

MC/22/0153

Date Received: 23 January 2022  
Location: Land Adjacent 3 Valley Road Gillingham  
ME7 2ET  
Proposal: Construction of a 2no bedroom dwelling with associated parking.  
Re-submission of MC/21/2775.  
Applicant Dewale Consulting Ltd  
Miss Mariam Iqbal  
Agent Dewale Consulting Ltd  
Mr Wale Adelaja 1 Anglesea Road  
London  
SE18 6EG  
Ward: Gillingham South Ward  
Case Officer: Amanda Barnes  
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 6th April 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:

02201-03 Rev B - Proposed Loft Floor  
02201-04 Rev A - Proposed section and roof plan

Received 18 February 2022:

02201-01 Rev B - Block Plan  
02201-02 Rev B - Proposed Ground Floor plan  
02201-05 Rev B - Proposed Elevations

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 dwelling shall not 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.

- 5 No development shall take place above ground floor slab level until details of the provision of 1 electric vehicle charging point (1 per dwelling) has 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 112E of National Planning Policy Framework 2021.

- 6 The proposed dwelling shall not be occupied until the front boundary wall shown in drawing 05 Rev B, has been erected. The wall shall thereafter be retained for the duration of the development. No permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2018 (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 allow vehicular access to this frontage

Reason: In the interests of Highway Safety in accordance with T1 and T2 of Medway Local Plan 2003 and paragraph 111E of National Planning Policy Framework 2021

- 7 The dwelling herein approved shall not be occupied until the area shown on the submitted layout as vehicle parking space 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.

- 8 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 no risk to human health in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 9 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, B, C, D, E, AA 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.

- 10 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the Climate Change Statement, received 27 January 2022. 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.

- 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) 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.

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

## **Proposal**

Construction of a 2no bedroom dwelling with associated parking. Re-submission of MC/21/2775.

The ground floor comprises an open plan living room, dining room and kitchen, downstairs WC, and bedroom. In the loft space is a bathroom and second bedroom.

To the rear is a patio and garden area and an area for the parking of one car.

## **Relevant Planning History**

MC/21/2775 Construction of a 3no bedroom dwelling with associated parking.  
Decision: Refused  
Decided: 09 December 2021

MC/20/0835 Change of use from residential garages to motor mechanics including replacement of existing roofs, raising the height, and infilling the area between the garages  
Decision: Refused  
Decided: 13 July 2020  
Appeal dismissed 18 June 2021

## **Representations**

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

**Three** letters of objection relating to the following points:-

- serious concerns about the amount of sun light the neighbouring small garden will lose.
- The current boundary wall is 1.7 meters high which already blocks out sun for part of the day, the proposed new build will go to a height in excess of 5 meters, causing much more loss of sun.
- Access for a wheelchair is impaired with cars parking on the kerb, this will be made worse with a further dwelling.
- Query that the parking survey have been undertaken by a professional
- Concern about the lack of parking available currently and that this would exacerbate it.
- The proposed designs are not in keeping with the neighbouring properties or properties in the surrounding area.
- Given the atypical angle at which the neighbouring properties face the land of the proposed plans (e.g., that of No. 92 Toronto Road), still substantial property (within metres of the existing properties) will have a significant and detrimental impact to the light and outlook from the neighbouring properties

and gardens. This would be overbearing and cause a sense of enclosure/overshadowing and significant loss of existing privacy, of which were key factors in the failure of previous planning applications on this land.

- Considers that the land should remain as garages
- Adding residencies to this congested area is not going to benefit the existing residents or environment.
- The actual building and construction of the proposed property will have significant impact on the local residents and motorist. The plot is situated close to an already congested and dangerous corner; attendance of construction vehicles, supplies and workman would put an increased strain on the immediate area and cause severe disruption to the residents.
- It should be noted that up to the sale of the plot the garages were in use by some of the local residents and losing this facility has increased the pressures on the roadside parking as seen in the photos included in the Design & access statement.

**Two** letters of support have been received.

## **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 (the NPPF) and are considered to conform.

## **Planning Appraisal**

### *Background*

This application differs to that previously refused (MC/21/2775) through the reduction in height from a 2-storey dwelling to a single storey dwelling, the reduction in the number of bedrooms and changes to the front boundary.

### *Principle and design*

The site is located within the urban area of Gillingham. Policy H4 of the Local Plan states that residential development will be permitted consisting of the use of vacant or derelict land or infilling of residential areas providing a clear improvement in the local environment will result.

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 site currently comprises single storey garages, set close to the junction of the road, to the West is a pair of semi-detached houses and to the East an access road.

The predominant build form in Valley Road is characterised by small, terraced houses with generally narrow frontages. This format changes along Toronto Road to the West which is formed from a mix of larger semi-detached properties and terraces.

The proposed detached 2-bedroom, bungalow has been designed with a pitched roof to the front approx. 5.2m to the ridge and a flat roof to the rear with false pitch and a large box dormer window. While this would be the first bungalow in the area, this end of the road does have several different housing styles with some more modern developments, in addition to this the bungalow will be replacing the existing single storey flat roof garages which are in a state of disrepair, and it is considered their removal would be beneficial within the street scene. The proposed dwelling is considered to create a clear improvement within the local environment.

The development is considered acceptable and is in accordance with the objectives of Policies H4 and BNE1 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 building on neighbours and secondly the living conditions which would be created for potential occupants of the development itself. Paragraph 130f of the NPPF and Policy BNE2 of the Local Plan relate to the protection of these amenities.

The proposed dwelling exceeds the minimum size for a 2b 3person dwelling, in addition the bedrooms meet the minimum size requirements.

The rear garden is proposed as a dual use with an area shown for the parking of one car. If a car were to be parked this would leave a useable garden space of some 7m in depth which is considered acceptable for a 2b3p dwelling.

Due to the limited height of the proposed bungalow, it is considered that there will be no significant issues with regard to loss of outlook to the neighbour at No. 92 Toronto Road. The proposed dwelling has a bedroom window in the roof space, which would look down the garden and into the bottom of the gardens of the houses in Toronto Road. It is considered that there will be no new issues with regard to loss of privacy to the neighbouring gardens, due to the fact the area of garden affected is some 13m away and already looked upon from the other neighbouring houses in Toronto Road. While the neighbour at No. 92 Toronto Road would look into the rear garden area of the bungalow this is something that can be expected in tight knit residential areas and is considered on balance to be acceptable.

The ground floor kitchen window of the proposed dwelling would look onto the blank flank wall of the neighbour at 3 Valley Road and as such it would not raise any new issues with regard to loss of privacy.

To ensure the character of the area, and amenity of neighbouring occupiers is protected conditions to remove permitted development rights for enlargement under Classes A, AA, B, C and E of the GDPO is recommended. In addition to removing permitted development to small HMO.

Subject to the recommended conditions, and as set out above the proposal is considered to be in accordance with Policy BNE2 of the Local Plan and paragraph 130f of the NPPF.

### *Contamination*

Due to part of the development having a previous use as a garage, a watching brief condition is recommended on any approval. Subject to this, the application is considered to be in accordance with Policy BNE23 of the Local Plan and paragraph 183 of the NPPF.

### *Highways*

The applicant seeks to change the use of the land and create additional residential accommodation. Whilst it is noted there are concerns at the loss of garages, they are in a state of disrepair and the applicant has advised that they have not been used for in excess of 5 years for the parking of vehicles.

The applicants have provided 1 parking space to the rear. Medway Parking Standards expects a 2-bed property to provide 1.5 spaces and therefore this provision would fall slightly below. However, the parking standards do make allowances for reductions in sustainable locations, given the site location it is considered a reduction would be accepted.

It should be noted that the NPPF 2021 has put sustainable development as a central core and paragraph 112E outlines that development should provide electric charging facilities, therefore a suitably worded condition is recommended on any approval to fulfil this objective.

Furthermore, the applicants have now provided a front boundary treatment to prevent indiscriminate parking along the site frontage and a condition to this effect is recommended on any approval.

Subject to the aforementioned conditions the application is considered to be acceptable in respect of the transport and parking in accordance with Policies T1, T2 and T13 of the Local Plan and paragraphs 111 and 112E of 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 paid this tariff as part of the previous application MC/21/2775, no objection is therefore raised under Paragraphs 180 and 181 of the NPPF and Policies S6 and BNE35 of the Local Plan.

### *Climate Change and Sustainability*

The Climate Change Statement that accompanied the planning application advises that the proposed 2-bedroom house is designed to meet the transition to a low carbon future by contributing to a reduction in greenhouse gas emissions and encouraging the reuse of existing resources, such as converting the existing and disused property to a single dwelling residential building.

The proposed development takes a proactive strategy in mitigating and adapting to climate change by creating a soakaway at the rear of the building for water collection and reuse from rainwater, the applicants believe this would have a long-term positive impact in preventing flooding and through the re-use of water.

The applicants advise that the proposed development in itself is a critical measure of protecting the environment by land use recycling, that is, putting brown land into better reuse. It is also proposed to put into reuse any building element/ material currently existing onsite as first approach to construction. The natural Southeast orientation of the proposed development will reduce the reliance on heating and thereby reduce greenhouse gas emissions

The applicants advise that they will incorporate built-in smart technology in the proposed development that will allow occupants to analyse and optimise how space and energy is used. Lighting sensors are proposed that can turn off lights when rooms are not in use, the proposed development is also looking at capacity for heating systems to be programmed to respond to changing building temperatures. Smart meters are proposed for the development and also all water usage equipment and fixtures to regulate water supply within and above national average is proposed.

For the reasons set out above, and subject to condition to secure the measures, the development is considered to be in accordance with paragraph 154 of the NPPF.

### *Local Finance Considerations*

There are no relevant local finance considerations.



## **Conclusions and Reasons for approval**

The siting and design of the proposed house would create a clear improvement to the local environment. The development would have no significant impact on neighbouring amenities in terms of loss of outlook, daylight, sunlight, or privacy and due to the sustainable location of the site, there would be no negative impact on parking or the highway. The development is considered acceptable and in accordance with Policies S6, BNE1, BNE2, BNE35, T1, T13 and H4 of the Medway Local Plan 2003 and paragraphs 111, 112E, 126, 130, 130f, 154, 180 and 181 of the NPPF.

This application would normally fall to be determined under officers' delegated powers but is being reported for Members' consideration due to the number of representations received expressing views contrary to the officer's recommendation.

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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 on Medway Council's Website <https://publicaccess1.medway.gov.uk/online-applications/>