity but in order to properly ascertain the impact a limited consent only is recommended. On the basis of that it is considered that the proposal is in accordance with the Development Plan policies referred to.

The application would normally be determined under delegated powers but is being reported for Committee determination due to the extent of representation received expressing views contrary to the recommendation.
8 MC2006/2192

Date Received: 20th December 2006

Location: Land at 116 Borstal Road Rochester ME1 3BD

Proposal: Outline application for the demolition of dwelling and the construction of 5 dwellings with associated access and parking

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

Agent: Mr J Porter Barton Willmore Planning Partnership 6th Floor, Venture House 27-29 Glasshouse Street London W1B 5BW

Ward: Rochester West

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**Recommendation - Approval with Conditions**

(and as amended by documents received on 18 and 19 January 2007)

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

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

3 The development to which this permission relates must be begun no later than the expiration of 2 years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

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

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development within Part 1, Classes A, B, C, d and E of the Second Schedule to the Order shall be carried out on the site without the prior written approval of the Local Planning Authority.
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.

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

No dwelling shall be occupied until the access road, driveways and paving areas shown on the approved plans 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.

No dwelling shall be occupied until a means of vehicular access has been constructed in accordance with the approved plans.

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 all 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.

The area shown on the permitted drawings for vehicle parking and/or 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 The details submitted pursuant of condition 1 shall include existing and proposed cross sections through the site with reference to site boundaries.

13 Sight lines of 2m x 70m shall be provided at the junction of the access road with Borstall Road prior to the occupation of any unit and no obstruction of more than 0.6m above carriage level shall be permitted within the sight lines.

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

Site Description

The application site lies on the western side of Borstal Road and is currently occupied by a large detached dwelling, No. 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 of 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 application 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 outline planning permission for the demolition of the existing dwelling and outbuildings and the construction of five dwellings with associated car parking and access.

The application is in outline, with means of access to be approved. A site layout plan has been submitted that provides some indication of the siting of the buildings; but layout, scale, appearance and landscaping are all matters reserved for future consideration.

The site layout plan show that 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 five detached, four bedroom houses that are anticipated to be stepped two storeys in height. One house will be more or less sited in the position of the current house, and there will be a further four houses to the rear of the site. All houses are proposed to have garaging with on-drive visitor parking capability. There will also be a detached, double garage block sited just beyond the north western corner of the rear garden to 118 Borstal Road.

A turning head is proposed at the end of the proposed access road, with one additional parking space being located opposite plot 5. Vehicular and pedestrian access will be via a 4.1m wide shared surface access drive.

Site Area/Density

Site Area: 0.29 hectares (0.717 acres)
Site Density: 17 dph (7 dpa)

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

MC2005/1863 Demolition of existing dwelling & construction of eight 4-bedroomed dwellings with associated car parking, landscaping & servicing/access
Refused 2 February 2006 and dismissed at appeal 7 July 2006

MC2006/1698 Demolition of existing dwelling and the construction of 6 new dwellings with associated car parking and access
Withdrawn

**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; 104, 110, 110A, 112, 112a, 112b, 114, 114a, 114b, 118, 118a, 120, 120a and 122 Borstal Road; 1, 2, 3, 4 and 5 The Graylings; and 3 to 11 (consec) Fay Close.

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

- Borstal Road is too narrow to take additional traffic generally, including during construction
- Access should be via Goddings Drive
- The Inspector clearly refused the previous application for reasons of safety on the grounds that the access is too near the existing access to The Graylings – this situation has not changed since the last application
- 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
- A change in terminology from a ‘new road junction’ to a ‘private drive’ should not mean that the Inspector’s recommendation for a minimum 30 metres spacing between the junctions of the development site and They Graylings should be reduced to 14 metres
- The Inspector also stated that a private driveway would only be acceptable for one or two houses
- Trees that are subject to a preservation order will be felled
- The traffic audit does not take account of the following: traffic bunches up at morning and evening school times; traffic often exceeds the speed limit; and the road is a bus route
- The existing house is a perfectly habitable dwelling
- The proposal for five dwellings is an over-intensification of this site
- The scheme amounts to backland development
- The parking provision is inadequate with insufficient provision being made for visitors, which might result in additional on-street parking on Borstal Road
- Trees covered by the Tree Preservation Order should be retained, as they are not diseased as stated in the developers report
- There will be a loss of the view of trees from the properties in The Graylings if these trees are removed
- The planning statement is misleading and selective about the reasons for the prior objections to the proposed development, and ignores the other concerns raised about the removal of trees; undesirable backfilling and additional parking in Borstal Road
- The developers state there has been no record of a collision, but there has been an incident of a car mounting the pavement and ending up against the front window of one of the townhouses adjacent the application site, and there are many near misses involving cars exiting The Graylings
- The distraction of a busy access road so close to the Graylings is unacceptable
- The process in which this application has been submitted by the developers has been deliberately manipulated to get approval, i.e. being submitted just before Christmas, leaving residents little time for response
- The point put forward by the developers that the proposal contributes significantly to the Thames Gateway target for new homes is erroneous and irrelevant
Development Plan Policies

Kent and Medway Structure Plan 2006

Policy QL1  (Quality of Development and Design)
Policy EN9  (Trees, Woodlands and Hedgerows)
Policy TP3  (Transport and the Location of Development)
Policy TP19 (Vehicle Parking Standards)

Medway Local Plan 2003

Policy BNE1  (General Principles for Built Development)
Policy BNE2  (Amenity Protection)
Policy BNE41 (Tree Preservation Orders)
Policy BNE43 (Trees on Development Sites)
Policy H4   (Housing in Urban Areas)
Policy H9   (Backland and Tandem Development)
Policy T1   (Impact of Development)
Policy T2   (Access to the Highway)
Policy T13  (Vehicle Parking Standards)

Planning Appraisal

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.

As the proposal is in outline, with only access to be considered at this stage, the main issue relates to the effect of the proposal on road safety. However, as an indicative site layout has been submitted with the application, the siting and impact on the street scene will also be touched upon below.

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 4 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 given the site levels, would most likely still be visible from Borstal Road. 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 12 metres in length, and to the front there would be landscaped areas to soften the appearance of the development.

Given the 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 QL1 of the Kent and Medway Structure Plan and Policies BNE1 and H9 of the Local Plan.

**Highways**

In the appeal decision related to the refusal of application MC2005/1863, the Inspector stated that the separation of 14m between the site access and that of The Graylings was not appropriate for the traffic generated by two closely spaced residential access roads serving 8 and 12 houses. This is supported by Kent Design, which requires proposals for more than 5 dwellings to have an access constructed to adoption standards, and therefore a junction spacing of 30m is required.

The revised arrangement proposes 5 dwellings served by a private drive; as such, the access does not need to be constructed to adoption standards, and therefore a 30m distance from The Graylings is not necessary. That said, it is important that vehicles leaving the site have adequate visibility along Borstal Road; the Inspector was satisfied the previous proposals provided a clear line of visibility from the access in excess of 33m through the removal of existing vegetation and obstructions to visibility along the site frontage. This is carried forward here, with the plans showing 2m x 70m sightlines along Borstal Road.

In addition, the Inspector acknowledged that a development of 8 dwellings was like to generate only a low level of traffic; clearly the current proposal for 5 dwellings would further reduce the number of trips associated with the development. It is likely that an additional 2-3 trips would occur during the peak periods and an additional 32 trips over a 24 hour period (approximately 1 extra vehicle movement every 45 minutes).

The submitted plans indicate that there is sufficient room on the site to allow larger vehicles to turn, and the gradients shown on the revised plans submitted on 18 January comply with Kent Design recommendations for shared and individual private drives. There is one accident recorded in the vicinity of the site in the past 36 months, resulting in a slight injury, though it was not associated with vehicles turning into or out of driveways or side roads.

Therefore, with the reduced number of dwellings proposed here it is considered that the distance between the proposed access and that of The Graylings is acceptable.

Kent Design states that shared and individual private drives should have a longitudinal gradient no steeper than 1 in 8, with a gradient of 1 in 10 for a distance of 1.5m from the back of the highway boundary (or a roll-over included) to prevent vehicles grounding. The gradients of the shared and private driveways have been amended to ensure that they can be provided through the site, which would meet the standards specified in Kent Design.
There will also be a refuse store and collection point provided at the top of the drive within 9 metres of Borstal Road. This will negate the need for HGV vehicles to enter the private driveway. However, the submitted plans demonstrate how a box van size vehicle can successfully negotiate the turning head if required.

The design and access statement states that the houses will have garages with on-drive visitor parking capability. The issue of parking provision on the site has not been disputed. It has already been demonstrated that acceptable levels of parking can be accommodated on site with an increased number of units, and with a lower number of units this will not change.

The proposed development is therefore acceptable in highway terms and therefore accords with the provisions of Policies TP3 and TP19 of the Structure Plan and Policies T1, T2 and T13 of the Local Plan.

**Effect on Trees**

The proposal will require the removal of many trees across the site, a number of which are protected under a Tree Preservation Order (TPO). 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 most valuable tree likely to be lost in amenity terms is the oak tree (T5) close to the Borstal Road boundary adjacent to the proposed driveway entrance. This is a mature oak, which makes a valuable contribution to the character of the area.

The impact of the proposed development upon this tree has been assessed and the tree is unlikely to survive the construction works associated with the proposed development. Any landscaping and tree planting proposed as part of a reserved matters application will be required to include the planting of a semi-mature replacement tree 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.

**Conclusion and Reasons for approval**

The proposed development is considered to make the best use of the site, and the layout 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 QL1, TP3 and TP19 of the Structure Plan and Policies BNE1, H4, H9, T1, T2 and T13 of the adopted Local Plan. The application is accordingly recommended for approval.

This application would normally fall to be determined under delegated powers, but is being reported for Members consideration due to the extent of representation received and the planning history of the site.
Recommendation - Refusal

1. The absence of adequate off-street parking facilities to serve the requirements of the proposed use is likely to result in an increase in the number of vehicles undertaking a reversing manoeuvre onto Maidstone Road and increase the risk of accidents and add to demand for on-street parking in Maidstone Road, Shaws Way and Grange Way that will be prejudicial to highway safety. The proposal is contrary to Policy TP19 of the Kent and Medway Structure Plan 2006 and Policies R18, T1 and T13 of the Medway Local Plan 2003.

2. The proposal will unacceptably add to the demand for on-street parking in the area. This will result in a detrimental impact on residential amenity as a result of general disturbance and residents not being able to park as close to their properties as they should be reasonably expect to. The proposal is therefore contrary to the provisions of Policy QL1 of the Kent and Medway Structure Plan 2006 and Policy BNE2 of the Medway Local Plan 2003.

Site Description

The application property comprises a recently constructed end-of-terrace Class A1 shop unit that is currently vacant, with two flats above. The application property is in a parade of commercial units with flats above. Opposite the site to the east, is St. Margaret’s Cemetery. To the north, south and west of the application premises there are residential properties in Grange Road, Shaws Way and Maidstone Road.

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

The majority of the units in this parade have opening hours between 09.00 to 17.30, although the mini-market opens between 06.00 until 22.00 generally throughout the week with slightly reduced hours over the weekend.
Proposal

The submitted application seeks permission for the change of use from a shop (Class A1) to a hot food takeaway (Class A5) and the construction of brick clad chimneystack to the rear to house the proposed extraction system and the creation of three new parking spaces to the front.

The proposed hot food takeaway unit would comprise a waiting area to the front of the unit with kitchen, storage and preparation areas to the rear of the premises. It is proposed that the hot food takeaway unit would trade between 11.30 to 14.00 and 16.00 to 22.00 Mondays to Saturdays inclusive and not at all on Sundays and bank holidays and be staffed by one full time employee and one part time employee.

The only external works would involve the construction of the chimneystack housing the extraction system. The chimneystack would be approximately 1.7 metres high from the roof to the top of the chimney and 700mm square.

Relevant Planning History

130 and land adjacent to 130 Maidstone Road

ME/87/704 Outline permission for shop with flat over
Approved 8 September 1987

ME/87/704/A Details pursuant to outline for shop with flat over
Approved 21 July 1988

ME/89/0319 Proposed erection of shop with two 1-bedroomed flats over
Approved 18 July 1989

ME/89/1031 Proposed erection of restaurant and take-away with residential accommodation above
Approved 21 November 1989

MC1999/6083 Construction of a restaurant with residential accommodation above
Refused 14 February 2000

MC2002/0348 Construction of a three storey building comprising retail shop at ground floor level, 2-bedroomed flat at first floor level and 1-bedroomed flat at second floor level
Approved 5 June 2002

MC2004/2845 Change of use from shop to hot food takeaway and brick built extractor flue
Refused, 24 February 2005, Dismissed at Appeal, 8 August 2005

120 Maidstone Road

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

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

124 Maidstone Road

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

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

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

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

128 Maidstone Road

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

Representations

The application has been advertised on site and neighbour notification letters have been sent to the owners and occupiers of: 128, 130 and 132, Maidstone Road and 1 and 2 Shaws Way.

Further letters were sent to

Forty-five letters and a photocopy of the petition of 310 signatures sent in objecting the previous application (MC2004/2845) have been received objecting to the application for the reasons listed below. The objection letters and petition were sent by people who live within the locality. The letters were predominantly received from occupiers in Maidstone Road, Cross Way, Grange Way, Shaws Way, Southfields, Priestfields, Cecil Road and Cavendish Road.

- There is inadequate parking to serve the proposed use and the loss of the loading bays will result in increased on-street parking and congestion in the area which will be prejudicial to highway safety;
- The proposed use will give rise to noise and vibration disturbance for adjoining residents;
- Loss of privacy;
- The proposal will give rise to unacceptable odours;
- The proposal will give rise to disturbance through increased activity and a loss of privacy for adjoining residents;
- Inadequate refuse storage arrangements will be made and the proposed use will result in litter problems in the surrounding area;
- The proposed use will result in increased numbers of vermin in the area;
- The proposal will encourage loitering and anti-social behaviour; and
- There is adequate provision of hot food takeaway facilities in the surrounding area and the proposed outlet will impact upon the viability of other surrounding hot-food takeaways.
- Contrary to Healthy Eating Policies and concerns with obesity in children

Not all of the issues listed above are planning issues. Only planning issues will be considered within the appraisal section of the report.

Sixteen letters have been received in support of the application. The following comments have been made in support.

- Residents should expect an element of noise
- Public need and requirement in that location
- Use of the premises is better than it being vacant
- Adequate parking – Stop long-term parking
- Applicant has other premises in Medway Council
- Would serve large working population in the area
- Modern systems ensure no smells

The letters of support were sent by people who live slightly further a field. The letters were received from residents from Haig Avenue, Friston Way, Onslow Road, Barkis Close, Wopsle Close, Jiniwin Road, Strood, Chatham, Gravesend and Higham.

**Development Plan Policies**

Kent and Medway Structure Plan 2006

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

Medway Local Plan 2003

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

**Planning Appraisal**

Having regard to the provision of the Development Plans, it is considered that the main issues arising from the proposal are as follows:

a) Policy Context and Principle
b) Design and impact upon the street scene
c) The impact on residential amenity
d) The impact on the highway
Policy Context and Principle

Policy R18 of the adopted Local Plan sets out criteria for the consideration of proposals to establish food and drink premises, including hot food takeaway outlets, outside core retail areas. Policy R18 indicates that Class A5 uses will not be permitted where, they would have a detrimental impact on the amenities of neighbouring residents, particularly in relation to noise disturbance at anti-social hours and the generation of odours, and an adverse affect upon highway safety would arise. For such uses to be acceptable mitigation measures should be available to address: noise; general disturbance; the generation of odours; and the provision of adequate parking to meet the parking demand that it is expected to be generated by the proposed use.

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

It is to be noted that this parade of shops has been the subject of a significant number of planning applications for proposed changes of use from Class A1 shops to Class A5 (and previously A3) hot food takeaway outlets. The vast majority of these historic applications have been refused planning permission, principally on grounds of adverse impact upon the amenities of the occupiers of adjoining properties and/or highway safety arising from the inadequate provision of parking facilities to serve the proposed outlets. Four of these applications have subsequently been the subject of appeals, which were variously dismissed on the grounds of adverse impacts upon residential amenity and highway safety. This extensive planning history is material to the consideration of the current application.

Street scene and design

The only change to the external appearance of this property arising from this proposal would involve the construction of the brick built flue. The brick built flue would have a similar appearance to other chimneys sited in this terrace. Taking this into account there would be no detrimental impact on the appearance of the street scene as a result of the proposed flue. In appearance the proposal accords with the provisions of Policy QL1 of the Kent and Medway Structure Plan 2006 and Policy BNE1 of the Medway Local Plan 2003.

Amenity Considerations

It is proposed that the hot food takeaway outlet would trade up until 22:00 Mondays to Saturdays inclusive and not at all on Sundays and bank holidays. An acoustic assessment of environmental noise has been submitted with the application. The assessment demonstrates that the proposed hot food takeaway with a closing time of 22:00 and a delivery service would not have any detrimental impact on residential amenity. The report also recommends that outgoing deliveries should use the delivery space from the front of the shop and incoming deliveries should use the delivery space at the rear to minimise disturbance caused by delivery vehicles. It is recommended that a condition be used to control this should the application be granted planning permission. It is suggested that hours of between 07:00 and 19:00 on weekdays and 08:00 and 18:00 on Saturdays are suitable times for incoming deliveries.
With respect to the control of cooking odour, it is proposed that these will be controlled by
with the installation of extraction equipment trunked through a new chimneystack. It is
considered that modern extraction equipment can adequately address the generation of
odours and accordingly, subject to the imposition of a condition requiring the installation of
appropriate equipment, this issue could be addressed without the proposed use giving rise to
an unacceptable loss of amenities for the occupiers of neighbouring properties.

With the inclusion of appropriate conditions as recommended above, it is considered that the
proposal in itself would not result in a detrimental impact on the amenities of surrounding
residents. However due to the car parking necessary within adjoining streets there will be an
impact on residential amenity which will include matters of general disturbance.

Highways

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

It is important to note that the previous application, MC2004/2845, for a hot-food takeaway,
was refused for three reasons, two of which related to highways issues. The reasons for
refusal were:

1. The absence of adequate off-street parking facilities to serve the requirements of the
   proposed use will be likely to result in on-street parking in Maidstone Road and Shaws
   Way that will be prejudicial to highway safety. The proposal is therefore contrary
   Policy T17 of the Kent Structure Plan 1996, Policies T1, T13 and R18 of the Medway
   Local Plan 2003 and Policy TP19 of the Kent and Medway Structure Plan (Deposit

2. The proposal will unacceptably add to the demand for on-street parking in the area
   and will result in a detrimental impact on residential amenity. The proposal is therefore
   contrary to the provisions of Policy ENV15 of the Kent Structure Plan 1996, Policy
   BNE2 of the Medway Local Plan 2003 and Policy QL1 of the Kent and Medway
   Structure Plan (Deposit Version) 2003.

An appeal was submitted, which the Planning Inspectorate dismissed, agreeing with all three
of the refusal reasons. In his report the Inspector stated that he agreed with the Local
Planning Authority and that the proposal would encourage more indiscriminate parking within
Maidstone Road and part of Shaws Way and Grange Way and that the use would encourage
unlawful parking in the vicinity. The Inspector felt that the proposal would lead to an
unacceptable reduction in road safety in the locality and would interfere with the free flow of
traffic along that part of Maidstone Road.
In assessing this current application, it is considered that the proposed change of use would still add to the considerable demand for parking in the immediate vicinity of the application site, with the result that increased on-street parking will arise. This proposal varies from the previous application, MC2004/2845, as it offers an additional three spaces to be created within the existing lay-by parking facility to the front of the premises. This would result in the loss of the existing loading facility for vehicles making deliveries to shops. With the identified shortage of parking within the vicinity, it is anticipated that an additional three bays would be absorbed quite easily by traffic associated with the existing shops. It is therefore doubtful that this provision would be sufficient.

The existing parking arrangement also requires vehicles to reverse on or off Maidstone Road which having regard to the high flow of traffic, would give rise to conditions that would be prejudicial to highway safety. The additional three bays would increase the number of vehicles undertaking this manoeuvre and increase the risk of accidents, particularly given the short-stay required by customers of a take-away and combined with vehicles parking indiscriminately in inappropriate locations, for example at the junctions of Maidstone Road with Shaws Way and Grange Way. In addition to this, the location of the three new bays would reduce visibility for vehicles exiting Shaws Way and Grange Way.

In the submitted documents, the applicant states that a Traffic Regulation Order (TRO) limiting the time vehicles are permitted to park has been discussed with Highways. However, there is no confirmation that a TRO will be introduced.

It is therefore considered that in the absence of adequate parking facilities, the proposal is contrary to the provisions of Policy TP19 of the Kent and Medway Structure Plan 2006 and Policies R18, T1 and T13 of the Medway Local Plan 2003.

It is further considered that because of the limited off-street parking facilities available to serve the proposed use that it has the potential to give rise to on-street parking within Shaws Way and Grange Way. Shaws Way and Grange Way are particularly narrow streets and further demand for parking within these streets would be prejudicial to the amenities of the residents who live in these streets. In this respect the application is considered to be contrary to the provisions of Policy QL1 of the Kent and Medway Structure Plan 2006 and Policy BNE2 of the Medway Local Plan 2003.

**Conclusion and Reasons for Refusal**

It is considered that the change of use from a retail shop (A1) to a hot-food takeaway (A5) will be prejudicial to highway safety and the amenities of the occupiers of adjoining properties as a consequence of inadequate parking provision. The application is considered to be contrary to Policies QL1 and TP19 of the Kent and Medway Structure Plan 2006 and Policies R18, BNE2, T1 and T13 of the Medway Local Plan 2003.

This application would normally fall to be considered under the officers’ delegated powers but has been reported for Members’ consideration because of the number of representations that have been received which are contrary to the officer recommendation.
Recommendation - Refusal

1. The proposal would result in the loss of building currently in employment use within an existing employment area, as identified on the Proposal Map to the Medway Local Plan 2003, and as such would be contrary to Policy ED1 of the Local Plan.

2. The application fails to demonstrate that there are no more appropriate sites close to the community that it serves where the location is more accessible by a variety of means of transport, including public transport, cycling and walking. As such the proposal would be contrary to Policy CF2 of the Medway Local Plan 2003.

3. The application, as submitted fails to demonstrate that the proposal would not have an adverse impact on the locality and highway network in terms of the level of activity and traffic generation and the adequacy of parking. As such the proposal would be contrary to Policy TP19 of the Kent and Medway Structure Plan 2006 and Policies BNE2, T1 and T13 of the Medway Local Plan 2003.

Site Description

This application relates to a factory unit on the Rochester Airport Industrial Estate known as Telspec. The building occupies the entire north-west frontage of Lankaster Parker Road and is identified as 1-5 Lankaster Parker Road and 25 Laker Road.

The building is L-shaped and is currently in general industrial (Class B2) use and has a floorspace of 2,840 square metres. The main part has a single floor and is open plan. The return frontage is two storey with an open plan factory area on the ground floor and offices and a canteen on the first floor.

The nature of Telspec's operation is traditionally the manufacture of telecommunication equipment, although at present the only work being carried out is the maintenance of the equipment. 11 staff are currently employed at the premises; if planning permission were to be granted and the change of use occurred the company would move to one of the smaller units recently been built on the Rochester Airport Estate. Although there are no planning
restrictions of the hours of operation, the company only operates between the hours of 08.00 and 18.00.

There are currently 60 car parking spaces on the site, although under the proposed development, parking arrangements would be improved and the number of spaces would reduce to 51.

The surrounding area is predominantly industrial with the rear of factory/warehouse units adjoining the site to the north and other factory units to the south, on the opposite side of Lankaster Parker Road. To the east, on the opposite site of Laker Road, is open land – Rochester Airfield. To the west, on the opposite side of Maidstone Road is open countryside. Here the land slopes steeply to Nashenden Valley, an Area of Local Landscape Importance.

Proposal

The proposal is to use the building as a Sikh Temple, defined as a place of worship under Class D1 of the Use Classes Order. The building would replace the existing Sikh Temple in Cossack Street, Rochester, which has been there since 1971 when it occupied a redundant church.

Floor plans have been submitted showing an indicative layout for the building, although this has not been finalised. These show a main temple area; a function area possibly including a kitchen; and a teaching area; together with a canteen and various smaller rooms on the ground floor. A large room on the first floor could be developed for community use, a crèche or for general use by employees on the industrial estate. The applicants advise that 45 additional staff are likely to be employed at the new premises, if planning permission were to be granted and the change of use were to take place. They also advise that they would arrange for transport for their members to the site.

Currently, the Temple is open daily from 06.00 to 18.00 for prayers, community facilities, weddings, funerals and social events. Numbers attending can vary and may be relatively low on weekdays, but on Sundays around 300 people can attend meetings and on special occasions such as weddings and funerals there could be up to 700 people attending. There are also teachers on the premises teaching Punjabi, English and Maths and a drop in centre for the elderly. These functions would transfer to the new premises. It is submitted that the existing building is inadequate for its current functions. It is a Victorian building in a residential area with no on site parking and limited on street parking. The kitchen is inadequate and there is limited space for offices and administration. There is no space to provide a disabled persons toilet. The Temple wished to improve these facilities and provide additional facilities for child care, training and social activities.

Relevant Planning History

ME/95/0601 Insertion of mezzanine floor.
Approved 6th October 1995

Representations

The application has been advertised on site. Neighbour notification letters have been sent to 21, 23, 27, 29, 31, 33 and 35 Laker Road and 6 Lankaster Parker Road.

Three letters have been received objecting to the application on the following grounds:
- An industrial estate is not appropriate for a ‘place of prayer’. It should be sited within the community close to public transport and suitable pedestrian links;
- There are already parking problems in the area, which will not be improved by the proposal;
- Proposal could lead to problems of vandalism;
- There is no public transport to serve the site;
- Proposal would be contrary to Local plan Policies;
- An industrial estate with a large volume of traffic is not an appropriate place for a community with children to visit;
- There is inadequate information on proposed visitor numbers.

One letter has been received supporting the application stating that the Sikh community members are hard working and honourable. It will bring a sense of order to the area and to bringing God into the place can only be positive.

A letter has been received from Robert Marshall-Andrews M.P. supporting the application on the grounds that it will benefit the Sikh community by improving their facilities. It will also benefit residents in Cossack Street, as it will remove traffic problems and anti-social behaviour that the Temple sometimes attracts.

A petition with 344 signatures has been received supporting the application.

**Development Plan Policies**

**Kent Structure Plan 2006**

<table>
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<tr>
<th>Policy</th>
<th>Description</th>
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<tbody>
<tr>
<td>QL1</td>
<td>(Quality of development and design)</td>
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<td>TP19</td>
<td>(Vehicle Parking Standards)</td>
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**Medway Local Plan 2003**

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<th>Policy</th>
<th>Description</th>
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<tr>
<td>BNE1</td>
<td>(General Principles for Built Development)</td>
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<td>BNE2</td>
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<td>CF2</td>
<td>(New Community Facilities)</td>
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**PPS6: Planning for Town Centres 2005**

**Planning Appraisal**

**Planning policy**

The site is located within an existing Employment Area as identified under Policy ED1 of the Local Plan, suitable for development within Use Classes B1, B2 and B8. This policy contains a presumption against development which would result in the loss of existing industrial, business or storage and distribution development to other uses. The proposal would result in a loss of a building appropriate for and currently in such a use and as such there is an in principle objection under the aforementioned policy.
Consideration should also be given to Central Government Advice as contained in PPS6 Planning for Town Centres 2005. This identifies appropriate town centre uses including retail, leisure and art uses. Although not strictly in any of these categories, the proposal nevertheless relates to a community use which essentially should be located close to existing facilities and be well served by transport facilities.

Paragraph 3.4 of PPS6 states that Local Planning Authorities should require applicants to demonstrate:

(a) The need for the development;
(b) That the development is of an appropriate scale;
(c) That there are no more central sites for the development;
(d) That there are no more unacceptable impacts on existing centres;
(e) That locations are accessible.

So far as this proposal is concerned, the need has been demonstrated and no concerns have been raised with respect to the scale. There would be no issues in terms of the impact on existing centres. However, the applicants have failed to demonstrate that there are no more central sites and that the location is accessible and in this regard an objection is raised under PPS6.

In addition, Policy CF2 states that new community facilities will be permitted subject to:

(i) The size and scale of the development being appropriate to the site;
(ii) The development having no detrimental impact on the countryside, residential amenity, landscape or ecology; and
(iii) Accessibility to the local population by a variety of means of transport, including public transport, cycling and walking.

Whilst the scale of the development is appropriate and the proposal would have no adverse impact, the site is poorly accessible in terms of public transport and walking and accordingly an objection is raised under the provisions of Policy CF2 of the Local Plan.

Affect on character and amenity of area

No alterations are proposed to the external appearance of the building and therefore the proposal would not adversely affect the character and amenity of the area. Accordingly, no objection is raised under Policy QL1 of the Structure Plan and Policy BNE1 of the Local Plan.

Amenity considerations

There are no residential properties in the vicinity of the application site. The proposal would raise not raise any issues in terms of neighbour amenity and noise and disturbance and in this regard, no objection is raised under Policy QL1 of the Structure Plan and Policy BNE2 of the Local Plan.

Highway considerations

No information has been submitted with regard to the level of activity and traffic generation. The existing building is large and with 60 car parking spaces has then potential to generate a
significant volume of traffic. However, it is likely that the proposed use would also generate a significant volume of traffic. In the absence of any details relating to the level of activity and traffic generation, the impact on the locality and highway network and the adequacy of parking cannot be satisfactorily assessed. Accordingly, an objection to the application is raised under Policy TP19 of the Structure Plan and Policies BNE2, T1 and T13 of the Local Plan.

Other matters

The benefits from the proposal in terms of improving facilities for the Sikh Temple, a recognised facility serving a large community, and in terms of alleviating problems at the site of the existing Temple in Cossack Street are clearly recognised. However, it is considered that these benefits do not outweigh the previously stated policy objections.

Conclusions and reasons for refusal

Having regard to the aforementioned considerations, it is considered that the proposal is unacceptable in principle and fails to demonstrate that there would be no detriment to amenity and highway safety as a result of the level of activity and traffic that would be generated as a result of the proposal. Accordingly the application is recommended for refusal under the provisions of Policy TP19 of the Structure Plan and Policies BNE2 and T13 of the Local Plan.

This application would normally fall to be considered under officers’ delegated powers but has been reported for Committee determination due to the level of representations received that are contrary to the officer recommendation.
11 MC2007/0044

Date Received: 11th January 2007

Location: Victoria Inn 174 Church Street Cliffe Rochester ME3 7QD

Proposal: Conversion of existing public house into 2 dwellings together with construction of a part single part two storey side extension and construction of a terrace of three 2 bedroomed dwellings to rear with associated parking (demolition of single storey elements to side and rear of existing public house)

Applicant: Chequer Homes Chequers Bough Beech Edenbridge Kent TN8 7PD

Agent: Mr A B Morse Pentar Architects Ltd Tanyard House High Street Edenbridge Kent TN8 5AR

Ward: Strood Rural

Recommendation - Approval with Conditions

(as amended by plans received on 2nd February 2007)

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 to include details of the windows and doors to be installed and the garage doors to be installed in the proposed mews development herein approved 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 detailed plans of the existing former public house and all materials to be used in its conversion herein approved shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with those approved details and shall thereafter be retained as such.

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

5  Prior to the first occupation of any of the dwellings forming the mews the bathroom window on the rear elevation of the dwellings in the mews shall be fitted with obscure glass and shall be non-opening apart from any top hung fan light and thereafter be retained as such.
6 The roof light windows proposed on the rear elevation of the proposed mews development herein approved shall have a minimum floor to sill height of 1.7 metres.

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

8 Detailed plans of any alterations to the former public house building in connection with the development hereby approved shall be submitted to the Local Planning Authority for approval in writing before any alterations are commenced. The alterations shall be carried out in accordance with the approved details.

9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development within Part 1 and 2 of the Second Schedule to the Order shall be carried out on the site without the prior written approval of the Local Planning Authority.

10 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and implementation programme.

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

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

Site Description

The application site relates to the former Victoria Inn public house and garden located in the centre of the village of Cliffe. The public house has been closed and vacant for approximately one year and has fallen into a dilapidated state. The garden at the rear has also become overgrown and unkempt. The pub itself dates from the mid-to-late nineteenth century and is set amongst buildings that largely predate it, though there is an example of a 1970s tandem and backland development within a short walk of the application site.
The buildings either side of the former pub are lower in scale and are examples of early eighteenth century constructions. Opposite to the west lies a row of two-storey late nineteenth century cottages whilst to the east beyond the former pub garden are four bungalows of mid-1950s construction that are currently owned and managed by a housing association.

Characteristically the central and older part of Cliffe village resembles a picture postcard image consisting of old, timber-clad buildings on the road frontage with a number of rear sited buildings making the layout pattern inconsistent and irregular. The latter post-war developments outside the central village area conform to a more traditional pattern of residential uniformity consisting of road fronting properties and rear gardens.

The application site lies within the central Cliffe village and is designated a Conservation Area in the Medway Local Plan 2003.

**Proposal**

The application proposes to demolish the single-storey toilet block addition located on the north face of the existing public house and two lean to additions to the east (rear) elevation. The proposal is then to construct a replacement single-storey addition and to convert the former pub into a pair of semi-detached houses comprising 1 no. two bedroomed and 1 no. three bedroomed dwelling.

In the former pub garden, the application proposes to construct a mews development of 3 no. two-bedroomed dwellings. Two of the properties would feature integral garages the other properties would have an allocated parking space, providing 5 car parking spaces in total within the development.

Access to the proposed mews would be facilitated from a new vehicular access on the northern boundary of the site.

**Site Area/Density**

Site Area: 0.0841 Ha (0.2 acres)

Site Density: 59 dph (25 dpa)

**Relevant Planning History**

MC2006/1487: Conservation Area Consent for the demolition of a single storey building on the northern elevation, and two single storey buildings on the eastern elevation

Approved 9 November 2006

MC2006/1488: Conversion of existing pub into 2 three bedroomed dwellings together with the construction of a single storey side extension; canopy over the front and the insertion of new windows to the front; and the construction of a terrace of four 2 bedroomed dwellings with associated parking

Refused 9 November 2006
Representations

The application has been advertised on site and neighbour notification letters have been sent to the owners and occupiers of numbers 170, 176, 183, 185, 187, 189, 191 Church Street, numbers 35, 37, 39, 41 Swingate Avenue and numbers 60 and 64 Rookery Crescent.

Five letters of objection have been received raising the following concerns:

- The proposal represents inappropriate backland development that is not in keeping with the village
- The proposal will lead to parking problems in the village
- The proposed access will lead to a detrimental impact to noise and disturbance to the occupiers of no.176 Church Street

One letter of support has been received

Development Plan Policies

Kent and Medway Structure Plan 2006

Policy QL1 (Quality of Development & Design)
Policy QL7 (Conservation Areas)
Policy TP19 (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 a Conservation Area)
Policy H9 (Backland & Tandem Development)
Policy H11 (Rural Settlements)
Policy R10 (Local Retail Centres)
Policy T1 (Impact of Development)
Policy T13 (Vehicle Parking Standards)

Planning Appraisal

Background

Members will recall application MC2006/1488, which was for the conversion of the former public house into two dwellings and for a construction of a terrace of four dwellings within the garden land, being presented to them on 8 November 2006. Members considered that four units on the backland element was an over-development of the plot that would have led to a detrimental impact upon the character and appearance of the Conservation Area and the street scene that would also as a consequence of this density be detrimental to the amenities of the occupiers of 176 Church Street by reason of undue levels of noise and general disturbance. Members raised no objection to the principle of the proposal, the siting and design of the rear sited dwellings or the car parking provision level and siting.
The current application has sought to overcome Members concern by reducing the numbers of properties on the backland by one dwelling from four to three and as a result, parking at rear is reduced from five spaces to four.

The main determining issues in relation to this application relate to:

- Principle of development;
- Conservation Area and street scene;
- Amenity considerations; and
- Highway matters

**The Principle of Development**

While the site is not within a main Town Centre it is within the village centre of Cliffe and accordingly the principles contain within parts of PPS6 (Planning for Town Centres) in particular para.2.62 are applicable. This paragraph calls on Local Authorities to adopt policies that ensure that the importance of shops and services to the local community are taken into account in assessing proposals which would result in their loss or change of use; and to respond positively to proposals for the conversion and extension of shops which are designed to improve their viability.

Further advise on rural viability and vitality is discussed in PPS7 (Sustainable Rural Communities). Para. 7 states that planning authorities should “adopt a positive approach to planning proposals designed to improve the viability, accessibility or community value of existing services and facilities, e.g. village shops and post offices, rural petrol stations, village and church halls and rural pubs. Planning authorities should support the retention of these local facilities and should set out in LDDs the criteria they will apply in considering planning applications that will result in the loss of important village services (e.g. as a result of conversion to residential use).”

Government guidance is supported by Local Plan Policies CF1 and (where appropriate) R10 which seeks to retain village community facilities.

Until a few years ago this village had in this immediate vicinity three public houses and a post office however now, only the Six Bells PH, located almost opposite the application site remains. The application site was the Victoria Inn PH, which closed approximately a year ago and is currently boarded up and is in a dilapidated state.

The first duty of the Local Planning Authority is to take heed of Government and Local Plan Policy guidance and to seek the retention of the public house as a community facility. However it is clear that in changing times, there is simply no market for the village to sustain three public houses, let alone two. A site visit of the two pubs demonstrates why the Victoria Inn was less attractive to customers and the owners than the Six Bells. The Victoria Inn is a very small pub, very old and in a location surrounded by residential dwellings with no on-site parking. The Six Bells PH on the other hand is much larger internally, is more modern and includes parking. It is therefore understandable in a semi-rural location why the owner considered only one public house was viable, and that the Six Bells should be it.

In the wider area, there are other pubs and social clubs and therefore the village would not be devoid of a selection of community facilities and therefore it is accepted that the Victoria Inn is no longer viable to be retained as a public house, and a more appropriate use is sourced. Given the noise, disturbance and parking problems that would occur from a re-used
A3 and A4 use of this building residential is perhaps considered the most appropriate in this instance.

The site lies within the established settlement of Cliffe. The proposal is considered acceptable in terms of the general guidance given in PPG3 (Housing) and the provision of Policy H11 of the adopted Local Plan which allows residential infilling within the urban area provided the proposal will result in a clear improvement to the local environment and not constitute piecemeal development.

In the previous application MC2006/1488 Members considered that the proposal was over-dense and therefore represented an over-development of the site detrimental to the character of the area. This revised scheme proposes the reduction of one unit on the backland from four to three. The revised density, would accord with the character and setting of the area and also would overcome Members concerns on over-development. Accordingly no objection is raised.

Conservation Area and Street Scene

Currently the dilapidated and boarded up pub projects a negative image on what is a very old and picturesque village setting, and the building has recently been damaged by fire. Therefore support exists for a re-use of this site that would maintain and or enhance the character of the village and the Conservation Area within which it sits.

In the year or so since closure, various discussions have taken place on the best course of action for the site. Removing the pub and replacing it with a modern building was one option discussed however a historical search of Cliffe including an examination of old photographs demonstrates that the building is at least over 120 years old and despite its Victorian appearance amongst eighteenth century structures, the building forms an important structure within this street scene. It was therefore the view of officers that the building should be retained as part of any redevelopment of the site.

The proposal indeed seeks to retain the pub and to convert it into a pair of semi-detached houses. The proposal in this regard is considered to represent the best re-use of this redundant building that, subject to appropriate materials used, (to be controlled by condition), would maintain the strong character of Cliffe village.

The proposed buildings to be sited to the rear take the form of a mews-style development with low roof heights that cascade downwards towards the bungalows sited to the rear of the application site. The siting and design of the buildings are considered to be well thought out and detailed that would constitute a quality development that would respect the character and setting of the Conservation Area and the street scene.

The proposal does however represent a backland development. Policy H9 states that backland development is not by itself unacceptable providing it respects the built form and layout of the locality. As stated in the site description, the built form is irregular in this older part of the village where the proposal is not considered out of keeping.

The proposal will also require the removal of a single-storey toilet block on the northern face of the building to be replaced by a new single-storey extension and an access for the rear sited mews development. The toilet block is of no particular merit worthy of retention and no objection is raised to its loss or the introduction of the access. Similarly the two attached outbuildings to the rear are modern additions and of no merit.
The proposal is therefore considered a good re-use of a redundant and dilapidated former public house and is considered to overcome previous Members concerns and to be in accordance with the provisions of Policies QL1 and QL7 of the adopted Structure Plan and Policies BNE1, BNE12, BNE14, H9 and H11 of the adopted Local Plan.

**Neighbours’ amenities**

It is considered the introduction of a residential use on this site in place of a public house or another authorised A3 or A4 usage would represent an improved amenity in terms of noise and disturbance to surrounding residential properties. Nevertheless the additional buildings will introduce new issues that need to be addressed.

The mews development at rear would require a new access to be located adjacent to the boundary with number 176 Church Street. This would introduce some noise and disturbance caused by access. In MC2006/1488 Members considered that four dwellings would amount to an unacceptable level of noise and disturbance to the occupier of this property and refused the application. The revised reduction to three is considered to address this issue and the level of noise and disturbance would be to an acceptable degree. In any case two aspects need to be considered in this regard; firstly the potential improvement over the noise from the pub (or other A3/A4 use) and whether it would be any worse than a neighbouring property having a driveway and rear-sited garage along the boundary, which many other homeowners experience.

Number 170 to the south would experience some outlook concerns caused by the introduction of one of the mews dwellings located close to its rear boundary with the application site. The plans submitted with the previous application had shown this dwelling to be approximately 8m away from the property approximately 8 metres in height with a full gabled roof design. Officers raised concerns that this was excessive and the applicant subsequently revised plans and reduced the dwelling from a proposed three bedded to a two bedroomed dwelling and reduced the roof height to approximately 5 metres to the eaves, half-hipped to 6.5 metres. The current application reflects these required amendments. This revision is considered to be much better where the impact upon the neighbour is considered to be acceptable. There are no windows proposed for this elevation and a condition restricting additions is recommended to protect the privacy of the neighbour.

Turning to the amenities of the bungalows 60 and 64 Rookery Crescent. The proposed mews development would be constructed to a height of approximately 6.5 metres set approximately 13 metres from the porch entrances of the bungalows. The proposal has been designed to cascade downwards the properties to further reduce any impact in this regard. Equally, the rear elevations have been designed to mimic typical mews developments and to have minimal fenestration openings in the rear elevations. The end dwelling set at right angles from the principle block originally proposed a design that had two rear bedroom windows overlooking number 64 Rookery Crescent and officers raised concerns about this. The revised scheme has re-organised the internal layout and whilst retaining one window on the rear elevation, it is set approximately 18 metres away from the porch entrance of the property and this distance is considered acceptable not to cause severe overlooking concerns. However restriction of additional windows on this elevation is recommended.

Turning to the future occupiers of the properties. The existing public house would be converted into two dwellings. Each would have an off-road parking space and good-sized rooms and amenity space to rear. Some first floor overlooking would be experienced by the
mews development however the distance between the two would be approximately 18 metres and this distance is considered sufficient not to cause an adverse impact in this regard.

The mews occupiers would also experience a good level of accommodation. Mews developments would not normally have included rear gardens however a small outdoor space is included with a larger garden for the right-angled property. The mews development is designed for single or coupled persons and is not likely to be suitable for families and therefore the limited outdoor amenity area is not considered a primary issue in this case and the proposal is considered acceptable.

In summary it is therefore considered that the proposed development will not adversely affect the amenities of the occupiers of the neighbouring properties and accordingly no objection is raised to the application under the provisions of Policy QL1 of the Structure Plan and Policies BNE1 and BNE2 of the adopted Local Plan.

Highways

The previous application initially allocated a total of nine spaces, which equated to 1.5 spaces per dwelling. This level of car parking however was considered to appear overloaded and would have detracted from the character and appearance of the mews development. It was subsequently reduced to six spaces, one per dwelling, at officer request. Following Committee refusal of the previous scheme, the number of properties has been reduced by one and car parking provision has been reduced to 5 with four spaces provided with access from the mews area.

The proposal is providing an off-road parking space for the development where surrounding properties rely on on-street parking. The proposal will therefore not have a direct impact on the road network. It is also considered that any overspill from the proposal could be accommodated in the village and would not affect the operation of the highway network.

This building could remain in use as a public house or any other A3/A4 use. Parking requirements for this use suggests that this building (at an existing GFA of 63.75sqm approx) would require a provision between 10.5 and 16 spaces where there is currently no parking.

It is therefore considered this proposed provision of one space per dwelling would be acceptable in this location and would have less of an impact on the area in terms of the highway implications than a re-use for A3/4 uses.

It is considered that the level of traffic that will be generated by the proposed development will not be prejudicial to the operation of the local highway network. The access itself whilst narrow would accommodate motor vehicles access though larger refuse trucks and fire appliances would not be able to gain access. Whilst this is a concern, the furthest property is within 45 metres of the access road where a fire appliance could reach the development and with regards to refuse collection, this will be a management issue of owner/occupiers having to take rubbish to Church Street.

Accordingly no objection is raised to the application under the provisions of Policy TP19 of the Structure Plan and Policies T1 and T13 of the adopted Local Plan.
Conclusion and reasons for approval

The proposed application is not considered to detract from the appearance and character of the immediately surrounding area and the character and appearance of the Conservation Area. Due to its location and relationship with neighbouring properties and it will not cause any unacceptable harm to the amenities of occupiers of adjoining properties. The proposal therefore accords with the provisions of Policy QL1, QL7 and TP19 of the Structure Plan and Policies BNE1, BNE2, BNE12, BNE14, H9, H11, R10, T1 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 letters received raising objections contrary to the officers recommendation and due to the planning history of the site and members consideration of the previous application.