

MC/16/4656

Date Received: 16 November, 2016

Location: British Red Cross Society 9 Stoke Road Hoo St Werburgh
Rochester ME3 9BE

Proposal: Outline application with some matters reserved (landscaping) for
demolition of existing hall and garage and construction of a 2
storey building containing 5 residential apartments with a car
park to the front and garden to the rear

Applicant: Mr Mackay

Agent: Mr Gregory Bunce Prime Folio 35 Albion Place Maidstone
ME14 5DZ

Ward Peninsula

Case Officer Doug Coleman

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 15 February 2017.

Recommendation - Approval subject to:

A. The applicant signing a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 to secure £1,117.90 (£223.58 per dwelling) towards Designated Habitats Mitigation: and

B. And 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:

16-42-01, 16-42-03, 16-42-05, 16-42-07, & 16-42-08 received on 16 November 2016; 16-42-06A received on 12 January 2017: and 16-42-04B received on 24 January 2017

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

- 3 No development shall commence until a Construction Environmental Management Plan (CEMP) that describes measures to control the hours of operation, noise, dust, lighting impacts arising from the demolition and construction phase of the development has been submitted to and approved in writing by the Local Planning Authority and all construction works shall be undertaken in accordance with this approved plan.

Reason: Required before the commencement of the development in order to minimise the impact of the demolition and construction period on the amenities of local residents and with regard to Policy BNE2 of the Medway Local Plan 2003.

- 4 No development above slab level shall take place until details and samples of all materials to be used externally, including hard surfacing materials, 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.

- 5 No part of the development herein approved shall be occupied until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before any part of the building is occupied 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.

- 6 No above slab level development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping (hard and soft) of the front garden area. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following the first occupation of the buildings or completion of the development, whichever is the earlier. Any plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Authority gives written consent to any variation.

Reason: Pursuant to condition 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policy BNE1 and BNE6 of the Medway Local Plan 2003.

- 7 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 and of how this effect has been minimised 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 nearby residents and wildlife and with regard to Policy BNE2 of the Medway Local Plan 2003.

- 8 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared and submitted to the Local Planning Authority for approval in writing.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that shall be collected in order to demonstrate that the works set out in the remediation scheme 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.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 9 No part of the building shall be occupied, until the area shown on the submitted layout drawing 16-42-03 as vehicle parking space and has been provided, surfaced, drained and marked out on site. 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 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space and garaging.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking and in accordance with Policy T13 of the Medway Local Plan 2003.

- 10 No part of the building shall be occupied, until the cycle parking bars shown on the submitted layout drawing 16-42-03 have been provided. Thereafter the cycle parking bars shall be retained kept available for use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (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 cycle parking space.

Reason: Development without provision of adequate cycle parking would reduce the sustainability of the proposed development and in accordance with Policy 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

This is an outline application which seeks approval with all matters reserved apart from landscaping. The application is for the demolition of existing hall and garage and construction of a 2 storey building containing 5 residential apartments, together with a car park to the front and garden to the rear.

The submitted drawings show an irregular shaped building, the bulk of which would be located on the south-western side of the site, with a smaller element to the north-east. The south-western part of the building would measure approx. 6.3m wide and 21m deep (max) and each floor would contain 2 x one bedroom flats, one facing the front and one facing the rear. The remaining unit would be located on the north-eastern side of the building, measuring approx. 4.5m wide and 11.5m deep (max) and would contain a one bedroom maisonette with the bedroom and bathroom at first floor level. The proposed building would be constructed in red bricks with a small element of render to the first floor front and rear elevations. The building would have a double hipped roof with ridges running from front to rear. The main (south-western) part of the building would rise to eaves height of 4.875m and ridge height of 8m, the same height as the two neighbouring buildings. The smaller (north-western) part would rise to eaves height of 3m and ridge height of 6.4m. There would be a gable on the front and rear elevations of the south-western part of the building.

The submitted drawings show a hardstanding to the front with five allocated car parking spaces and five cycle parking bars. Indicative planting is shown around this parking area. A bin store is shown on the north-east side of the hardstanding. The bin store would be enclosed on three sides, by a 1.6m high brick wall. There would be a gap of 0.5m above the wall, over which would be a tiled hipped roof with a 2.8m high ridge.

A garage at the rear is also to be demolished. The existing hard surface at the rear would be removed and the area landscaped to form a rear communal garden. The rear garden would be between 11.5m and 16m deep and 12m wide.

Site Area/Density

Site Area:	0.053 hectare (0.13 acre)
Site Density:	94 dph (38 dpa)

Relevant Planning History

ME/83/18 Proposed single storey meeting hall
Approved with Conditions 15/06/1983

Representations

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

Nine letters have been received raising the following objections:

- Loss of light;
- Overlooking from windows on side elevation to neighbouring property;
- Overdevelopment;
- Inadequate parking;
- Loss of the Red Cross Hall.

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 2012 and are considered to conform.

Planning Appraisal

Principle

Policy H11 of the Local Plan states that in the rural area, residential development will be restricted to minor development within the confines of defined villages and settlements, one of which is Hoo St. Werburgh. In addition, Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 55 supports housing in rural areas where it would enhance and maintain the vitality of rural communities. The principle of the proposed development is considered to be acceptable under Policy H11 of the Local Plan and Paragraphs 49 and 55 of the NPPF.

Policy CF1 of the Local Plan which contains a presumption against the loss of community facilities unless it can be demonstrated that exceptional circumstances exist such that it would be beneficial to re-develop the site. Paragraph 28 of the NPPF states that planning policies should promote the retention and development of local services and facilities in villages such as meeting places.

The building is currently empty and has recently been sold. It is submitted that the building was used by the following groups:

- Hoo Multiple Sclerosis Group
- Hoo Parkinson's Group
- Hoo Belly Dancers

- Local Council meetings from time to time
- Hoo Women's Institute

However the previous owner failed to repair the heating in the building for over a year, and when they informed the above groups of their original intention to sell, all five groups made arrangements to move to the larger Hoo Village Hall or to the Hoo Village Institute. Although the owner then decided not to sell, these groups declined to return and the building was left with no group users, so it went back on the market and was sold. The building has not been used since May 2016.

Having regard to the above, it is considered that there is no longer a need for the building to be retained for use as a community facility and that there are more suitable facilities elsewhere in the village. Accordingly, no objection is raised to the proposed development in respect of the loss of a community facility under Policies CF1 of the Local Plan and Paragraph 28 of the NPPF.

Design and appearance

Stoke Road comprises a variety of developments and dwelling types. Immediately adjoining the application site to the south-west, there is a two storey red brick building, occupied as eight flats which were built following the grant of planning permission on 29 November 2011 (MC/11/2036). To the north-east there is a terrace of three houses, also constructed in red brick which was built in the 1970s. Both these buildings have gabled roofs with the ridge running parallel to the highway; the building to the south-west has a double gabled roof. The proposed building, would contrast with these two properties, having a double hipped roof, with a front gable facing the highway. The ridge of the existing single storey building runs from north to south. The ridge height of the proposed building would be similar to those on the two neighbouring properties. The proposal, would therefore introduce an element of variety into the street scene which would in terms of its design complement, rather than distract from, the character of the area.

The main front of the proposed building would be set back 12m from the highway (compared to 5m for the existing building) to allow for the parking area. This would be comparable to the 10.35m for the flats to the south-west and 7m for the house to the north-east. The proposed building would therefore be set back into the site, in contrast to the existing building which projects forward and is rather prominent.

In terms of design and appearance, therefore, the proposed development would be acceptable and comply with Policy BNE1 of the Local Plan and Paragraph 58 of the NPPF.

Occupier amenity

The DCLG'S Nationally Described Space Standard specifies a minimum GIA of between 50 sq. m. for a one storey/one bedroom/two person flat and 58 sq. m. for a two storey/one bedroom/two person units These standards also specify a minimum bedroom floorspace of 11.5 sq. m. (double) and 7.5 sq. m. (single). The submitted drawings show that the four flats would each have a GIA of 52 sq. m. and would have double bedroom sizes of 11.8 sq. m. These units would, therefore, comply with the

standard.

The two storey unit would have a GIA of 64 sq. m. and bedroom size of approx. 15.5 sq. m. This was originally proposed as a two bedroom unit, but was changed to a one bedroom unit in order to comply with the standards.

There would be a large rear garden measuring between 11.5m and 16m deep, and 12m wide.

Having regard to the above considerations, no objection is raised in terms of the occupiers of the proposed flats under Policy BNE2 of the Local Plan and Paragraph 17 of the NPPF.

Neighbour Amenity

Concerns have been expressed regarding potential overlooking from the proposed flats towards the neighbouring property. This concern arises as there are windows in side elevations of both the proposed flats and the neighbouring flats. The neighbouring property contains four flats on each floor - two at the front and two at the back. The flats on the north-eastern side of the building each have two windows (kitchen and bedroom) facing towards the proposed building. The first floor windows are high level.

The proposed building would have four windows on the south-west facing elevation, each serving kitchen areas. To address any concerns regarding overlooking, it is recommended that these windows are high level with a minimum cill height of 1.7m.

There are no windows on the north-east elevation of the proposed building facing towards the garage and side elevation of 11 Stoke Road.

The existing building, being single storey causes little overshadowing to neighbouring properties. The proposed building being taller and higher has the potential to overshadow these properties. Overshadowing drawings show the north-east side elevation and part of the rear garden of the neighbouring block (Sinead Court) would be in shadow until 10:00 but the proposal would not be in shadow for the rest of the day. The proposed building would cast a shadow over the rear garden of 11 Stoke Road from 12:00 onwards, although initially this would only affect the area to the rear of the garage and the rear of the house would not be affected until after 14:00.

Having regard to the above considerations, no objection is raised in terms of neighbour amenity under Policy BNE2 of the Local Plan and Paragraph 17 of the NPPF.

Highways

Medway Council's adopted Interim Residential Vehicle Parking Standards require the provision of one space per dwelling for a one bedroom unit and 1.5 spaces for a two bedroom unit, plus 0.25 space per dwelling for visitor parking as a minimum, making a requirement of 6.25 spaces to serve the proposed development. The submitted drawing shows 5 spaces (one per dwelling) resulting in a shortfall of at least one

space. However, the site is close to the centre of the village and close to a bus route. Furthermore, there is a public car park opposite the site which would serve visitors. Accordingly, no objection is raised in terms of parking under Policy T13 of the Local Plan and Paragraph 39 of the NPPF.

The proposal would not generate an unacceptable level of traffic and the proposed access and egress arrangements are considered to be acceptable. No objection is, therefore, raised under Policies T1 and T2 of the Local Plan.

Contamination

An Environmental Site check report was submitted with the application, which is limited, but makes reference to 'The Pit' an old quarry to the north of the site which until around 1990 had a variety of non-conforming uses such as car breaking. The site was developed around 1990 and is now known as Peal Close. Due to the proximity of the site to this area and sensitivity of the development a watching brief condition is recommended to address any contamination that may be found during the carrying out of the development. Subject to this condition, no objection is raised in terms of contamination under Policy BNE23 of the Local Plan and Paragraph 121 of the NPPF.

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 to pay this tariff and has in the process of submitted 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.

Local Finance Considerations

There are no local finance considerations raised by this application

Conclusions and Reasons for Approval

The principle of the proposed development is acceptable and subject to appropriate conditions and the completion of a Unilateral Undertaking, no objection is raised in terms of design and appearance, housing standards, neighbour amenity, highways and parking, contamination, and bird mitigation. The proposal would, therefore, comply with Policies S6, H11, CF1, BNE1, BNE2, BNE23, BNE35, T1, T2, & T13 of the Local Plan, and Paragraphs 17, 28, 49, 55, 58 109, 118 & 121 of the NPPF, and is recommended for approval.

The application would normally be determined under Officer delegated powers but is being reported to Committee for a decision in view of the number of letters of representations received contrary to the Officer's 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/>