MC/14/0547

Date Received: 19 February, 2014

Location: Garage Site Adjacent 6 Hazelmere Drive, Gillingham, Kent ME7 2TD

Proposal: Application for demolition of garages and construction of a single 5 bedroomed house with parking to the front via extended/modified cross-over, shed in rear garden and associated works

Applicant: Mr I Hagger

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

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 18 June, 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: 4837/D.01B received 3 March 2014

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

3 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 before the building is occupied and shall thereafter be retained. 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 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.

5 No development shall take place until there has been submitted to and
approved by the Local Planning Authority a scheme of landscaping (hard and
soft) and boundary treatment. 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 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

6 The building shall not be occupied, until the area shown on the submitted
layout as vehicle parking space and garaging has been provided, surfaced
and drained. 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 and garaging.

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 T13.

7 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 8 to 11 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 11 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.

8 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 desk study, 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,
- archeological 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.

9 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.
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.

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 8, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 9, 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 9 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 10.

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 the demolition of garages and construction of a single 5 bed roomed house with parking to the front via extended/modified cross-over, shed in rear garden and associated works

The application site is located between 6 Hazelmere Drive to the south and 296 Grange Road to the north, and 294 Grange Road to the west. The site is 30m deep and has a frontage of 10.4m to Hazelmere Drive widening to 20.6m at the rear. It is currently occupied by 16 garages in two blocks. The level of occupancy of the
existing garages is set out in the highways section of the planning considerations below. There is currently a footpath through the site linking Hazelmere Drive and Grange Road.

It is proposed to demolish these garages and build a detached five bedroom house. The house would measure 10.65m wide (max) by 7.65m deep (max) and would be set back between 5m and 7m from the back of the footpath. There would be a gap of approx. 1.5m to the southern boundary and between 0.7m and 2.5m from the northern boundary. The rear garden would be approx 16m deep. Three parking spaces are proposed at the front of the house.

The accommodation within the house would comprise a hall, living/dining room, kitchen and wc on the ground floor, four bedrooms and a bathroom on the first floor and a bedroom and shower in the roof space. A shed and bin storage are would be provided in the rear garden.

**Site Area/Density**

Site Area: 0.046 hectare (0.11 acre)
Site Density: 21.5 dph (8.7 dpa)

**Relevant Planning History**

There have been no previous planning applications relating to this site.

**Representations**

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

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

- Loss of privacy and on loss of outlook;
- Parking in area is limited;
- Loss of right of way through site.

All other matters raised not listed above are non material

**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.

**Planning Appraisal**

**Main Issues**

The main issues are the principle of the development, density, design and
appearance, neighbour amenity and highway issues, including the loss of the garages, and contamination.

**Principle**

Policy H4 of the Local Plan states that within the urban area, as defined on the proposals map, residential development consisting of, inter alia, infilling will be permitted (providing that a clear improvement to the local environment will result). The proposed development would be acceptable and in accordance with this policy.

The density of the development at 21.5 dph (8.7 dpa) would be comparable to the density of the surrounding development and would be acceptable.

**Design**

The area surrounding development is exclusively two storey houses, predominantly semi-detached and terraced, but with some detached properties in the vicinity. The proposal would respect the character of the surrounding development and would be acceptable in terms of scale, mass, general detail and siting. The development proposes a dormer on the front roofslope of the building. Although there are no other front dormers in the immediate vicinity, the proposal would still reflect the character of area. The proposal is, therefore considered to be acceptable and would comply with Policy BNE1 of the Local Plan.

**Amenity**

In terms of the amenities of the occupiers of the proposed house, there is no minimum standard for a five bedroom house specified in the Council's Interim Housing Design Standards. The most appropriate specification would be a minimum Gross Internal Floor Area (GIA) of 113 sq. m. for a four bedroom, six person house. At 145 sq. m. GIA, the proposed house would exceed this minimum GIA.

Individual rooms sizes are as follows:

<table>
<thead>
<tr>
<th>Number of Bedrooms</th>
<th>MHDS Min Gross Internal Floor Area</th>
<th>Gross Internal Floor Area Proposed</th>
<th>MHDS Kitchen Good Practice Minimum Floorspace</th>
<th>Kitchen Floorspace Proposed</th>
<th>MHDS Dining Good Practice Minimum Floorspace</th>
<th>MHDS Living Good Practice Minimum Floorspace</th>
<th>Living/Dining Floorspace Proposed</th>
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<td>Dwelling</td>
<td>5</td>
<td>113</td>
<td>145</td>
<td>9.6</td>
<td>9.3</td>
<td>14.4 (4.8)</td>
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<td>12</td>
<td>12.9</td>
<td>12</td>
<td>12.15</td>
<td>8</td>
<td>9.24</td>
<td>7.92</td>
<td>8.28</td>
<td>6.8</td>
<td>4.8 + 4.4 + 2.9</td>
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Note: all of the figures on the above table are in M2

One single bedroom, the kitchen and the bathroom would fall marginally below the adopted standard. Although the bathroom would be below the standards, there would also be a shower room attached to the main bedroom in the roofspace and a downstairs WC. The proposed house would have a 15m deep private garden. On balance no objection is raised in terms Medway Housing Design Standards.

In terms of neighbour amenity, the nearest property to the application site is 6 Hazelmere Drive, to the south. There is a double garage attached to the side of that property and there would be a gap of 7m between the flank wall of the proposed house and the flank wall of 6 Hazelmere Drive. There are no windows in the flank wall of 6 Hazelmere Drive. There would be a small window in the flank wall of the proposed house at ground floor, but with the double garage and proposed fencing there would be no overlooking and no loss of light.

Immediately to the north is the rear garden of 296 Grange Road. There is a garage in that garden which is accessed via Hazelmere Drive. The proposed house would, at its closest point, be sited approx. 4m from that property at an oblique angle. Again, there would be a small window in the flank wall of the proposed house at ground floor, but with proposed fencing there would be no overlooking. The proposed house would result in some overshadowing to the rear of 296 Grange Road from mid morning to mid afternoon. However, it is not considered that any resulting overshadowing would be to such a degree so as to warrant a refusal of consent.

The nearest property to the west is 294 Grange Road, the flank wall of which is immediately behind the northern part of the application site. There is a ground floor window in the flank wall of the property which would be protected by fencing. This wall would not be directly behind the proposed house, and at its closes point would be 17m away. There would not, therefore, be any unacceptable overlooking or loss of light to that property.

The proposed development is, therefore acceptable in terms of neighbouring amenity and the amenities of future residents of the proposed development. Therefore no objection is raised under Policy BNE2 of the Local Plan.

Highways

The Council's adopted Vehicle Parking Standards require the provision of a minimum of 2 spaces for a dwelling with three or more bedroom houses, plus 0.25 space for visitors. The submitted drawing show 3 spaces which would comply with these Standards.

In addition to parking to serve the proposed development, it is necessary to consider the impact of the loss of the existing garages. It is submitted that of the 16 garages, 8 are vacant and 8 are occupied. Of the 8 that are occupied, 3 are occupied by people not living in the area and the applicant has indicated that these 3 garages are used for storage. The loss of these garages would not have an impact on the local highway network. Of the remaining garages, the occupiers of 4 can be re-located to garages in Buttermere Close, and the occupier of the remaining garage has parking
within the curtilage of his/her property. No objection is, therefore, raised in terms of parking under Policy T13 of the Local Plan.

There are no issues with regard to traffic generation or access and therefore, no objection is raised under Policies T1 and T2 of the Local Plan.

Other Matters

Due to the current use of the site as garages, the Council's Environmental Protection Section considers that the standard condition relates to potential land contamination and remediation be imposed. This would be in accordance with Policy BNE23 of the Local Plan and as such appropriate conditions are recommended.

A concern has been raised regarding the loss of a public right of way across the site. There is no public right of way. There is a private right of access to a neighbouring property. This is a civil matter which is being addressed by the applicant.

Local Finance Considerations

There are no Local Finance Considerations raised by this application.

Conclusions and Reasons for Approval/Refusal

The principle of the proposed development is considered to be acceptable. The proposal is also considered to be acceptable in terms of density, design and appearance, neighbour amenity, highways and parking. The proposal, therefore complies with Policies BNE1, BNE2, BNE23, H4, T1 and T13 of the Local Plan and is recommended for approval.

This application would normally fall to be considered under delegated authority but is being reported to Planning Committee due to the level of representations received which are 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](http://planning.medway.gov.uk/dconline/AcolNetCGI.gov)