

MC/16/4162

Date Received: 10 October, 2016

Location: 77 St Margarets Street, Rochester, ME1 3BJ

Proposal: Extension and alterations to the former garage and mews to provide one three bedroom house with partial demolition to the garage (Revised application MC/16/0312)

Applicant: Mr Billing

Agent: Mr Plumb Woodstock Associates 53 Woodstock Road
Sittingbourne ME10 4HJ

Ward Rochester West

Case Officer Matthew Pinder

Contact Number 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 18 January 2017.

Recommendation - Approval subject to;

- A) A unilateral obligation being submitted with respect to habitat mitigation
- B) The imposition of the following 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. BI/10/114/04B, Drawing No. BI/10/114/05B, Drawing No. BI/10/114/07B, Drawing No. BI/10/114/08, received on the 10 October 2016.

Drawing No. BI/10/114/03B, received on 19 October 2016.

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

3 No development shall take place until details of the following 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:

- (a) Details of proposed powder-coated aluminium doors and windows.
- (b) Materials sample panel, no less than 1m², to show yellow stock bricks to be used, including mortar mix and pointing finish.
- (c) Sample of the proposed slate roof tile.
- (d) Details of the proposed guttering.
- (e) An updated sectional drawing, at 1:20 scale, to show the valley, roof construction and confirmation of external finish, to be identified on plan.
- (f) Details of the proposed paint colour to be applied to proposed sliding timber gates.
- (g) Details of proposed block pavements.

Reason: Required prior to commencement of development to avoid irreversible harm to the historic setting of the Conservation Area in accordance with Policies BNE1 and BNE14 of the Medway Local Plan 2003.

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development within Part 1, Classes A to E of the 2nd Schedule to the Order shall be carried out on the site without prior approval of the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy of adjoining property, in accordance with Policy BNE2 of the Medway Local Plan 2003.

5 Notwithstanding the approved plans, full details of the revised access, including a 1:20 scale elevational drawing and sections of the proposed replacement front boundary wall, gate wall, raised planter and electronic sliding gate, shall be submitted in writing and approved by the Local Planning Authority prior to the commencement of the development. The front walls shall be constructed using existing wall flints to be carefully removed flint by flint, cleaned and re-used in the new design. The approved scheme shall be implemented in its entirety and retained thereafter.

Reason: Required prior to commencement of development to avoid irreversible harm to the historic setting of the Watts Avenue/Roebuck Rd Conservation Area in accordance with Policies BNE1 and BNE14 of the Medway Local Plan 2003.

6 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; measures to control noise affecting nearby

residents; dust control measures; pollution incident control and site contact details in case of complaints. 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. The development shall be undertaken in accordance with the approved CEMP.

Reason: In order to minimise the impact of the construction period on nearby noise sensitive receptors who could be affected by noise, vibration and nuisance dusts emissions during both demolition and construction, with regard to Policy BNE2 of the Medway Local Plan 2003.

- 7 If, during development, contamination not previously identified is found to be present at the site, then no other development shall be carried out until the developer has submitted a method statement, and obtained written approval from the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with and shall be implemented on site in accordance with the approved details.

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 dwellinghouse shall not be occupied until space has been laid out, surfaced and drained in accordance with Drawing No. BI/10/114/03B for two cars to be parked. The spaces shall be used solely for the benefit of car parking and for no other purpose and permanently retained as such thereafter.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users and detrimental to highways safety and amenity, in accordance with Development Plan Policies BNE2, T1, T2 and T13 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

The applicant seeks full planning permission for the extension and alterations to the former garage and mews, to provide for one 3-bedroom house with partial demolition to the garage. This is a resubmission of MC/16/0312.

The internal arrangement will provide at ground floor a lounge, study, kitchen/dining area with a utility and cloakroom. At first floor level, there would be three bedrooms, one with en-suite facilities, a small study and a bathroom.

Two off-road parking spaces are also shown and also changes to the access, including the re-positioning of the front boundary (flint) wall and provision of an

electronic sliding gate.

Relevant Planning History

MC/16/0312	Extension and alterations to the former garage and mews to provide one three bedroom house (partial demolition of former garage) Withdrawn by Applicant, 23 March 2016.
MC/15/0891	Extension and alterations to the former garage and mews to provide one three bedroom house (partial demolition of former garage) Withdrawn by Applicant, 18 June 2015.
MC/09/0066	Details pursuant to conditions 02, 04, 05, 06, 07 & 09 on planning permission ME99/0078MR (Conversion of existing garages and mews into a residential dwelling.) Discharge of Conditions, 14 December 2012.
MC/03/2179	Variation of condition 01 to planning permission ME/99/0078/MR (Conversion of garages and mews into a dwelling) to extend period for commencement for a further 5 years. Approval with Conditions, 9 December 2003. The Mews, St. Margaret's Street, Rochester, Kent.
ME/99/0078MR	Conversion of existing garages and mews, into a residential dwelling. Approval with Conditions, 25 March 1999.

Representations

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

Three letters of representation have been received by the Authority. The following concerns were raised:

- The revised entrance does not properly address the problem of practical vehicular access to and from the property.
- Limited vision splays.
- St Margarets Street is quite narrow at this point and on-street parking opposite reduces it further.
- Lack of pavement (on eastern site of the road) will put pedestrian visitors at risk.
- The argument that this was once an industrial site is without merit, as the number of users and types of vehicles that now use St Margarets Street is now considerably different.
- On-street parking already at a premium and if parking restrictions are imposed to improve access, spaces would be lost as a result.
- Loss of flint wall, which is a feature of the Conservation Area.

- Loss of privacy.

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 lies within a predominantly residential area and as such an infill residential proposal would accord with the provisions of Policy H4, provided that it does not detract from the amenities of the surrounding area and provides an acceptable standard of accommodation. The NPPF, under paragraphs 49 and 50, encourages development for housing in urban areas (where appropriate) with a presumption in favour of good quality housing and choice where development would not cause harm to the local area. Good design is encouraged (paragraph 56 of the NPPF) requiring that development should respond well to local character.

In addition it is to be noted that the principle of the conversion of the garage and mews into a residential dwelling was accepted in 1999, subject to a time-specific 5 year commencement condition. In 2003, a subsequent application was then submitted to vary this condition, which was granted planning permission for a further 10 years (under planning reference MC/03/2179) but was not implemented.

It is therefore considered that the principle of development is acceptable.

Visual Impact and Impact on Conservation Area.

The application site is not a listed building. It is, however, situated within the Watts Avenue/Roebuck Road Conservation Area and as such, Policies BNE12 and BNE14 are relevant in this case. Both policies seek to preserve or enhance the character and appearance of conservation areas and to ensure that all development achieves a high quality of design appropriate to preserve or enhance the areas historic or architectural character or appearance. It is noted that Article 4(2) directions are in place.

The site comprises a very dilapidated former garage/workshop with a mews courtyard. Whilst not worthy of listing, the site consists of a late Victorian structure, built for a utilitarian purpose, possibly for stabling or storage. The site fronts onto St Margaret's Street and is accessed through a narrow pair of timber gates, half the width of the site, with the remainder of the frontage being a brick and flint wall; heavily overgrown with foliage.

Due to its dilapidated state and structurally unsound condition, it is acknowledged that it would be difficult to retain much of the original structure. The design of the proposed house utilises the form and shape of the original buildings, which is true for the brick

structure and the higher surrounding ground acts as a retaining wall to form two sides of the proposed house. Consequently, natural light and ventilation is confined to the courtyard facing elevations.

The proposed west-facing facade, would consist of contemporary full height areas of glazing in powder-coated aluminium frames. The new roof is of a twin gable design to compliment the adjoining building, culminating into two hips, terminating to a flat section behind. It is assumed that this flat area is to be coated in lead or similar, but this has not been indicated and would remain at a lower level to the decorative stone balustrade. The walls are to be retained, where practical or re-built in re-used yellow stock brick work with matching flemish bond and pointed in lime mortar. The roofs are to be covered in natural slate tiling, with a shallow eaves, concealed by guttering; which was a feature of the original building. The existing first floor gable of the original building, facing St.Margaret's Street, would have new glazed doors inserted, leading onto a brick enclosed balcony area, situated above the ground floor study. The courtyard area is intended to consist of paviours, of which details have not been submitted, alongside soft planting in the form of perimeter beds or raised troughs (indicatively shown on the submitted plans).

This revised scheme also includes amendments to the existing access to improve visibility, with the proposed removal of dense vegetation, demolition of the flint wall and existing timber gate in favour of a splayed front wall and electronic timber sliding gate. Concern has been raised at the loss of the flint wall that forms part of the established setting of the Conservation Area and should be retained. In light of this, it has been recommended that the replacement wall whilst acceptable in principle, should be constructed of the existing flint, to be dismantled flint by flint, cleaned and re-used in the new design. An appropriate condition is recommended.

Given the constrained nature of the site, land level differences and proximity of surrounding dwellinghouses, it is considered necessary to remove householder permitted development rights.

The proposal appears to have been appropriately detailed, reviving this dilapidated site and appearance of the property, set amongst the wider context of the Watts Avenue/Roebuck Road Conservation Area. Subject to suitably worded conditions, the proposal is considered to conform to the objectives of Development Plan Policies BNE1, BNE12 and BNE14 of the Medway Local Plan 2003.

Neighbouring Amenity

The impact on neighbouring properties is considered with regard to privacy protection, visual dominance and potential loss of outlook, loss of daylight and shadow cast/loss of sunlight.

In terms of outlook, sunlight and daylight, given that the existing building and mews are set at a considerably lower level to the property, known as '*Corrinda*' to the north-east, and Nos. 1-4 Parade Heights, constructed directly above the application site, the proposed development is not considered to harm the amenities of those properties mentioned.

In terms of privacy, the proposal would introduce a balcony area to the front of the dwelling, which had not been sought previously under ME/99/0078/MR. The balcony, accessed by a set of french doors, would essentially overlook No. 76 St.Margarets Street, to the north-west. Whilst a three-storey semi-detached dwellinghouse, it is set at a slightly lower level to the application site. In view of the separation distance between both dwellings and relatively maintained canopy of the trees sited to the front, it is considered that the feeling of being overlooked would be muted somewhat. Accordingly, no objection is raised.

With regard to the amenities of future occupants of the development itself the proposed house has been assessed with regard to the Medway Design Housing Standards (MHDS) (interim) 2011 and the *Technical Housing Standards – Nationally Described Space Standard* (the national standard). A three bedroom four person property over two storeys requires a GIA of 84sqm and the proposed house would be approx. 200sqm, thus complying with the aforementioned space standards. The national standard only relates to internal space and therefore, the MHDS are still used as a guide in relation to external amenity space.

Due to the constrained nature of the site, the mews courtyard to the front would form the only private (garden) amenity space. Whilst it could be said that the area would be restricted somewhat by parked vehicles, it would nevertheless cover a large proportion of the site (approx. 12.5m in length from the proposed bi-folding doors) and therefore, no significant concerns are raised in this regard.

Subject to the suggested conditions, the proposal is considered to be acceptable in amenity terms and no objection taking account of the provisions of the fourth core principle of paragraph 17 of the NPPF and Policy BNE2 of the Local Plan.

Highways

St Margaret's Street, is a relatively quiet road. The road does vary in width and is quite narrow at points. Also, the use of parking restrictions (double yellow lines) intermittent speed tables and on-street parking, naturally limits the flow of traffic and vehicular movements. A number of concerns have been raised with respect to ingress/egress from the proposed site, with the principle concern being when vehicles would exit the site onto the adopted highway. The existing access to the site abuts the highway edge, with sight lines obscured by a high level brick and flint wall, approx 3m high from street level, together with heavily overgrown foliage.

It is proposed to lower and splay this existing wall on the northern side of the access and create a planter, which would improve visibility (subject to the height of the planting). The sightline to the south would remain poor, however, the access should, ideally be positioned centrally to maximise visibility in both directions.

Whilst it is acknowledged that the sightlines are limited, there would be some improvement over the existing arrangement and there were vehicle movements generated by the historic use of the site (former garage). The number of movements generated by a single dwelling on the site would be low and the constrained visibility would encourage vehicles to emerge cautiously. St. Margarets Street is also subject to speed cushions and therefore, passing traffic speeds are likely to be no greater

than 20 mph. Whilst this remains a balanced case, in light of the above, no objection is raised in respect of Policy T2 of the Medway Local Plan 2003.

The plans show two parking spaces can be provided to accommodate a 3-bed property and therefore, the scheme would comply with the provisions of the *Medway Council Residential Parking Standards* (2010). As a result, the application would not conflict with Policy T13 of the Medway Local Plan 2003.

The plans allude to the use of "permeable block pavements", yet no further information has been provided to the Authority. Accordingly, in addition to the request for a sample of pavements/hardstanding, an additional appropriately worded condition is recommended.

Contamination

A Phase 1 Site Investigation Report, conducted by Wesson Environmental, was submitted and its contents deemed satisfactory. Notwithstanding this view, to ensure that if contamination, not previously identified, is found to be present at the site; then no further development shall be carried out until the developer has submitted a method statement, and has obtained written approval from the Local Planning Authority. As a result, the application is considered to comply with provisions of Policy BNE23 of the Medway Local Plan 2003.

Bird Mitigation

As the application site is within 6km of the North Kent Marshes SPA/Ramsar Sites, the proposed development is likely to have a significant effect, either alone or in combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest. Natural England has advised that an appropriate tariff of £223.58 per dwelling (excluding legal and monitoring officer's costs, which separately total £550) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. The strategic measures are in the process of being developed, but are likely to be in accordance with the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM) produced by Footprint Ecology in July 2014. The interim tariff stated above should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation), in anticipation of:

- An administrative body being identified to manage the strategic tariff collected by the local authorities;
- A memorandum of understanding or legal agreement between the local authorities and administrative body to underpin the strategic approach;
- Ensure that a delivery mechanism for the agreed SAMM measures is secured and the SAMM strategy is being implemented from the first occupation of the dwellings, proportionate to the level of the housing development.

The applicant has agreed, in writing, to pay this tariff and are in the process of submitting a unilateral undertaking. No objection is therefore raised under Paragraphs 109 and 118 of the NPPF and Policies S6 and BNE35 of the Local Plan.

S106 Matters

The Community Infrastructure Levy Regulations 2010 provide that in relation to any decision on whether or not to grant planning permission to be made after 6 April 2010, a planning obligation (a s106 agreement) may only be taken in to account if the obligation is (a) necessary to make the development acceptable in planning terms;(b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. The obligations proposed comply with these tests for the reasons stated above

Local Finance Considerations

There are no local finance considerations relevant to this development.

Other Matters

The Environmental Protection Officer has suggested a condition requiring the submission of a Construction Environmental Management Plan (CEMP), documenting hours of construction, measures to control noise, dust control measures, pollution incident and contact details; be submitted to and approved in writing, prior to commencement of works.

Conclusions and Reasons for this Approval

It is considered that the proposed conversion of the dilapidated former garage/workshop to a three-bed dwelling would not detract from the appearance and character of the immediate surrounding area, especially having regard to the site's position within the Watts Avenue/Roebuck Road Conservation area, and due to its location and relationship with neighbouring properties, it will not cause any unacceptable harm to the amenities of occupiers of adjoining properties. In addition, the development is also considered acceptable in relation to amenity, parking/highway and other impacts, subject to conditions and to the securement of a contribution towards bird disturbance mitigation. The proposal therefore accords with the advice given in Policies S6, H4, BNE1, BNE2, BNE12, BNE14, BNE23, BNE35, T1, T2 and T13 of the Local Plan and the advice contained within the NPPF (2012) and is recommended for approval.

The application would normally be determined under delegated powers but is being referred for determination by the Planning Committee due to the extent of representations received expressing views contrary to the 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/>