

MC/14/0407

Date Received: 14 February, 2014

Location: Land Rear Of 2-10 Beechings Way, 224-234 Featherby Road
And 1-13 Teynham Green Gillingham Kent ME8 6PT

Proposal: Construction of a terrace of three 3-bedroomed houses with
associated parking, sheds, bin enclosures and modifications to
highway island on Beechings Way

Applicant: Medway Council

Agent: Mr Allen DAC Architects 21 Stone Street Gravesend Kent DA11
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Ward Twydall

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 20 May 2014.

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: 4841/D.02B received on 20 March 2014 and 4841/D.01D received on 30 April 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 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 details of soft landscaping to be planted along the eastern boundary, any replacement trees to be planted within the site, details of hard surfacing and boundary treatment have been submitted to and approved by the Local Planning Authority. All planting

approved 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 Authority gives written consent to any variation. The hard surfacing and boundary treatment shall be implemented in accordance with the approved details prior to the first occupation of any part of the development herein approved and shall be retained thereafter.

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 Prior to the first occupation of any part of the development herein approved, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be implemented in accordance with the approved details prior to first occupation and shall be retained thereafter.

Reason: To safeguard conditions of amenity within the scheme of development permitted in accordance with Policies BNE1 and BNE8.

- 6 The building shall not be occupied, until the area shown on the submitted layout as vehicle parking space and garaging has been provided, surfaced, marked out 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 1995 (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.

- 7 No building shall be occupied until the area shown on the submitted plan as a turning area has been provided, surfaced, marked out 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 1995 (or any order amending, revoking or re-enacting that Order) shall be carried out on that area of land or in such a position as to preclude its use.

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway and in accordance with Policy T2.

- 8 No development shall commence until a scheme for amendments to the existing traffic island in Beechings Way has been submitted to and approved in writing by the Local Planning Authority. The scheme shall show amendments to all satisfactory arrangements for turning right into the site. The development shall implemented in accordance with the approved amendments prior to the first occupation of any part of the development and the amendments shall be retained thereafter.

Reason: in the interests of providing a suitable access on to the public highway, in accordance with Policy T2 of the Medway Local Plan.

- 9 The development hereby permitted shall not be occupied until a domestic sprinkler system has been installed in all of the proposed dwellings. The sprinkler system shall be retained and maintained for the duration of the development.

Reason: In the interests of the safety and amenity of the occupiers of the proposed dwellings and in accordance with Policy BNE8 of the Medway Local Plan 2003.

- 10 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 11 to 14 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 14 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.

- 11 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.

- 12 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.

- 13 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.

- 14 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 11, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 12, 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 12 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 13.

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.

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

Proposal

Construction of a terrace of three 3-bedroomed houses with associated parking, sheds, bin enclosures and modifications to highway island on Beechings Way

This application relates to a site measuring approx. 37m deep by 20m wide at the western end widening to 34m at the eastern end. It is accessed via a 35m long 3m wide drive between 2 Beechings Way and the rear gardens on 228 - 234 (even) Featherby Road. The site was occupied by 24 garages but these were demolished several years ago. T

It is proposed to build a terrace of 3 x three bedroom houses. The terrace would measure 18.45m wide by 9.2m deep and the front would be set back approx. 19.2m from the western boundary. The rear gardens would be approx. 19 m deep with a shed, drying area and bin storage area (apart from the middle property). Six parking spaces, plus one visitors space would be provided at the front. There would also be a grassed area and raised planters at the front, with a bin store for the middle property. The application is supported by a Design and Access Statement, an Arboricultural Report and an Ecological Survey.

Site Area/Density

Site Area: 0.11 hectares (0.27 acre)

Site Density: 27 dph (11 dpa)

Relevant Planning History

Representations

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

A petition (19 signatures) and 11 letters (3 from same person) have been received raising the following objections:

- The land should revert to its previous use for parking;
- Loss of light;
- Overlooking;
- Overbearing impact of proposed development;
- Loss of trees on neighbouring land (this has been addressed by the submission of revised plans;
- The land should be given back to the community;
- The access is inadequate for vehicles visiting the site, refuse vehicles and emergency vehicles;
- There is a pedestrian access onto this drive. Using it for vehicles could be dangerous;
- Noise and disturbance from vehicles using the access road;
- The opening up of this land would encourage anti-social behaviour and affect security of neighbouring properties;
- The reduction in traffic island in Beechings Way would be a hazard;
- Access should be via Teynham Green, not Beechings Way;

All other matters raised not listed above are non material.

Kent Fire and Rescue Service have written advising that the submitted plans do not show sufficient detail of the access. The access appears to be inadequate for fire appliances. The access may be acceptable if domestic sprinkler systems are installed.

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 application has been revised from the original submission. The revision shows the terrace move northwards by approx. 800mm so that the southern elevation of the development is approx. 2m away from the southern boundary of the site. This is due to the presence of the trees located along that boundary.

Principle

Paragraph 49 of the National Planning Policy Framework states that housing applications should be considered in the context of the presumption in favour of sustainable housing development and as such would support the proposed development. Derelict land no longer required for non-residential uses and that infilling will be permitted (providing that a clear improvement to the local environment will result). The proposed development would be located on a site where it is no longer required for non-residential uses and where it is considered that the proposed development would result in a clear improvement. As such, the proposal is considered acceptable in principle and in accordance with Policy H4 of the Medway Local Plan.

The density of the development at 27 dph (11 dpa) would be comparable to the density of the surrounding development and would be acceptable.

Policy H9 relates to Backland development and states "Backland development will be permitted only when it does not constitute piecemeal development that would threaten the comprehensive development of a wider area. Tandem development will not be permitted. Backland development will be permitted when:

- (i) there is no loss of privacy from overlooking adjoining houses and/or their back gardens;
- (ii) there is acceptable vehicular access;
- (iii) there is no significant increase in noise or disturbance to adjacent residents from traffic using the access;
- (iv) existing natural features, such as trees, which contribute to the amenity of the area are retained or conserved;
- (v) there is adequate private amenity space for the existing and proposed dwellings; and
- (vi) the character and amenity of the area as a whole is maintained.

The proposed development would maintain and would be in character with its surroundings. The impact of the proposed development in terms of the remaining criteria in Policy H9 will be assessed below.

Design

The proposed development would have a modern design which would contrast with the surrounding development which is comprised of 1950's two storey semi-detached houses. However, there is a more recent development nearby on the western side of Featherby Road. The proposed houses would have a mono-pitched 15 degree sloping roof. They would be brick built with render at first floor level on the west (front), south (side) and east (rear) elevations.

Although contrasting with the immediately surrounding development, the design of the proposed development is not considered to be out of character. Furthermore, being a backland site, the proposed development would not be visible from the

public highway. It would be visible from the recreation ground to the east. There are two trees in the recreation ground, adjacent to the site. In the event of planning permission being granted, it is recommended that there is further planting along this boundary to soften the impact of the proposed development and to minimise any perceived overlooking from the recreation ground to the rear garden area of the proposed houses.

The site is currently vacant and does not have a particularly attractive appearance. The proposal would therefore result in a clear improvement to the local environment and as such would comply with Policies BNE1, H4 and H9 (vi) of the Medway Local Plan.

Amenity

In terms of the amenities of the occupiers of the proposed houses, the Council's Interim Housing Design Standards specify minimum GIA of 96 sq. m. for a three bedroom, five person two storey house. At 96 sq. m. the each of the three proposed houses would comply with these standards.

Number of bedrooms	MHDS Min gross internal floor area	Gross internal floor area proposed	MHDS Living/ Dining/ Kitchen Good practice Minimum floorspace	Proposed Living/ Dining Kitchen floorspace	MHDS Bedroom Good practice Minimum floorspace	Proposed Bedroom floorspace
3b5p	96sqm	96sqm	29sqm	33.6sqm	Double 12sqm Twin 12sqm Single 8sqm	12.6sqm 12.7sqm 7.5sqm

Apart from the single bedroom, each house would comply with the Medway Housing Design Standards for a three bedroom five person house. In addition each house would have a rear garden of approx. 19m. No objection is therefore raised in regard to these standards and the provision of private amenity space under Policy H9(v) of the Local Plan.

In terms of neighbour amenity, the site is bounded on three sides by the rear gardens of neighbouring properties. To the south, the flank wall of the proposed house would be approx. 30m from the rear of the houses in Teynham Green; to the north the flank wall would be approx. 22m from the rear of the houses in Beechings Way, and to the west, the front of the proposed houses would be approx. 38m from the rear of the houses in Featherby Road. There would, therefore be no loss of light or privacy as a result of the proposed development and in this regard the proposal

would comply with Policy BNE2 and H9(i) of the Medway Local Plan.

The proposed development would generate a degree of activity and traffic. However, the activity and traffic generated and the consequent disturbance to neighbouring properties would be no more than that generated when the site was occupied by 24 garages. No objection is therefore raised in this regard under Policy BNE2 and H9(iii) of the Medway Local Plan.

Highways

The Council's Interim Residential Vehicle Parking Standards require a minimum of 2 car parking spaces per dwelling plus 0.25 spaces per dwelling for visitor parking, resulting in a requirement of 7 spaces, and one cycle space per dwelling. The submitted drawings, (as amended) showing parking for 2 cars per dwelling plus one visitors space, and a turning area. It is recommended that a condition be attached to any planning permission requiring these spaces and the turning area to be clearly marked out on the site. No objection is therefore raised in terms of parking under Policy T13 of the Medway Local Plan.

In terms of traffic generation, it is considered that the proposed development could generate up to 15 vehicle movements per day. This level of traffic generation would be no more than that generated by the previous use of the site. The likelihood of two vehicles meeting on the access is low and its relatively straight alignment provides good forward visibility. No objection is therefore raised in terms of traffic generation and access under Policies H9(ii), T1 and T2 of the Medway Local Plan.

The submitted drawing shows that the centre island in Beechings Way is to be reduced in length by approx. 4m to allow for a right turn access to and egress from the site. It is recommended that a condition be attached to any planning permission to the effect that no part of the development shall commence until this work has taken place.

Trees

An arboricultural survey has been submitted which identifies eight trees on or in close proximity to the site. Three of these trees, two ash and an elder are close to the proposed building and are to be removed. However, these trees have limited amenity value and their loss could be mitigated by new planting. A malus, in a neighbouring garden is also close to the building and its crown and root protection area would encroach onto the site. However, it is considered that no harm would be caused to this tree by the proposed development. The remaining trees would be either in the recreation ground to the east or the rear gardens of houses in Featherby Road to the west and therefore would not be affected by the proposed development. No objection is therefore raised in terms of trees under Policies BNE43 and H9(iv) of the Medway Local Plan.

Other matters

The garages were removed several years ago due to antisocial behaviour and the

site secured by fencing. The proposed development would encourage active surveillance and as such improve security in accordance with Policy BNE8 of the Medway Local Plan. A condition is recommended requiring the submission, approval and implementation of a lighting scheme for the proposed development.

In accordance with the observations of Kent Fire and Rescue Service, a condition is recommended to the effect that a sprinkler system is installed in the proposed houses.

A condition is also recommended requiring a contamination investigation in accordance with Policy BNE23 of the Medway Local Plan.

An ecological survey was submitted with the application. This concluded that the site supports no habitat or feature that could support wildlife due to the dominant hardstanding.

Local Finance Considerations

None relevant to this application.

Conclusions and Reasons for Recommendation

The principle of the proposed development is acceptable and the proposed development would be acceptable in terms of design, housing standards, amenity, highways and parking, tree protection and security. The proposal would, therefore comply with Policies BNE1, BNE2, BNE8, BNE23, BNE43, H4, H9, T1, T2 and T13 of the Medway Local Plan and is recommended for approval.

The application would normally be determined under delegated powers but is being reported to Committee due the number of objections received contrary to officer 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://planning.medway.gov.uk/dconline/AcolNetCGI.gov>