

MC/16/3567

Date Received: 23 August, 2016

Location: Block Of Garages, Land To The Rear Of 21-23 Asquith Road,  
Rainham, Gillingham

Proposal: Construction of additional block of 3 garages

Applicant: Mr Creary

Agent: Mr Hawkins Coteq Ltd 187 Edwin Road Gillingham ME8 0AH

Ward Rainham Central

Case Officer Doug Coleman

Contact Number 01634 331700

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 13 June 2017.**

**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 number 00001A-WIP and 00002 A-WIP received on 31 August 2016.

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 and lighting impacts arising from the 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 construction period on the amenities of local residents and with regard to Policy BNE2 of the Medway Local Plan 2003.

- 4 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, 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 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.

- 5 No development above slab level shall take place until details and samples of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

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

- 6 The vehicular access serving the proposed development shall be surfaced in accordance with details to be submitted to and approved in writing by the Local Planning Authority before any of the garages herein approved are occupied.

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 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 The garages hereby permitted shall only be used for the parking of private

motor vehicles and shall not be used for any commercial or storage purposes (other than domestic items) or for the conducting of any trade or business.

Reason: In the interests of the amenities of the occupiers of neighbouring properties and in accordance with Policy BNE2 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 relates to part of a garage site between Asquith Road and Woodside. The site is accessed via an approx. 4 metres wide by approx. 40 metres long drive between 21 and 23 Asquith Road. The garage site measures approx. 33 metres wide by approx. 38 metres deep and is currently occupied by 25 garages, situated along the eastern and western boundaries. There are a further three garages in the rear gardens to 97 and 101 Woodside, which are accessed via this garage site. These garages are about 2 – 2.5 metres high with flat roofs.

This proposal is to construct a block of 3 garages, in addition to the remaining 16 garages under the extant planning permission granted in 1964 (NK3/63/72/15305A). The previously approved garages would be built in the centre of the forcecourt, towards the south in 2 blocks of 8, each block facing outwards. The proposed block of 3 garages would be located at the end of the approved block and would face northwards towards the site entrance. The proposed block would measure approx. 8.5m wide by approx. 6m deep. The garage block would have a pitched roof and rise to a height of approx. 2.5m.

When the application was submitted Certificate B was completed to say that Notice had been served on the owners of garages within the block under Article 12 of the Town and Country (Development Management Procedure)(England) Order 2015. Owners subsequently questioned this and the matter was raised with the applicant who reserved all notices and submitted a new Certificate B on 21 March 2017.

## **Relevant Planning History**

MC/16/3566	Demolition of 6 garages - Construction of 3 x two bedroom dwellings with associated parking Reported elsewhere on the agenda
MC/16/1833	Application for a Lawful Development Certificate (proposed) for the siting of 5 storage containers Refused 17/08/2016
MC/07/0265	Construction of a block of lock up garages Refused 09/01/2008 Appeal allowed 15/07/2008
MC/06/2262	Construction of a block of lock-up garages

Withdrawn by applicant 08/02/2007

MC/05/0352	Outline application for the construction of detached bungalow with garage and parking space Refused 13/04/2005
MC/04/1672	Outline application for construction of 2 two-bedroomed flats with associated parking Refused 22/09/2004 Appeal Dismissed 12/05/2005
NK3/63/72/15305A	Amended layout 2 pairs of houses, 3 bungalows, 46 garages Approved 10 July 1964

## Representations

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

**6 letters** have been received raising the following objections:

- Proposed garages would restrict access to existing garages;
- Asquith Road is busier than in 1964 and new garages would increase traffic, congestion and noise and disturbance;
- It is unclear how garages will be used;
- All garages should be constructed together and only be for private use, not commercial;
- Traffic hazard;
- No need for more garages;

**One letter** has been received making the following points in support of the application:

- The site is an eyesore and the development will regenerate area;
- New garages will not restrict access;
- Condition should be imposed requiring garages to remain in good repair;
- Pedestrian access to Woodside should be opened up;
- Garages should have pitched roofs.

Following re-consultation **one additional letter** has been received supporting the application on the grounds that it would tidy up the site.

## 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

### *Background*

The Planning History and background for this application is the same as for the other current application (MC/16/3566). However, in the case of this application, Members' attention is drawn to planning application MC/07/0265. That application was for a block of 14 garages in the centre of the site, where the remaining 16 garages can be built. Those garages differed from the garages approved in 1964 in so far as they were higher with a pitched roof rising to approx. 4m, hence the need for a new planning permission at the time.

That application was refused by Committee on 9 January 2008 on the grounds that:

*" The proposed development by virtue of its design, layout and scale represents an overdevelopment of the site which would be harmful to the character and appearance of the area and the amenities of the occupiers of those properties in close proximity to the site. The proposal is, therefore contrary to the provisions of Policy QL1 of the Kent and Medway Structure Plan 2006 and BNE1 and BNE2 of the Medway Local Plan 2003."*

A subsequent appeal against the refusal of planning permission was upheld on 15 July 2008. In his decision notice the Inspector stated that he could find *no objection to the principle of the development* and that *the garages would be largely concealed from public view*. He concluded that *the development would not be out of keeping with the area's character*. He also considered that *whilst the garages might be seen from surrounding houses they would not be visually intrusive*. *They would generate a higher level of vehicular activity than at present but he did not consider that this would result in nuisance being caused through noise, reduction in privacy or other forms of disturbance*. *He did not consider that the development would conflict with development plan policies*.

Although that development was allowed on appeal, work did not commence and that permission has now expired. However, as work did commence on the 46 garages allowed in 1964, the remaining 16 in the centre block could still be built in accordance with the terms of that permission.

### *Principle*

The site is within the urban area as identified in the Proposals Map to the Medway Local Plan 2003. The application is for the construction of three private garages which could be considered as ancillary to the established residential use and character of the area providing they are only used for private vehicles and not for any commercial purpose. The principle of building garages on the site was established with the grant of planning permission in 1964 and the current proposal is in keeping with this. The issue for consideration under this application is the impact of 3 garages in addition to those previously built or permitted.

### *Design*

In terms of design, the proposed garages would be similar to those already on the site, with flat roofs. No materials for wall, doors etc. are specified but this could be covered by condition. The proposed garages at approx. 2.5m high would be lower than those approved in 2008, which would have risen to a height of approx. 4m with a pitched roof. Subject to the use of appropriate materials, the proposed development could improve the appearance of this central part of the garage forecourt. No objection is raised in terms of design and appearance under Policy BNE1 of the Local Plan and Paragraph 58 of the NPPF.

### *Amenity*

Although the site is surrounded by the gardens of neighbouring properties, the proposed block of 3 garages would be located centrally within the site and screened from the east, south and west by existing or approved garages. There are no residential properties close enough to be affected in terms of light, privacy or outlook. The properties to the south, in Woodside, would be approx. 38m from the proposed garages, whilst those to the north in Asquith Road would be approx. 32m away.

Having regard to the existing 25 garages, together with the further 16 approved, the additional traffic, noise and disturbance generated would be insignificant.

Accordingly, no objection is raised in terms of neighbour amenity under Policy BNE2 of the Local Plan and Paragraph 17 of the NPPF.

### *Contamination*

Having regard to the previous use of the site, there is potential for contamination and an appropriate conditions is recommended to address any unexpected contamination should this be found. Subject to these conditions, no objection is raised under Policy BNE23 of the Local Plan and Paragraphs 120 - 122 of the NPPF.

### *Highways*

It is considered that the existing access is sufficient to accommodate the additional traffic generated by 3 additional traffic and the garages are of sufficient size to accommodate a private car, but nothing larger. Accordingly, no objection is raised in highway terms under Policies T1, T2 and T13 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 no objection is raised in terms of design and appearance, neighbour amenity and highways. The proposal would, therefore comply with Policies BNE1, BNE2, T1, T2 and T13 of the Local Plan

and Paragraphs 17 and 58 of the NPPF and is recommended for approval.

This application would normally be determined under delegated powers but is being referred for determination by Planning Committee due to the number of representations which have been received expressing views contrary to the Officer recommendation.

The application was reported to the Planning Committee on 14 December 2016, but was withdrawn due to it being brought to the Council's attention that notices had not been served on all garage owners. This has now been addressed.

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### **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/>