

**BUSINESS SUPPORT  
OVERVIEW AND SCRUTINY COMMITTEE**

**21 JUNE 2012**

**MEMBER'S ITEM: DISPOSAL OF  
KING STREET CAR PARK**

Report from: Neil Davies, Chief Executive

Author: Nick Anthony, Head of Property

**Summary**

This report sets out a response to a matter, raised by Councillor Murray, regarding the disposal of part of the King Street car park, Rochester for development.

**1. Budget and Policy Framework**

1.1 Under Medway Constitution Overview and Scrutiny rules (Chapter 4, Part 5, Paragraph 9.1) Councillor Murray has requested that an item on this matter is included on the agenda for this meeting.

**2. The Issue**

2.1. Councillor Murray has requested that an item is placed on the agenda with regard to the King Street car park in Rochester as follows:

“The committee is asked to consider requesting that the council forgoes the sale of the site and allocates it long-term to car parking, for the following reasons:

Firstly, this development will impact upon both traders and residents in the vicinity. Removing this popular car park will exacerbate the existing lack of parking in the area, which has already been affected by the redevelopment of the Union Street and former police station sites. This pressure on parking is also expected to impact upon other parts of the ward, as commuters and shoppers try to avoid difficult town centre parking.

Secondly, a number of similar type developments have been built in the area in recent years, significantly changing the appearance and character of the area.”

### **3. Director’s comments**

- 3.1 The Cabinet considered a report in March 2008 requesting that various properties be declared surplus, so that they could be disposed of for best consideration. This included the disposal of King Street car park.
- 3.2 The report stated that “The Council owns the freehold of the pay and display car park ...(with) an area of approximately 0.16Hectare (0.389 acres). The gross income for the site is £7,562pa. It is felt that the site is suitable for residential development. A recent survey of the usage of the car park showed that it is extremely under-used. In addition to this there is another pay and display car park is available at nearby Union Street.”
- 3.3 The Cabinet agreed to declare the car park surplus to requirements and to be disposed of at best consideration.
- 3.4 Six Members of the Labour Group called-in this decision which was then considered at the Business Support Overview and Scrutiny Committee meeting on 12 May 2008.
- 3.4 The notes of the committee’s discussion are set out below:

”The Chairman updated the Committee on the Portfolio Holder for Front Line Services’ view of the future of this site, explaining that he would be happy for half of the area to be retained as a car park.

Councillor Griffiths spoke to the call-in request and explained that he had requested some figures on the usage of the car park but had not received this information. He proposed that Cabinet be requested to retain the car park until evidence was available to demonstrate the usage was low. However, on being put to the vote this was lost.

Ward Members, Councillors Bowler and Murray spoke on this item. They explained that the car park was situated in a densely populated part of Rochester, was a popular commuter car park and was used as an overflow when festivals were held in the area. They reported that the Chairman of the area PACT was very unhappy and that a task team of the PACT had found from a survey they carried out that the top crime for the area was inconsiderate or crushed parking. They also updated the Committee on development or planning permissions that had been agreed or were being built in the area and named nine developments within half a mile radius and felt that this only increased the need for the car park to be retained.”

3.5 The “Director’s Comments” in that report stated:

“The car park provides 50 spaces, (including 3 disabled bays and 5 residents’ spaces which have been leased on a long term lease).

Users of the car park need a ticket between 8am and 10.00pm 7 days a week, yet less than 15,000 tickets (less than 41 per day) were sold in 2007/08. The gross income from the site for this period was just £7,562 per annum (less than 50 pence per space per day). A recent survey of the car park showed the following pattern of use:

- 27/11/07 at 19.10 - 12 Vehicles parked
- 28/11/07 at 07.35 - No Vehicles parked
- 28/11/07 at 12.30 - 14 Vehicles parked
- 29/11/07 at 08.40 - 4 Vehicles parked.

In addition there is another pay and display car park available at nearby Union Street and since the recycling facilities which were located on the King Street car park have been re-located to the Union Street car park, the King Street car park has become even less well used than it was.

However if the council wish to retain public parking in this area then 50% of the parking spaces could be retained, which it is considered would more than satisfy local demand.”

3.6 The Business Support Overview and Scrutiny Committee recommended that Cabinet review their decision with regard to the King Street Car Park, Rochester, taking into account the comments raised by the Committee.

3.7 The Cabinet considered the committee’s request on 3 June 2008 and made the following decision:

” The Cabinet agreed to dispose of 50% of the King Street Car Park area as shown on the attached plan, retaining the remainder for public parking.”

3.8 In order to try and maximise the disposal value for the surplus part of the site, the Council (as landowner) sought to establish that the surplus part of the site was suitable for residential development, by applying for outline planning permission for 8 apartments. Despite planning officers recommending approval, this application was refused by the Planning Committee on 7 March 2012.

3.9 As a result of this refusal, any bidders for the land would only assume that the land is suitable for parking and any offers for the land would be correspondingly low to reflect the low income which is generated from the land as a car park.

- 3.10 A copy of the planning application report and decision of the Planning Committee is attached at Appendix A. Members are asked to note the survey of parking set out in the planning report which suggested there is no shortage of parking at the site, even with the sale and development of the site.

#### **4. Risk Management**

- 4.1 Member's Items give Councillors an opportunity to raise any matter of concern at an Overview and Scrutiny Committee for detailed consideration. Any outcome from the discussion would require careful consideration of the risk implications, together with financial and legal implications.

#### **5. Financial and Legal Implications**

##### **5.1 Legal implications**

There are none with regard to the information contained in the report.

##### **5.2. Financial implications**

The value of the land to the Council with planning permission is estimated at £200,000. To proceed to sell the land without planning permission would involve a significant loss in potential capital income.

#### **6. Recommendation**

- 6.1. Members are asked to consider this matter.

#### **Lead contact:**

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#### **Background Papers**

Cabinet report – 11 March 2008 and decision 66/2008

Business Support Overview and Scrutiny report – 12 May 2008

Cabinet report – 3 June 2008 and decision 130/2008

MC/11/2769

Date Received: 1 November, 2011

Location: King Street Car Park, King Street, Rochester, Kent

Proposal: Outline application with some matters reserved (appearance, landscaping, layout, scale) for proposed residential development comprising of 8 apartments with associated parking

Applicant: GDM Architects

Agent:  
Ward Rochester East

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 7 March, 2012.**

**Recommendation - Approval with Conditions**

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

Reason: To accord with the terms of the submitted application and to ensure that these details are satisfactory

- 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.

Reason: To comply with Section 92(2) of the Town and Country Planning Act 1990.

- 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.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

- 4 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan received 1 November 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 5 Notwithstanding the submitted design and access statement, applications for the approval of reserved matters in relation to appearance submitted pursuant to condition 1 shall include details of all external materials such as facing bricks, roof coverings, render, windows and doors. The development shall be implemented in accordance with the approved details and shall be retained thereafter.

Reason. To ensure a satisfactory external appearance in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 6 Applications for the approval of reserved matters in relation to landscaping submitted pursuant to condition 1 shall include full details of both hard and soft landscape works. These details shall include existing and proposed finished ground levels; boundary treatment, gates and other means of enclosure; other vehicle and pedestrian access and circulation areas; all paving and external hard surfacing; minor artefacts and structures. Soft landscape works shall include details of 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. All hard and soft landscape works shall be carried out in accordance with the approved details prior to the first occupation.

Reason. To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 7 Applications for the approval of reserved matters in relation to layout and appearance submitted pursuant to condition 1 shall include details of the refuse storage arrangements for the development, including provision for the storage of recyclable materials. No unit shall be occupied until the refuse storage arrangements have been implemented in accordance with the approved details and the refuse storage arrangements shall thereafter be retained.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 8 No development shall take place until, details of external security lighting has been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include the exact position, colour, intensity and spillage. External lighting shall be installed in accordance with the approved details prior to the first occupation of the building and shall thereafter be retained.

Reason: To ensure a satisfactory external appearance and to ensure the provision of lighting does not result in glare or light to overspill to the residential properties and in the interest of security in accordance with Policies BNE2, BNE5 and BNE8 of the Medway Local Plan 2003.

- 9 The details submitted in pursuance of Condition 1 shall show land reserved for unallocated parking in accordance with the Council's adopted Parking Standards. None of the buildings shall be occupied until this area has been provided, surfaced and drained in accordance with the approved details. Thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to the reserved unallocated vehicle parking area.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking and in accordance with Policy T1.

- 10 Applications for the approval of reserved matters in relation to layout and appearance submitted pursuant to condition 1 shall include details of the cycle parking facilities. The cycle parking facilities shall be implemented in accordance with the approved details prior to the occupation of any part of the development and shall be retained thereafter.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to the conditions of visual amenity in the locality and to ensure the facility is secure in accordance with Policies BNE1 and T4 of the Medway Local Plan 2003.

- 11 Applications for the approval of reserved matters in relation to layout and appearance submitted pursuant to condition 1 shall include details of the crime prevention measures that have been designed into the scheme. The development shall be implemented in accordance with the approved details and shall be retained thereafter.

Reason: To ensure a safe and secure environment in accordance with BNE8 of the Medway Local Plan 2003.

- 12 Applications for the approval of reserved matters in relation to layout submitted pursuant to condition 1 shall include details of inclusive access measures that have been incorporated into the scheme. The development shall be implemented in accordance with the approved details and shall be retained thereafter.

Reason: To ensure the development is accessible to all in accordance with BNE7 and T22 of the Medway Local Plan 2003.

- 13 No development shall commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be retained thereafter.

Reason: To prevent pollution in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 14 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 15 to 18 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the Local Planning Authority until condition 18 has been complied with in relation to that contamination.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 15 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.



- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 16 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 17 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 18 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 15, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 16, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition 16 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 17.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

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

### **Proposal**

This application seeks outline planning permission for a residential development comprising 8 apartments with associated parking. Access is to be considered at this stage and matters related to layout, scale, appearance and landscaping are reserved for consideration at a later date.

As the application is submitted in outline form with most matters reserved, the detailed drawings showing the site layout and elevations are submitted as illustrative only. Access to the site would be from King Street.

### **Site Area/Density**

Site area: 0.075 hectares (0.19 acres)

Site density: 106 dph (42 dpa)

### **Relevant Planning History**

MC/11/2039 Construction of a residential development of 8 apartments comprising 4 two-bedroomed and 4 one-bedroom with associated parking - resubmission of MC/09/2747.  
Withdrawn, 20 October 2011

- MC/11/1965 Construction of a single storey building to be used as a place of worship (D1)  
Refused, 26 October 2011
- MC/11/1231 Construction of a single storey building to be used as a place of worship (D1).  
Withdrawn, 20 June 2011
- MC/09/2747 Construction of a residential development of 9 apartments comprising 6 two-bedroomed and 3 one-bedroomed with associated parking.  
Refused, 5 August 2010

## **Representations**

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties.

Medway Fire Service, Kent County Constabulary, Rochester Airport Ltd, Rochester Airport Consultative Committee, City of Rochester Society, Southern Water and the Environment Agency have also been consulted.

**7 letters** have been received raising the following objections:

- The proposal will exacerbate an existing lack of parking within the locality due to loss of King Street parking, Union Street parking and the redevelopment of the former police station site
- Impact on existing local businesses – clients not being able to park
- Surfeit of the type of accommodation proposed
- Detrimental impact on neighbouring amenities
- Not identified in the Medway Strategic Land Availability Assessment
- Impact on Rochester Independent College, Elim Pentecostal Church and warden controlled flats
- Impact on quality of life
- Density
- Unsustainable
- Town cramming
- Visual impact
- Noise and disturbance

**A petition of 39 signatures** objecting the proposal has also been received.

**Environment Agency** has commented to state that unlike previous applications, the current application was not accompanied by a desktop study in relation to contamination. If permission is granted, conditions are recommended in relation to contamination.

**Southern Water** has written making the following comments:

- Recommend an informative be added if planning permission is granted advising that a formal application is required for connection to the public sewer
- Suggest a condition be included requiring details of the proposed means of foul and surface water sewerage disposal if the application is approved.

**Kent Police** (Area Crime Prevention Design Advisor) has written raising no objection to the application but make the following points:

- Clarification that a single entry/exit point into the remaining car park is adequate.
- Recommend analysis to ensure that the reduction in public parking will not cause an adverse impact.
- Recommend communal entrance is afforded good surveillance and if recessed then recess should be no greater than 600mm.
- The stairs/slope serving the communal entrance may require railings or treatment at the top to avoid unauthorised entrance to the landscaped strip to the east and access to the amenity space or car park
- Audio and visual access control is recommended
- Secure and robust access control to the door serving the internal stair core from the parking area.
- Car park should be well lit with a light colour wall and ceiling treatment used to enhance light levels
- Utility meters should be positioned externally close to front build lines.

## **Development Plan Policies**

The Development plan for the area comprises the South East Plan 2009 and the Medway Local Plan 2003.

## **Planning Appraisal**

### *Background*

This application is a resubmission of a previously withdrawn application, MC/11/2039. The previous application was a full detailed planning application for the construction of a residential development of 8 flats comprising four 2-bed and four 1-bed units with associated parking. The application was withdrawn due to officers' concerns regarding the design of the proposal.

It was considered that the northeastern corner was weak in terms of architectural composition particularly given the open setting of the remaining car park whilst the east elevation was uninspiring with large ugly areas of blank wall despite it containing the main entrance point into the building. Similarly, the gap between the proposed building and Number 90 meant that the west elevation would have also been prominent. But again, the elevation was extremely blank and utilitarian.

With regard to the roof form of the development, the shallowness of the mono pitched elements did not provide the extent of contrast with the flat roofs that would have been required for the design approach to assert itself and have the desired presence within the street scene.

Finally, a range of materials was proposed (render, brickwork, feature brick band, chestnut cladding) all of which shown to be used rather indiscriminately.

This recently withdrawn application MC/11/2039 was itself a resubmission of a previously refused application (MC/09/2747). MC/09/2747 was a full detailed application for the construction of a residential development of 9 apartments comprising six 2-bedroomed and three 1-bedroomed with associated parking. This application was refused on the following two grounds:

- 1 The development fails to take a sympathetic approach to the existing constraints of the site and by virtue of it's height, mass, scale, design and eclectic roof design the proposal is considered to result in an inappropriate overdevelopment of the site, with a cluttered and dominant presence on the street scene, out of character with street scene. In addition, the development will result in an unattractive visual presence between existing residential development on the south side of King Street and development to the rear in Foord Street. Overall the scheme is considered contrary to the provisions set out under Medway Local Plan Policy BNE1.*
- 2 The development is considered to result in unacceptable harm on the outlook of occupants of no. 90 King Street by virtue of the development's height, mass and scale. In addition, given the distance of the southern elevation from the rear of properties in Foord Street and the number of habitable room windows on this southern elevation, the development is considered to result in overlooking to the detriment of neighbours' privacy. Overall, the development is considered contrary to the provisions set out under Medway Local Plan Policy BNE2.*

### *Principle of Development*

The site currently forms part of an existing public car park facility (pay and display) owned and run by Medway Council. Therefore the first issue to consider is whether the loss of half of the car park is acceptable or not.

Policy T15 of the Medway Local Plan 2003 sets out the parking strategy for the area. The parking strategy for Rochester states that the Council will provide short stay publicly available car parking close to the core of the shopping centres. The area covered by Policy T15 is defined on the proposals plan. The application site is outside of the defined area and therefore this policy does not apply. Instead, the application site currently forms part of long term rather than a short-term car park. The issue of long term parking including commuter parking is addressed by a combination of other policies within the transport section of the Local Plan.

In a summarised form, the objectives of the transport section within the Local Plan basically encourage more sustainable transport choices or journeys, providing for improved public transport provision and provision of increased opportunities for cyclists and pedestrians. This is achieved by a number of policies in the Local Plan such as Policy T5 – Bus Preference Measures, Policy T6 – Provision for Public Transport, Policy T17 – Park and Ride. Recent schemes within the area demonstrate that sustainable, alternative modes of transport are being delivered within the borough. Corporation Street has recently seen the installation of bus preference measures, a bus link has been installed in Wingrove Road, Strood and the new dynamic bus facility has recently opened in Chatham. In addition, extant planning permission exists for a further park and ride facility at Whitewall Creek in Strood. Whilst not all of the schemes are directly linked to this site, it demonstrates that measures are being implemented within the area to address long term and commuter parking issues over time. It may be that some of these measures reduce commuter parking in areas such as King Street, Rochester, but the direct affect will not be known.

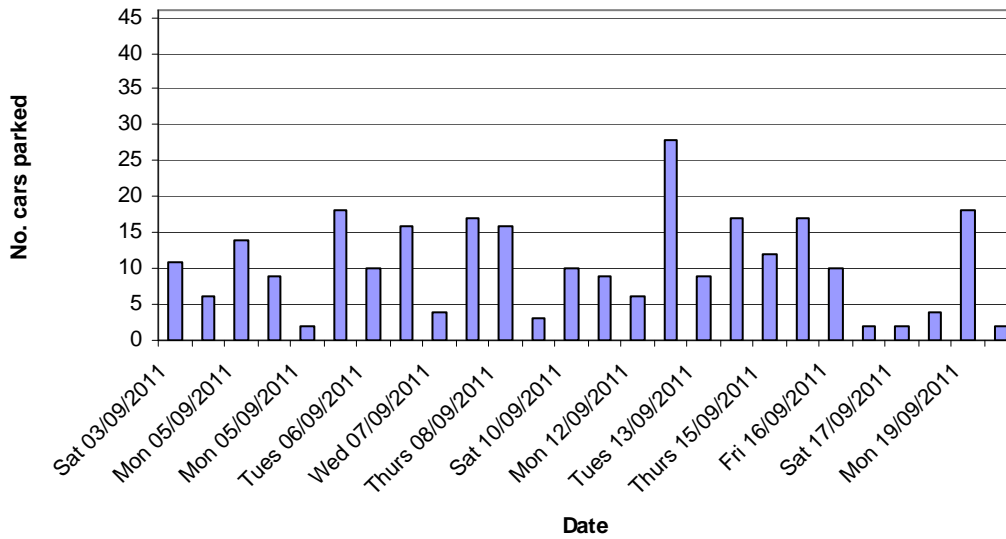
To determine whether it is acceptable to allow 50% of the car park to be disposed of, a parking survey was previously carried out and report issued to Cabinet on 11 March 2008. The report recommended that the car park be disposed of due to it being under-used and due to the presence of another pay and display car park available at Union Street.

At the Cabinet meeting it was decided that the Council should dispose of 50% of the King Street car park retaining the remaining 50% for pay and display car parking. Further to this, the Cabinet reconsidered its decision following a request by Overview and Scrutiny Committee. The decision was reconsidered on 3 June 2008 and again, it was decided to dispose of 50% of the King Street car park.

The Cabinet reports and decisions demonstrate that the King Street car park as it currently exists is surplus to requirements. However, as part of the consideration of a recent application it was considered appropriate to undertake another car parking survey due to the length of time that had passed between the cabinet decision and the application being submitted and as a result of the considerable number of representations received from local residents.

The survey was carried out between (and including) Saturday 3 September 2011 and Monday 19 September 2011. The car park was surveyed on average two times each day (am and pm) and was surveyed for a total of 13 days. The survey results show that the car park only exceeded 50% capacity (over 23 spaces) on Tuesday 13 September 2011. The table below shows the results of the survey.

### Utilisation of King St car park (46 spaces)



In addition to this a local resident also surveyed the car park on four occasions. The results are as follows:

Friday 9 September 2011	3pm	22 Cars
Monday 12 September 2011	3pm	26 Cars
Tuesday 13 September 2011	10.30am	22 Cars
Friday 16 September 2011	1pm	24 Cars

The survey carried out by the local resident shows that the car park was used at over 50% of its capacity on two occasions.

During a site visit carried out by the case officer on the 10 August 2011, 10 vehicles were parked in the car park. A further site visit carried out in 15 November 2011 by the case officer in relation this current application showed 22 vehicles to be parked in the car park.

The additional survey work undertaken in 2011 demonstrates that the car park is occupied less than 50% on more occasions than it is occupied by more than 50%. On this basis and taking account of the improved sustainable transport measures that have and are being implemented within the locality and that the previous Cabinet report was based on a survey that concluded the car park is under-used, the principle of allowing 50% of the car park to be developed is considered acceptable.

The issue then follows as to whether the development of the site for residential accommodation is acceptable. Paragraph 107 of the Draft National Planning Policy Framework (NPPF) and Policies H1, KTG1 and KTG4 of the South East Plan 2009 support the provision of housing in the Medway area. The character of the area comprises a mix of residential properties, commercial units and a public car park. South East Plan Policy SP3 and Local Plan Policy H4 are supportive of the sequential approach to promoting development in the urban area, before other sites,

providing that a clear improvement in the local environment will result.

The application site is located within the urban area of Rochester close to the town centre and the public transport links. By virtue of its location within the urban area and that it is currently underused as a car park it is considered that the principle of developing the application site for residential purposes is acceptable and would therefore be in accordance with Policies SP3, H1, KTG1 and KTG4 of the South East Plan 2009 and Policy H4(i) of the Medway Local Plan 2003 subject to further assessment against other material considerations.

### *Density, Street Scene and Design*

Government guidance within PPS1 – Delivering Sustainable Development, offers advice on the importance of design in the consideration of planning applications and in particular, it states:

“Good design ensures attractive usable, durable and adaptable places and is a key element in achieving sustainable development. Good design is indivisible from good planning.

PPS1 states that planning authorities should plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Good design should contribute positively to making places better for people. Paragraph 114 of the draft National Planning Policy Framework (NPPF) is also supportive of good design stating similar objectives.

South East Plan Policy H5 and Local Plan Policy H5 seek to provide development of high quality design, which avoid low densities in town centre and major urban area locations. The density of the development proposed, is 106 uph (42 upa). The residential character of the area is generally of high density flats and houses. As such the proposed density at 106 uph is considered acceptable for this location.

The proposal is for 8 flats which in terms of unit type, is considered acceptable for this area. Whilst it is acknowledged that there are other flats within the immediate vicinity of King Street, family accommodation in the form of dwellinghouses currently exists in surrounding streets and planning permission has recently been granted for 32 dwellinghouses at the former police station site. Taking this into account, it is considered that there would not be an overprovision of one type of accommodation within the locality. The types and size of units are considered acceptable and appropriate for the location in accordance with Policy H4 of the South East Plan 2009.

Matters of layout, appearance, scale and landscaping have been reserved for consideration at a later date should this application be granted outline planning permission. As such these matters will not be discussed as part of this appraisal in any great detail.

Regional Planning Policies SP3, CC6, BE1 and KTG1 of the South East Plan 2009 support the provisions of PPS1 and the draft NPPF and seek to ensure that



development within the region creates a high quality built environment that is sustainable and promotes a sense of place. These requirements involve design processes related to accessibility, social inclusion, environmentally sensitive development and crime reduction.

At the local level, Policies S4, BNE1, BNE6 and BNE8 of the Medway Local Plan 2003 all emphasise the importance of achieving high quality in landscape and urban design that results in safe and attractive environments. Policy CC6 of the South East Plan 2009 and Policy BNE1 of the Medway Local Plan 2003 supports development that respects the character of the locality.

The application site currently comprises approx. one half of a car park and lies immediately adjacent to, but not within, the Star Hill conservation area. It is important when designing proposals for new development to consider the context and respond appropriately. The street scene is mixed in character generally comprising commercial units (some of which are vacant), a place of worship, residential accommodation both as flats and houses and a public car park. The northern side of King Street is more positive in terms of its contribution to the appearance of the street scene than the southern side.

The northern side of the street presents a more continuous building line with front elevations, side elevations, boundary treatment and trees forming continuity. The northern side of the street is also more 'active' due to the number of windows and entrances facing onto the street into the public realm. Finally, the scale of the buildings on the northern side is also greater than that on the southern side of King Street with the buildings on the northern side typically being larger, four storey blocks.

It is not appropriate to say that buildings on the southern side need to be four storeys high, but to point out that the northern side of King Street seems to provide some continuity and enclosure. The southern side of King Street lacks continuity and enclosure due mainly to the presence of the open space which is the car park.

It is important to ensure that when a site comes forward for development where there is the opportunity to enhance and improve the street scene that it is taken. The three dimensional mass of a building helps define the public realm and can positively contribute to the appearance of the street scene. For a development to properly integrate into an existing street it needs to respond to the context.

A carefully considered design could add to the character of the area and bring some coherence to it. Whilst matters of layout, scale, appearance and landscaping are reserved for future consideration, the applicant has set out parameters within the design and access statement and has submitted illustrative material in the form of proposed elevations and floorplans.

In relation to scale, the applicant has stated in the design and access statement and shown on the illustrative drawings that the intention is to construct a development of 2 storeys above a ground floor parking area. This would give an appearance of a 2.5 to 3 storey building when viewed from King Street due to the slope of the land. However, the scale of the building is determined by the height combined with the

footprint of the building. The illustrative floorplans show that any building at the stated height would have to extend a good distance back into the site to accommodate 8 flats. The submitted illustrative material shows one way in which this could be achieved. The architectural treatment of the illustrative elevations and the roof form is not considered to be entirely successful and when submitted as a full detailed application under reference MC/11/2039, it was withdrawn due to officers' concerns related to design. However, it is considered with a different architectural treatment to the elevations and redesign of the roof form, a high quality design could be achieved on the site for a building of similar height and depth.

The site is not without its constraints and careful attention will need to be paid to the layout of the development in particular the siting of the habitable room windows within the development. This would be to avoid overlooking of the rear private amenity area of number 90 King Street and to ensure adequate separation distance between the habitable room windows within the development and those within the rear elevations of properties within Foord Street.

With regard to appearance of the development no detail or indication is given within the submission as to the type of materials to be used. The recently withdrawn scheme MC/11/2039 proposed a range of materials: - render brickwork, feature brick banding and chestnut cladding, the use of which was considered to be rather indiscriminate. Again, careful attention will need to be paid to the selection of material when detailed reserved matters applications are worked up for formal submission.

Whilst matters of layout, scale and appearance are reserved for future consideration, it is considered that with careful thought and innovative design, a high quality development can be achieved on the site. It is recommended that conditions be attached to any forthcoming planning permission to ensure this is achieved at reserved matters stage.

With the use of appropriate conditions, the proposal is considered to be in accordance with PPS1, Policies SP3, CC6, BE1 and KTG1 of the South East Plan 2009 and Policies S4, BNE1 and BNE6 of the Medway Local Plan 2003.

### Inclusive Development

The Government is fully committed to an inclusive society in which nobody is disadvantaged as set in PPS1. Policies CC1, CC4 and S1 of the South East Plan 2009 and Policy BNE7 of the Medway Local Plan 2003 also relate to the issue of inclusive societies and access for all. An important part of delivering this commitment is breaking down unnecessary physical barriers and exclusions imposed on disabled people by poor design of buildings and places. The Government's publication – Planning and access for disabled people: a good practice (ODPM, 2003) describes how all those involved in the development process can play their part in delivering physical environments which can be used by everyone. The primary objective of the guide is to ensure the planning system successfully and consistently delivers inclusive environments as an integral part of the development process.

The submitted illustrative material shows that accessibility has been thought of to certain extent. Level access into the site from King Street and an access ramp is shown to the entrance of the flats. However, whilst a parking space is shown as being provided for a disabled person, no thought is given to level or ramped access direct into the building from this level. The illustrative scheme shows a wheelchair user parking in the disabled user space would have to exit the parking area via the ramp providing vehicular access to the parking area onto the footway in King Street and then enter the site again via the pedestrian access. Inclusive access should be fully addressed as part of any reserved matters application and so it is recommended that should planning permission be forthcoming a condition be attached to ensure it is.

With the inclusion of the suggested condition, the proposal is considered to be in accordance with Policies CC1, CC4 and S1 of the South East Plan 2009 and Policy BNE7 of the Medway Local Plan 2003.

### Crime Prevention in Design

Policy BNE8 of the Medway Local Plan 2003 relates to Security and Personal Safety. It is essential that all sections of the community, especially those who may be vulnerable to crime should feel safe and secure. It is an integral part of the design process to achieve this and developments should seek to design out crime in line with the advice contained in PPS1 and the good practice guidance produced by the ODPM, Safer Places – the Planning System and Crime Prevention (2004).

In considering the submitted illustrative material, security and safety have been thought through to a certain extent with the use of a sliding gate across the access point to the car park and the use of boundary treatment at the sides of the building to secure the amenity area to the rear of the site. However if this design were to come forward as a reserved matters application there would be concern that it would still be possible for a person/persons to gain access to the amenity area to the rear by jumping over the boundary treatment when standing at the top of the slope/stairs leading to the entrance. This in turn would make it possible to access the parking area from the rear and potentially gain access to the building via the stair core from the car park area.

It is considered that crime prevention measures can be and should be designed into a detailed scheme. Therefore should planning permission be forthcoming, it is recommended that a condition be attached to ensure such measures are put in place. With the use of an appropriate condition the proposal would be in accordance with PPS1, Policies CC1 and CC6 South East Plan 2009, Policy BNE8 of the Medway Local Plan 2003.

### *Amenity Considerations*

#### Residential Amenity

Local Plan Policy BNE2 seeks to protect the amenity of surrounding occupiers. The submitted illustrative material shows how a development can be designed with habitable windows appropriately sited and with adequate separation distances to

ensure there would be no detrimental impact on residential amenity in terms of loss of privacy, outlook, daylight and overshadowing for the occupiers of properties in Foord Street and at 90 King Street.

### Parking

The issue of displaced parking does have the potential to impact on residential amenity due to increased parking pressures. However, it has been demonstrated in the principle section above that the car park is currently under-used. Furthermore, greater enforcement of the on-street parking within King Street has been taking place since August 2011. Taking this into account and that there is another public car park at Union Street, it is considered that the proposal would not result in a detrimental impact on residential amenity as a result of displaced parking leading to increased parking pressure.

It is considered that due to the size and siting of the proposed development, and that the car park has been demonstrated to be underused there would be no detrimental impact to the amenities of the occupiers of surrounding properties and the proposal would be in accordance with Policy BNE2 of the Medway Local Plan 2003.

### *Highways*

Medway Council's parking standards would seek a minimum of 1 space for 1-bedroom dwellings and 1.5 spaces for 2-bedrooms. The design and access statement indicates that the proposed development would be for four 1-bed units and four 2-bed units. This would require a minimum of 10 spaces.

The submitted illustrative material and the design and access statement make provision for 9 spaces for 8 flats. This provision would be 1 less than the minimum requirement set out in the Council's standards. However the Council's standards includes a caveat for sites located close to day-to-day facilities and it is considered that this would apply to this site given that it is located within 300m of regular bus services on Corporation Street and the High Street. Rochester railway station is also within 400m of the site.

When considering the level of parking demand that the development would generate, it is useful to consider both national and 'ward level' car ownership figures. Based on local car ownership figures for the Rochester area, the predicted car parking demand is expected to be 6 parking spaces being required to serve the needs of the development (not taking account of visitors). This is lower than the minimum standards would seek but is based upon Census data and considered to be a good representation of local circumstances. Another important consideration is availability of nearby parking for other existing residents/ visitors and users and with this in mind, it should be noted that post development, the King street car park will continue to operate with a reduced a capacity of 16 vehicles (including 3 disabled spaces).

The car parking demand calculations are based on the parking spaces to serve the flats being unallocated. It is suggested that should planning permission be forthcoming, a condition be attached to ensure the parking remains unallocated.

The proposal includes a cycle storage facility. For this development, the Council's minimum standards require 1 cycle parking space per flat. Should planning permission be forthcoming it is recommended that a condition be attached to ensure cycle parking is provided for in accordance with the Council's minimum standards.

On balance the provision of 9 spaces (including 1 space for a disabled person) to serve the 8 flats and the provision of a cycle parking facility is considered acceptable and there are no significant road safety concerns that would arise as a result of the development. The proposal is considered to be in accordance with PPG13, Policy T4 of the South East Plan 2009 and Policies T4, T13 and T22 of the Medway Local Plan 2003.

### *Contaminated Land*

PPS23 – Planning and Pollution Control and Policy BNE23 of the Medway Local Plan 2003 requires proposals for development on land known or likely to be contaminated to be accompanied by the findings of a detailed site examination to identify contaminants and the risks that these might present to human health and the wider environment.

The applicants have not submitted a desktop study. As such it is recommended that should planning permission be forthcoming, appropriate conditions be attached to ensure the site is adequately investigated for contaminants and remediated appropriately should this be necessary.

With the imposition of the appropriate conditions the proposal is considered to be in accordance with PPS23 and Policy BNE23 of the Medway Local Plan 2003.

### **Conclusions and Reasons for this Recommendation**

It is accepted that 50% of the car park can be given over to residential redevelopment and that with careful and innovative design work, the site can accommodate a development that is able to complement the appearance of the street scene, be acceptable in terms of residential amenity and provide adequate parking provision. For these reasons the proposal is recommended for approval in accordance with PPS1, PPG13, PPS23, Policies S1, SP3, CC1, CC4, CC6, BE1, H1, H4, H5, KTG1 and KTG4 of the South East Plan 2009 and Policies S4, BNE1, BNE2, BNE6, BNE7, BNE8, BNE23, H4 and H5 of the Medway Local Plan 2003.

The application would normally be determined under delegated powers but is being referred to Planning Committee for determination due to the extent of the representations received expressing a view contrary to the recommendation.

This application was considered by Members at the Planning Committee on the 15 February 2012, when it was determined to defer a decision to enable a Members' site visit to be held.

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## **Background Papers**

The relevant background papers relating to this planning application comprises: the application and all supporting documentation submitted therewith; and items identified in any Relevant History and Information section and Representatives section within the report.

Any information referred to is available for inspection in the Planning Offices of the Council at Gun Wharf, Dock Road, Chatham.

## **Decision Notice**

MC/11/2769



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App's Name Mr K Matthews GDM  
Architects

### **TOWN & COUNTRY PLANNING ACT 1990**

### **Town & Country Planning (Development Management Procedure) (England) Order 2010**

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Proposal: Outline application with some matters reserved (appearance, landscaping, layout, scale) for proposed residential development comprising of 8 apartments with associated parking

Location: King Street Car Park, King Street, Rochester, Kent

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### **Notification of Refusal of Outline Planning Permission to Develop Land**

Take Notice that the Medway Council in pursuance of its powers under the above Act HAS REFUSED OUTLINE PERMISSION for the development of land as described above in accordance with your application for planning permission dated 1 November, 2011.

#### **for the following reason(s):-**

- 1 The Local Planning Authority is not convinced, from the illustrative plans submitted, that the site can be satisfactorily developed to provide for 8 flats without resulting in an overdevelopment of the site by virtue of height, mass, scale, and layout and that the provision of 8 flats on the site is likely to result in an unacceptably cluttered and dominant presence within the street scene. The proposal will also result in the loss of an important visual open space within an otherwise highly built up area. The proposed

development is therefore contrary to the provisions of policies BNE1 and H4 of the Medway Local Plan 2003.

- 2 The proposal will result in the loss of 50% of a public car park and the loss will result in pressure for on-street car parking in an area of high demand for on street parking. This will be likely to result in significant competition for spaces with residents having to park great distances from their properties to the detriment of their amenities. In addition customers to local businesses regularly use the car park and the loss of a significant number of spaces may result in a detrimental impact on those businesses. The proposal is therefore contrary to the provisions of policy BNE2 of the Medway Local Plan 2003.

**Your attention is drawn to the following informative(s):-**

This planning decision relates to the following plan: Site Location Plan received 1 November 2011.

Signed

A handwritten signature in black ink that reads "Dave Harris". The signature is written in a cursive, slightly slanted style.

David Harris  
Development Manager  
Date Of Notice 8 March, 2012