

**MC/21/3394**

**Date Received:** 23 November 2021  
**Location:** Rear Of 19 Paget Street Gillingham  
Medway ME7 5ER  
**Proposal:** Demolition of existing garages and construction of a three storey  
block comprising three 2-bedroom flats  
**Applicant  
Agent** Mrs Valerie Fleming  
G and C Designs  
Mr Tim Grant  
135 Rainham Road  
Gillingham  
ME7 5NQ  
**Ward:** Gillingham South Ward  
**Case Officer:** Dylan Campbell  
**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 9th February 2022.**

**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:

Received on 23 November 2021:

19PS102 - Proposed Ground Floor Plan Flat 1  
19PS103 - Proposed First Floor Plan Flat 2  
19PS104 - Proposed Second Floor Plan Flat 3  
19PS105 - Proposed Front Elevation  
19PS106 - Proposed Rear and Side Elevation  
19PS107 - Proposed Block Plan

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

- 3 No development above slab level shall take place until details 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.

- 4 The first floor windows serving flat 2 and the rooflights serving flat 3 on the northwest facing rear elevation and roof slope 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.

- 5 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; dust control measures; pollution incident control and 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 in order to minimise the impact of the construction period on the amenities of local residents and with regard to Policy BNE2 of the Medway Local Plan 2003.

- 6 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 desk study, 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 as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 7 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: Required before commencement of development to avoid any irreversible detrimental impact on human health as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 8 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority prior to the bringing into use of the development.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 9 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 7, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 8, 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 8 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 9.

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 The development herein approved shall not 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.

- 11 No dwelling shall be occupied until details of secure private cycle parking provision in the form of individual lockers for 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.

- 12 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the Energy Efficiency Statement 1 (dated 15 November 2021). 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 154 the National Planning Policy Framework 2021.

- 13 No dwelling shall be occupied until details of the refuse storage arrangements for each dwelling, including provision for the storage of recyclable materials, has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved refuse storage arrangements for that dwelling are in place and all approved storage arrangements 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.

**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 planning permission for the construction of three a three-storey block comprising three 2-bedroom flats and an area of associated private amenity space along with cycle and refuse storage - demolition of existing garages.

The building would be located behind 19 Paget Street and adjoin 139 Saxton Street. The site is in close proximity to the junction of Saxton Street and Paget Street. It would measure approx. 14.84m in width (from the front), approx. 7.6m in depth, approx. 6.7m to the eaves and approx. 9.5m to the ridge, which would be 1.1m higher than the adjoining property of 139 Saxton Street.

The flats would share an access to the front, and refuse and cycle storage areas would be located to the side. Each flat would consist of a double bedroom and a single bedroom, kitchen/ living room, shower room and storage space and would benefit from an element of private amenity space.

### **Site Area/Density**

Site Area: 0.0235 hectares (0.058 acres)

Site Density: 127 dph (51 dpa)

### **Representations**

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

**3 letters** of representation have been received raising the following objections:

- Out of keeping with terraced houses
- Loss of privacy
- Loss of light
- On street parking competition
- Student housing

## **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 2021 and are considered to conform.

## **Planning Appraisal**

### *Principle*

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

The application site lies within an urban residential area and is currently occupied by vacant garages and a vacant workshop. Policy H4 of the Local Plan states that the use of vacant land or change of use of buildings no longer required for non-residential use will be permitted for residential development subject to clear improvement in the local environment. Paragraph 11 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraphs 119 and 120 of the NPPF encourage making efficient use of land and encourage development on brownfield sites but seek to safeguard and improve the environment and ensure safe and healthy living conditions. There is no objection in principle to the residential development on site subject to compliance with the detailed matters of these policies which are set out in the assessment below.

### *Design*

Paragraphs 126 and 130 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.

The wider area follows an established pattern of predominantly long terraces with vertical rhythms that are uniform in scale and character, which are sited close to the highway and benefit from relatively long gardens to rear. To the east of the application site there is a relatively recent flatted development, comprising 7 flats fronting Paget Street and Saxton Street. In the immediate vicinity of the application site, along Saxton Street, the existing properties are more of a mix in design and character, comprising shorter, slightly wider terraces along with flats and detached and semi-detached properties. The majority of occupiers of existing dwellings make use of on-street parking and only a few dwellings benefit from off road parking.

The application site is a rectangular piece of land to the rear of 19 and 19a Paget Street. The proposal would be 2.5 storeys with dormers to front and roof lights to the rear to facilitate accommodation in the roof space. The block would be set back from the highway by approx. 3m to match 139 Saxton Street. The proposal would make use of a gable end to match the existing streetscene. Whilst the proposal is relatively wide and higher than 139 Saxton Street, it is considered that the design and location

of the pitched roof dormers, ground floor bay windows, first floor windows, position of the front door and positioning of the downpipes have adequately broken the length of the frontage into three narrower sections to reflect the vertical rhythm of the terraced streetscene.

As per the submitted details the property would be finished in yellow facing brickwork with slate roof tiles, hanging tiles to the dormers and white uPVC windows; the low boundary wall to front would be yellow brick to match the elevations. These details would be conditioned to be submitted to and approved in writing by the Local Planning Authority.

It is considered that the proposal would complement and enhance the built form of development of the surrounding streetscene. The proposal is in accordance with Policies BNE1 and H4 of the Local Plan and paragraphs 126 and 130 of the NPPF.

### *Amenity*

There are two main amenity considerations, firstly the impact of the proposed dwellings 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 130f of the NPPF relates to the protection of these amenities.

### Neighbouring Residential Amenity

A daylight and sunlight assessment has been carried out and due to the size, scale, and siting of the proposal in relation to neighbouring properties and habitable room windows and taking into consideration the path of the sun, it is considered that the proposal would not detrimentally impact neighbouring residential amenities in terms of loss of daylight or sunlight.

With regards to privacy the flats have been designed so that the first floor and second floor northwest facing windows could be obscure glazed and fixed shut. This would be secured by condition, minimising any direct overlooking of neighbouring rear gardens or windows along Paget Street. It is considered that the ground floor northwest facing windows would not be required to be obscure glazed given the relationship to surrounding neighbours and the boundary treatment.

With regards to the impact on outlook from neighbouring windows, the applicants have included an assessment in the Design and Access Statement of the existing and proposed outlook from the rear of 19a Paget Street. Whilst the proposal would bring a three-storey development closer to this property, approx. 12m between the existing rear elevation and proposed flank elevation would be retained, including an approx. 3.45m gap between the proposal and rear boundary.

Due to the proximity of the proposal to neighbouring dwellings and other properties it is recommended that a Construction Environmental Management Plan is secured by condition to mitigate noise and disturbance to nearby residents and occupiers during the construction process.

No detrimental impacts would result in terms of neighbouring amenity with regard to loss of sunlight, daylight, outlook, privacy, or increased noise and disturbance in accordance with Policy BNE2 of the Local Plan and paragraph 130f of the NPPF.

### Amenity of Future Occupiers

The proposed flats have been considered against the technical housing standards - nationally described space standard dated March 2015 (the national standard). The proposed gross internal floor areas (GIA) of each flat would exceed the minimum standard for a 2-bedroom, 3-person single storey minimum GIA of 61m<sup>2</sup>. All bedrooms meet the national standards area and width requirements, and all habitable rooms would be provided with suitable outlook. As guidance, the Medway Housing Standards (interim) November 2011 (MHDS) outlines that flats should be provided with an element of private outdoor amenity space measuring a minimum of 5m<sup>2</sup>. Each flat is provided with outdoor amenity space that exceeds this standard.

In these circumstances, subject to the conditions above, it is considered that the flats would benefit from adequate future occupier amenities, in accordance with Policy BNE2 of the Local Plan and paragraph 130f of the NPPF.

### *Contamination*

Policy BNE23 of the Local Plan 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. Paragraph 183 of the NPPF relates to ground conditions and contamination.

The application is supported by a Preliminary Risk Assessment of Land Contamination (dated 15 November 2021) which confirms that a site investigation is required due to previous land use and the potential for contamination to have occurred. Therefore, conditions relating to contamination investigations and remediation would be required for any forthcoming planning permission. No concerns are therefore raised regarding Policy BNE23 of the Local Plan and paragraph 183 of the NPPF.

### *Highways*

Policy T1 of the Local Plan relates to the assessment of highways impact of development and outlines the criteria of when development would be permitted. Policy T13 of the Local Plan provides guidance on vehicle parking standards. Paragraph 110 of the NPPF relates to sustainable transport and highways safety and paragraph 111 of the NPPF 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 a car free development. The site is located within an area close to Gillingham Town Centre in an area with parking controls, with nearby bus stops, close proximity to Gillingham Train Station, and proposes cycle storage. Therefore, a reduction in parking provision is considered acceptable. The residents

would occupy the flats knowing that they cannot apply for parking permits and will not be able to park on site.

If planning permission was forthcoming conditions relating to details of the cycle store to be submitted and approved in writing; and the submission and approval in writing of a parking management scheme, containing details of how residents and their visitors will be deterred from parking on street would be required.

The proposal is in accordance with Policies T1 and T13 of the Local Plan and paragraphs 110 and 111 of the NPPF.

### *Climate Change and Energy Efficiency*

The Energy Efficiency Statement 1 (dated 15 November 2021) confirms the sustainable technologies which would be incorporated into the scheme which is summarised as follows:

- Dwellings designed in accordance with latest building regs (Part L)
- Low energy light fittings
- 40% of site opened for soft landscaping
- Efficient water consumption
- Waste management during construction
- All windows to be double glazed
- Solar PV panels to be considered
- Bike storage provided
- New resident home information pack to be issued

Any forthcoming permission would include a condition requiring the implementation of the above energy efficiencies and the submission and approval in writing by the LPA of a signed verification report. No objections would therefore be raised regarding paragraph 154 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 £253.83 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 agreed to pay this tariff and have submitted the SAMMS mitigation contribution form and fee. No objection is therefore raised under Policies S6 and BNE35 of the Local Plan and paragraphs 180 and 181 of the NPPF.

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

The proposal would respect the character and appearance of the streetscene, it would not result in any detrimental impact to health, amenity, or highways safety. The proposal is in accordance with Policies S6, BNE1, BNE2, BNE23, BNE35, H4, T1 and T13 of the Local Plan and paragraphs 11, 110, 111, 119, 120, 126, 130, 154, 180, 181 and 183 of the NPPF.

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 with conditions.

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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/>