

MC/13/3301

Date Received: 19 December, 2013

Location: Restoration House, 17 Crow Lane, Rochester, ME1 1RF

Proposal: Part retrospective application for the construction of new garden wall, raised terraces, gated opening, steps and erection of new timber frame and brick garage, brick gazebo, repair of grade II listed Tudor Wall and a new fountain

Applicant: Mr R Tucker

Agent: Mr C Bain -Smith Cyma Architects Ltd 55 The Old High Street Folkestone Kent

Ward Rochester West

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 13 August, 2014.

Recommendation - Approval with Conditions

1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing numbers AD(0) 602; AD(0) 603; AD(0) 604; AD(0) 606 Rev B; and AD(0) 607 Rev B received on 19 December 2013 and

Drawing numbers AD(0) 605 Rev C; AD(0) 608 Rev D; AL(0) 609 Rev B; AL(0) 610 Rev B; AL(0) 611 Rev D; and AL(0) 612 Rev A received on 26 June 2014

Plus the Design, Heritage and Access Statement dated 07/10/2013 and received on 19 December 2013

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

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

Proposal

Background

The current application site forms part of a larger site which benefited from planning permission in December 2006 for predominantly residential development with some Class B1 development (planning reference MC/03/2452 – see relevant planning history below). During the purported implementation of this planning permission an historic wall was partially demolished by the then owner/developer. The demolition of this wall was unauthorised in planning terms. After the demolition works, the remainder of the wall was grade II listed by the Secretary of State.

In 2010 a planning application and a listed building application were received by the Council which sought approval for the reinstatement of the wall. These applications also sought approval for the change of use of land to garden area incorporating construction of new garden walls, raised terraces, gated openings and steps to be built on original excavated footing and to match existing adjacent walls (planning references MC/10/2915 and MC/10/2917 – see relevant planning history below). This would enable the site to be incorporated within the garden area of Restoration House, a grade I listed building. Historically the land formed part of the grounds of Restoration House. The proposal would enable the historic gardens to be reinstated. Planning permission and listed building consent were granted in May 2011.

During the implementation of these works the Council became aware that parts of the development were not being carried out in accordance with the approved drawings. The development also included new features that did not form part of the originally submitted applications. At this stage the site owner expressed a wish to provide a parking/garage facility within the site with access onto East Row. The current application therefore seeks to regularise those elements that have been provided which are not in accordance with the previously approved scheme and also seeks permission for the new features and structures within the site.

The proposal

This current planning application seeks permission for the rebuilding of that part of the historic wall which was demolished during the purported implementation of permission MC/03/2452. It also involves the provision of garden walls, raised terraces, gated openings and steps. Many of these elements formed part of the works that were approved in May 2011 (planning references MC/10/2915 and MC/10/2917). In addition, the current application proposes a timber frame and brick built garage which would accommodate three vehicles. There would be an associated parking area for one vehicle with a turning area and access onto East Row. The garage/parking area would be located to the east of the properties at Pretty Seat Mews and at a higher land level than the majority of the site.

A gazebo is proposed to the north of the parking area. This structure would contain an internal staircase providing access from the main garden area to the higher level where the garage and parking area would be located. The gazebo would be brick built. Its northern elevation would have a flint diaper wall to match the pattern on the

partially demolished grade II listed wall.

A fountain is also proposed within the southern area of the site which would incorporate an antique statue by William Theed.

It should be noted that amended plans have been submitted in order to address some drafting discrepancies and also to address comments raised by the Council's Highways Officer.

A listed building application has been submitted for the proposed works (planning reference MC/13/3305 – see relevant planning history below). This application is contained within this committee agenda for consideration.

Relevant Planning History

This site has a long and detailed planning history. The most relevant history relating to this application is set out below:

- | | |
|------------|---|
| MC/13/3305 | Listed building application for part retrospective construction of new garden wall, raised terraces, gated opening, steps and erection of new timber frame and brick garage, brick gazebo, repair of grade II listed Tudor Wall and a new fountain.
Also on this agenda. |
| MC/10/2917 | Listed Building Consent for construction of new garden walls, raised terraces, gated openings and steps to be built on original excavated footings and to match existing adjacent walls.
Approved 11 May 2011. |
| MC/10/2915 | Change of use of land to garden area incorporating construction of new garden walls, raised terraces, gated openings and steps to be built on original excavated footings and to match existing adjacent walls.
Approved 11 May 2011. |
| MC/03/2452 | Part demolition of warehouse buildings; the conversion of "tower building" into one Class B1 office unit with 5 flats above; the conversion of one warehouse building into three 1-bedroomed mews cottages; the construction of 10 terraced houses; two blocks comprising 12 flats; one block comprising a Class B1 office unit at ground floor with 6 flats above; the formation of a new access via The Terrace and the provision of parking.
Approved 15 December 2006. |

Representations

The application has been advertised on site, in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties. English Heritage, Kent County Council Archaeology and the City of Rochester Society have also been consulted.

Three letters of objection have been received raising the following comments:

- There is no historical evidence for the fountain in the middle of the lower terrace;
- Request that the Council consider the road safety aspects of positioning an additional exit/entrance to a parking area where several such exits/entrances already exist and where several roads converge;
- The development will impact upon privacy and enjoyment of the private space of the property at 1 Pretty Seat Mews.

All other matters raised not listed above are non-material.

English Heritage has raised no objection but suggested a condition requiring a programme of archaeological works (the detailed comments of English Heritage are referred to in more detail in the Planning Appraisal section below).

Kent County Council Archaeology has raised concerns on the ground that the previous planning permission relating to the restoration of the garden area (planning reference MC/10/2915) contained a condition requiring the implementation of a programme of archaeological work. At the time of the Country Archaeologist writing these details had not been submitted and they recommended that the current application not be determined until a fuller understanding of the archaeological works relating to the site was provided. These details were subsequently been submitted to and approved by this authority. (This matter is dealt with in greater detail in the Planning Appraisal section below.)

City of Rochester Society – no response.

Development Plan Policies

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 principle of the development;
- Impact on conservation area and setting of listed buildings/structures;
- Archaeology;
- Residential amenity;
- Highway safety.

Principle

The principle for some of the proposed works has already been established through the granting of planning permission MC/10/2915 and listed building consent

MC/10/2917. There can be no objection to the principle of those elements of the scheme that have previously been approved.

The remaining works form part of the applicant's proposals to reinstate the historic gardens. Historically this area formed part of the grounds of Restoration House. There is no objection to the broad principle of restoring this area.

Impact on Conservation Area and Setting of Listed Buildings/Structures

The application site is located within the Rochester City Conservation Area. Policy BNE14 of the Local Plan contains a requirement that development within such areas *"should achieve a high quality of design which will preserve or enhance the area's historic or architectural character or appearance"*.

The application site contains and is also located in close proximity to a number of listed buildings and structures. Restoration House is a grade I listed building. Vines House which lies to the west of the application site is a grade II* listed building. The historic wall within the site is grade II listed. Furthermore other walls within the application site are listed by virtue of being within the historic cartilage of Vines House or Restoration House.

In accordance with Policy BNE18 of the Local Plan, there will be a requirement that the development does not adversely affect the setting of these listed buildings.

In the consideration of the impact of the proposal upon the conservation area and existing listed buildings, paragraph 132 of the NPPF is also important. This requires the following:

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be."

The proposed garage is well designed and would incorporate the use of good quality materials. English Heritage has commented on this element of the proposal as follows:

"The garage and parking area are outside the boundary of what is currently thought to be the extent of the Tudor garden and would not in our view be harmful to the significance of the conservation area or to the significance that the Tudor wall and the numerous nearby listed buildings on Crow Lane derive from their settings."

Many elements of the proposal seek to reinstate original features of the garden. English Heritage has raised no objection to these elements stating:

"All other changes to the approved scheme are related to the restoration of the sunken garden, for which some physical evidence survives in the form of ground levels, the buried footings of walls and the Tudor wall itself, all of which reinforced by documentary evidence."

Some concern has been raised that not all of the features are historically accurate. It

is acknowledged that some elements of the scheme are conjectural and do not represent a historical reconstruction of the garden. English Heritages view on this is set out below:

“There is nonetheless considerable detail that is not known and certain elements of the current scheme are entirely conjectural, albeit informed by local gardens of similar date and designed in the spirit of a Tudor garden. We do not object to such speculation where it can be differentiated from the historic remains, is not represented as an authentic reconstruction of the garden and demonstrates a high quality of design; we feel that the gazebo, fountain and archway fall into this category of works and as part of the garden project as a whole constitute enhancements to the conservation area and settings of adjacent listed buildings.”

In light of the above considerations and the general support for the scheme from English Heritage, the proposal would meet the tests set out in Policies BNE14 and BNE18 of the Local Plan.

Archaeology

The previous planning permission relating to the restoration of the garden area (planning reference MC/10/2915) contained a condition requiring the implementation of a programme of archaeological work. The original consultee response from the KCC Archaeological Officer relating to the current application raised concern that details pursuant to this condition had not been submitted and therefore the condition had not been discharged. The KCC Archaeological Officer therefore recommended that the current application not be determined until there is a fuller understanding of the archaeological works relating to the site.

Since these comments were received, the details pursuant to the archaeological condition attached to planning permission MC/10/2915 have been submitted to and approved by this authority. At the time of writing this report the further comments of the KCC Archaeological Officer are awaited. However, given that the archaeological details pursuant to permission MC/10/2915 have now been approved it is anticipated that there will be no further objection. Any further comments together with any request for planning conditions will be reported to members in a supplementary agenda advice sheet.

Residential Amenity

The majority of the application site is set at a significantly lower land level than neighbouring residential properties. The properties at Pretty Seat Mews to the south and Vines House to the west are all located at a much higher land level. As such those elements of the development located at the lower land level would not have a significant impact upon neighbouring properties in terms of loss of privacy, loss of sunlight/daylight or loss of privacy.

The proposed garage building and upper floor of the gazebo would be located at a similar land level to the properties at Pretty Seat Mews. As a result of their siting and design, it is considered that these elements of the proposal would also not impact upon the residential amenity of the occupiers of Pretty Seat Mews.

Highway Safety

This proposal involves the provision of a detached garage which would accommodate three vehicles, an associated parking area for one vehicle and a turning area and access onto East Row. The Council's Highways officer originally raised some concern with respect to the parking arrangement and access arrangements onto East Row. However, further to the submission of revised/additional information the Highways officer has now raised no objection to the proposal on the grounds of highway safety.

Conclusions and Reasons for Approval

There is no objection to the principle of the development and it has been demonstrated that its impact upon Rochester City Conservation Area and the setting of existing listed buildings/structures would be acceptable. Indeed English Heritage has raised no objection on such grounds.

It has also been shown that previous issues relating to archaeology have been resolved and that the development would not have an unacceptable impact upon the residential amenity of neighbouring occupiers or highway safety. Accordingly the development accords with all the aforementioned development plan policies and is recommended for approval.

This application would normally fall to be considered under officers' delegated powers but has been reported to Planning Committee for determination due to the sensitivity of the site and extent of local interest.

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>