

MC/13/3219

Date Received: 12 December, 2013

Location: Queens Court, Chichester Close, Rainham, Gillingham, ME8 8BZ

Proposal: Construction of a two storey block comprising of eight 2-bedroomed flats with associated parking

Applicant: Pink Fortress Limited

Agent: Mr Gould Michael Parkes Surveyors Ltd Reading House
Waterside Court Neptune Close Rochester Kent ME2 4NZ

Ward Rainham South

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 19 February, 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:
AM.424.15 Rev B, 16 Rev B and 17 Rev B all received 27 January 2014.

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

- 3 All materials used externally shall match those of Blocks A and B unless any alternatives are first submitted to and approved in writing by the Local Planning Authority.

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.

- 4 The scheme of landscaping and boundary treatment approved pursuant to conditions 4 and 6 of planning permission MC/12/2706 shall be carried out:

(a) in the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier, in respect of the

landscaping; and

(b) before the buildings are first occupied in respect of the boundary treatment.

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. The boundary treatment shall be retained as approved at all times.

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 and in the interest of amenity in accordance with Policies BNE1, BNE2 and BNE6 of the Medway Local Plan 2003.

- 5 The building shall not be occupied until the area shown on the submitted layout as vehicle parking space together with access thereto has been provided, surfaced and drained in accordance with the layout details hereby approved. 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 of vehicles is likely to lead to hazardous on-street parking and with regard to Policies BNE2 and T13 of the Medway Local Plan 2003.

- 6 No development shall take place until a construction code of practice covering hours, noise, dust, air quality and lighting for the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved construction code of practice.

Reason: In the interests of the amenities of nearby properties in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 7 Prior to the installation of any external lighting on the site details of such lighting including its height, position, external appearance, any shielding, light intensity, colour and spillage (such as light contour or lux level plans showing the existing and proposed levels) and hours of use shall be submitted to and approved in writing by the Local Planning Authority. Only the external lighting approved pursuant to this condition shall be used on the site (other than any lighting approved pursuant to condition 8 of planning permission MC/12/2706) and it shall only be used within the hours approved pursuant to this condition.

Reason: To safeguard conditions of amenity within the scheme of development permitted in accordance with Policy BNE5 of the Medway Local Plan 2003.

- 8 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a method statement has been submitted to and approved in writing by the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with and the approved method statement must be carried out in accordance with the approved details..

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

- 9 No development shall take place until full details of secure and covered cycle storage have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and made available for use prior to first occupation of the development and retained as such thereafter.

Reason: In the interests of sustainable travel in accordance with Policy T4 of the Medway Local Plan 2003.

- 10 No development shall take place until full details of refuse storage facilities have been submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided in accordance with the approved details prior to the first occupation of the development and shall be retained as such thereafter.

Reason: To ensure that adequate and suitable bin storage facilities are provided in the interests of visual and residential amenity and with regard to Policies BNE1 and BNE2 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

It is proposed to construct a new central block between the two remaining original blocks, which are currently being altered and extended in accordance with the planning permissions referred to below. The new block would be attached to the southern inward facing corners of the existing blocks for approximately 5m and would then project further back towards the rear/south of the site. It would be two-storey with a hipped roof running east to west, together with two small gable projections to the front (the entrances and stairways) and two larger hipped roof projections to the rear. The building would be at an angle to the rear boundary but at its closest point would be approximately 1m away.

The building would accommodate eight two-bedroomed flats, four accessed from each of the two entrances. Their living rooms would face into the central courtyard with the bedrooms to the rear and sides. The Queens Court site as a whole is shown to have 37 parking spaces, 9 on the main site facing onto Chichester Close and 28 in a separate parcel of land. The current plans show the 8 spaces at the

front of the separate parking area to be allocated to the proposed block.

Site Area/Density

Site area for all three blocks: 0.37 hectares (0.91 acres)
Site density across the joint site as a whole: 102.7 dph (41.7 dpa)

Relevant Planning History

MC/13/2491	Application for non-material amendment to planning permission MC/12/2706 to increase the internal sill heights, reduce width of glazing to stairwells and increase the bearing of precast concrete loadings Approved 11 November 2013
MC/13/0978	Details pursuant to conditions 03, 04, 06, 07, 10, 11, 12 and 13 on planning permission MC/12/2706 Approved 6 June 2013
MC/12/2706	Demolition of existing central block and construction of an additional storey on the two retained blocks and the construction of 3 storey side extensions to the east and west elevations of the retained blocks to create 30 studio, one and two-bedroomed flats with associated parking and landscaping (Resubmission MC/12/0069) Approved 13 February 2013
MC/12/0069	Construction of a new three-storey block to rear and construction of an additional storey on two retained blocks to create 40 studio, one and two-bedroomed flats with associated landscaping; parking and demolition of existing centre block. Refused, 18 April 2012 Appeal dismissed, 1 November 2012

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.

31 letters of objection (including 20 letters in a standard format and two with no address given) have been received, in summary raising the following objections:

- The existing development MC/12/2706 is nearing completion and the new development would bring the total to 38 flats consisting of 20, 2 bedroom flats, 12 one bedroom flats and 6 studio flats;
- Families could live in the flats, we cannot assume that each bedroom will be single occupancy, if each bedroom is occupied by 2 people this could result in a total of 116 people living in Queens Court;
- Queens Court was sheltered accommodation for 32 elderly people who did not own cars;

- Detrimental effect on the local community as so many people in such a small area, the population of Queens Court will outnumber local residents;
- Noise disturbance;
- Inadequate parking, no extra parking is proposed and the existing parking is inadequate (the 2011 census information on car ownership for this postcode mean a need for 41 spaces just for the already approved units) and 8 of these spaces would be made available for the new central block;
- Proposed parking is too far away and will increase on-street parking;
- No vacant parking on street as spaces used by existing local residents the majority of which have no off-street parking available to them;
- Traffic issues due to lack of parking, numbers of vehicles and local road layout including potential obstruction of emergency vehicles;
- Plan seems to remove a public footpath between the site boundary and 68 Chichester Close to facilitate a parking space;
- A lamppost blocks access to two of the proposed spaces for Block C;
- Further loss of light for local residents as well as for residents of the new structures;
- Previous concerns regarding overlooking and proximity to the rear of the High Street not overcome;
- Out of keeping with the semi-detached and terraced housing in the area;
- Two trees already lost and limited green area remaining, more green space as opposed to more buildings is needed;
- Medway services including health are already overstretched;
- Potential adverse impact on sewerage system, in 1972 Gillingham Council refused 3 additional properties nearby due to inadequate sewerage;
- Looks similar to first application which was turned down, piecemeal approach should be turned down;
- In light of this application can the previous permission be reconsidered;
- Need confirmation that the decision is not already a foregone conclusion and that residents views are not dismissed;
- How can it be assessed before the current development is completed and occupied;
- It can only be concluded that the application was deliberately submitted over the Christmas period leaving the local community little time to respond with their objections;
- The Planning Committee are invited to schedule a site visit to see for themselves the impact on local residents.

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 (NPPF) 2012 and are considered to conform.

Planning Appraisal

Background

The site was previously used for a sheltered accommodation complex falling within the same use class (C3) as residential dwellings, meaning that there were formerly 32 residential units on site. Application MC/12/0069 for 40 units within 3 blocks was refused permission on the following grounds:

- 1 *Concern about the height of the buildings appearing out of keeping within the street scene causing harm to the character and appearance of the area;*
- 2 *Concern that the development would provide insufficient on-site parking to cater for the needs of the development causing an increased pressure for on street parking in the area and so harming residential amenity of existing residents; and*
- 3 *Concern that the height and proximity to neighbouring property would have an unacceptable overbearing and dominant impact on the amenities of occupiers of these properties.*

The applicants appealed against the decision and the appeal was dismissed. However the appeal Inspector did not agree that the size, height or form of the development would be harmful to the character and appearance of the area or that there would be insufficient parking, his only concern being the impact on the privacy, outlook and visual amenities of occupiers of the closest properties in the High Street. An application for costs was made against the Council. The Inspector awarded costs to the Appellant on the grounds that reasonable planning grounds and evidence to support the reason for refusal regarding the impact of the lack of parking had not been provided.

In light of this appeal decision, application MC/12/2706 for the demolition of the former central block and the extension and alteration of the remaining two blocks to provide 30 flats was approved. This scheme included 39 parking spaces in the same layout as for the current application other than that the two new spaces proposed with access onto Russells Avenue have now been removed.

Principle

The site is located within a primarily residential urban area and therefore there is no overriding objection in principle to further residential development on it including with regard to Policies H4 and H5 of the Local Plan. Similarly, although the proposed density of development is high, due to the location in fairly close proximity to Rainham Town Centre and the associated shops and services and to public transport links, there is no overriding objection to this. However the acceptability of the scheme will very much depend on the details of the development, to be examined below.

Street Scene and Design

The overall design and appearance of the proposed additional block is in keeping with the general character of the two blocks which have already been permitted and are under construction. However the new block would be two rather than three storey like the other two, and it would also have two relatively small projections on its rear elevation. It would adjoin the two permitted blocks at the front, rather than leaving a very small gap to either side as previously proposed (as part of MC/12/0069). It is considered that this arrangement would result in an acceptable appearance. Although the form of development on the site differs to the surrounding housing so were the previous proposals and this in itself is not harmful to the locality. The proposed third block would compliment the existing development on the site with the three blocks resulting in a central courtyard with further amenity areas around the outside. There is, therefore, no objection to the visual impact of the current proposals or to their impact on the character and appearance of the area, including with regard to Policy BNE1 of the Local Plan. It is noted that at the time of the appeal against the refusal of the three blocks on the site, MC/12/0069, the Inspector concluded that the development could be absorbed into the character and appearance of the area without undue detriment.

Amenity Considerations

There are two main amenity considerations, the impact on the amenities of neighbouring properties and the amenity levels which would be created for future residents of the site itself.

With regard to the impact on neighbours, the Inspectors only concern when she dismissed the appeal against MC/12/0069 (for three blocks on the site) was the impact on the privacy, outlook and visual amenities of occupiers of the closest properties in the High Street. She was satisfied that the impact on the nearest properties, 16 Russells Avenue to the west and 68 Chichester Close to the east, was acceptable. The current scheme differs from this refused scheme in a number of ways. The 'third block' was previously three storey, rectangular, some 22m in width and set off the southern site boundary from between 1.2m and 1.7m. The current proposal is two storey, it is generally set further forward into the site and has a less regular shape incorporating two rear hipped roof projections. The maximum width of the building is 25.5m and whilst at its closest point it is only 1m off the southern boundary this staggered rear elevation is mainly set much further away (the closest corner of the main part of the block would be 3.75m away). In addition there are no windows in the rear elevation of the two rear projections, the closest rear facing window being some 4.3m from the rear site boundary.

As at the time of the appeal there would be over 21m between the rear walls of the properties in the High Street and the proposed building. There is also a parking area between the boundaries of the site and the rear gardens of 295-305 High Street, rather than the gardens being adjoining. There would still be bedroom windows facing towards these neighbours but as the height of the proposed block has been reduced from three to two storey it is no longer considered that the impact on their privacy would be unacceptable in this urban setting. In addition the reduced height and the breaking up of the rear elevation has significantly reduced the bulk and

monolithic form of the development, reducing its visual impact and its effect on the outlook of the properties to the rear. In these circumstances it is considered that the changes to the design have overcome the concerns raised by the Inspector at the previous appeal. In addition it is not considered that they have raised any fresh concerns regarding the impact on existing neighbours, including those to either side of the site.

Consideration has been given to the relationship between the two blocks on the site which are currently under-going extension and alteration to form 30 flats. As originally submitted it was considered that the inter-looking between the units proposed in these blocks and the currently proposed flats would have resulted in unacceptably low levels of privacy for occupants. However amended plans have proposed alternative window positions in an attempt to overcome this. Although all of the flats on the Queens Court site will remain closely related, including due to the communal garden area, this relationship between the proposed units is now considered satisfactory.

Although it is recognised that the development of the Queens Court site as a whole will result in a change to its surroundings and that it is likely to generate more activity than the previous use of the site it is not considered that this will result in harmful noise or disturbance to the surrounding urban area. However a condition requiring a code of construction practice is proposed in order to limit the impact of the construction of the development on the amenities of neighbours during the construction period.

With regard to the amenities of future occupants of the proposed development the proposed flats have been assessed with regard to the Medway Housing Standards (MHS) (interim) 2011.

Number of bedrooms /occupancy	Number of units	MHS minimum Gross Internal Area	Gross Internal Area proposed
2 bedroom 3 person	4	61m ²	62.2m ²
2 bedroom 4 person	4	70m ²	70.2m ² and 70.3m ² (2 of each size)

The proposed units are considered acceptable with regard to these standards. Although they do not have private external amenity areas this situation has already been accepted on the site and was not raised as a concern by the Inspector at the previous appeal.

In summary the amenity implications of the development are now considered to be acceptable including with regard to Policy BNE2 of the Local Plan.

Highways

The plans show the Queens Court site as a whole to have 37 parking spaces, 9 on the main site facing onto Chichester Close and 28 in a separate parcel of land. The 8 spaces at the front of the separate parking area to shown to be allocated to the proposed block. The site currently has permission for 30 flats comprising 6 studio

flats, 12 one bedroomed and 12 two bedroomed flats (under construction) and 8 further 2 bedroomed flats are currently proposed.

Medway Council's Parking Standards indicate that a minimum of 57 spaces should be provided, comprising 48 spaces for residents and 9 spaces for visitors. At the appeal for application MC/12/0069 the Inspector considered that the proposal for 39 spaces to serve 40 dwellings (5 studio flats, 19 one bedroom flats and 16 two bedroom flats) was acceptable, which equates to a very similar ratio of spaces-to-dwellings as now proposed. It is reasonable to consider a lower parking provision than the Standard as public transport and other day-to-day facilities are within half a mile of the site. Furthermore at the time of the last Census average car ownership in the immediate vicinity of the site was 1.03 per dwelling. Taking into consideration the size of the dwellings, and assuming private ownership, it is estimated that the 8 flats proposed will generate a demand for 7 spaces, with the overall development generating a demand for around 33 spaces. On this basis the total number of spaces proposed and the allocation of 8 spaces to the proposed development is considered acceptable.

At the time of the previous appeal the Inspector also assessed the effect of any overflow parking. She concluded that in the event of any additional on-street parking there may be some inconvenience to local residents but that this was not sufficient to warrant the dismissal of the appeal. It is not considered that circumstances have changed significantly since this time. It is noted that the previous schemes included a further 2 on-site spaces, these being located on the western side of the site, accessing onto Russells Avenue. However as they would displace on-street parking spaces due to the need for a crossover/access in reality they would have had little if any benefit and there is no objection to their removal, which is also preferable from a visual perspective, retaining more green amenity area on this prominent corner. It is also noted that their removal was required by a condition on permission MC/12/2706.

In summary, as at the time of the previous appeal, the proposals are considered acceptable with regard to their impact on the highway and parking and the advice given in Policies T2 and T13 of the Local Plan.

Local Finance Considerations

There are none considered relevant to this application.

Other Matters

As the site has a former domestic use there is a small risk of contamination being present and therefore a condition is recommended requiring a watching brief in accordance with Policy BNE23 of the Local Plan.

The site previously contained 32 units, 30 have already been permitted and a further 8 are now proposed. As the two phases of development in total would only increase the number of units on the site by 6 no infrastructure contributions or associated S106 agreement is considered necessary in this instance.

Objectors have raised concern regarding the piecemeal development of the site with

regard to the planning history. However the history has been carefully considered and the conclusion reached that the current proposals are acceptable in their own right bearing in mind the form of the development around them.

Objectors have requested that the Planning Committee visit the site to see for themselves the impact on local residents. It is noted that a Planning Committee site meeting was held on 16 April 2012 in respect of previous application MC/12/0069.

Conclusions and Reasons for Approval

Although the current scheme proposes the re-introduction of a third block on to the site it is considered that the significant changes to its form are such that the previous concerns of the Inspector at dismissed appeal MC/12/0069 have been overcome. It is not considered that these changes have introduced any new unacceptable impacts, including with regard to the visual appearance, amenity and parking and highway matters, and the scheme is therefore considered acceptable and in accordance with Policies BNE1, BNE2, BNE23, H4, H5, T1, T2 and T13 of the Local Plan.

This application would normally fall to be determined under officer's delegated powers but is being reported for Members' consideration due to the number of letters of representation expressing a view contrary to the officers 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>