

MC/14/2146

Date Received: 28 July, 2014

Location: Garages At Hoopers Place, Rochester, Kent

Proposal: Demolition of garages and construction of 6 one bedroom and 2 two bedroom flats with communal amenity together with associated parking, cycle storage and access

Applicant: MHS Homes

Agent: Mr Sharp Pellings 24 Wigmore Road Bromley Kent BR1 1RY

Ward Rochester East

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 7 January, 2015.

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:

712 021 SK1 C, SK9 A, SK11 A, SK5 C, SK12 A and SK10 A received 28 July 2014
712 021 SK4 E received 1 August 2014 and 712 021 SK1 D received 25 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, including bricks, tiles, rainwater goods, windows, doors, cills, roof coverings and timber feature panels 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 by the Local Planning Authority a scheme of landscaping (hard and soft). 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 Local Planning 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 Plan 2003.

- 5 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to the Local Planning Authority for approval in writing prior to the occupation of the development. The landscape management plan shall be carried out as approved.

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.

- 6 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 approved boundary treatment shall be completed before first occupation of the development 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, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 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 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.

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.

- 10 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.

- 11 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 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 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.

- 12 Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be 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: In order to minimise the impact of the construction period on the amenities of local residents and with regard to Policy BNE2 of the Medway Local Plan 2003.

- 13 Prior to the commencement of development details of an external lighting scheme, including its height, position, external appearance, any shielding, light intensity and spillage (such as light contour or lux level plans showing the existing and proposed levels) together with a report to demonstrate its effect on nearby residential properties and of how this effect has been minimised, shall be submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed prior to first occupation of the development and shall thereafter be retained.

Reason: For the safety and security of prospective occupiers and in order to limit the impact of the lighting on the nearby residents with regard to Policies BNE8 and BNE2 of the Medway Local Plan 2003.

- 14 Prior to commencement of the development, details of the closure of all existing vehicular accesses junctions serving the site, comprising the removal of the existing kerbed radii, the construction of new sections of continuous footway along the site frontages and the provision of two dropped kerb crossovers, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be constructed and made available for use prior to first occupation of the development.

Reason: to ensure a safe means of vehicular and pedestrian access to the site, in accordance with Policies T2 and T3 of the Medway Local Plan.

- 15 Prior to the first occupation of any of the dwellings hereby approved the area shown on the submitted layout as vehicle parking and turning space shall be 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 and turning space.

Reason: In order to ensure that there is adequate parking and turning on the site with regard to Policies BNE2, T1, T2 and T13 of the Medway Local Plan 2003.

- 16 Prior to the first occupation of any of the dwellings hereby approved the cycle storage area shall be provided in accordance with the approved plans and it shall thereafter be kept available for such use.

Reason: In order to ensure that there are adequate cycle parking facilities on the site with regard to Policy T4 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 planning permission for the demolition of the garages and construction of 6 one bedroom and 2 two bedroom flats with communal amenity area together with associated parking, cycle storage and access.

The new building would be sited on the western side of the site of the 24 garages to be demolished and located 2.5m from the rear gardens of the three storey terraced houses on Maidstone Road. The building would be flat roofed and would measure 18.6m in length and 13m in width.

On the eastern side of the building a refuse and recycling store and a cycle store for 8 cycles would be attached to the building. Above this there would be an overhang on the first and second floors where the 2 two bed flats would be formed. Two one-bed flats would be provided on each of the ground, first and second floors of the three storey part on the western side.

The ground floor units would have patios and all the first and second floor flats would have balconies. Additionally a large communal garden would be provided on the southern and eastern sides of the site and a new vehicular access would be formed to Hooper's Road to provide access to 5 car parking spaces and turning space. The opportunity would be taken to widen the footway on this side of the road to 1.8m. A further 9 parking spaces (making 14 in total) would be provided on the site of the ten garages to be demolished on the northern side of Hooper's Road. In total 34 garages will be demolished. Porous paving would be used for the pedestrian areas and tarmac for the vehicular areas.

Site Area/Density

Site Area: 0.14 hectares (0.35 acres)

Site Density: 57.1 dph (22.9 dpa)

Representations

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

10 letters of representation have been received making the following comments:

- Overlooking
- The area is becoming overpopulated putting stress on school places and facilities
- This will cause further parking problems
- Noise and mess from construction
- Loss of garages
- Loss of sunlight and daylight
- Previous tower blocks were demolished in 1986 due to social problems – what is the difference?

- There are too many flats being built in the area
- Security for existing properties
- Overdevelopment
- How about a pitched roof with solar panels rather than flat green roof

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

Principle

The application site comprises garages and hard surfaces areas at the western end of Hooper's Road. On the south side of the road is a 38m deep x 25m wide garage court with 24 single garages known as Hoppers Place and on the north side of the road is a 15m deep x 21m deep wide court of 10 garages.

Both garage sites are situated immediately between and adjoining residential sites. They both adjoin the rear gardens of properties on Maidstone Road. To the east there are four storey flats on the south side of Hooper's Road and terraced bungalows on the north side of Hooper's Road. There is a two storey residential building adjacent to the site at the rear of 117 Maidstone Road and there is a distance of 9m to the nearest four storey flats on Hooper's Road.

The site is located within the urban area of Rochester which has no specific designations. The proposal therefore falls to be determined against policy H4 of the Medway Local Plan 2003. The site does adjoin a Conservation Area to the west.

Policy H4 states that within the urban area, as defined on the proposals map, residential development will be permitted consisting of:

- (i) the use of vacant or derelict land or the change of use or redevelopment of existing buildings no longer required for non-residential use; or
- (ii) the redevelopment of existing residential areas and infilling in such areas (providing that a clear improvement in the local environment will result); or
- (iii) mixed commercial and residential uses in proximity to town centres; or
- (iv) the use of upper floors above commercial premises.

The existing garage sites do not contribute to the character of the area and no objection is raised to the principle of the removal of these and their replacement with residential properties. Therefore the proposal accords with criterion (ii) of policy H4 and is therefore acceptable in principle.

Policy H5 supports high density housing in town centres, near public transport access points and along routes capable of being well served by public transport and close to local facilities. This proposal at a density of 57 is high however, being close

to the town centre in an area where densities are typically high, no objection is raised to this and the considerations should therefore relate to matters of design, setting and amenity.

Design

The site is within an area of 20th century 4 storey flats with the adjoining sites to the south (Potyn House) and east (Willis House) being flat roofed 4 storey blocks set in grassed/hard surfaced areas. The site does not form part of the adjoining Maidstone Road Conservation Area which is characterised by older two/three storey terraced properties. The roof of the new building would sit at a similar height to the adjoining four storey blocks and the proposed treatment of the space on the site, with provision of new lawn and parking spaces, would maintain the rhythm of the streetscene on this side of Hooper's Road.

The northern side of Hooper's Road features bungalows with front and back gardens. The 10 garages on this side of the road would be demolished and nine parking spaces provided within a landscaped setting. The new landscaped parking area would maintain the scale of development on this side of Hooper's Road.

The architectural form of the proposed block provides a development which complements the existing streetscape and character. The building offers a new attractive frontage to a part of the street that in design and appearance terms is poor and is not overlooked resulting in security issues. The proposal will also improve the definition of the street as you turn onto Hooper's Road. The new development is designed to create visual interest whilst ensuring that the development fits in with the existing character of surrounding buildings, which display a variety of brick, slate and wood cladding. The provision of soft landscaping, replacement trees and low level shrubs would add to the aesthetic and environmental interest of the site and help to define the boundaries of the private amenity space. The proposal represents a considerable visual improvement to this area from what currently exists.

The proposed development therefore accords with policy BNE1 of the Medway Local Plan 2003.

Amenity

The northern part of the application site will be reserved for nine parking spaces. It is not clear from the application whether the boundary treatment around this site will remain or be renewed and a condition is recommended that details be submitted. The parking spaces on the northern part of the site will have no detrimental impact on neighbouring amenities in terms of loss of outlook, privacy, sunlight or daylight and indeed will represent a considerable improvement to amenity.

The proposed three storey block will have high level and obscure glass windows in the western flank facing towards the rear gardens of 117-125 Maidstone Road and therefore will result in no overlooking issues to these properties. Due to the path of the sun and the length of these rear gardens any loss of sunlight will be early morning and to the very rear of the gardens and therefore no concern is raised. The proposed building will be over 20m from the rear facades of these properties and

therefore there will be no loss of outlook to these neighbours.

The blocks of flats to the east and south are approx. 20m away from the proposal. Due to the distances involved and the positioning of the habitable room windows to the front (north) and rear (south) of the building, no concerns are raised in terms of loss of privacy, outlook or daylight. Due to the path of the sun there will be no detrimental impact in terms of loss of sunlight for this block. The bungalows to the north of Hooper's Road are a sufficient distance to not experience any detrimental impact in terms of loss of amenity from the proposals.

The Medway Housing Design Standards (the Standards) provide planning guidance that expands upon the existing Medway Local Plan policies *S2: maintaining and improving environmental quality and design standards*; *BNE1: General Principles for Built Development*, *BNE2: Amenity Protection* and *H6: Flat Conversions*.

The standards are provided as baseline requirements, which new residential developments should meet and 'good' requirements, which it is desirable to meet.

The six one-bed flats have a floor area of 50sqm which meets the baseline standard for a one bed, two person flat. The two two-bed flats have a ground floor area of 61sqm which meets the standards for a two bed, three person flat. The living/kitchen/diner for the one-bed flats will be 23sqm and for the two-beds will be 26sqm. This meets the good practice standards of the Housing Standards. The ground floor area and widths of the bedrooms also meet the Standards. The balconies and terraces provide adequate outside space for the future occupiers of the flats and are therefore acceptable.

Assessment of MHDS

Number of bedrooms /occupancy	Number of units	MHS minimum Gross Internal Area	Gross Internal Area proposed
1 bedroom, 2 person	6	50m ²	50m ²
2 bedroom, 3 person	2	61m ²	61m ²

The proposed development therefore accords with policy BNE2 of the Medway Local Plan 2003 and the MHDS.

Highways

The trip generation database indicates that the proposed development is likely to generate around 2 vehicle trips during each peak period and a total of 20 trips over the course of a day, which equates to between 2 and 3 trips per dwelling. This low level of traffic would not have a material impact on conditions of highway capacity or safety, also taking into consideration potential vehicle trips generated by the 34 rented garages currently on the site.

A Parking Study was submitted with the application, which considers the impact on kerbside parking in the vicinity of the site if the garages were removed. In order to establish existing demand, an overnight parking survey was undertaken on streets within 200 metres of the site: Hooper's Road, Maidstone Road, King Edward Road,

Queen Street, Dunning's Lane, John Street and Foord Street. The surveys indicate that there is a high demand for on-street parking in the vicinity of the site: of the 161 unrestricted kerbside parking opportunities identified within the study area, an average of 119 vehicles were parked at the time of the surveys, leaving 42 spaces available. Food Street, Maidstone Road and King Edward Road had parking occupancies of over 85%.

The applicant states that, of the 33 garages are currently rented out (1 is not rented out at present), only 15 are let to people from the local area: seven garages are let to addresses in Maidstone Road, four in John Street, two in Hooper's Road one each in King Edward Road and Dunning's Lane. Assuming that all 15 garages are used for car parking on a regular basis, the survey demonstrates that there are sufficient on-street opportunities to absorb this level of displaced parking demand.

Medway Council's Parking Standards require the provision of 11 off-street spaces to serve the development. The proposal for 14 parking spaces complies with this and therefore no objection is raised in respect of Policy T13 of the Local Plan. Cycle storage in accordance with the Standards is also provided. It is requested that the existing kerbed radii junctions at the three site accesses be removed and replaced with new sections of continuous footway constructed to tie in with the existing provision. This would include the widening of the existing narrow footway along part of the site frontage and a new kerbline to define the lay-by to the side of number 117 Maidstone Road. Dropped kerb crossovers of the footways should then be provided for accessing each parking area. An appropriate condition is recommended. Subject to this, no object is raised in respect of Policy T2 of the Local Plan.

Contamination

The application has been supported by the following reports in support of their planning application:

Phase I Desk Study undertaken by Soils Limited dated June 2014 (report reference: 14343/DS)

The desk top study includes a site history, site walkover, information on the geology and hydrogeology at the site. A conceptual site model has been developed for the site. The desk top study recommends that a site investigation is undertaken to support the conceptual site model.

The site investigation should 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.

Subject to conditions the proposal accords with policy BNE23 of the Medway Local Plan 2003.

Noise

It is recommended that a condition dealing with the construction phase of the works be imposed and this will protect the amenity of residents living close to the proposed

development site.

Subject to relevant conditions the proposal therefore accords with policy BNE3.

Local Finance Considerations

None relevant.

Conclusions and Reasons for Approval

The removal of the garages will not cause unacceptable pressure on on-street parking in the area, while the redevelopment of the site for the flats and parking spaces proposed will result in a significant visual improvement to the area, while not causing unacceptable harm to the amenities of occupiers of neighbouring properties. The proposal therefore accords with the provisions of the above mentioned development plan policies and is recommended for approval.

The application would normally be determined under delegated powers but is being reported to Committee due to the number of letters of representation received contrary to Officers' recommendation.

This application was considered at the last Planning Committee meeting on 5 November 2014 but deferred to enable a member site visit to take place.

Members attending: Cllrs Mrs Chambers (chairman); Bowler; Griffin; Griffiths; Mackness and Royle. Cllr Murray attended as Ward Councillor. Cllr Rodberg advised that he attended.

Following the opening of the meeting by the Chairman, the Senior Planner outlined the application, summarised the representations received and advised of the planning issues as they related to principle, design, amenity, parking and highway matters.

Residents raised the following concerns

- Dangerous exit onto Hoopers Road
- No more flats needed
- Concern regarding security of fencing
- Area overpopulated
- Displaced parking in more dangerous place, further away and not desirable

Cllr Murray spoke against the development advising that there was a need for housing but that it should be family housing and not flats

Mhs representative referred to other garages sites and available parking and also agreed that they could fund traffic calming on Hoopers Road.

Deferred from 3 December 2014 Planning Committee for discussions with MHS. The Planning Officer will verbally update the committee at this meeting.

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/>