

MC/13/3094

Date Received: 28 November, 2013

Location: Garage Site Off Romany Road (Rear Of 13-23 Romany Road, 2-24 Preston Way And 41-53 Sturry Way) Gillingham, ME86T

Proposal: Application under Regulation 3 of The Town & Country General Planning Regulations 1992 for demolition of garages and construction of 2 pairs of semi-detached 1-bedroom bungalows, garden sheds, parking facilities, access road and new turning head

Applicant: Medway Council

Agent: Mr Allen DAC Architects 21 Stone Street Gravesend Kent DA11 0NP

Ward Twydall

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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 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:

The site survey drawing and drawing D.01 Rev C received 12 December 2013 and drawing D.02 Rev B received 13 December 2013.

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

- 3 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.

- 4 Development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 5 to 8 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 8 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.

- 5 An investigation and risk assessment 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.

- 6 If found necessary as a result of the findings of condition 5 above 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.

- 7 If a remediation scheme has been found to be necessary then 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 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.

- 8 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 5, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 6, 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 6 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 7.

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.

- 9 No development shall commence until a construction code of practice that describes measures to control noise, dust, traffic and lighting impacts arising

from the demolition and construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with this approved code of practice.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety and with regard to Policy BNE2 of the Medway Local Plan 2003.

10 No development shall commence until full details of:

(a) the levels of the finished floors of the proposed dwellings and of their gardens in comparison with the levels of adjacent gardens and dwellings; and

(b) boundary treatments (taking into account the dwelling and garden levels inside and outside of the site boundaries)

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. The approved boundary treatment shall be erected prior to the first occupation of the dwellings and shall be retained as such thereafter.

Reason: In the interests of the privacy and amenities of neighbours and with regard to Policy BNE2 of the Medway Local Plan 2003.

11 No later than 2 months after the commencement of development a scheme of landscaping (hard and soft) including plant species, sizes, numbers/density and a time for implementation shall be submitted to and approved in writing by the Local Planning Authority. All hard surfacing, planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented in accordance with the approved timescale. 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.

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 Policies BNE1 and BNE6 of the Medway Local Plan 2003.

12 The dwellings shall not be occupied until the area shown on the submitted layout for access, turning and vehicle parking space has been provided, surfaced and drained in accordance with details 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 these areas.

Reason: Development without provision of adequate access, turning and accommodation for the parking of vehicles is likely to lead to hazardous manoeuvres and on-street parking and would be detrimental to amenity and to accord with Policies BNE2, T1, T2 and T13 of the Medway Local Plan 2003.

- 13 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, spillage (such as light contour or lux level plans showing the existing and proposed levels) and hours of use together with a report to demonstrate its effect on nearby residential properties 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 and it shall only be used within the hours approved pursuant to this condition.

Reason: In order to limit the impact of the lighting on the nearby residents and with regard to Policies BNE2 and BNE5 of the Medway Local Plan 2003.

- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out within Class A, B or E of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of amenity, in accordance with 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 demolish 55 garages in four blocks in this roughly triangular site and to construct two pairs of one bedroomed bungalows in their place. The site access from Romany Road would remain as at present, with access to the bungalows from the northwest side of the main part of site where it can also serve the rear of the properties in Preston Way. The proposed dwellings would face onto this access, with four parking spaces to their southwest and three to their northeast. The design of the bungalows incorporates a slightly curved mono-pitched roof with part rendered and part horizontal boarded walls.

### **Site Area/Density**

Site area: 0.21 hectares (0.52 acres)

Site density: 19 dph (7.7 dpa)

### **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.

**Four letters of concern** have been received, in summary raising the following objections:

- Romany Road is usually impassable at school opening and closing times;
- Impact on the security of those who currently have garages to the back of their properties including replacement of garage wall with a wooden fence;
- Loss of privacy - the proposed gardens would border existing gardens, the rear windows would look directly into the first floor windows of the houses to the rear and the boundary treatment would be lower than the current garage wall, insufficient information about levels; and
- Loss of garage, the supporting statement says that alternatives will be offered within 200m of current sites but there do not appear to be any so is this accurate?

## **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**

### *Principle*

The site is located within a primarily residential urban area and there is no overriding objection in principle to its development for residential purposes. The proposed development is fairly low in density but due to the specific nature of the site and its location (not in or by a town centre) there is no objection to this. The site is in a backland position, surrounded by the back gardens of neighbouring properties, and Policy H9 of the Local Plan provides advice on this. The development would not threaten the comprehensive development of a wider area and its impact on amenity (privacy, amenity space, noise and disturbance), natural features (there is no significant vegetation) and the character of the area together with the suitability of the access will be examined below.

### *Street Scene and Design*

The proposed dwellings would be located in a triangular area surrounded by the rear gardens of traditional 1960's style semi-detached and terraced houses. Due to this position they would not be readily visible from the surrounding roads but they would be seen from the rear of these existing houses. The proposed dwellings are single storey and have a relatively modern appearance, with slightly curved mono-pitched roof and a mix of render and boarded walls. Although this design is not in keeping with surrounding development it is considered that due to the site position, and as the development is single storey only, it would complement rather than detract from the character and appearance of the area as a whole. At present the site contains functional garage blocks whereas the proposed development would provide greater visual interest and is likely to upgrade the quality of the site. In these circumstances

the visual impact of the development is considered acceptable including with regard to Policy BNE1 of the Local Plan.

### *Amenity Considerations*

There are two main amenity considerations, the impact on neighbours and the standard of amenity which would be experienced by potential residents of the site itself.

With regard to the impact on neighbours the proposed dwellings will be single storey which will help to limit their impact. At the closest corners the nearest dwellings would be 11m from the rear of the houses in Sturry Way and 15m from the rear of the houses in Romany Road. To their fronts the proposed dwellings would face across the access road towards the rear of the houses in Preston Way, a minimum of 24m away. Although there is some slope on the land this is not substantial and with these separation distances it is not considered that the proposed bungalows would result in an unacceptable loss of light or overbearing impact. In addition subject to the provision of the a suitable high close boarded fence to replace the garages on the southern and eastern boundaries it is not considered that there would be any unacceptable loss of privacy in this urban setting. A 1.8m high fence is proposed but further details regarding levels will be required by condition to ensure that this would be adequate to protect privacy.

With regard to the potential for noise and disturbance the 4 bungalows would replace 55 garages. Although the nature of the use of the land would change, in this residential area it is not considered that this would be harmful.

Concern has been raised regarding security and the replacement of garage walls on boundaries by fences. Whilst this can be understood the development will introduce permanent residential occupation onto the site which will help to police the area. The use of 1.8m high close-boarded fencing to enclose boundaries is generally accepted and in the circumstances it is considered that it would be unreasonable to require the construction of new higher walls.

With regard to the amenities of future occupants of the development itself the proposed dwellings 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
1 bedroom 2 person	4	50m <sup>2</sup>	63m <sup>2</sup>

The submissions state that the bungalows have been designed for wheelchair use and their internal spaces standards are acceptable with regard to the MHS. The MHS say that houses should have a private garden with a minimum length of 7m, 10m being normally expected, with 1-2 person flats requiring a minimum of 5sqm of private outdoor space. The layout means that jointly the rear gardens form a triangle, such that the central two bungalows would have longer gardens with a minimum depth of 11.5m, whereas the depth of the two on the outside would range

from 13m to 2m and from 11.7m to 4m. However bearing in mind that the plots are fairly wide, that the outer dwellings would also have an additional garden area to the side and that they are single bedroom units only, in the circumstances the garden provision is considered acceptable.

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

### *Highways and Parking*

There are two main issues, the loss of the existing garages and the impact of the proposed development.

Additional information has been provided regarding the current usage of the 55 garages on the site. It is stated that 15 are vacant and that of the 40 occupied:

- 4 occupants say they use the garage for storage;
- 20 occupiers do not live in the local area, it being considered that those living outside the area are most likely to be using the garages for storage and therefore that the loss of this provision will not have an adverse affect the local highway network;
- 16 occupiers live in the local area of which:
  - 9 can park within the curtilage of their dwelling;
  - 3 can have parking provided within curtilage of dwelling during the development works;
  - 2 garages are occupied by the same resident who has a garage in their back garden; and
  - 2 have on road parking in the immediate vicinity to their homes or an alternative Council garage can be provided at Waltham Rd.

In addition it is stated that the Council will liaise with occupants once the programme for development of the garage sites is known in order to minimise disruption and seek the best alternative.

All of the neighbours backing on to the site have been consulted on the application and a site notice has been erected. Only one objection has been received on the grounds of the loss of their current garage although a second objector is concerned due to the condition of Romany Road (impassable) at school opening and closing time.

In light of the above information regarding occupancy it is considered that the impact of the loss of the garages on local on street parking levels is likely to be relatively low. Although at certain times of the day existing on-street parking levels maybe particularly high, such as at the start and finish of the nearby schools days, it is likely that any additional on-street parking could be absorbed without harm to highway safety. The loss of the garages is therefore considered acceptable although an informative will draw attention to the need to ensure that the proposed steps to minimise disruption from the loss of the garages are undertaken.



With regard to the proposed development the Parking Standards require the provision of 1 space per dwelling plus 1 visitors space, a total of 5 spaces. It is proposed to provide 4 spaces suitable for use by the disabled and 3 visitor spaces. This level of parking, in excess of the minimum standards, is therefore considered acceptable. The access road to these spaces and the fronts of the proposed dwellings also provides vehicular access to the rear of the adjacent properties in Preston Way which is important as these houses do not have vehicular access to the front, and there are also turning facilities.

With regard to traffic generation the development is likely to result in fewer vehicular movements than the current use for garages and the use of the existing access is acceptable in this context.

In summary the impact of the loss of the garages and of the new development is considered acceptable from a highways and parking perspective, including with regard to Policies T1, T2 and T13 of the Local Plan.

#### *Other Matters*

As the site is currently used for garages a desktop study to assess any potential contamination risks is required, together with the implementation any remediation works thereafter found to be needed. This will be required by planning conditions and with regard to Policy BNE23 of the Local Plan.

The plans show bin and cycle storage within the rear gardens of the proposed bungalows. New planting is shown to the frontages and 'public' areas and details of this will be secured by condition. The use of grass as indicated may not be ideal in all locations shown, due to possible infringements of those areas by vehicles.

#### *Local Finance Considerations*

None considered relevant to the current application.

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

In summary there is no objection in principle to the redevelopment of this garage site for residential purposes. It is considered that the development will complement its surroundings and will not unacceptably harm the amenities of neighbours. The standard of accommodation would provide a suitable living environment for potential occupants and the parking and highway impacts are considered acceptable. There are no objections with regard to the advice in Policies BNE1, BNE2, BNE23, H4, H5, H9, 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.

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## **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>