

MC/13/1898

Date Received: 7 August, 2013

Location: Garage blocks between 49 and 57 Trinity Road, Gillingham, Kent, ME7 1JA

Proposal: Demolition of existing garage blocks and construction of four terraced 3-bedroomed town houses with off road parking - resubmission MC/12/1270

Applicant: Mr R Dudding

Agent: Mr C Barnes Architecture Design 17 Glenhurst Rise Upper Norwood Croydon London SE19 3XN

Ward Gillingham North

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 29 January, 2014.

Recommendation - Approval with Conditions

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: SP(11) 01REV C, (11)02 REV C, (11)03REV C, (11)04REV C and (11)05REV C received on 6 January 2014.

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

- 3 Unless otherwise agreed by the Local Planning Authority in writing, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 4 to 7 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 6 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.

- 4 A desk top study, 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.

- 5 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.

- 6 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 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 the bringing into use 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.

- 7 In the event that contamination that was not previously identified is found at any time when carrying out the approved development 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 4, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 5, 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 5 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 6.

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.

- 8 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 in accordance with the approved details before the buildings are occupied and shall thereafter be retained.

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

- 9 No development shall take place until details and samples of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in

accordance with the approved details.

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

- 10 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping (hard and soft). No part of the development shall be occupied until the approved hard landscaping has been provided and all planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or completion of the development, whichever is the earlier. Any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: Pursuant to condition 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policy BNE1 and BNE6 of the Medway Local Plan 2003.

- 11 No part of the development shall be occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking and to accord with Policy T13 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 is for the demolition of existing garage blocks and the construction of four terraced 3-bedroomed town houses with off road parking.

The site is rectangular measuring 18.6m wide by 31m deep. It is currently occupied by two blocks of 11 garages, on either side of a central access off Trinity Road.

It is proposed to demolish these two blocks of garages and to construct a terrace of 4 x three bedroomed town houses. The terrace would be tiered so that whilst the first

floor occupies the same front and rear building lines as the neighbouring terraced properties at 49 and 57 Trinity Road, the ground floor would be set back 5m at the front to allow for vehicle parking in front of each property. The ground floor would project a further 4m to the rear. The accommodation within each house would comprise a hall and kitchen at the front and a reception room at the rear on the ground floor. The house on Plot 4 would also have a sun lounge to the rear. The first floor accommodation would comprise two bedrooms (one en-suite) and a bathroom. There would be a further bedroom (en-suite) in the roof space. Each property would have a rear garden approx. 17m deep.

Site Area/Density

Site Area: 0.057 hectare (0.14 acre)

Site Density: 69 dph (28 dpa)

Relevant Planning History

MC/12/1270	Demolition of existing garage block and construction of a terraced of 4; three bedroomed town houses with off road parking Refused 14 August 2012
GL/72/230C/567	Outline application for the erection of a terrace of three, three- storey town house each with a two car integral garage Refused 04 November 1987
GL/72/230B	Outline application - Demolition of existing garages and residential redevelopment. Refused 02 July 1981

Representations

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

Three letters have been received raising the following objections:

- There has been a long history of planning refusals for this site;
- The application is identical to the one which was refused in August;
- The parking has got worse;
- The proposed parking spaces are too small and would not accommodate larger vehicles or visitors' parking;
- The parking survey is flawed as it was carried out when the colleges/universities were on vacation;
- The applicants have failed to maintain the garages and increased the rent;
- The parking survey fails to take account of disabled persons bays and inappropriate parking;
- The applicant has intentionally made the site unviable;

- The occupiers of the garages have been given notice to quit.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003. The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework, 2012 and are considered to conform. The Medway Housing Design Standards are also relevant.

Planning Appraisal

Background

Planning history of this site reveals that during the 1980's two separate applications for residential development on this site were refused due to the adverse impact that the loss of garages would have on the highway and the amenities of the local residents.

A more recent application (MC/12/1270) was refused on 14 August 2012 on the grounds that:

"The proposed development would result in loss of garages that are currently used for garaging purposes by the local residents. The proposal would force these occupiers to park on the surrounding roads thus increasing the demand for already over-subscribed on street parking provision to the detriment of the amenities of the residents of the locality and contrary to part (iii) of policy BNE2 of the adopted Medway Local Plan 2003 and policy BE1 of the South East Plan 2009."

The current application seeks to address this ground of refusal. As the previous refusal related purely to parking the matter will be addressed under 'Highways' below. It should also be noted that the South East Plan has been abolished.

Main Issues

The main issues are:

- The principle of the development and density;
- Street scene and design;
- Neighbour amenities; and
- Highway matters.

Principle and Density

The application site is located within the urban boundary of Gillingham and within a predominantly residential area. No objection is therefore raised to the principle of residential development of the land which is in accordance with Policy H4 of the Medway Local Plan 2003. The density of the development would equate to approximately 69 dwellings per hectare which is in keeping with the character of the locality and as such this is considered acceptable. The loss of the existing garages

is covered in the highways section below.

Street scene and design

Trinity Road and the wider surrounding street network is dominated by 2-storey Victorian terrace properties. The proposed houses, with their tiered design, are identical to those submitted under the previous application. No objection was raised to that proposal in design terms and it was considered that the proposal would complement wider surrounding terraced houses and would be comparable in terms of scale and proportion. In terms of site layout the houses would be set back from the pavement edge deeper than the adjoining properties in order to facilitate on site car parking for the proposed houses. There is some landscaping at the front which would help to soften the front of the houses and the street scene.

The mix of materials and elevational design would result in a more modern and contemporary feel to the development that, whilst differing from the Victorian terraces in the area, would help enhance the appearance of a fairly drab street scene. The proposed units would have 17m deep back garden with the exception of Plot 4 to the west that would have a conservatory thus reducing its garden size

The proposal is considered acceptable with regards to the impact on street scene and design and is therefore considered in accordance with Policy BNE1 of the Medway Local Plan 2003.

Amenity considerations

The proposed development would not result in a loss of outlook, daylight or sunlight to the adjoining properties. The windows in the proposed terraced houses would be located in front and rear elevations so there would not be any adverse impact on the privacy of the surrounding properties. As the properties would be east-west orientated, windows would be located in the front and rear elevations and the development would result in acceptable level of light, outlook and privacy for future occupiers of the dwellings. The rear gardens are of sufficient size to cater for occupants of a 3 bedroom dwelling. It is also considered that the back to back distance of 32m between the application site with properties in Saunders Street would be sufficient that the proposed rear dormers in the roof space would not cause loss of privacy/overlooking issues.

In terms of the MHDS the following table sets out the comparison which indicates that the proposal is in compliance:

Number of bedrooms	MHDS Min GIA	GIA	MHDS Kitchen Good practice minimum	Kitchen Space proposed
2 bed 4 person	87 sq. m.	97 sq. m.	7.5 sq. m.	7.5 sq. m.
	MHDS Living/dining Good practice minimum	Living/dining proposed	MHDS Double Bedroom Good practice minimum	Double Bedroom Proposed
	20.5 sq. m	21.5 sq. m.	12 sq. m.	12.3 – 14 sq. m.
	MHDS Single Bedroom Good practice minimum	Single Bedroom Proposed	MHDS Bathroom Good practice minimum	Bathroom Proposed a
	8 sq. m.	11.3 sq. m.	4.4 sq. m.	4. sq. m.

The issue of the impact of the loss of garages on local amenity is considered in the Highway section below.

The proposal is considered acceptable with regard to the impact on residential amenity and is in accordance with part (i) and (ii) of policy BNE2 of the Medway Local Plan 2003.

Highways and parking

As stated above, the previous application was refused on the grounds that the development would result in the loss of garages that are currently used for garaging purposes by the local residents, forcing the occupiers to park on the surrounding roads increasing the demand for already oversubscribed on street parking, which would be detriment of the amenities of local residents. To address this ground of refusal, the applicant submitted a parking survey with the current application. The survey was carried out between the hours of 12.30 am and 5.30 am on Tuesday 10 September and Thursday 12 September 2013 and covered three roads in the vicinity: Trinity Road, St George's Road and Mill Road. It identified the following:

Street	Length of Kerb	Total number of Spaces	Cars parked on unrestricted kerb space	Unrestricted Parking stress (%)
Trinity Road	432m	70	53	76
St George's Road	232m	42	37	89
Mill Road	185m	34	26	79

At the time the survey was carried out, it was submitted that as of 24 December 2013, all the garages would be vacant. This is because the applicants have chosen to serve notice on the occupiers to quit the garages by that date. They have also submitted names and addresses of last known tenants. This indicates that at that time, 13 garages were occupied of which 9 were occupied by persons living in the

immediate vicinity. As stated, this survey was carried in September 2013 and residents have raised concerns that the colleges/universities were on vacation at the time and students occupy many of the properties in the area. Furthermore, this survey was carried out at a time when the garages were still occupied.

The Council has carried out separate parking surveys of on-street parking in the area, following the vacating of the garages. The results of this survey are as follows:

31 December 2013 (21:00)	Total number of spaces	Vehicles parked	Vacant spaces	Percentage of spaces occupied
Trinity Road (south side):	36	31	5	86.1
Trinity Road (north side):	39	31	8	79.4
Trinity Road (Total):	75	62	13	82.6
St George's Road (east side):	21	17	4	80.9
St George's Road (west side):	18	18	0	100
St George's Road (Total):	39	35	4	89.7
Marlborough Road	9	3	6	33.3
Total	123	100	23	81.3

6 January 2014 (22:00)	Total number of spaces	Vehicles parked	Vacant spaces	Percentage of spaces occupied
Trinity Road (south side):	37	30	7	81
Trinity Road (north side):	38	29	9	76.3
Trinity Road (Total):	75	59	16	78.6
St George's Road (east side):	19	18	1	94.7
St George's Road (west side):	16	14	2	87.5
St George's Road (Total):	35	32	3	91.4
Marlborough Road:	9	6	3	66.6
TOTAL:	119	97	22	81.5

There is a variation in total number of spaces due to the way some vehicles are parked leaving gaps which are not long enough for another vehicles to park in.

From the information submitted by the applicant and the evidence obtained by the Council, it would appear that there is spare capacity for on street parking. It would, therefore be difficult to justify maintaining the previous refusal on the grounds that existing on street parking is oversubscribed and that any increased demand resulting from the loss of the garages would be detrimental to the amenities of local residents.

Therefore, no objection is raised to the application in this regard under Policy BNE2 of the adopted Medway Local Plan.

With regard to the development itself, it is considered that two parking spaces per dwelling would accord with Medway Council's adopted parking standards and as such the proposal would accord with Policy T13 of the Medway Local Plan 2003.

Contamination

The former use of the site as garages could have given rise to contamination and therefore if planning permission is granted appropriate conditions are recommended in accordance with Policy BNE23 of the Local Plan.

Local Finance Considerations

There are no Local Finance Considerations raised by this application.

Conclusions and Reasons for Approval

The principle of residential development in this location is acceptable and in accordance with Policy H4 of the Local Plan, and no objection is raised in terms of design or the impact on neighbour amenity. Although concerns have been raised regarding the loss of the garage spaces and the impact on on-street parking, it would appear that there is spare capacity for additional on-street parking. Accordingly the application complies with Policies BNE1, BNE2, BNE23 and T13 of the Medway Local Plan and is recommended for approval.

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

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 Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://planning.medway.gov.uk/dconline/AcolNetCGI.gov>