

MC/14/3622

Date Received: 5 December, 2014

Location: Coal Yard, 8 Westcourt Street, Brompton, Gillingham, ME7 5RD

Proposal: Construction of a block comprising six 2no bedrooms self-contained flats with associated parking (demolition of buildings)

Applicant: K G Logistics

Agent: Mr A Macswayed Clearly Architects Brompton House
Scabharbourn Road Hildenborough Kent TN11 8PJ

Ward River

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 4 March 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:
Drawing no's 3792/001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012, 013, 014, 015, 016, 017, and 018, received 17 December 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 and any means of enclosure 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 landscaping (hard and soft) and boundary treatment. These details shall include means of enclosure, hard surfacing materials, planting plans, schedules of plants,

noting species, plant sizes and proposed numbers/densities where appropriate and implementation programme. The approved boundary treatment shall be installed prior to first occupation of the development. 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 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 6 to 9 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 9 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.

- 6 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.

- 7 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.

- 8 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.

- 9 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 6, and where remediation is necessary a remediation scheme must

be prepared in accordance with the requirements of condition 7, 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 7 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 8.

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 Prior to occupation of any of the dwellings hereby permitted and the first use of the new vehicular access, the existing crossover shall be reinstated to the level of the adjoining footpath on either side and a new full height kerb installed

Reason: In the interests of highway safety.

- 11 No development shall take place until a scheme to minimise the transmission of noise from the third floor flat to the second floor flat has been submitted and approved in writing by the Local Planning Authority. All works which, form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: In the interests of amenity in accordance with the provisions set out under Local Plan Policy BNE2

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

Proposal

The application seeks planning permission for the construction of a four-storey block comprising six self-contained flats, the top floor being within a mansard roof profile. Provision has been made for one parking space per apartment, cycle parking and refuse storage. There would be a garden area provided for the ground floor apartment. Access to the parking at the rear of the site is proposed via a new pavement crossover (to replace the existing crossover) and through an integral undercroft route.

The application proposal is identical to the development refused by Planning Committee on 25 November 2008 under MC/08/1664, but which was allowed at appeal on 24 November 2009. The Developer was also awarded costs.

The applicant seeks to renew that consent following expiry of previous appeal

approval.

Site Area/Density

Site Area: 0.036ha (0.089 acres)

Site Density: 166.6 dph (67.4 dpa)

Relevant Planning History

MC/08/1664 Construction of a block comprising six self-contained flats with associated parking (demolition of buildings)
Decision Refused 25 November, 2008
Allowed at Appeal: 24 November, 2009

Representations

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

2 letters of representation have been received raising the following objections to the proposal:

- A close boarded fence twice the height of the existing concrete wall has been proposed between the proposed development and neighbour 12-14 Westcourt Street, which will exclude all natural light from the work room on the ground floor. Object to fence and ask that the fence be no higher than the existing concrete wall.
- Immediate neighbour did not receive consultation.

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

Background

The previous application (MC/08/1664) for identical development at the site was considered and refused by Members at Planning Committee on 25 November 2008, but allowed at appeal on 24 November 2009. The Council refused the application on the following grounds:

The proposal by virtue of its height and design represents an overdevelopment of the site which would be overbearing and dominant in the street scene and detrimental to the character of both the street scene and the conservation area in general. The proposal is therefore contrary to the provisions of Policies QL1 and QL6 of the Kent and Medway Structure Plan 2006 and BNE1 and BNE12 of the Medway Local Plan,

2003.

The Inspector disagreed with the Council's concerns and advised:

"I consider that the proposals would accord with the relevant requirements of Policy BNE1 of the Medway Local Plan, that the design of the development should be appropriate in relation to the character and appearance of the local environment. Having regard to its conservation area location, it would also comply with the aim of the Local Plan to achieve a high quality design sympathetic with existing buildings. This would be achieved whilst developing at a density which would make efficient use of a redundant urban site, in accordance with the sustainability objectives of national and development plan policy".

"I conclude that, having regard to its height and design, the proposed apartment block would enhance the character and appearance of the Conservation Area and would not be overbearing or dominant in the street scene".

Main Issues

The main issue for consideration are whether there have been any substantive changes - policy or otherwise - that would provide for a different balancing of the issues of design and impact on the street scene and conservation area, amenity consideration and transport than was considered by the Inspector at appeal.

Principle

A key element of national housing policy is to minimise the loss of Greenfield sites for residential use by making the best use of development opportunities within urban areas. The application site sits within the urban area of Brompton, Gillingham and the proposal is considered to represent infill development. The Local Plan identifies the potential for residential development in, or close to, town centres in several forms, including individual housing schemes. Local Plan Policy H4 considers housing in urban areas to be acceptable providing they consist of the use of vacant or derelict land and would constitute infill development. Given the nature of the proposal and the fact that the site sits within the built confines of an urban area it is considered that residential development of the site is acceptable in principle under the provisions of the Local Plan Policy H4 and the NPPF.

The proposal site also lies within the designated Brompton Conservation Area where the principle of new residential development is generally acceptable under the provisions of Local Plan Policy BNE12 and Brompton Lines Conservation Area Appraisal, provided a clear improvement to the local environment would result as a consequence of the new development. The appeal inspector considered that the development was consistent with this policy.

In terms of changes since the appeal decision, the Kent Structure Plan no longer exists and we now have the National Planning Policy Framework 2012, which replaces the former PPG's and PPS's. The above policies must be compliant with the NPPF to carry any weight in the determination of the application. They have been assessed for compliance and are considered to be consistent. The implication

for this scheme therefore is that there have not been any fundamental policy changes that would justify a departure from the decision taken by the Inspector at the appeal.

Street Scene, Design and Conservation Area

All new housing construction should provide a satisfactory standard of accommodation and make a positive contribution to the public realm, particularly in terms of design and materials used. Policy BNE1 of the Medway Local Plan advises that the design of development should be appropriate in relation to the character, appearance and functioning of the built environment in terms of scale, mass, proportion, detail, materials, layout and siting.

The proposed development would be located between number 6 West court Street and the former Mill or 'Chandler' building to the west. The development would restore the building line along the south side of Westcourt Street, matching the position of existing adjacent development. Consideration has been given to the scale of the proposed development in terms of its relationship with adjacent developments. The development would share the same ridge height as the adjacent dwelling to the east (number 6 Westcourt Street) and steps up by 2m to provide 4-storey accommodation more relative to the adjacent development to the west. Nevertheless, as with the approved 2008 scheme, the ridge height would still be approximately 0.8m higher than the adjacent ridge height to the west. No concern was raised by the Planning Inspector in this regard. In addition, the existing development to the south (rear) of the application site is considerably higher than the proposed development (approximately 4.8m at its highest point) and as such the development is not considered to be out of character with the scale of surrounding development, but is considered to complement the varying character and scales of development found in the immediate vicinity.

The rear building line of the proposed development does not project beyond the rear building line of number 6 Westcourt Street to the east. The adjacent building to the west fills the entirety of the adjacent site but it is considered that the proposed layout of the development reflects the layout and footprint of adjacent development and is unlikely to result in a dominant form of development.

In terms of visual appearance and design, the proposal remains unchanged from the approved 2008 application. Consideration has been given to the sensitivity of the Conservation Area in which the application site is situated. The area is characterised by its industrial past, and many of the buildings in this part of Brompton, although now converted into residential dwellings or offices, have an industrial appearance. The proposed development has attempted to reflect this design characteristic to some degree. Westcourt Street itself is fairly mixed in terms of design and there is no one single characteristic shared by all. In the main the proposed development reflects the design characteristic of the adjacent building to the west of the site, especially in terms of window design which would have a turned header arch over each window frame. This is considered to complement the street scene and the character of the Conservation Area. The introduction of the mansard roof and continuous dormer window at third floor further explores the area's industrial past by including a characteristic found on developments within similar areas. Whilst not

common place in Brompton, this element of the development's design is considered to provide a unique element to the development, enhancing the character of the area.

The rear elevation of the proposed development includes a stair well that juts out from the main elevation by approximately 3m. This does not reflect the immediate street scene in itself, however it would not be seen from Westcourt Street, as it would not protrude above the ridge height. The design features and window design continue to reflect the adjacent development to the west.

The associated parking and cycle parking provision would be located to the rear of the development, accessed via an undercroft. Whilst consideration of parking and highway issues is considered later, consideration needs to be given to the location of the parking facilities and its potential impact on the street scene. Whilst rear parking provision is not common to the character of the area, it is not considered that the introduction of rear parking on site would result in detriment to the street scene. It cannot be seen from the roadside and the proposed undercroft has been designed so as not to detract from the character of the area. There are no objections to this aspect of the proposal.

Overall, the development is considered acceptable in terms of the street scene and design and will not result in detriment to the character and appearance of the Conservation Area. The proposal is considered acceptable under the provisions set out in Local Plan Policies BNE1 and BNE12 and the aims and objectives of the NPPF.

Amenity

The proposed development is unlikely to result in detriment to residential amenity in respect of overlooking and privacy, sunlight and daylight issues. The proposed development is located to the front (north) of the site and sits approximately 19m away from the rear of the residential flats to the south (rear) of the site and as such any overlooking would be acceptable for this urban location. This was accepted by the Inspector at appeal. The development does not protrude beyond the rear building line of number 6 Westcourt Street and as such sunlight and daylight enjoyed by this property would not be affected. There are no privacy or overlooking concerns in respect of this property either. The adjacent western development may result in some overshadowing onto the new development, but only during late afternoon and early evening. The rear elevation and parking area of the proposed development is south facing and should enjoy sunlight throughout most of the day. Some concern has been raised by neighbours of the site with regard to overshadowing/loss of light into offices as a result of the proposed boundary treatment. The adjacent development is not in residential use, but in office use with no habitable rooms facing on to the site. There is not considered to be a loss of outlook or light at the detriment of residential amenity in this regard.

Since the Appeal the Medway Housing Design Standards have been introduced. The four flats on the first and second floors do not comply with the space standards required by this document. However, they are only marginally below standard and they have provided floor layouts to show how the internal space can operate

satisfactorily providing liveable space for future occupants. In light of this, no objection is raised in this regard. The internal arrangement of each flat ensures that there is little opportunity for noise disturbance to emanate from flat to flat as bedrooms and kitchens have been located in the same place in each flat, mirroring each other on the different floors. The exception would be the third floor flat where the kitchen area for Flat 6 would sit above bedroom accommodation provided for Flats 4 and 5 on the second floor. An appropriate condition is recommended requiring details relating to sound insulation methods.

The site is adjacent to Rayner & Sturges Ltd, a shirt manufacturing company at 12 Westcourt Street. The company operates machinery between the hours of 07:30 and 17:30 during the week. The use is a B1 use which is acceptable in residential areas and Environmental Health have no record of complaints of noise about the premises. The machinery used is contained within the building so noise breakout will be minimised. The block of flats have been designed so that no windows to habitable rooms face the company. This design would minimise the impact of any noise from the use of the company and is acceptable.

The 6 car parking spaces would not result in noise disturbance above and beyond what is currently experienced in the area and the on-street parking to the front. The access to the parking area would also be along the west side of the site, and would not pass the nearest residential property to the east. There are no objections in this regard.

The application is considered acceptable under the provisions set out under Local Plan Policy BNE2 and the Medway Housing Design Standards (interim) 2011.

Land Contamination

Whilst a temporary use is in place on site (Logistics Office - portacabin structure), the site has previously been derelict. The re-use of derelict land can contribute towards the revitalisation of urban areas and reduce the need to use fresh land outside built-up areas. However, such land might be contaminated and require treatment. Policy BNE23 considers that development on land known or likely to be contaminated must be accompanied by the findings of a detailed site examination to identify contaminants and the risks that these might present to human health and the wider environment.

The application site was formally used as a coal merchants and as such the risk of contaminants is likely to be quite high. A detailed Desk Top Study for potential contaminants was submitted with the previous application, although it was not submitted with this application, other than a soil analysis. A condition requiring the submission of an updated desk top study is therefore recommended.

Waste

The proposal includes for a designated refuse cupboard located within the vehicular undercroft. The space is sufficient to accept a bin for each apartment. The applicant is aware that residents are responsible for placing refuse on the boundary of their

property, together with recycling boxes on the appropriate days.

Highways

Medway Council's Parking Standards indicate that a minimum of 9 off-street parking spaces should be provided. Whilst the proposal for six spaces falls below this, the site is within walking distance of local amenities and public transport in Brompton and Chatham. This is reflected in the car ownership data for this area, which was 0.94 cars per dwelling at the time of the last Census. On this basis, no objection is raised in respect of Policy T13 of the Local Plan.

A condition is also recommended to require the existing cross over to be re-instated to full kerb height.

Local Finance Considerations

There are no local finance considerations relevant to this application.

Conclusions and Reasons for Approval

The development is identical to the proposal considered acceptable and granted consent at appeal in November 2009. The adoption of the National Planning Policy Framework and Medway Housing Design Standards have been introduced since the previous approval. These new Policy considerations have been taken into account in the consideration of this resubmission. The development remains acceptable in principle, as it constitutes infill development, making use of brownfield land within the urban area. The design and visual appearance of the proposed development is considered sympathetic to the character of the conservation area and acceptable in terms of street scene and design for the reasons given above. There would be no impact on residential amenity in terms of privacy, overlooking and sunlight and daylight. The floor space within four of the proposed flats does fall short of the requirements set out within the Medway Housing Design Standards. However, a furniture layout has been provided to demonstrate how acceptable accommodation is being provided. The development includes for a new access and associated parking is considered acceptable subject to conditions. The application is considered to accord with the provisions set out within the above-mentioned Development Plan Policies and as such is recommended for approval.

The application would normally be determined under delegated powers but is being referred for Committee determination by Councillor Mackness due to the sensitivity of the location of the site in a conservation area and as the Committee determined the previous application.

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/>