

MC/18/3610

Date Received: 18 December 2018

Location: 294 Hempstead Road Hempstead Gillingham Kent

Proposal: Demolition of former garage repair workshop and second hand car sales forecourt with associated offices and the construction of 3 no. detached 4 bed houses fronting Hempstead Road

Applicant Mr Dan Boast

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Ward: Hempstead And Wigmore Ward

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 20th March 2019.

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 numbers: WD/02A/294/18 received on 14 February 2019; and WD/03A/294/18, WD/04A/294/18 and WD/05A/294/18 received on 25 February 2019.

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

- 3 No development, including demolition, shall take place until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of working, parking of operatives vehicles, deliveries to the site, noise, dust and lighting arising from the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The construction works shall be undertaken in accordance with the approved plan.

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

- 4 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 take place until conditions 5 to 7 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 8 has been complied with in relation to that contamination.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 5 No development shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been 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: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 6 No development shall take place until 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 has been prepared and submitted to and approved in writing by the Local Planning Authority. 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: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 7 No development shall take place (other than development required to enable the remediation process to be implemented) until the approved remediation scheme has been carried out in accordance with its terms. 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: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 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 in accordance with the requirements of Condition 5, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 6, 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 6 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 7.

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 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. The development shall be implemented 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.

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

- 11 The first floor bathroom windows on the south elevation of Plot A and the north elevations of Plots B and C shall be fitted with obscure glass and apart from any top-hung light, that has a cill height of not less than 1.7 metres above the internal finished floor level of the room it serves, shall be non-opening. This work shall be completed before the room it serves is occupied and shall be retained thereafter.

Reason: To ensure the development does not prejudice conditions of amenity by reason of unneighbourly overlooking of adjoining property, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out within Schedule 2, Part 1, Class[es] A, B, C and E of that Order unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of visual and neighbouring amenity in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 13 No dwelling herein approved shall be occupied until the area shown on the submitted layout as vehicle parking space has been 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 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 Policies T1 and T13 of the Medway Local Plan 2003.

- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) all dwellinghouses herein approved shall remain in use as a dwellinghouse falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification) and no change of use shall be carried out unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of amenity, 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 a former vehicle repair garage located on the west side of

Hempstead Road. It is proposed to demolish the existing buildings on the site and to construct 3 x four bedroom detached houses.

Each house would measure approx. 6.5m wide by 14.3m deep (maxima) and would comprise a kitchen and study at the front with a lounge/dining area at the rear on the ground floor, with four bedrooms (three with en suite shower rooms) and a family bathroom on the first floor. Each house would have a gable roof with the ridge running from front to rear. There would be a front projection of approx. 2m and a similar projection to the rear, each with a secondary gable.

The houses on the two end plots (Plots A & C) would be set back a minimum of 7.5m from the back of the footpath, whilst the centre plot (Plot B) would be set back a minimum of 11m. The centre property would project approx. 3m further to the rear. There would be a gap of approx. 1m between each house and between the flank walls of the end properties and the site boundary. The southernmost house (Plot A) would be constructed in red stock bricks; the house on Plot B, would be red stock bricks at ground floor level, with weatherboarding at first floor, whilst the house on Plot C would be rendered. Each house would have Old English dark red concrete roof tiles. Each house would also have a square bay window on the front at first floor level with a brick filled oak infill panel.

Two access/egress points would be provided for all three dwellings, and there would be space in front of each house for two cars. The space at the front would be block paved, with a planted area adjacent to the highway, and small planted areas in front of each house, and a drainage gulley to collect surface water and prevent it draining onto the highway.

The proposal also involves the re-alignment of the site boundaries to 296 Hempstead Road to the south and 11 Honeysuckle Close to the rear, both of which are owned by the applicant. The width of 296 Hempstead Road would be reduced from 11m to 9m with the gap between the flank wall and the application site reduced from 2.7m (front) and 3m (rear) to 0.7m (front) and 1m (rear).

Currently the northern part of the site is 42m deep and the southern part 47m deep. The rear boundary will be re-aligned to a standard depth of 35m and the rear part of the existing garage site will be incorporated into the garden of 11 Honeysuckle Close.

The application is accompanied by a Design and Access Statement, Planning Statement and a Contaminated Land Investigation.

Site Area/Density

Site Area:	0.099 hectare (0.044 acre)
Site Density:	30 dph (12 dpa)

Relevant Planning History

MC/13/2596	Submission of details pursuant to conditions related to the 'Demolition of semi-detached bungalow and use of part of land to construct a single storey side and rear extension to existing MOT centre to form office, waiting room, WC, staff kitchen and tyre fitting bay (demolition of existing dwelling, offices, reception, kitchen and WC)' Conditions discharged 21 October 2013
MC/13/0228	Demolition of semi-detached bungalow and use of part of land to construct a single storey side and rear extension to existing MOT centre to form office, waiting room, WC, staff kitchen and tyre fitting bay (demolition of existing dwelling, offices, reception, kitchen and WC) Approved 10 June 2013
MC/12/0531	Outline application with all matters reserved for demolition of existing car sales garage & workshop (MoT bay) and construction of 3 detached dwellings with associated off road parking Approved 30 April 2012
MC/11/2032	Outline application for demolition of existing car sales garage & workshop and construction of 2 pairs of four bedroom semi-detached houses with associated car parking spaces Refused 16 December 2011
MC/08/1624	Construction of a single storey front extension to workshop and change of use from car repairs to car MOTs Approved 19 March 2009

Representations

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

Four letters have been received raising the following points in objection to the proposal:

- Two parking spaces per dwelling is inadequate and will lead to an increase in on street parking;
- The site is located on an accident blackspot;
- The site plan does not show the boundaries correctly.

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 2019 and are considered to conform.

Planning Appraisal

Principle

The site is in a predominantly residential area within the urban area and as such falls to be assessed under Policy H4 of the Local Plan which contains a presumption in favour of residential development in the urban area including redevelopment of existing buildings no longer required for non-residential use. This is supported by Paragraph 59 of the NPPF which seeks to boost the supply of homes. Furthermore, the principle of residential development on this site was established when the previous outline planning permission was granted and, whilst there has been new policy documents in form of the NPPF2 (2018) and now amended NPPF 2019, there has been no significant changes that would affect the principle.

Accordingly, no objection is raised to the principle of the proposed development under Policy H4 of the Local Plan and Paragraph 59 of the NPPF.

Design, appearance and street scene

Hempstead Road has a varied street scene but with predominantly detached properties. Some dwellings have narrower frontages than others but those with a narrow frontage have deep plots. The proposal would result in three detached dwellings within reasonably sized plots. The ridge height of the proposed dwellings would correspond with the ridge height of the neighbouring chalet bungalow to the north but would be higher than the bungalow to the south. In terms of detailing, traditional materials are proposed, and the designed with square bay windows on the front elevation would add to the variety of this part of Hempstead Road.

It is considered that the proposal would maintain and enhance the character and appearance of the area and accordingly no objection is raised under Policy BNE1 of the Local Plan and Paragraphs 124 and 127 of the NPPF.

Amenity

Occupier amenity

The DCLG's Nationally Described Space Standards requires a minimum Gross Internal Floor Area (GIA) of 124 sq. m for a two storey/four bedroom/eight person dwelling and 97 sq. m. for a for a two storey/four bedroom 5 person dwelling. Minimum bedroom sizes of 11.5 sq. m. (double) and 7.5 sq. m. (single) are also specified.

All three houses have the same layout and a GIA approx. 134 sq. m. originally, four double bedrooms were shown, but three of these fell short of the standard for a double bedroom and the application has been amended to show these as single bedrooms.

DCLG's standard	GIA	Bedroom 1 Double	Bedroom 2 Double	Bedroom 3 Single	Bedroom 4 Single
97 sq. m.	134 sq. m.	11.75sq. m.	8.3 sq. m.	8.4 sq. m.	9.84 sq. m.

Plot A would have a rear garden of approx. 12m deep by 7.5m wide. Plot B would have a shorter rear garden 9.3m deep, but 8.5m wide. The rear garden serving Plot C would be 12.3m deep by 7.7m wide. No objection is, therefore, raised in terms of occupier amenity and private amenity space under Policy BNE2 of the Local Plan and Paragraph 127f of the NPPF.

Neighbour amenity

The closest properties to the proposed development are the neighbouring properties to the north (292 Hempstead Road) and to the south (296 Hempstead Road). 292 Hempstead Road, is a detached chalet bungalow, which has been significantly extended to the rear. The front elevation of the northernmost property would correspond with the front elevation of 292, although a study on the southern side would project approx. 2m forward. The side elevation of 292 that faces the application site contains a rear garden door, an obscure glazed window and one window serving a lounge. The flank wall of the proposed dwelling would be approx. 2.2m from the flank wall of the existing chalet bungalow. Whilst there is potential for some overshadowing, the main windows are located to the front and rear, and the proposal would not therefore result in any unacceptable additional loss of light to that property. A utility room door is proposed on the ground floor and two bathroom windows on the first floor. In the event of planning permission being granted, a condition is recommended that these windows be obscure glazed. No objection is, therefore raised in terms of the impact on 292 Hempstead Road.

296 Hempstead Road is a detached bungalow with a dormer added to the rear. The front of the southernmost dwelling would project approx. 1m forward of that property with a study on the northern side project approx. 2m further forward. There are two windows on the side of the existing property, one serving a kitchen and one serving a lounge. The lounge window, whilst serving a habitable room, is a secondary window. There is one small window at roof level facing the application site however this also serves a non-habitable room. There would be a gap of approx. 2m between the flank wall of the proposed dwelling and the flank wall of the existing bungalow. Adjacent to the boundary, the proposed dwelling would not project as far as 296 Hempstead Road, but further away it would project approx. 2.1m. Again, a utility room door is proposed on the ground floor and two bathroom windows on the first floor and in the event of planning permission being granted, a condition would be proposed recommending that these windows are obscure glazed. No objection is, therefore raised in terms of the impact on 296 Hempstead Road.

To the rear is a detached property, 11 Honeysuckle Close. The rear elevation of that property is set at an angle, but would be in excess of 21m from the rear of the proposed

dwellings. There would, therefore be no adverse impact on those properties in terms of light, privacy or outlook.

Accordingly, it is considered that 3 dwellings could be built on the site without causing significant harm to residential amenity and no objections are raised with regards the provisions of policy BNE2 of the Medway Local Plan 2003.

Having regard to the above, no objection is raised in terms of neighbour amenity under Policies BNE2 of the Local Plan and Paragraph 127f of the NPPF.

Highways

The submitted drawings show two access/egress points and parking for two cars in front of each dwellings. This parking/access area would be block paved. The level of traffic generated by the proposed development is likely to be less than that generated by the garage when fully operational. No details of cycle storage have been shown, but there is sufficient space within the properties to accommodate cycle storage. Accordingly, no objection is therefore raised in terms of highways under Policies T1, T2 and T13 of the Local Plan and Paragraphs 105 and 108 of the NPPF.

Contaminated Land

A desktop study dated 22 February 2013 was submitted with the application, which appears to have been undertaken by the applicant. This report is acceptable, but does not contain a risk assessment. The present and past use (as a filling station) of the site is likely to have led to contamination. The site is also over a major aquifer and water source protection zone catchment area (Zone 3). The applicant has advised that he intends to submit an updated professional site report. In the event of planning permission being granted appropriate conditions are recommended requiring the submission and approval of a site investigation, risk assessment and detailed remediation scheme. Subject to these conditions, no objection is raised with regard contaminated land issues under Policy BNE23 of the Local Plan and Paragraphs 178 and 179 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 £239.61 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 (SAMB) 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 submitted a Mitigation Contribution Agreement and paid this tariff. No objection is, therefore raised under Paragraphs 170, 175 and 176 of the NPPF and Policies S6 and BNE35 of the Local Plan.

Other matters

A concern was raised that the plan did not show the boundaries correctly, and that some land, not in the ownership of the applicant was outline blue. This was due to the fact that the site plan which was originally submitted showed the public highway outlined blue and buildings outline red and caused some confusion. The applicant has addressed this by submitting an amended plan showing the site outline red, other land in his ownership outlined blue and all other properties road etc. in black.

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, occupier amenity, neighbour amenity, highways and contaminated land. A contribution has been secured towards SAMMs in the Special Protection Areas. The proposal would, therefore comply with Policies BNE1, BNE2, BNE6, BNE23, BNE35, H4, T1, T2 and T13 of the Local Plan and Paragraphs 59, 105, 108, 124, 127, 170, 175, 176, 178 and 179 of the NPPF and is recommended for approval.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the number of representations received expressing a view contrary to 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://publicaccess1.medway.gov.uk/online-applications/>