

MC/14/1188

Date Received: 1 May, 2014

Location: Land Between 32 And 34 Roosevelt Avenue, Wayfield, Chatham, ME5 0ER

Proposal: Construction of a terrace of six 3-bedroomed houses with associated parking

Applicant: Baxter Homes

Agent: Mr G Bunce Primefolio Ltd. 24 Ashford Road Maidstone Kent ME14 5BH

Ward Luton & Wayfield

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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 16 July, 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 drawing numbers: 14-15-01, 14-15-02, 14-15-D and A and 14-15-location (1:500) as received on 1 May 2014 and 14-15-location (1:1250) as received on 7 May 2014.

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

- 3 No development shall commence until details and samples of any materials to be used externally including roofing materials, facing bricks, windows and doors have been submitted to and agreed in writing by the Local Planning Authority. 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 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 before the dwellings are occupied and shall thereafter be retained. 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 development shall commence until full details of the hard and soft landscape works for the publicly accessible areas have been submitted to and approved in writing by the Local Planning Authority. These details shall include paving and hardstanding materials, planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme. The landscape works shall be implemented in accordance with the approved details prior to the first occupation of any dwelling and shall be maintained in good condition thereafter.

Reason: To accord with the provisions of Section 197 of the Town and Country Planning Act 1990 and to ensure that the development does not prejudice the appearance or character of the site and the locality.

- 6 None of the buildings hereby approved shall be occupied until underground ducts have been installed by the developer to enable telephone, electricity and communal television services to be connected to any premises within the site without recourse to the erection of distribution poles and overhead lines and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no distribution pole or overhead line and no more than one satellite dish shall be erected or installed within the area except with the express written consent of the Local Planning Authority.

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 No development shall take place until details of the surfacing and drainage of the vehicle parking area shown on the drawing number 14-15-01- as received on 1 May 2014 has been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied until the parking area is provided in accordance with the approved details. Thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to the reserved vehicle parking area.

Reason: To ensure that the development permitted does not prejudice

conditions of highway safety or efficiency in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

- 8 No development shall commence until a code of construction practice including on site wheel washing facility has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be followed throughout the construction of the development.

Reason: To safeguard the amenities of the occupants of any properties nearby in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 9 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 10 to 13 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 13 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.

- 10 A desk top study, 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.

- 11 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.

- 12 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 occupation the residential dwellings.

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

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**

This planning application seek permission for the construction of a terrace of 6 three-bedroomed houses with 10 car parking spaces on the vacant site between 32 and 34 Roosevelt Avenue. The dwellings will be accessed via Ironside Close to the north of the site, with vehicle parking laid out to the front. Private amenity space is proposed to be provided to the rear, across tiered gardens. These will be secured from the highway by 1.8m close boarded fencing.

The existing land level differences across the site require a staggered gable roof shape. Dormer windows are proposed to the elevation that faces onto Roosevelt Avenue. Internally, the dwellings will comprise a kitchen / diner, a W/C and a living room at the lower ground floor, single and double bedrooms at first / upper ground floor and a third, double bedroom and a bathroom within the roof / upper floor. 6 of the car parking spaces are allocated to the residential units, whilst the remaining 4 are identified as 'replacement parking spaces for former garages'.

### **Site Area/Density**

Site Area: 0.09 hectares (0.25 acres)

Site Density: 66 dph (24 dpa)

### **Relevant Planning History**

MC/13/0985	Construction of 6 two-bedroomed houses and 3 flats comprising 2 two-bedroomed and one 1-bedroom (for disabled person) together with provision for car parking Decision Refusal Decided 31 July 2013 Appeal Refused 7 April 2014
MC/04/0745	Construction of a terrace of 5 dwellings with associated parking Decision Approval with Conditions Decided 30 July 2004
MC/02/0382	Outline application for construction of 4 dwellings

Decision Approval with Conditions  
Decided 30 May 2002

## **Representations**

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

**2 letters of representations** have been received raising the following summarised objections / concerns:

- This development would stop residents of Ironside Close parking on the land,
- The development would block vehicular access to No. 29 Ironside Close,
- There is sewage problem in the area and this development has not considered this issue,
- The development would appear out of character with the surrounding street scene.

## **Development Plan**

The Development Plan for the area comprises the Medway Local Plan 2003 (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*

Members considered an application for 6 two-bedroomed houses and 3 flats on this site in mid 2013. Concern was raised that the development would result in a poor level of amenity area for the houses and an unsatisfactory relationship of the roof terrace garden with the flatted part of development fronting Ironside Close. It was considered that this would be detrimental to the amenities of the future occupiers these dwellings and would represent an over development of the site.

This decision was subsequently appealed, with an Inspector dismissing the appeal on the grounds that an insufficient amenity space was provided for future occupiers of the development and that the terraced areas would be of detriment to the character of the area. Both harmful elements have been deleted or altered in this revised application. The proposed private amenity spaces have been moved to the Roosevelt Avenue side of the building.

### *Principles of Development*

The application site was last used as car park and has been fenced off for a number of years. The application represents a form of infill along Roosevelt Avenue and Ironside Close. Policy H4 of the Local Plan and paragraph 111 of the NPPF both support development of previously developed land (Brownfield sites) in the urban area subject to the development being acceptable in terms of its design, impact on

amenity, etc. The application site is within Chatham's urban boundary and as such there is no in principle objection to the residential development of the site subject to further assessment against other material considerations.

### *Street Scene and Design*

Paragraph 56 of the NPPF promotes sustainable development and high quality design. Policies S4, BNE1 and H4 of the Local Plan seek to achieve high quality and to be appropriate in relation to the character, appearance and functioning of the built and natural environment. The character of the properties in Roosevelt Avenue and Ironside Close is mixture of two storey semi and terrace houses, whilst those to the east of the site have a three-storey rear elevation due to steep level difference of the land.

The proposal would be set away from east and west flanks of no 32 and 34 by some 6.5m respectively and this includes the 1.8m wide access way along the western boundary of the site that connect Roosevelt Avenue with Ironside Close. The proposal takes advantage of double frontage and level difference of the site by designing a development that relate well to the respective street levels and frontages and positively contribute to both street scene of Roosevelt Avenue and Ironside Close. Use of the levels has allowed a two-storey appearance when viewed from Roosevelt Avenue and three storeys from Ironside Close. The resulting appearance is appropriate, with particular reference to ridge height and gable roof shape. The slight stagger of the roof is noted, however no objection is raised to this or the introduction of dormer windows within the roof slope that faces Roosevelt Avenue.

In terms of the number of dwellings proposed, it is considered that the proposal would not be excessive and would not result in an overdevelopment of the site. The parking layout is acceptable. It is recommended that conditions be attached requiring details of the external materials for the dwellings, hard and soft landscaping to ensure the proposal result in a good quality development. With the use of the suggested conditions, it is considered that the proposal would be in accordance with paragraph 56 of the NPPF and Policies S4, BNE1 and H4 of the Local Plan.

### *Amenity Considerations*

The development has two-storey appearance when viewed from Roosevelt Avenue and three storeys from Ironside Close. The development would leave a back-to-back distance of over 32m with the properties to the north. This relationship will ensure that the amenities of the occupiers of the dwellings within Ironside Close are maintained. In addition to the above the development is located in such a position so as to maintain the amenities of those adjacent properties along Roosevelt Avenue. On this basis it is considered that the proposal would comply with Policy BNE2 of the Local Plan that seeks to protect residential amenity.

With respect to the amenities of the future occupiers, the proposal has been considered against the Medway Housing Design Standards (interim) (MHDS) that were adopted as a material consideration in November 2011.

The table below shows how the scheme compares with the 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	96m <sup>2</sup>	96m <sup>2</sup>	29m <sup>2</sup>	29m <sup>2</sup>	Single 8m <sup>2</sup>  Double 12m <sup>2</sup>	Single 11.6m <sup>2</sup>  Double 14m <sup>2</sup> and 13m <sup>2</sup>

In light of the above dimensions it is considered that the proposal would meet all the required internal space Standards.

The proposal also provides modest size terraced gardens to the Roosevelt Avenue elevation, the smallest of which is approximately 26m<sup>2</sup> and has a maximum depth of some 6.5m. The previous proposal allowed for only an enclosed decked garden to the Ironside Close elevation with depth of some 5m, a provision that the Inspector deemed unacceptable. The additional 1.5m is noted and although the proposal continues to be marginally below the garden size required in the Standards, in this instance 0.5m, the revised proposal is considered acceptable due to: a) the revised location and additional depth allows for garden activities to take place more comfortably than previously proposed; and b) helps to achieve a design that is responsive to the constrain of the site, streetscene and requirements of the prospective residents. It is considered that the proposed development would not result in any detrimental impact on the amenities of occupiers of surrounding properties or future occupiers of the proposed dwellings. In the light of the above, the proposal is considered to be in accordance with Policy BNE2 of the Local Plan.

### *Highways*

The six dwellings are accessed from Roosevelt Avenue, and provided with one allocated off-street space each. The Parking Standards indicate that an average of 1.5 spaces per dwelling should be provided - a total of 9 spaces. At the time of the 2011 Census, average car ownership in the vicinity of the site was 1.2 per dwelling, and therefore it is reasonable to assume that the proposed houses could generate an additional demand for up to 3 spaces. It is considered that there is sufficient kerbside capacity on Roosevelt Avenue - which is not subject to parking restrictions - to accommodate this small additional demand, beyond the off street parking that is proposed to be provided on site, without compromising highway safety or the free flow of traffic. Furthermore, this could also be accommodated in the four unallocated spaces being provided within the application site. Alternatively, these could be used



to ease any existing parking problems within Ironside Close. Nevertheless, on balance it is considered that the proposal accords with Medway Council's interim parking standards and Policies T2 and T13 of the Local Plan.

#### *Other issues*

In light of the previous use of the site, as a car parking area, there are potential contamination concerns. In the light of these concerns appropriate planning conditions are recommended to deal with remediation of any contamination. Furthermore, Southern Water have previously advised of the requirement to contact Southern Water's Agent, Atkins Ltd, prior to commencement of the development should a formal application for a connection to the public sewer be necessary. This will be added as an informative.

#### *Local Finance Considerations*

None relevant to this application.

### **Conclusions and Reasons for Recommendation**

It is considered that the proposal would result in a development that is appropriate for its context and is acceptable in terms of design and appearance, residential amenities, highway safety and parking. The development is considered acceptable for the reasons outlined above. The proposal accords with the provisions of NPPF and Policies S4, H4, BNE1, BNE2, T2 and T13 of the Local Plan and is recommended for approval subject to the recommended conditions.

The application would normally be determined under delegated powers but is being reported to Committee due to Members consideration of previous applications on this site.

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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://planning.medway.gov.uk/donline/AcolNetCGI.gov>