

**MC/25/1112**

**Date Received:** 2 June 2025

**Location:** Land adj to 91 Hawbeck Road, Parkwood, Gillingham Medway

**Proposal:** Construction of a detached dwellinghouse with garage, associated landscaping and parking.

**Applicant** Darren Creary

**Agent** HOMZ UK

Caroline Dobson

170 Kennington Lane

London

SE11 5DP

**Ward:** Rainham South East

**Case Officer:** Amy Shardlow

**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 24 September 2025.**

**Recommendation - Approval Subject to:**

A. The applicant entering into agreement under Section 106 of the Town and Country Planning Act to secure:

i The dwelling to be delivered and occupied as a self build development.

B. 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:

Received 4 September 2025:

H-0284-05 Rev V3 Proposed Floor Plans

Received 02 June 2025:

H-0284-01 Rev V2 Site Location Plan

H-0284-07 Rev V2 Proposed Elevations and Sections

H-0284-03 Rev V2 Proposed Block Plan

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

- 3 All materials shall match those set out in the Application form Received 2 June 2025 and Planning Design and Access Statement Received 5 June 2025.

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 The dwelling hereby approved shall not be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected specifically to overcome the surface water flooding issues have 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 the dwelling 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.

- 5 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) the dwellinghouse 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.

- 6 If, during development, contamination not previously identified is found to be present at the site, no further development shall take place until a method statement has been submitted to and approved in writing by the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with. The development shall thereafter be implemented in accordance with the approved Method Statement.

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.

- 7 No development shall take place above ground floor slab level until details of the provision of an electric vehicle charging point have been submitted to and approved in writing by the Local Planning Authority. Details shall include the location, charging type (power output and charging speed), associated infrastructure and timetable for installation. The development shall be

implemented in accordance with the approved details and shall thereafter be maintained.

Reason: In the interests of sustainability in accordance with paragraph 117E of the NPPF.

- 8 No development shall commence until details of the surface and drainage for the proposed vehicle parking space have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied, until the areas shown on the approved plans as vehicle parking space have been provided, surfaced and drained in accordance with the approved details. Thereafter the vehicle parking spaces 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.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking and in accordance with Policy T13 of the Medway Local Plan 2003.

- 9 Prior to the first occupation of the dwelling details of cycle storage facility shall be submitted to and approved by the Local Planning Authority. The approved cycle storage facility shall be implemented, prior to occupation of the dwelling, in accordance with the approved details and thereafter retained.

Reason: In the interests of sustainability and to encourage cycle use with regard to Policy T4 of the Medway Local Plan 2003.

- 10 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the Design and Access Statement received 5 June 2025. The development shall not be occupied until a verification report prepared by a suitably qualified professional has been submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been implemented.

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 163 of the National Planning Policy Framework 2024.

- 11 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; Classes A, AA, 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.

- 12 Prior to the first occupation the dwelling herein approved details of the refuse storage arrangements, including provision for the storage of recyclable materials, shall be submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until the approved refuse storage arrangements for that dwelling are in place and shall thereafter be retained.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 13 Prior to the occupation of the dwelling herein approved, full details of both hard and soft landscape works and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and 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.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

**For the reasons for this recommendation for Approval Subject to Unilateral Undertaking please see Planning Appraisal Section and Conclusions at the end of this report.**

## **Proposal**

The proposal seeks full planning permission for the construction of a detached dwellinghouse with garage, associated landscaping and parking. The proposed dwellinghouse is 2 a storey dwelling with two bedrooms and a study room upstairs and an open plan kitchen/diner at ground floor opening up to the rear garden with a separate living room to the front. The dwelling would also benefit from a bathroom upstairs, a downstairs WC and a single garage attached to the left side adjacent to 91 Hawbeck Road.

The site is located on the corner of Hawbeck Road and Rowbrocke Close on a parcel of land adjacent to number 91 Hawbeck Road. It is within the urban area of Rainham within Parkwood.

## **Relevant Planning History**

There is no planning history for this parcel of land.

## Representations

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

**11 households** have written in to raise the following objections:

- Concerns regarding overshadowing to habitable rooms.
- The land is highways land and Medway Council highways owns the topsoil.
- Being on the corner of the road will restrict views for road users.
- The parcel of land has been there for over 50 years and was under the impression it was part of the green village status.
- Removal of natural space for species and wildlife.
- The land supports biodiversity and gives relief in a built up area.
- Parking is not 10m from the road turning into Rowbrocke Close.
- Overdevelopment within the area.
- The development will block the view of Rowbrocke Close in particularly number 1.
- Unclear ownership details of the land.
- Increased surface water flooding through the loss of the green landscaping.
- Redbrick nature of the development would be out of keeping with the area.

**1 Letter of support** has been received outlining that the site is underused and maintained by the Council, the support also outlines that the land is not a children's playing area and there are signs to deter this and that the development will help the housing shortage crisis.

In addition a letter was received to Medway Council on behalf of **Green Parkwood Community and Local Residents**, seeking further information from different council departments and requesting further action by the council. Many of the matters are already referenced including the status of the land however reference is made to restrictive covenants and the removal of vegetation.

*Officer Comment: It should be noted that restrictive covenants are not a planning matter and independent advice should be sought, and the vegetation removal/clearing of the site has not involved the alteration of land levels to an extent to which this would be classed as development and as such is also not considered a breach of planning control.*

Furthermore, there has been a petition submitted to the Council some of those that have signed are already included as providing comments under the above neighbours. The petition outlines the following concerns:

- The petition would like the land considered for other uses as there is a lack of accessible play areas and the removal of green space in the area intensifies this.
- Intensification of on street parking.
- Privacy concerns for neighbouring properties.

**Councillor Doe** – has written in expressing concerns regarding the proposed development, regarding the level of consultation with residents and has expressed the below concerns:

- It will significantly increase local parking problems, by decreasing the area available and increasing the demand.
- It creates a dreadful precedent for all the small areas which make this estate a pleasant place to live.
- It will impair local sight lines for those entering this part of Hawbeck Road.
- The area is a small haven for local wildlife, which has been driven from its original habitats by the building of the estate.
- The development would be in fact over development and thus an eyesore.

It was also recommended for the application to be brought to Committee for the application to be determined.

**The applicant** has provided a written statement regarding the objections received and they are willing to overcome many of these can be subject to planning conditions.

**Southern Water** – has commented on the application outlining that surface water has been indicated that this will discharge to an existing watercourse, however there is not one nearby that shows on the attached drawing and that they have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains. An informative will be added to the decision notice outlining the requirement to contact southern water regarding the above matters.

### **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 2024 (NPPF) and are generally considered to conform. Where non-conformity exists, this is addressed in the Planning Appraisal section below.

The Emerging Local Plan has been agreed by Full Council for Reg 19 publication, consultation and, following any changes required as a result of the consultation exercise, submission to the Inspectorate for examination. The policies within this version of the emerging plan have weight in the determination of planning (and associated) applications. However, due to the nature of this proposal, the stage of the emerging Local Plan, the existence of relevant adopted Policies in the Medway Local Plan (2003) and guidance in the NPPF it is considered that the proposal falls to be considered with regard to the adopted policies and guidance in the NPPF.

## **Planning Appraisal**

### *Principle*

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

Policy H4 of Medway Local Plan states that housing in urban areas and the redevelopment of existing residential areas and infilling in such areas will be permitted providing that a clear improvement in the local environment will result.

Furthermore, Paragraph 11 of the NPPF, which states that decisions should apply a presumption in favour of sustainable development. Balancing the impacts of the proposal alongside its economic, social and environmental merits; confirming decisions should be granted unless material considerations indicate otherwise. Paragraphs 61 and 63 of the NPPF also seeks to boost the supply of housing by bringing forward a variety of land to meet specific housing requirements.

In this instance, the surrounding area is primarily residential in character consisting of in its majority being two storey dwellings fronting Hawbeck Road. The proposed dwelling would follow the existing pattern of development in terms of building line along Hawbeck Road. With regard to sustainability, consideration needs to be given to economic, social and environmental objectives. In the current case the development would provide some economic and social benefits and environmentally whilst there is some loss of the existing vegetation and amenity area, the site is not an allocated parcel of open land/space as defined by the Local Plan Maps 2003 and due to the orientation and when considering the layout of the adjacent open space land is not considered to be detrimental to the wider area in terms of character and visual amenity.

As such it is considered that the proposal is acceptable in principle and would respect the existing residential character of the area and would make a modest contribution to the local housing supply within a sustainable location. The proposal is therefore in compliance with Policy H4 of Medway Local Plan 2003 and Paragraphs 11, 61 and 63 of the NPPF.

### *Design*

Paragraphs 131 and 135 of the NPPF emphasise the importance of good design and Policy BNE1 of the Local Plan states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area.

In this instance, the parcel of land whilst it provides some breakage in the building lines and visual amenity reflects that of a typical front/side garden rather than viewed as open space. There are a variety of property types with the majority within Hawbeck Road and Rowbrocke Close being two storeys and terraced or semi-detached properties. It is also acknowledged that there is a cluster of 3 storey town houses also located on Hawbeck Road. The character of the area is such that the

majority of the dwellings front the road but there are collections of dwellings that are positioned perpendicular to the road with areas of blocks of garages also in the vicinity.

The proposed dwelling would front onto Hawbeck Road and will follow the existing established building line and scale as set by the neighbouring property; it is proposed for a garage between this new dwelling and the existing dwelling at 91 and the new dwelling is set off from the boundary from the pavement by approximately 1m from the rear and 0.5m from the front, therefore ensuring that the development is not overbearing.

The proportions of the dwelling and space remaining to the side boundary are similar to the dwelling on the corner of Hawbeck Road and Sedley Close that was permitted under refs. MC/06/1749 (outline) and MC/07/0452 (Reserved Matters).

It is noted that the site could potentially introduced to some hardening of the street scene with the introduction of a new dwelling and therefore to ensure suitable levels of landscaping is provided to soften the street scene a condition is recommended for the submission of all soft and hard landscaping.

The proposed design follows that of the immediately adjacent neighbour at 91 Hawbeck Road and it is not considered that the design would detract from the character and appearance of the wider area. Therefore, no objection is raised in relation to the design of the proposed dwelling, and it is in accordance with Policy BNE1 of Medway Local Plan 2003 and Paragraphs 131 and 135 of the NPPF.

### *Amenity*

There are two main amenity considerations, firstly the impact of the proposed dwelling on neighbours, and secondly the living conditions which would be created for the future occupiers of the development. Policy BNE2 of the Local Plan and paragraph 135f of the NPPF relates to the protection of these amenities.

### *Neighbouring Amenity*

The main consideration would be the amenity of 91 Hawbeck Road and 1 Rowbrocke Close in terms of outlook, sunlight, daylight, and privacy. In considering the impact on the existing property and due to the siting of the proposed dwelling and the layout including the garage between the dwelling at 91 Hawbeck and proposed dwelling it is not considered that any detrimental impact in regard to overshadowing or loss of daylight would occur however a daylight and sunlight assessment and report has been provided alongside the proposal which in its summary overviews that "it is seen that the scheme has been designed to minimise daylight and sunlight impact, in accordance with BRE criteria. Through careful massing, the scheme is shown to successfully avoid any significant impacts to the surrounding area." As such no objections are raised in regards to this. Furthermore, following review of planning application previously submitted for 91 Hawbeck Road it appears that the window located on the side elevation of 91 Hawbeck was proposed as a secondary window for a living room with a light source also provided from the front elevation. In any case the separation distance and the position of the dwelling is



such that there would be no significant impact on amenity from the proposal in terms of loss of outlook or loss of light.

Due to the siting of the proposed dwelling, it is not considered that any detrimental overlooking issues would occur from the proposed dwelling to that of the properties on Rowbrocke Close and there are no windows located on the flank elevation of the dwelling whilst there is a window located on the flank of 91 Hawbeck Road, it appears that this is a bathroom window and is already obscure glazed therefore no concern is raised in relation to this.

However, in these circumstances it is considered necessary to remove permitted development rights with regard to extensions, roof alterations and additional structures within the curtilage of the new dwelling. This restriction is justified in this case due to the relationship with neighbouring properties on both Hawbeck Road and Rowbrocke Close, in the interests of protecting neighbouring amenity.

Given the detached nature of the property and creation of a new dwelling, along with the residential character of the area, there is the potential for the property to be converted into a small HMO in the future, which in turn may result in a harmful impact to the amenity of neighbouring residents. It is therefore recommended that a suitably worded condition is added to remove permitted development rights with regard to the change of use between use class C3 and C4.

### Residential Amenity

The proposed dwelling has been considered against Technical Housing Standards – Nationally Described Space Standard 2015. The gross internal floor area (GIA) proposed for the dwelling would exceed the standard set out at 93m<sup>2</sup> for a 2 bedroom, 2-person unit.

As guidance, the Medway Housing Standards (interim) November 2011 (MHDS) states that, as good practice, gardens should be 10m in depth and 7m when constraints exist. The proposed development would comply with these standards and there would be no changes to the residential garden of 91 Hawbeck Road.

In considering the potential for future development under permitted development rights and the impact on garden sizes and amenity, it is considered appropriate that permitted development rights for extensions and outbuildings should be removed by condition.

Subject to securing the above-mentioned conditions no objection is raised in regard to Policy BNE2 of Medway Local Plan 2003 and Paragraphs 135 and 135(f) of the NPPF.

### Highways

Policy T1 of the Local Plan relates to the assessment of the highways impact of development and outlines the criteria of when development would be permitted. Paragraph 116 outlines that development should only be prevented or refused on

highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The application proposes an off-road parking area to the front of the development site similarly to that of others within the street scene, the application has not provided details of the parking spaces nor any details regarding the dropped kerb to access the site. The site is located close to a junction (Rowbrocke Close) however the road is lightly trafficked and unclassified. It would also require highways consent for the dropped kerb and where it is located close to the junction further assessments maybe required for this. The proposed drive would be further from the junction with Rowbrocke Close than the dropped kerb for the new dwelling at 116 Hawbeck Road is to Sedley Close.

In this instance the site was assessed as to whether the site is sustainable with regard to car usage. The area is unrestricted and when observed had availability for off street parking if required the site is also considered to be within a sustainable area whereby there are local schools, amenities including a small parade of shops approximately a 7 min walk away at Peverell Green and nearby as such off-street parking would not be essential within this location. However, to ensure that any off-street parking that may be implemented is ensured to be permeable it is recommended that a condition is applied to ensure of this.

Under Medway Council's Residential Parking Standards, 2 bedroom dwellings would usually require 1.5 parking spaces per dwelling, in this instance the hardstanding could accommodate this requirement subject to highways consent due to the requirement of a dropped kerb to access the hardstanding. The application also proposes a garage attached to the dwelling; however, the garage falls below the standards set out at 7m x 3m and therefore would not be classed as a parking space however could be used in conjunction with the property as many are currently used as.

An informative will be added to the decision notice to ensure that the applicant is made aware that they will require additional consent in regard to the dropped kerb.

Cycle parking standards for residential developments are set out in the Medway Council Interim Parking Standards (2010). The standards state that residential dwellings require a minimum of one cycle parking space per unit. There are no details submitted in relation to this as such it is recommended for the submission of these details to be secured via condition.

It should be noted that the site whilst privately owned is currently allocated as highways maintainable grass and requires the applicant to apply for a stopping up order from the highways department this has now been applied for as confirmed by the applicant.

Overall, it is considered that should not be refused on highways grounds as the development and level of traffic that would be associated with the development would not impede on highways or pedestrian safety in this instance, and the applicant will be required to seek further guidance from the highways department in regard to the dropped kerb for off street parking.

### Flooding

It is acknowledged that there has been concerns and observed surface water flooding issues from the site specifically to the neighbouring property at 1 Rowbrocke Close. The proposed new dwelling house would still retain a rear garden proposed to be grassed however in the interest in ensuring the development does not compromise further surface water flooding it is requested that a condition be imposed for the submission of boundary treatments at the site to ensure a suitable boundary treatment is sufficient in minimising any surface water flooding to number 1 Rowbrocke Close.

### Biodiversity Net Gain (BNG)

The applicant has stated that the development is exempt from the BNG 10% net gain due to the development being under 0.5ha and falling within the definition of the self-build under the Self Build and Customer Housebuilding Act 2015.

To be considered a self-build Section 1(A1) of the Self-build and Custom Housebuilding Act 2015 states: "In this Act "self-build and custom housebuilding" means the building or completion by:

- (a) individuals,
- (b) associations of individuals, or
- (c) persons working with or for individuals or associations of individuals, of houses to be occupied as homes by those individuals."

Section 1(A2) states: "But it does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person."

In this instance, the applicant has submitted written confirmation that they will be occupying the property in question and have had input into the design of the dwelling in question, and it is therefore considered that subject to the Unilateral Undertaking to be secured the proposal meets the definition of self-build.

Notwithstanding the above it is considered appropriate to secure measures to improve biodiversity within the site, and an appropriate condition is recommended. Subject to the above recommended conditions no objection is raised in relation to Paragraph 193 of the NPPF 2024.

### Climate change and energy efficiency

The application has had a design, access and planning statement submitted alongside the application which proposes measures to address the above including but not limited to:

- Air source heat pumps
- Solar Panels
- Sustainable drainage by means of a permeable materials for driveway
- The application proposes native planting

- Bird/Bat boxes.

The verification that the development complies with this and addresses these measures will be conditioned to be submitted and therefore no objection is raised in regard to Paragraph 159 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 £337.49 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. This tariff should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation).

These strategic SAMMS mitigation measures are being delivered through Bird Wise North Kent, which is the brand name of the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) Board, and the mitigation measures have been informed by the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMMS) produced by Footprint Ecology in July 2014. Further information regarding the work being undertaken is available at The Bird Wise website which can be found at <https://northkent.birdwise.org.uk/about/>.

The applicant has submitted a SAMMS Mitigation Contribution Agreement and payment and therefore no objection is therefore raised under Policies S6 and BNE35 of the Local Plan and paragraphs 193 and 194 of the NPPF.

A decision from the Court of Justice of the European Union detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive. Given the need for the application to contribute to the North Kent SAMMS, there is a need for an appropriate assessment to be carried out as part of this application. This is included as a separate assessment form.

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

Overall, it is considered that the proposed development is acceptable in principle, would not be detrimental to the street scene or character of the area and would have no significant impacts to amenities of neighbouring properties and highways safety and is therefore recommended for approval in accordance with Policies BNE1, BNE2, H4, BNE35, and S6 of Medway Local Plan 2003 and Paragraphs 11, 61, 63, 116, 131, 135, 163, 193 and 194 of the NPPF 2024.

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 for approval and at the request of Councillor Doe.

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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/>