

MC/14/2148

Date Received: 25 July, 2014

Location: Garages To Rear Of 1-3 Lavender Close And Adjacent To 2f Mayweed Avenue Chatham Kent

Proposal: Demolition of garages and construction of a terrace of 5 two bedroomed houses together with 1 two bedroomed bungalow attached to end of terrace with associated parking and landscaping

Applicant: MHS Homes

Agent: Mr Hedges Pellings 24 Widmore Road Bromley BR1 1RY

Ward Walderslade

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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 8 October, 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:  
712 024 SK1 received 28 July 2014, 712 024 SK4C received 1 August 2014 and 712 024 SK3E, SK5C, SK6B, SK7C, SK8D and SK9C received 17 September 2014.

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 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 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, 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.

- 6 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 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.

- 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 take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: hours of construction working; noise and vibration limitation and monitoring regimes; access points; screening/mitigation; wheel cleaning/chassis cleaning facilities; dust control measures; protection of surface and groundwater resources, including arrangements for the storage of oils, fuels or chemicals; pollution incident control; site illumination including any cowls to be fitted to ensure that light spillage on sensitive areas is avoided and location of construction compounds/laydown areas and offices. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

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 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 dwellings are first 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 and residential amenity in the locality, in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 11 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 including plant species, sizes, numbers/density and a time for implementation). All 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, 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 of the Medway Local Plan 2003.

- 12 The dwellings shall not be occupied until the area shown on the approved drawing number 712 024 SK3 E as vehicle parking space (including the car port area) together with access thereto 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.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking/be detriment to amenity and in accordance with Policies BNE2 and T13 of the Medway Local Plan 2003.

- 13 Prior to the first occupation of the five houses hereby approved the rear access shown on the approved drawing number 712 024 SK3 E shall be provided and it shall be retained as such, available for use by all residents of the development, thereafter.

Reason: To ensure that adequate provision is made to allow for the putting out of refuse on collection days, in the interests of amenity and with regard to Policy BNE2 of the Medway Local Plan 2003.

- 14 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.

## **Proposal**

It is proposed to demolish 25 lock-up garages and to construct a terrace of five two bedroomed houses with a two bedroomed bungalow and carport on the eastern end of the terrace. The proposed terrace would front onto Mayweed Avenue, with parking provision within the site on this road frontage. Eight parking spaces are shown for the five houses with the carport and a parking space in front for the bungalow. The existing single crossover onto Mayweed Avenue would need to be altered/extended to accommodate this parking arrangement, with the current vehicular access onto King George Road no longer being required. The application submissions include a Parking Study and a Phase 1 Desk Study (contamination).

The proposed terrace would be approx. 30m long in total and approx. 11.4m in depth with the bungalow being set back slightly from the houses and approx. 11.8m

deep. Each of the houses would have a kitchen, WC, store and living area on the ground floor with two bedrooms and a bathroom on the first floor. The bungalow has been designed to be suitable for the disabled. Externally the houses would be constructed of a mix of brick and render with a tiled roof. The main roof would be ridged from side to side, with lower gable projections to the rear of each house. The bungalow would have a wrap-around pitched roof with a central flat section (table-top roof). Each house would have a minimum rear garden length of approx. 12.6m together with rear pedestrian access onto King George Road. The length of the rear garden for the bungalow would vary between approx. 5.8m and 12.3m although due to the width of this plot it would be larger in area than the proposed house gardens. It is stated that all of the units would be for social rent at affordable rents.

### **Site Area/Density**

Site area: 0.116 hectares (0.286 acres)

Site density: 51.7 dph (21 dpa)

### **Representations**

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

**The Environment Agency** confirm that they consider planning permission could be granted subject to the inclusion of a condition regarding the remediation of any unexpected contamination found during development. Without this condition they would object to the development. They also say that construction activities should be undertaken in accordance with their guidelines on pollution prevention (these guidelines would be drawn to the attention of the developer by an informative on the decision notice).

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

- Loss of garages;
- Increased parking on local roads causing more parking problems, already problems including due to dentist staff and patients;
- Cars already park on verges and block visibility when leaving Mayweed Avenue, road and pedestrian safety concerns, there have already been local accidents and King George Road is a bus route;
- The parking survey showed King George Road was 96% full but the average was 70%, it was also undertaken when there were no dentist employees cars about;
- Additional parking problems during the construction period;
- Risk of vehicles currently parked in garages (including motorbikes) being stolen or damaged when parked on street;
- Front lawn of affected local resident should be paved and provided with a drop kerb in order to compensate for loss of garage and lack of safe alternatives;
- The open space opposite the site could be used for residents and builders to park;

- Unsightly, view of carport and side of buildings instead of shrubs and conifers at 2F Mayweed Avenue;

**Two further letters commenting on the proposals** have been received:

- One says that they do not object to housing but the boundary fencing to 2F Mayweed Avenue needs to be replaced as it would become insecure and open to view if the development went ahead;
- The Lavender Close Dental Practice asks what provision has been made to provide it with the three spaces which it currently has on the site, saying that the dental practice has been there for more than 50 years and is vital to the community.

## **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 including with regard to Policy H4 of the Medway Local Plan 2003. The acceptability of the scheme will therefore rest on matters of detail, including the impact of the loss of the existing garages.

### *Street Scene and Design*

The site is in a prominent location on the junction of Mayweed Avenue and King George Road, the surrounding area mainly consisting of two storey terraced houses although there are some semi-detached houses and also a small close of bungalows directly to the rear/south of the site. The terrace immediately to the southeast in Mayweed Avenue has recently been constructed whereas most of the properties are of a similar age. It is considered that the proposed development would suitably fit within this context – a terraced form but with a slightly different and more contemporary feel. The proposed bungalow to the end of the terrace is unusual, however now that amended plans have added a wrap-around pitch to the roof, rather than it being completely flat as initially proposed, it is not considered that it would appear detrimental to the character and appearance of the locality and it is pleasing that a dwelling suitable for the disabled would be provided. In summary the visual impact and design of the development is considered acceptable including with regard to Policy BNE1 of the Medway Local Plan 2003 and to the advice given in the NPPF (section 7).

### *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 position of the proposed terrace would mean that the main impact would be on the bungalows to the rear in Lavender Close. 1 Lavender Close is a dental practice but 2 and 3 are in residential use. The development would be to the north of these two dwellings, limiting any impact on their sunlight, and the separation distance would be approx. 20m in accordance with the minimum specified in the Medway Housing Design Standards (MHDS) (interim) 2011. The proposed bungalow would only be 18.9m away but as it is single storey and due to the angle of view this is considered to be an acceptable exception (and one which is allowed for by the MHDS baseline standards). The position of the proposed bungalow at the eastern end of the terrace helps reduce the impact of the development on the adjacent terrace to the south east, and subject to new boundary treatment (which would be secured by planning condition) the impact on these neighbours is considered acceptable. Other neighbours further away would be able to see the development but this change of view is not considered harmful. In summary there is no objection to the development in respect of its impact on the living conditions of neighbours, including on their light, privacy and outlook and due to the variation of levels across the site.

With regard to the amenities of future occupants of the development itself the proposed dwellings have been assessed with regard to the MHDS:

Number of bedrooms /occupancy	Number of units	MHDS minimum Gross Internal Area sqm	Gross Internal Area proposed sqm	MHDS Living/ Dining/ kitchen Good Practice Minimum Floorspace sqm	Living/ Dining/ kitchen proposed sqm	MHDS Bedroom Good Practice Minimum Floorspace sqm	Bedroom Floorspace proposed sqm
2 bedroom 4 person	5 houses	83	83	27	29	12	All 15
2 bedroom 4 person	1 bungalow	70	85	27	35	12	18
						12	15

The form of the development would comply with the overall aims of these Standards and would result in an acceptable living environment for future occupants.

In summary the amenity implications of the development are considered to be acceptable including with regard to Policy BNE2 of the Medway Local Plan 2003 and the fourth core planning principle in paragraph 17 of the NPPF.

### *Highways and Parking*

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



The application submissions include a Parking Study. This says that of the 35 garages on the site 10 are void and 25 are rented, 13 of these being rented to people local to the site. A survey of the current use of the 25 rented garages resulted in 15 replies, these saying that 9 are used for car parking, 1 for a scrapped car, 2 for motorcycles and 3 for storage. The Study notes that the garages are narrow, small and substandard for modern use.

In addition the Parking Study assesses the unrestricted kerbside capacity for parking within approximately 200m of the application site, finding that there is a total of 240 spaces. The usage of these spaces was then assessed by means of two weekday surveys undertaken at 00:30am. These surveys found that there was an average of 168 of the on-street parking spaces in use, this being 70% of the total. In these circumstances the study concludes that there is sufficient on-street capacity in the local area for any increased demand due to the loss of the garages. If all of the 13 garages rented to people local to the site resulted in another car parked on street this would increase the on-street demand in this local area from 70% to 75% of the spaces available, which is not considered to be an over-saturation of demand/use.

A number of local residents have raised concern regarding the loss of the garages. It is recognised that the parking survey found some variation in on-street parking capacity over the local streets however bearing in mind the overall vacancy rate at night of 30% in local streets it is not considered that planning permission could reasonably be refused on this ground. It is also noted that the Parking Study does not take into account the impact of the dental practice at 1 Lavender Close. The dentist currently has the use of three open spaces on the garage site and these would no longer be available if the development went ahead, meaning that a maximum of three additional cars would be parked on street. The practice has three treatment rooms with at times a maximum of nine staff as well as patients and the associated use of on-street parking is evident, particularly in King George Road. The opening hours of the dental surgery are 9am – 5:30pm Monday to Friday, meaning that during the evening and at weekends when on-street parking demand by residents is highest, the dentist is closed. In these circumstances, although some local residents already find parking associated with the dentist to be of concern, it is not considered that the additional impact resulting from the development would be significant.

Whilst garage users would clearly prefer the use of a garage, including for the safe-keeping of vehicles/motorcycles, the garages are private facilities which the Local Planning Authority cannot require to remain available for use. It would therefore be unreasonable to require compensation such as providing new facilities within the properties of affected tenants.

With regard to the proposed development a total of ten parking spaces are required to meet with the Council's Standards, nine for residents and one for visitors. Eight spaces are provided along the frontage of the houses with two spaces, a carport and a space in front, by the bungalow. The spaces are set away slightly from the junction of Mayweed Avenue and King George Road to avoid potential conflict at this point and as a whole the scheme is considered acceptable on highway safety grounds.

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 Medway Local Plan 2003.

#### *Other Matters*

As the site is currently used for garages a desk top study to assess any potential contamination risks has been undertaken. The desk top study recommends that a site investigation is undertaken to support the conceptual site model and this would need to include testing of samples for a general suite of contaminants and hydrocarbons as well as asbestos, due to the previous use of the site as garages. This, including the remediation of any unexpected contamination found during development as specified by the Environment Agency, will be required by planning conditions with regard to Policy BNE23 of the Medway Local Plan 2003 and paragraph 121 of the NPPF.

Initially the plans showed refuse storage facilities on the site frontage but following consultation with the Waste Team these have been removed. Each of the terraced houses has pedestrian rear access to King George Road such that residents can store their bins in their rear gardens and then move them to the kerbside on collection day.

As the site is closely related to neighbouring properties a condition requiring a Construction Environmental Management Plan is recommended in order to help limit the impact on the construction period on the amenities of local residents.

It has been suggested that the open space opposite the site could be used for residents and builders to park. This is not part of the application proposals and the space helps to provide a pleasant setting for the area. In these circumstances this suggestion could not be required.

#### *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 would complement its surroundings and would 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, T1, T2 and T13 of the Medway Local Plan 2003 and the NPPF.

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/donline/AcolNetCGI.gov>