

## **MC/21/1157**

Date Received: 21 April 2021  
Location: 3 Old Road Chatham  
Medway ME4 6BJ  
Proposal: Demolition of existing buildings and construction of a part 2-part 4 storey residential block comprising 2 x two bedroom and 2 x one-bedroom apartments.  
Applicant: Mr Lance Ridden  
Agent: Mark Carter Associates  
Design Studio  
Priestfield Stadium  
Redfern Avenue  
Gillingham  
ME7 4DD  
Ward: Chatham Central Ward  
Case Officer: Tom Stubbs  
Contact Number: 01634 331700

---

**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 21st July 2021.**

### **Recommendation - Approval with Conditions**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing numbers: 3254 - 003 REV B received 21 April 2021; 3254-004 REV C received 4 May 2021; 3254 - 005 REV A and 3254-002 REF F received 11 May 2021.

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) has been submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of hours of construction working; measures to control noise affecting nearby residents; wheel

cleaning/chassis cleaning facilities; dust control measures; pollution incident control and how access would be maintained to the rear of 2 New Road and 1 Old Road, site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on surrounding residential amenities and in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 4 No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To comply with paragraph 170 of the NPPF.

- 5 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To avoid any irreversible detrimental impact on human health and 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 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 and impact on conservation area and listed buildings, in accordance with Policies BNE1, BNE14 and BNE18 of the Medway Local Plan 2003.

- 7 No development above slab level shall take place until full details of the timber screen have been submitted to and approved in writing by the Local Planning Authority, it shall include details of the level of privacy provided. The development shall be implemented, and thereafter be maintained, entirely 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 and to protect future occupier's amenities with regards to privacy, outlook and daylight, in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

8 Prior to occupation of any part of the development hereby permitted, full details of the following air quality mitigation measures shall be submitted to and approved in writing by the Local Planning Authority:

- All gas fired boilers to meet a minimum standard of <40mgNO<sub>x</sub>/kWh;

The air quality mitigation measures shall be implemented, and thereafter be maintained, entirely in accordance with the approved details.

Reason: To safeguard conditions of amenity in accordance with Policies BNE2 and BNE24 of the Medway Local Plan 2003.

9 No part of the development shall be occupied until a Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Parking Management Plan shall contain details of how residents and their visitors will be deterred from parking on street. The Parking Management Plan shall be implemented in accordance with the approved details prior to the first occupation of the residential unit and shall thereafter be retained.

Reason: To ensure satisfactory off-street parking in accordance with Policy T13 of the Medway Local Plan 2003.

10 Prior to the occupation of the flats, the final details in regards to the cycle storage facilities shall be submitted for approval and thereby retained in accordance with the approved details.

Reason: To ensure satisfactory cycle storage in accordance with Policy T4 of the Medway Local Plan 2003.

11 The development herein approved shall incorporate the sustainable technologies and renewable energy sources described in the Climate Change and Adapting to the Effects document received on 21 April 2021. The development shall not be brought into use until a signed verification report has been submitted to and approved by the Local Planning Authority to confirm that the sustainable technologies and renewable energy sources have been implemented.

Reason: In the interest of climate change and sustainability in accordance with paragraph 150 of the NPPF.

12 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.

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

### **Proposal**

This application seeks conservation consent for the demolition of the existing non listed building in a conservation area and planning permission for the construction of a part two storey part four storey residential block comprising 2 - two bedroomed and 2 - one-bedroom apartments.

The flat roofed block of flats would be a mixture of two and four storeys in height and would measure a maximum of approx. 6.5m in width, a maximum of approx. 18m in depth (approx. 13.8m at four storey) and approx. 11.7m in height at four storey and approx. 6.7m at two storey. The two-bedroom flats would consist of a bathroom and open plan kitchen/living/dining room, while the first floor would also have two balconies. The one-bedroom flat would have a bathroom and open plan kitchen/living/dining room and a balcony. The building would be sited approx. 10m from 1 Old Road and approx. 11m from 2 New Road.

No parking is proposed but there is a cycle store for 4 bikes and bin store.

### **Site Area/Density**

Site Area: 0.01 hectares (0.025 acres)

Site Density: 400 dph (160 dpa)

### **Relevant Planning History**

#### *1 Old Road*

MC/18/2386

Application for approval of reserved matters being landscaping pursuant to planning permission MC/17/4057 - Outline application with some matters reserved (landscaping) for the construction of 14 residential apartments with associated parking  
Decision: Approved subject to condition  
Decided:

MC/17/4057

Outline application with some matters reserved (landscaping) for the construction of 14 residential apartments with associated parking  
Decision: Approval subject to conditions  
Decided: 20 July 2018

*1 and 3 Old Road Chatham*

MC/11/1206	Application for a new planning permission to replace extant planning permission MC2007/0246 (Demolition of existing buildings and boundary walls and construction of a block of 14 two-bedroom flats and associated parking) in order to extend the time limit for implementation Decision: Approval subject to conditions Decided: 26 October 2011
MC/11/1205	Application for a new planning permission to replace extant planning permission MC2005/0655 (Conservation Area Consent for demolition of existing buildings and boundary walls to facilitate redevelopment) in order to extend the time limit for implementation Decision: Approval subject to conditions Decided: 26 October 2011
MC/07/0246	Demolition of existing buildings and boundary walls and construction of a block of 14 two-bedroom flats and associated parking Decision: Approval with Conditions Decided: 10 August 2007
MC/05/0659	Demolition of existing buildings and boundary walls and construction of a block of 5 one-bedroom and 13 two-bedroomed flats and associated parking Decision: Refused Decided: 06 April 2006
MC/05/0655	Conservation Area Consent for demolition of existing buildings and boundary walls to facilitate redevelopment Decision: Approved Decided: 25 May 2006

**Representation**

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

**Eleven** letters of representation have been received raising the following concerns:

- Noise and dust impact on neighbours during construction. Also impact on parking area for 1 Old Road and access rights to rear of 2 New Road during construction.
- Would not have owners of lands consent to locate bin store and cycle spaces or utilise their land during construction.
- Although MC/11/1206 has similar massing the relationship for neighbouring amenity has changed and would result in loss of daylight, sunlight and privacy to neighbours. Noise and smell due to close proximity to neighbouring properties. Privacy issues for future occupiers, looking directly into habitable windows of 1 Old Road and vice versa.
- Future occupiers of ground floor flat onto parking area with no private external space for future occupiers.
- Detrimental impact on listed building and conservation area.
- No parking provided and increased traffic leading to road safety issues.
- Wind tunnel effect between the two buildings.

The **Environment Agency** provided standard advice response and that there is a potential impact on controlled waters with requested conditions regarding piling methods during construction, restricting infiltration of ground water for SUDs and also additional contamination investigations.

**Southern Water** have written with regards to connection of public foul sewer which needs an application to themselves. It also indicates about there being a possible sewer to be public crossing the site and the need for investigation if uncovered. An informative will be added to draw the applicant's attention to this letter.

## **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*

This site had historic permission for 14 flats at four storey building across both 1 and 3 Old Road under MC/11/1206 which has lapsed. A more recent planning permission MC/18/2386 was granted for a four-storey block of 14 flats at 1 Old Road. This development has now been built and occupied.

The proposed building would have similar height and depth at four storeys as the previously approved block of flats across both sites under MC/11/1206.

### *Principle*

The application site lies within an urban, mixed commercial and residential area within the New Road Chatham conservation area. It is also in the setting of a listed buildings in New Road, mainly 2 New Road Chatham.

The site is not allocated for employment under the Local Plan and currently operating as sui generis use as a taxi business. The applicant has argued that the building is no longer viable due to the lack of parking in the area and the redevelopment of the site would allow them to relocate to a more suitable location with plenty of parking in the area. Due to the small-scale nature of the office space, it would unlikely be financially viable to operate or appropriate for a E(g) use with the new residential block built. Policy H4 of the Local Plan states that residential development in the form of infilling and reuse of buildings no longer needed for non-residential purposes in such areas is acceptable providing that a clear improvement in the local environment will result. Paragraph 11 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development, due to the Council five-year land supply the LPA must provide great weight to the social benefits to the provision of housing need as per paragraph 73 of the NPPF. Paragraphs 117 and 118 of the NPPF also encourages efficient uses of brownfield sites but seek to safeguard and improve the environment and ensuring safe and healthy living conditions.

The principle of residential development is considered acceptable but the acceptance of the scheme as proposed is subject to compliance with the detailed matters of these policies which are subject to assessment below.

### *Design*

Paragraphs 124 and 127 of the NPPF emphasises 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. Policies BNE14 and BNE18 are also relevant stating that development affecting the setting of a Conservation Area should achieve a high-quality design preserving or enhancing the areas historic or architectural character or appearance and prevent development adversely affecting the setting of a listed building.

By virtue of its siting, the proposed block of flats would be visible from Old Road and neighbouring properties predominantly with some views from New Road. The surrounding properties are in mixture of commercial and residential use and consist of two/three storey terraced and detached properties with a mix of brick, cladding and render. The site adjacent has been developed into a four-storey contemporary block of flats and there are other examples of flats within the area. The existing taxi office consists of a single storey building built up to all boundaries and has no architectural merit or importance within the conservation area.

Concerns have been raised through the consultation process regarding the impact of the flats on the conservation area and surrounding listed buildings. The development would not be visible from the Conservation within New Road Chatham located behind

the terrace, although there would be views when traveling down New Road Rochester. It would be visible from the conservation area from the public car park within Old Road and neighbouring properties but concealed from any sensitive long views. The proposed block of flats is built on the existing footprint of the taxi office up to the boundaries however it would be separated by approx. 10-11m from the flats at Old Road at first floor level and the listed building of 2 New Road and therefore suitably spaced whilst respective of the heights and massing at four storeys of the adjacent block of flats and the previously approved development across the wider site. The development has been designed to step back at first floor level to reduce the bulk and scale of the building when viewed down Old Road from the conservation area and to retain openness to the properties within New Road and its listed buildings. The contemporary design responds well and is reflective of the flats adjacent and therefore would not be in keeping with the new street scene of this section of Old Road and not detrimental to the setting of the conservation area.

In conclusion although there is some low-level harm to the setting of the listed buildings and conservation area, the scheme has been suitably designed to minimise this harm and no objection is raised. Especially, when considered against the social benefits of the redevelopment of the site to meet housing need which outweigh this harm. Subject to a material condition, the proposal is considered to comply with Policies BNE1, BNE14 and BNE18 of the Local Plan and paragraphs 124 and 127 of the NPPF.

### *Amenity*

There are two main amenity considerations, firstly the impact of the proposal on neighbours and secondly the living conditions which would be created for potential occupants of the development itself. Policy BNE2 of the Local Plan and paragraph 127(f) of the NPPF relates to the protection of these amenities.

### Neighbouring Residential Amenity

Concerns have been raised in consultation regarding the loss of sunlight, daylight and privacy from the proposal. By virtue of the siting, size and scale with the part two-part four storey design, the orientation of the site and path of the sun; and the distance and relationship to neighbouring residential properties and their habitable room windows; and private amenity spaces; there would be no significantly detrimental impact on these neighbours in terms of loss of outlook, sunlight and daylight. It is acknowledged the worst effected from on the ground shadowing would be the rear area to the flats of 2 New Road, however as this is a car park rather than private amenity garden it would not be significant to warrant a refusal. The rear gardens of 4 and 6 Old Road would be unaffected within the morning with shadowing in the afternoon and therefore meeting the guidance set out by BRE that half the garden should receive two hours of sunlight on March 21.

Concerns have been raised through consultation responses with regards to loss of privacy. The windows at second and third floor levels would be approx. 15.5m from the rear of 2 New Road while privacy screening provided to reduce the impact on 4 New Road. The remaining habitable windows face the 1 Old Road development and specifically the single aspect one-bedroom flats separated by approx. 10m. The Council have no guidance on what an acceptable distance is, but it is acknowledged

this would be lower than the 14m which would be considered acceptable for back-to-back houses with 7m gardens. However, this distance between flat blocks is not uncommon within urban areas and therefore not unacceptable. To reduce this privacy impact the development proposes timber screening to help to maintain the privacy for both the future occupiers and therefore the neighbours. It is therefore considered that subject to a condition regarding further details of the working of the timber screens there would not be a significantly detrimental impact to warrant refusal, especially considering against presumption of sustainable development due to the Council's current 5-year land supply.

Concerns have been raised regarding the impact on neighbours during construction. It is agreed that the construction of the proposal could result in the potential for noise, dust and impact access therefore, if the application were considered for approval, a Construction Environment Management Plan (CEMP) would be required by condition if recommended for approval. Subject to this condition no objection would be raised.

### Amenity of Future Occupiers

With regard to the amenities of future occupants of the development itself the proposed flats have been assessed with regard to the technical housing standards – nationally described space standard 2015 (the national standard). The two 1-bedroom flats would have a gross internal floor area (GIA) of approx. 55sqm, and the two 2-bedroom three people flats would have a GIA of approx. 80sqm exceeding the national standards by 10sqm and 5sqm respectively. Consequently, all flats would exceed the requirements of the national standard with regard to GIA and the bedrooms in relation to the widths and areas for double bedrooms.

A concern was raised in consultation about the future occupier's amenity at the ground floor level as they have no private amenity space and look out over a car park. The flats above ground floor benefit from a balcony while the ground floor is approx. 10sqm over the GIA of the national standard, the Medway Housing Standards (interim) November 2011 (MHDS) indicates that if no outdoor private amenity space is provided, then it should be included within the internal provision. The flat has double the recommended compensation internal provision of the MHDS and therefore acceptable. With regards to outlook all habitable rooms would have suitable outlook, while it is acknowledged that the ground floor would only look over a car park, due to the distance to the parking spaces this would not be unacceptable. Details of the timber screens would be required to ensure the privacy mitigation still provides sufficient daylight and outlook.

Subject to the abovementioned conditions the proposal is considered to be in accordance with PolicyBNE2 of the Local Plan and paragraphs 127 and 170 of the NPPF.

### *Highways*

Responses from the consultation process have raised concerns regarding the lack of parking. Concerns were also raised about retaining rights of way to the car parking area to the rear of 2 New Road and parking area of 1 Old Road during construction.

Medway Council's Interim Residential Parking Standards require the provision of 1 space for a 1-bedroom dwelling and 1.5 spaces per dwelling for a 2-bedroom dwelling, plus 0.25 spaces per dwelling for visitor parking, making a requirement of 6 spaces for the proposed development.

The development proposes no spaces, which would fall short of this standard. Given the number of flats and the location of the site in a sustainable location in close proximity to Chatham train station, no objection would be raised in terms of impact to highway network. It is noted that this is likely to increase parking demand during the peak periods, no objection would be raised subject to a condition regarding a parking management strategy to deter residents and their visitors parking on street. The proposal provides external cycle storage that would provide an alternative sustainable transport options to cars. However, a condition for its final design would be required to ensure its security and therefore use.

The proposal when built would retain access rights to 2 New Road and no result in access or parking issues to the provision of 1 Old Road. However, during construction, a CEMP would be required if the application approved to minimise the disruption to the access and 1 Old Road car parking during construction.

Therefore, with suitably worded conditions, the proposal conforms to Policies BNE2, T1, T4 and T13 of the Local Plan and paragraph 109 of the NPPF.

### *Air Quality*

Policy BNE24 of the Local Plan and paragraphs 170 and 181 of the NPPF requires new development to take account of the impact on air quality.

Due to the location of the site adjacent to an Air Quality Management Area (AQMA). In accordance with the Medway Air Quality Planning Guidance (2016) development conditions would be required to provide standard mitigation measures including, the installation of low NOx boilers and include air quality mitigation measures during construction which can be included within the above-mentioned CEMP condition.

Subject to the abovementioned condition no objection is raised to the proposal under Policy BNE24 of the Local Plan and paragraphs 170 and 181 of the NPPF.

### *Contamination*

Policy BNE23 of the Medway Local Plan 2003 requires that land known to be or likely to be contaminated should be accompanied by detailed site examination and appropriate remedial measures to reduce or eliminate risk to human health and the wider environment be agreed. No preliminary risk assessment or desk top study has been provided. The wider site has been used historically as light industry and there is a potential for contamination.

The Environment Agency have raised concerns of the possible impact of contamination of control waters and have requested conditions restricting piling methods during construction and infiltration of ground waters. A watching brief would be required if any unexpected contamination is found during construction.

Subject to suitably worded conditions no objection is raised to the proposal under Policy BNE23 of the Local Plan.

### *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 £253.58 per dwelling (excluding legal and monitoring officer's costs, which separately total £550) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. The strategic measures are in the process of being developed but are likely to be in accordance with the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (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 applicants have completed a SAMM Mitigation Contribution Agreement form and paid the tariff. No objection is therefore raised under Policies S6 and BNE35 of the Local Plan and paragraphs 175 and 176 of the NPPF.

### *Climate Change and Energy Efficiency*

The application is supported by a Climate Change and Adapting to the Effects document. This sets out how the application will limit water consumption and storage via rainwater gardens, that all materials will be Environmental Product Declaration and exceed the requirements of the latest building regulations and in particular Part L (Energy Use) and have a BRE Green Guide A+ rating. All lights fitted with low energy LED fittings, efficient gas combination boilers and all hard standings will be self-draining. While glazing will be used to reduce heat loss and tinted to reduce solar glare and overheating of the building.

The close proximity of amenities including public transport, leisure facilities, businesses and shopping facilities, all within walking distance to the proposed development mean the length of journey is minimal promoting walking and making it not essential to own a car. Secure bike storage is shown to be provided. As such the development offers the opportunity for a sustainable transport solution. A verification condition would be implemented with the application to ensure these measures have been incorporated into the final build in accordance with Paragraph 150 of the NPPF.

### *Other matters*

One letter of representation has indicated that landowner consent would not be given for either the siting of the bin store and cycle store as proposed or the use of land for construction purposes.

The applicant has served the appropriate notices to landowners where the bin and cycle store are proposed to be located and therefore this would not be a reason for refusal in its own right. However, it may require alteration to the bin/cycle storage position at a later date, so it can be built or provide alternative location for the cycle or bin stores.

### *Local Finance Considerations*

There are no local finance considerations.

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

The proposal is considered acceptable in terms of principle, design, amenity, contamination and highway aspects and with regard to all other material planning considerations. It is therefore recommended that the proposal be approved subject to appropriate conditions and the completion of the SAMMS mitigation form. The proposal accords with the provisions of Policies ED3, H4, BNE1, BNE2, BNE14, BNE18, BNE23, BNE24, BNE35, S6, T1, T13 of the Local Plan and paragraphs 11, 73, 109, 110, 117, 118, 124, 127, 170, 175 and 178 of the NPPF. The application is accordingly recommended for approval.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the number of representations contrary to the officer's recommendation.

---

### **Background Papers**

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection on Medway Council's Website <https://publicaccess1.medway.gov.uk/online-applications/>