

MC/14/2723

Date Received: 16 September, 2014

Location: Garage Site adjacent to 44 Wall Close, Hoo, Rochester , ME3 9LN

Proposal: Demolition of existing garages and construction of 2 one-bedroom flats with car parking and amenity space

Applicant: MHS Homes

Agent: Mr D Croft Calfordseaden St John's House 1A Knoll Rise Orpington Kent BR6 0JX

Ward Peninsula

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 5 November 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:

Drawings 104 Rev A and 106 received 16 September 2014 and 105 Rev B 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 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and

soft landscaping (including surfacing materials, plant species, size at time of planting and numbers/spacing/density) which includes low level planting only between the access and proposed parking space 1 (in order to ensure visibility is maintained for drivers), together with a timescale for implementation. All hard landscaping and planting comprised in the approved scheme of landscaping shall be implemented in accordance with the approved timescale. The hard landscaping shall thereafter be retained as approved. 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 and the amenities of future occupants of the site, in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 5 The boundary treatment shown on the plans hereby approved shall be completed in accordance with these plans before the first occupation of either or the flats hereby approved and shall thereafter be retained.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality and in the interests of residential amenity, in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 6 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 7 to 10 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 10 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.

- 7 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.

- 8 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.

- 9 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 any 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.

- 10 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 7, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 8, 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 8 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 9.

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.

- 11 No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP 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 CEMP.

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.

- 12 Prior to the first occupation of either of the flats hereby approved the area shown on the submitted layout as vehicle parking and turning space shall be provided (including marking out), surfaced and drained. Thereafter it shall be kept available for such use, available for use by occupants of the two flats (two spaces to be marked out as specifically reserved for this purpose) and for local residents, 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 and turning space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking and a loss of amenity and in accordance with Policies BNE2 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.

Recommendation

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 21 lock-up garages and to construct two one bedroom flats. The flats would be located on the northeastern side of the site in a two storey building, the ground floor flat having a private garden area to the southeast and the first floor flat having a garden area to the northwest of the building. 4 open parking spaces would be provided adjacent to the garden area for the first floor flat, with a further 9 spaces to the other side of the entrance driveway.

The proposed building would be approx. 8.15m by approx. 8.5m. It would have a ridged roof with gable ends to the northwest and southeast sides. Internally each flat would have a living/dining/kitchen area with a double bedroom, bathroom, airing cupboard and store.

The application submissions include parking survey information and a Phase 1 Desk Study (contamination).

Site Area/Density

Site area: 0.07 hectares (0.17 acres)

Site density: 29 dph (11.8 dpa)

Representations

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

Council has also been consulted.

Hoo St Werburgh Parish Council has the following comments:

- There is always concern when the provision of a secure parking space is removed from those tenants wishing to or potentially wishing to rent garage space.
- The application mentions 21 garages in total to demolish and that out of those 21 garages 6 are not used. That just might be that they are not convenient or perhaps too expensive however 10 garages are used for varying reason and that 10 parking spaces are to be provided. It seems admirable on the face of it but the assumption that there is a reserve capacity on the streets to accommodate 6 further cars seems retrograde when there is a MC policy to encourage folk not to park on-street.
- There is also concern that this application may fall foul of Policy H9: Backland Development of the MLP whereby there may be loss of privacy of adjacent properties. There may also be a significant increase in noise or disturbance to adjacent properties from traffic using the access. There is also a fear that the proposed sites access and egress is in fact restricted and may give cause for concern to emergency and service vehicles alike.
- Although we object to this application we can see the positive side to this application whereby if the planning authority was mindful into approving this application for 2 dwellings we strongly suggest that any potential tenants or shared-owners are listed as being locally resident to the Hoo Parish area therefore making that a condition of approval.

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

- Loss of all the garages (for just two flats);
- The Council/MHS have changed the parking rules to suit themselves;
- If people want storage rather than garaging for cars there are alternatives;
- Severe lack of alternative parking, traffic/parking chaos (many photos to demonstrate this have been provided);
- Parking surveys need to be undertaken at night not during the day when most residents are at work;
- Parking is likely to take place on grassed area;
- 44 Wall Close would need to apply for disabled parking space outside their house;
- Overdevelopment village of Hoo.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). 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 area within the confines of Hoo St Werburgh and the addition of two flats is considered to be minor in scale. In these circumstances there is no overriding objection in principle to the proposed development including with regard to Policy H11 of the Local Plan. Although concern has been raised that the site may be 'backland,' such that Policy H9 would be relevant, this is not strictly considered to be the case as the proposed dwellings would overlook the public greenspace to the northeast. The acceptability of the scheme will therefore rest on matters of detail, including the impact on amenity and of the loss of the existing garages.

Street Scene and Design

Although the proposed development is for two flats, one on each floor, the external envelope of the building has been designed to be similar to nearby houses, including the use of brick and tiles with first floor tile hanging. Although its position means that it would sit differently to existing development, it is not considered that it would appear out of place or harmful to the character and appearance of the area. In summary the visual impact and design of the development is considered acceptable including with regard to Policy BNE1 of the Local Plan 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.

The proposed flats would be positioned away from the site boundaries with neighbours, such that they would be approx. 8.5m from the boundary of the house of the southeast, approx. 12.5m from the property to the southwest and approx. 14m from the house to the northwest. In this position it is not considered that there would be any unacceptable loss of light or overbearing impact on neighbours. With regard to privacy the first floor windows which would provide outlook face towards the northeast (the open space) and the northwest, however due to the separation distances it is not considered that this arrangement would result in harmful overlooking.

Concern has been raised regarding noise or disturbance to adjacent properties from traffic using the access. However it not considered that this would be a significant issue from just two flats, also bearing in mind that the access is already well-established as the only vehicular route to the garages.

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.

With regard to the amenities of future occupants of the development itself the proposed flats have been assessed with regard to the Medway Housing Design Standards (MHDS) (interim) 2011:

Number of bedrooms /occupancy	Number of units	MHDS minimum Gross Internal Area	Gross Internal Area proposed
1 bedroom 2 person	2	50m ²	50.5m ²

The form of the development would comply with the overall aims of the MHDS 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 Local Plan 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.

With regard to the loss of the existing garages the application submissions include a parking study. In order to establish existing demand an overnight parking survey was undertaken on Wall Close and Fourwents Road. The surveys were undertaken on Thursday evenings between 00:30 and 05:30am and indicate that there is a high demand for on-street parking in the vicinity of the site. Of the 58 unrestricted kerbside parking opportunities identified within the study area an average of 52 vehicles were parked at the time of the surveys, leaving only 6 spaces available. On Wall Close, between 86% and 89% of the on-street parking was utilised, with between 86% and 96% of the available space on Fourwents Road occupied by parked vehicles.

The applicant states that of the 21 garages on the site 5 are currently unoccupied. Of the 16 garages currently rented out 3 tenants do not live in the local area and 3 garages are stated by tenants to be used for storage purposes. Although not all of tenants replied to the applicants survey it has therefore been assumed that the remaining 10 garages which are in use are used for car parking. The proposed development includes the provision of 13 open parking spaces. 2 of these would be required for the proposed flats in accordance with the adopted Parking Standards, leaving 11 spaces that could be made available to tenants of the garages. In theory this means that the development would not be displace car parking on to the adjoining highway, notwithstanding any albeit small amount of spare capacity on-street in Wall Close and Fourwents Road.

In addition to the above it is relevant to note that the Local Planning Authority cannot require the existing garages to be made available for parking purposes – the owners can ‘mothball’ them without the need for planning permission, even though this would be likely to have a significant impact on parking and amenity in the local area. This needs to be borne in mind when considering the current proposals.

In summary in the above circumstances, as the existing parking situation is unlikely to be made worse by the development, the proposals are considered acceptable with regard to parking matters. Subject to the provision of low level landscaping only adjacent to parking space 1 and the main site access, the proposed access (as existing) to the site is considered adequate for the scale of development and there are no objections with regard to Policies T1, T2 and T13 of the Local Plan. The footpaths around the site would be retained.

Contamination

As the site is currently used for garages a Phase 1 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 will be required by planning conditions with regard to Policy BNE23 of the Local Plan and paragraph 121 of the NPPF.

Other Matters

The Parish Council has requested that if approval is granted it be a condition of this that any potential tenants or shared-owners are listed as being locally resident to the Hoo Parish area. Whilst this may be preferable there are no reasonable planning grounds for imposing such a condition in the application circumstances, therefore this suggestion has not be taken up.

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 sit suitably within its surroundings and that it 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, T1, T2 and T13 of the Local Plan 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.

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://publicaccess.medway.gov.uk/online-applications/>