

MC/19/2187

Date Received: 16 August 2019

Location: 80 Beechwood Avenue Darland Chatham Medway

Proposal: Construction of two 5-bedroom detached dwellings with attached garages

Applicant Mr and Tanday

Agent L Brown Associates Ltd  
Mrs Trina Brown 34 Fallowfield  
CHATHAM  
ME5 0DX

Ward: Watling Ward

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 18th December 2019.**

**Recommendation - Approval subject to:**

- A Securing the payment of £245.56 for the additional dwelling
- 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:

Drawing numbers: TAB/06/200C, TAB/06/203/B and TAB/06/204/A received on 11 September 2019; and TAB/06/201D and TAB/06/205A received on 18 September 2019.

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

- 3 No development shall take place until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of working, 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 this 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 Policies BNE2 and T1 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 first occupation 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 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 windows on the north side elevation of House 1 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) 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.

- 13 No dwelling herein approved shall be occupied until the area shown on the submitted layout drawing no: TAB/06/200.C as vehicle parking space and garaging 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 No dwelling shall be occupied until details of secure private cycle parking provision have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be implemented in accordance with the approved details before any dwelling is occupied and shall thereafter be retained.

Reason: To ensure the provision and permanent retention of bicycle spaces in accordance with Policy T4 of the Medway Local Plan 2003.

- 15 No dwelling shall be occupied until full details of hard landscape works and a plan identifying areas for soft landscaping to the front and a timetable for implementation has 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 a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 16 Prior to occupation of any dwelling herein approved details of the location and type (rapid, fast or slow) including power output of the provision of 1 electric vehicle charge point per dwelling with dedicated parking shall be submitted to and approved in writing by the Local Planning Authority. The electric charge points shall be implemented in accordance with the approved details prior to the occupation of any dwelling herein approved and shall thereafter be maintained.

Reason: In the interests of sustainability in accordance with paragraph 110E of NPPF 2018.

- 17 No dwelling herein approved shall be occupied until details of ecological enhancement measures have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be provided in accordance with the approved details before any dwelling is occupied and shall be thereafter be retained.

Reason: In the interests of ecology and in accordance with the provisions set out under Policies BNE37, BNE38 and BNE39 Medway Local Plan 2003.

## **Proposal**

The current application seeks planning permission to demolish the bungalow and to construct two detached 5-bedroom houses, each with an attached garage to the side. This would be in addition to the two houses approved under MC/18/2356 which are not included in the application site.

The proposed houses would be similar to those approved on the adjoining land and would each measure approx. 9.5m long by approx. 6.3m wide. Each house would comprise an entrance hall with a lounge and wc at the front with a kitchen/dining area at the rear on the ground floor, four bedrooms (one en-suite on the first floor and a further bedroom and bathroom in the roof space. Each house would have a basement to be used as a TV room/play areas with its own wc.

The layout of the site shows the houses would be staggered. House 1, in the north-eastern corner of the site would have a rear garden approx. 17m deep by approx. 12m wide, whilst House 2, set back approx. 8m would have an approx. 9m deep/13m wide rear garden. The attached garage would be set back approx. 6.3m from the front of each house and would project approx. 3m to the rear.

## Site Area/Density

Site Area: 0.09 hectare (0.22 acre)  
Site Density: 22 dph (8.9 dpa)

Total area (4 dwellings): 0.16 hectares (0.4 acre)  
Total Site Density: 24.6 dph (9.9 dpa)

## Relevant Planning History

MC/18/2356	Construction of 2 detached five bedroom houses with attached garage to side Approved 19 October 2018
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## 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, including a letter from **Cllr Purdy**, objecting to the application for the following reasons:

- Loss of light to bedrooms/bathrooms of neighbouring properties.
- Overlooking/loss of privacy.
- Rubbish for all four house will be dumped outside neighbouring property.
- The site is on a blind corner and the development would generate additional traffic at this dangerous point.
- Proposal would create a hazard for pedestrians using the footpath particularly schoolchildren and dog walkers.
- Noise and disturbance from additional traffic.

**Natural England** has written seeking an appropriate bird mitigation contribution.

## 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

### *Background*

Planning permission was granted on 19 October 2019 for the construction of 2 detached houses on the southern part of the site (MC/18/2356). These houses would be accessed via the existing drive and the bungalow, which was not included within the application site.

### *Principle*

The site is located within the urban area of Gillingham where paragraphs 11d and 59 of the NPPF and Policy H4 of the Local Plan is applicable. This states that residential development in these areas will be permitted consisting of the redevelopment of existing residential areas and infilling in such areas providing that a clear improvement in the local environment will result. At 24 dph (10 dpa), the density of the proposed development would be in keeping with the surrounding area. The principle of the proposal is therefore acceptable and in accordance with Policy H4 of the Local Plan and Paragraph 59 of the NPPF.

### *Design and appearance*

The application site is located at the southern end of Beechwood Avenue, where it turns sharply into Hunters Way West. The site is accessed off the corner between these two roads and is currently occupied by a detached bungalow at the northern end of the site, adjacent to 78 Beechwood Avenue. There is a small private garden area, enclosed by a 1.8m high fence, adjacent to the bungalow. The remainder of the site is grassed and adjoins the Darland Banks immediately to the south.

The proposed development would correspond in terms of design and appearance with the recently approved development to the south. That development, being to the rear of the site would have only been visible when viewed from the site entrance and would not, therefore, have had any impact on the street scene. The proposed development would be closer to the site entrance, but due to the road layout and its siting, it would also only be visible at or close to the site entrance and as such would have minimal impact on the street scene.

The design of the proposed properties accord with the objectives of Policy BNE1 of the Local Plan and paragraph 127 of the NPPF

### *Amenity*

#### Occupier amenity

The DCLG's Nationally Described Space Standard specifies a minimum Gross Internal Floor Area (GIA) of 115 sq. m. for a two storey/five bedroom/seven person dwelling, with a floor area of 11.5 sq. m. for a double/ twin bedroom and 7.5 sq. m. for a single bedroom. The submitted drawings show that the proposed dwellings would have a GIA of approx. 137 sq. m. (excluding basement play area) and bedrooms of 20.7 sq. m., 13.5 sq. m., 8.4 sq. m., 7.7 sq. m. and 7.5 sq. m. Each dwelling would also have adequate private garden space. Although the space for house 2 would be only be approx. 9m deep it is approx. 13m wide.



## Neighbour amenity

The closest property to the proposed development is a detached chalet bungalow to the north, 78 Beechwood Avenue. That property has its main entrance on the south elevation and there are three dormer windows in the roofspace overlooking the application site. A concern has been raised with regard to loss of light and overlooking to these windows. Whilst concern is noted, these windows are on the side elevation and windows on the front and rear elevations would not be affected. The windows are at first floor level meaning that any light loss to the windows would be less than at ground floor level. The front of the proposed house (House 1) would be set back approx. 7m from the front of 78 Beechwood Avenue, meaning that the flank wall would only be in front of one of the three dormer windows and there would be a gap of approx. 4m between the flank walls of the two properties. It is acknowledged that the proposal would have some impact in terms of daylight/sunlight on these windows, and there would be some overshadowing in the afternoon, particularly in winter when the sun is low. However, having regard to the above, it is not considered that any light loss to the windows would be such as to justify a refusal of planning permission.

There would be windows in the flank wall of House 1 which would face towards 78 Beechwood Avenue. However, all on these windows would serve non-habitable rooms (bathrooms and stairs). A condition is therefore recommended that these windows be obscure glazed.

There is also a window on the ground floor of 78 Beechwood Avenue, the centre of which would be approx. 5.4m from the flank wall of the proposed house. It is acknowledged that the proposed house would result in some overshadowing, but again, this would not be enough to justify a refusal as the impact would not be considered harmful.

To the west of the application site, lies the rear garden of 31 Heathland View. The rear proposed dwellings would face the rear garden of that property as a right angle. The corner of House 2 would be approx. 15m from the corner of that property and there are no windows in the flank wall of that property. The proposal would not, therefore result in any unacceptable overlooking or loss of light to that property.

There is a large detached property to the east, Hunters Cottage, which has been significantly extended, and which is separated from the application site by an approx. 1.8m high close boarded fence. There are no windows in the flank of this property serving habitable rooms. The proposed houses would be to the north of the front of that property, approx. 10m (House 1) and approx. 6m (House 2). Any overlooking, therefore, from the proposed houses would be towards the front garden and drive and there would be no overlooking towards the house itself or the rear private garden area.

The proposal is, therefore considered to be acceptable in terms of occupier amenity and neighbour amenity and no objection is, therefore raised under Policy BNE2 of the Medway Local Plan 2003 and paragraph 127f of the NPPF

### *Highways*

The proposed dwellings have two parking spaces each plus a garage. The proposed parking and the size of the garages meets the Council's Vehicle Parking Standards and therefore no objection is raised. The proposal is in accordance with Policies T1 and T13 of the Local Plan and paragraphs 105 and 109 of the NPPF.

### *Contamination*

The applicants have submitted a Phase 1 Contamination Assessment Report dated 30 April 2018. The report is in line with current guidance and, following its findings, recommended an intrusive site investigation be carried out due to previous potentially contaminated ground on the site. A contaminated land condition is therefore recommended. Subject to the suggested conditions the proposal accords with Policy BNE23 of the Local Plan and paragraphs 170 and 178 of the NPPF.

### *Climate change and ecology*

The site is within the urban area and in a sustainable location which is within walking distance of local shops and a bus route.

The site does not contain habitats and therefore there is no requirement for ecological information to be submitted. When the application for the adjoining land was considered, there were areas of scrub which may be utilised by breeding birds and reptiles, and a precautionary condition was imposed. There is, however, no requirement for a condition in respect of the current application site and the potential for being used by breeding birds. However, in line with the neighbouring scheme, a condition is recommended to secure the provision of ecological enhancement measures.

A condition is also recommended to secure the provision of electric charging points.

### *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 J245.56 per dwelling (excluding legal and monitoring officer's costs, which separately total J550) 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 in respect of the additional unit and is in the process of submitting the relevant documentation. No objection is therefore raised under Paragraphs 175 and 176 of the NPPF and Policies S6 and BNE35 of the Local Plan.

### **Conclusions and Reasons for Approval**

The principle of the proposed development is acceptable and in accordance with Policy H4 of the Local Plan and Paragraph 59 of the NPPF. The application is acceptable in terms of design and appearance, amenity, highways, contamination, climate change and ecology and would comply with Policies BNE1, BNE2, BNE23, T1 and T13 of the Local Plan and Paragraphs 105, 109, 127, 175 and 176 of the NPPF. The applicant has agreed to pay the appropriate contribution in respect of bird mitigation and therefore, no objection is raised under Policies S6 and BNE35 of the Local Plan and Paragraphs 170 and 178 of the NPPF. The application is recommended for approval.

The application is being reported to the Committee for consideration in view of the number of letters of representation received contrary to the Officer's recommendation and the letter of representation from the Ward Councillor.

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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://publicaccess1.medway.gov.uk/online-applications/>