

# Planning Committee – Supplementary agenda

**A meeting of the Planning Committee will be held on:**

**Date:** 8 January 2014

**Time:** 7.00pm

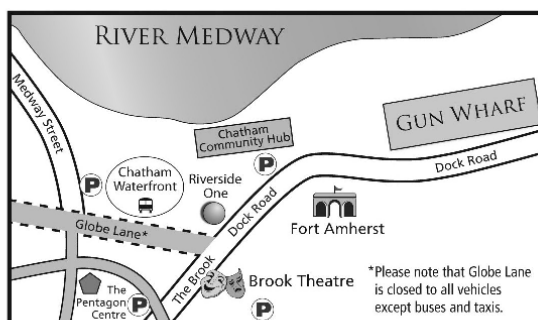
**Venue:** Meeting Room 2 - Level 3, Gun Wharf, Dock Road, Chatham ME4 4TR

## Items

- 12 Additional Information - Supplementary agenda advice sheet (Pages 3 - 10)**

For further information please contact **Ellen Wright, Democratic Services Officer** on Telephone: 01634 332012 or Email: [democratic.services@medway.gov.uk](mailto:democratic.services@medway.gov.uk)

**Date: 9 January 2014**



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বাংলা	331780	ગુજરાતી	331782	ਪੰਜਾਬੀ	331784	کوردی	331841	ارو	331785	Русский	332374
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**Medway Council****PLANNING COMMITTEE – 8 January 2014****Supplementary Agenda Advice****Page 16      MC/13/0620      5 Lullingstone Close**

Members Site Meeting 4 January 2014. Members attending Cllrs Mrs Chambers, (Chairman), Bowler, Gilry, Griffin, Hubbard, Mackness and Royle.

Following the opening of the meeting, within the applicant's garden, by the Chairman, the Planning Officer set out details of the application, representations received and the planning issues as they related to matters of the visual impact on the street scene and within the residential area and impact on neighbours amenities. It was explained that the mast and aerials on the roof of the property are lawful through the passage of time and the ex-military mast, to which some of the aerials being applied for are mounted, is also lawful through the passage of time. It was also explained that matters of 'interference' to electronic equipment as a result of the operation of radio equipment is under the remit of other bodies and is not therefore material matter in the assessment of planning applications.

The applicant and his son explained the heights of the various masts and aerial combinations when fully extended. They explained when the aerials were used and the masts extended. When it is used it is often at night and it is not left up when not in use. The applicant explained that the equipment was screened better during the summer when the vegetation is in leaf. The applicant advised that all of the equipment was of a 'temporary' nature and capable of being removed from the site. It was explained that the mast attached to the tree and the mast attached to the pergola are in fact fishing poles that are being utilised as masts. He commented that in his view the scale of the aerials was non-exceptional and was accepted in many residential locations.

One neighbour (from 27 Lambsfrith Grove) stated that he had no objection to the appearance of the development. *(This neighbour did also raise that he sent a letter of support that was not showing on the Council's website. The planning officer has checked and cannot find a copy of this letter. The planning officer contacted the neighbour to feed back. Unfortunately prior engagements meant that the neighbour was not able to submit a further representation.)*

A further supporter, who was not an immediate neighbour, spoke in favour of the development.

Committee members asked for clarification in relation to the particulars of which elements of the equipment on the site were lawful and which were being considered as part of the proposal. As the masts were not fully extended (due to weather conditions) the height of the masts/aerials was asked to be clarified in relation to the vegetation on the site. Clarification was asked in relation to the mast attached to the pergola that the wires extending from this mast act as aerials and are attached to fixed points on the site.

Committee members and the planning officers then adjourned from the application site and went to the adjacent garden of 4 Lullingstone Crescent. The site visit then reconvened.

The occupier of 4 Lullingstone Close explained that he was concerned about the increasing amount of radio equipment in the neighbouring site over the years and most particularly in the last couple of years. He considers that the accumulation of equipment is such that he is always very aware of its presence and he finds it imposing within the outlook from his property when both extended and retracted, with aerials remaining in place on the ex-military mast. In addition to the masts and aerials that are part of this application he reports that other forms of equipment have also been present on the site at various times. The neighbour confirmed that he does have filters fitted in his house but is still affected by interference from the applicant's operation of the radio equipment. He does however understand that this is likely not a matter that can be considered as part of the planning appraisal.

**Page 24      MC/13/2679      97 Elaine Avenue. Strood**

### **Relevant Planning History**

**MC/13/1029 – Appeal received**

### **Representations**

**5 additional** (2 from the same person) letters have been received objecting to the application for the reasons already set out in the report and raising the following additional concerns:

- Fundamentally no change from schemes previously refused.
- Impact of light from new development
- Unacceptable backland development
- It is not wasteland, it is poorly maintained garden
- Inaccuracies in design and access statement

**Peter Waller Planning** has written to all members of the planning committee on behalf of some local residents. A copy of his letter is attached to this supplementary report.

**Page 36      MC/13/2951      Land at Fenn Corner, Fenn Street,**

### **Representations**

**St Mary Hoo Parish Council** has objected to this application and stated that the residential development has previously been refused on this site under planning application reference MC/09/2635. The Parish Council has stated that they consider that the grounds of refusal on that application apply equally to the current application. These grounds are summarised below:

- a) The principal of the development in the open countryside being contrary to the adopted countryside restraint policies, resulting in a development detrimental to the character of the area;
- b) Impact on the amenities of an adjoining property due to loss of outlook; and
- c) Failure to provide a desk top study in relation to contaminated land for this site was refused and the refusal subsequently upheld by the planning inspectorate,

In addition to the above the Parish Council has stated that the proposed development would:

- Overlook the adjoining residential occupiers at Fenn House Farm;
- Be higher than Fenn House Farm;
- Result in a development that is visually intrusive, overbearing and oppressive in the streetscene.

In terms of the submitted Design and Access Statement and Planning Statement, the Parish Council states that the applicant / applicants agent is wrong in claiming that the site is not and has not been part of a domestic curtilage. They advise that the owner of Fenn House Farm has advised the Parish Council that the land in question was formally part of the garden related to that property and was previously within his domestic curtilage. In terms of comments on the access and egress from the site, the Parish Council states that there have been many accidents at this site, as can be seen from the damaged wall and, since the installation of roundabout and reconfiguration of Fenn Corner, accidents have escalated and they consider another opening and access onto the highway in this short stretch of Fenn Street would be dangerous and detrimental to the safety of all road users.

**Dickens Country Protection Society** has written objecting to the application on the basis that it is outside of any established settlement boundary.

**Two Local Residents** have raised objection to this development on the following summarised grounds:

- The proposed development would spoil the agricultural look and feel of the area, as well as affecting the feel of the natural landscape;
- With the number of homes being built in the area there is no need for a single dwelling of this nature and there is no advantage to the community resulting from the proposed development;

- The proposed dwelling would not be in keeping with this environmentally sensitive area and such a development conflicts with the Council's Countryside protection policies, especially BNE25 and BNE33 of the Medway Local Plan 2003;
- The site is extremely close to the roundabout at Fenn Corner where traffic is fast, including HGV's. The development will increase the possibility of a serious accident where there is already a road safety problem. There is no footpath or alternative access at the site and the road is narrow with restricted visibility; and
- A natural pond at this site helps drain surface water. More development with its related hard surfaces will reduce the amount of land capable of bearing surface water. There is no mains drainage and a cesspit at an adjoining property has previously been affected by the ingress of rainwater during inclement weather.

**Page 44      MC/13/2232                      199/199c Gillingham Road**

**Planning Appraisal**

2<sup>nd</sup> paragraph on page 48, 2<sup>nd</sup> line should read 23.00 NOT 123.00.

**Page 74      MC/13/2480                      14 Sussex Drive, Walderslade**

**Recommendation**

**Two letters** have been received commenting on the revised plans and stating that the revisions do not overcome their objections.



To all Councillors on the Planning Committee  
Medway Council

Our Ref: PW/13/141

6 January 2014

Dear Councillors

**Planning Application MC/13/2679 97 Elaine Avenue, Strood, ME2 2YP**

I am writing on behalf of Mr Craig Eastwood of 103 Elaine Avenue and many other residents of the locality to raise strong objections to the application and to urge the Council to refuse planning permission. The Planning Committee have refused two applications for this site in the last year because those proposals failed to meet Council Planning Policies and Design Standards. This proposal is similarly lacking and should be refused.

In summary I wish to raise two issues.

Firstly, the application is poorly conceived and poorly presented without any comprehensible information on proposed site levels.

Secondly, it does not meet the requirements of the NPPF, the Council's Local Plan policies and the Council's adopted supplementary planning guidance as set out in the Medway Housing Design Standards and if allowed would result in a poor quality development that will also significantly harm local residential amenities.

**1. Inadequate information and plans.**

This is a tightly constrained backland site where levels vary significantly and where, as a result, it is vital that an accurate plan and cross sections showing the impact of the development upon surrounding properties (including adjacent buildings, boundaries, trees, shrubbery and site and building levels) is provided as a basic guide for the proposal. No adequate and comprehensive details have been provided. No levels on immediately adjoining land, or relationships with surrounding adjacent houses has been provided. As a result it is not possible for the Council to accurately assess the three dimensional impact of the proposal upon the site and the nearby dwellings.

An example of this can be seen when the street scene and long section drawing PL/275/06A is compared to the site layout drawing PL/275/01D. On drawing 06A, the access road rises approximately 2.0m from Elaine Avenue into the rear of the site. On drawing 01D six parking spaces are shown in the rear garden of 95 Elaine Avenue facing onto the access road. Because the application provides no cross sections, it has to be assumed that the parking spaces are at the same level as the access road. If this is the case then there will be a need to construct a 2m high retaining structure surmounted by a 1.8m high fence along the side and rear of the (reduced) rear garden of No 95 and along the common boundary with No 93, which will dominate and overshadow their gardens.

## **2. Failure to meet national and local planning policies.**

Paragraph 53 of the NPPF urges Councils to resist inappropriate development of garden land that harms the character of the area. Similarly paragraph 64 urges refusal for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The character of the area around the site is defined by the street pattern of frontage residential development to Elaine Avenue, Cobham Close and River Drive. The form and size of dwellings varies but the pattern and therefore the character of the area is strongly defined. The dwellings front the streets and enjoy private quiet amenity space in their rear gardens. Cars do not intrude.

The proposal runs contrary to this character by firstly creating an intrusive narrow vehicular access drive close to the existing dwelling at 95, secondly, locating parking adjacent to the rear gardens of 93 and so would give rise to significant noise, fumes, light and disturbance to those properties. Thirdly, the siting and design of the chalet bungalow on plot 2 would loom above the rear garden of plot one and the recently built chalet bungalow at 105 Elaine Avenue.

The layout of the site is very cramped and poorly thought out (see below for details) and will result in a hard intensive environment that fails to respect the suburban green character of its surroundings. The proposal therefore would fail to meet the tests of policy BNE1, BNE2, H4 and H9 of the Medway Local Plan.

## **2. The Officers Report/ Planning Appraisal**

### Street Scene and Design

Paragraph 2. The report suggests that the northern end of Elaine Avenue is more spacious, but it fails to point out that the Ordnance Survey plan does not show the side spaces that will disappear when the dwellings recently approved between 97 and 101 (now almost complete) and 109 and 113 and 113 and 117 are erected shortly. The construction of these houses will then make the character of the area much more uniform with the rest of the street. Further, it is clear that the character of the area is one of frontage development only. The access into the site would be very narrow, tight to both flanking houses with no opportunity for footways or adequate buffer screening to avoid noise and disturbance to those properties. This narrow access is characteristic of tandem development, which Policy H9 presumes against.

Paragraphs 4,5 & 6. The site is too constrained to accommodate four dwellings of the size and design proposed. The cramped layout may well meet highway standards but only at the cost of creating a hard car dominated cul de sac without any meaningful amenity space for tree planting. The spaces shown for tree and shrub planting will be too small and constrained to allow any landscaping to survive and mature. The last thing this environment could be described as is "welcoming" to anyone!

The site will rely on a surrounding shield of high close boarded fencing to provide some semblance of separation between the development and its neighbours. These factors typify the awkward shoehorning approach to design that the applicant has employed which results in a development that sits uncomfortably with its existing neighbours and fails to meet many of the tests of Policy H9 of the Local Plan.



### Amenity Considerations.

The houses on plots 3&4 and the chalet bungalow on plot 2 will mutually overlook one another at only 10m apart at most. They will have no meaningful front amenity space between their front windows and the road and parked vehicles as required by the Council's Housing Design standards.

The chalet dwelling on Plot 2, with its overlarge roof structure, will sit above and behind the new dwelling at No 101 and dominate the outlook from the rear windows. This dwelling will also have a strange garden arrangement with most of its garden located round a corner from the house. This building is shown to have a disproportionately tall roof to allow maximum use of the roof void. It is likely that a future occupier would seek to add additional windows and openings in the rear and flank faces of the roof to improve the utility of the available space and that would result in gross loss of privacy and overlooking of the rear gardens of Nos 103 and 101 Elaine Avenue.

The Officers' Report suggests that the number of cars entering the site (10) will not harm the amenities of plot1, but makes no comment on the harmful impact that their noise, fumes, lights and movement will have on the amenities of the residents of 93,95 and 105 Elaine Avenue. Currently these dwellings enjoy peaceful unpolluted rear gardens, but this will be lost if this ill-conceived scheme is approved.

For these reasons, the proposal is considered not to meet the requirements of Policies BNE1 and BNE2 and should be refused.

### Highway Considerations

The actual access may meet highway standards, but in reality it is hardly likely to be fit for purpose in the context of the heavy on street parking that regularly occurs in Elaine Avenue. The narrow access will be difficult to turn into, and difficult to exit, especially for large service and refuse vehicles, given that cars will no doubt be parked tightly either side of it. Such an arrangement will not be conducive to the safety and free flow of traffic along Elaine Avenue and will be contrary to Policies T1 and T2 of the Local Plan.

### **3. Conclusions.**

This proposal for all of the above reasons fails to meet current planning policy and has been erroneously assessed in the planning appraisal of the Officers report. Members are requested to refuse the application

Yours sincerely

Peter Waller  
Managing Director

## List of sponsors and supporters of this letter

Mr & Mrs Killick 109 Elaine Avenue  
Mr & Mrs Knight 107 Elaine Avenue  
Mr & Mrs Collins 105 Elaine Avenue  
Mr & Mrs C Eastwood 103 Elaine Avenue  
Mr & Mrs M Gardner 93 Elaine Avenue  
Mr J Horswell 91 Elaine Avenue  
Mr & Mrs Stevens 89 Elaine Avenue  
Mr M Essach 87 Elaine Avenue  
Mrs Tiddler 106 Elaine Avenue  
Mrs Smith 104 Elaine Avenue  
Mr & Mrs Chapman 102 Elaine Avenue  
Mr Grech 100 Elaine Avenue  
Mrs Saich 98 Elaine Avenue  
Mr & Mrs Messias 96 Elaine Avenue  
Mr Garwood 88 Elaine Avenue  
Mr & Mrs Bearfoot 86 Elaine Avenue  
Mr & Mrs Benn 84 Elaine Avenue  
Mr & Mrs Hall 82 Elaine Avenue  
Mr & Mrs D Gay 9 Cobham Close  
Mr & Mrs B Virdi 7 Cobham Close  
Mr & Mrs S Robbins 5 Cobham Close  
Mr & Mrs P Smith 3 Cobham Close  
Mr & Mrs O Mason 1 Cobham Close  
Mr & Mrs J Sheridan 36 River Drive