

MC/24/2047

Date Received: 8 October 2024
Location: 37 Central Park Gardens, Chatham, Medway ME4 6UT
Proposal: Construction of a two storey residential house with associated landscaping and car parking (demolition of existing garage).
Applicant
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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 April 2025.

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 19 February 2025:

BDS-CPG-P02 Rev E Proposed Mixed Plans

Received 3 February 2025:

BDS-CPG-P05 BNG Comparison Plan

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

- 3 All external materials to be used in the construction of the dwelling hereby approved shall conform to those set out on drawing number BDS-CPG-P02 Rev E Received 19 February 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 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.

- 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) no development shall be carried out within Schedule 2, Part 1, Classes A, AA 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.

- 6 The dwelling hereby approved shall not be first occupied until details of cycle storage facilities have been submitted to and approved in writing by the Local Planning Authority. The cycle storage facilities shall be implemented in accordance with the approved details prior to first occupation and shall thereafter be retained.

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

- 7 No development above slab level shall take place until an energy efficiency and climate change statement has been submitted to and approved in writing by the Local Planning Authority. The development herein approved shall incorporate the approved measures to address energy efficiency and climate change.

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 159 the National Planning Policy Framework 2024.

- 8 The development herein approved shall incorporate the measures to address energy efficiency and climate change as required and approved under condition 7 of this planning permission. 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 159 the National Planning Policy Framework 2024.

9 Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) and Construction Traffic Management Plan shall be 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; and site contact details in case of complaints. The Construction Traffic Management Plan shall include as a minimum anticipated construction programme, construction routing plans, permitted construction traffic arrival and departure times. The construction works shall thereafter be carried out at all times in accordance with the approved Plans, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: In order to mitigate any adverse impact from the development on the local and wider strategic network and to minimise the impact of the construction period on the amenities of local residents with regard to Policies BNE2 of the Medway Local Plan 2003.

10 Prior to the first occupation of the dwelling herein approved details of the refuse storage arrangements for the dwelling including provision for the storage of recyclable materials and a refuse management plan, 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 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.

11 Prior to first occupation of the dwelling hereby approved, the area shown on drawing number BDS-CPG-P02 Rev E received 19 February 2025 for 2 new parking spaces shall be formed from permeable surfacing materials or provided with drainage arrangements. 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 these parking spaces.

Reason: To ensure the parking is kept available to prevent hazardous on-street parking in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

12 No development shall take place above ground floor slab level until details of the provision of 1 electric vehicle charging point 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 2024.

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

Proposal

The application seeks full planning consent for the demolition of the existing detached garage and the construction of a detached 2-storey dwelling house.

The site is located within a primarily residential area of Chatham within the Urban Boundary as defined by the Local Plan Map 2003. Currently in situ is a large, detached garage and to the rear of the site is land that is now not vegetated and is covered with shingle in places, it is noted there was previously hedging that was removed.

The proposed development would provide a 4 bedroom dwelling house with 2 double bedrooms and 2 single bedrooms. The house will be gabled to the sides with an eaves height and ridge height to match the adjacent terrace. The parking proposed includes 3 spaces to the front on the existing hardstanding served by an existing dropped kerb which will comprise 1 space for the proposed property, 1 for the existing property and 1 visitor space. To the rear, accessed from a private road to a car parking area, will be 2 further spaces, 1 for the existing property and 1 for the proposed property.

Relevant Planning History

ME/95/0045	Erection of a detached double garage, together with new vehicular access, and crossover. Approval with conditions 7 March 1995
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Representations

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

11 Objections have been received raising concerns regarding:

- Parking issues already present in the area and the additional property will add to parking pressure.

- The existing plans regarding number 37 are inaccurate and do not reflect alterations made to the property internally.
- The design and access statement shows old photographs of the surrounding area.
- The increase in parking spaces is dependent on access rights being given by the private access road.
- A detached property is out of keeping of the wider area.
- Construction traffic and management of these works raising concerns for on street parking demand.
- Lack of transparency of the planning application and consultation concerns.

A Petition with 10 signatures has been received objecting to the proposed development. The petition seeks to prohibit the use of the private access road in relation to this development and number 37 Central Park Gardens.

Mintland Residents Association Limited, have written to object to the development on the basis that the access road is a private road and the association would look to restrict access to the new build property and its development.

Southern Water have been consulted and have advised of their infrastructure in the vicinity of the site and the implications for construction work. *An informative will be added to the decision notice.*

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

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.

The application site is located within the urban area in a residential part of Chatham. 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.

The area comprises a mix of 2 storey semi detached and terrace housing with a mix of gable and hipped ends. While the proposed property is detached, it has been designed with an eaves and ridge height commensurate with the adjacent terrace, and a front projecting roof over the ground floor front window and door, to reflect the design of most other properties in the area. The existing large garage on the application site

does not reflect the character of the area. As such the new dwelling will better reflect the character and street scene.

Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development unless the proposal is contrary to policies in an up to date Development Plan, or, where it is out of date, contrary to policies that are consistent with the NPPF.

The principle of the development is therefore considered acceptable in accordance with policy H4 of the Local Plan where the development strategy for the plan area is to prioritise re- investment in the urban fabric, including the redevelopment and recycling of under-used and derelict land within the urban area and paragraph 11 of the NPPF 2024.

Design

Policy BNE1 of the Local Plan states that the design of development should be appropriate in relation to the character, appearance and functioning of the built and natural environment and satisfactory in terms of scale, mass, proportion, details, and materials. Paragraphs 131 and 135 of the NPPF emphasises the importance of good.

The proposed new dwelling would be sited to the side of 37 Central Park Gardens on an area currently occupied by a large, detached garage. The eaves and ridge height of the proposed dwelling would match that of the existing dwelling immediately adjacent, while the roof being gabled to the side would match others in the vicinity. The design of the proposed dwelling will reflect that of the adjacent property (37) with features such as the large bay window at first floor level and a roof to the front over the window and. It is therefore considered that the design is acceptable and reflective of the general street scene and is therefore in accordance with Policy BNE1 of Medway Local Plan 2003 and Paragraphs 131 and 135 of the NPPF.

Amenity

Paragraph 135f of the NPPF states that achieving well-designed places should include creating a high standard of amenity for existing and future users. Policy BNE2 of the Local Plan expects all development to secure the amenities of its future occupants and protect those amenities enjoyed by neighbouring properties. The design of the development should have regard to privacy, daylight and sunlight, noise, vibration, light, heat, smell and airborne emissions and activity levels and traffic generation.

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 potential occupants of the development itself.

Neighbouring Amenity

Due to the proposed location of the new dwelling and access road situated between the new dwelling and the neighbouring property at number 39 Central Park Gardens it is not considered that the proposed development would lead to detrimental impact in regard to privacy, daylight, sunlight or overshadowing in this instance.

There is potential for the property to be converted to a small HMO in the future, which due to the predominantly residential character of the area being in single household occupation and limited off-road parking, may result in a harmful impact to the amenity of neighbouring residents. It is therefore recommended that permitted development rights be removed with regard to the change of use between use class C3 and C4.

The impact of the development during construction will need to be mitigated and an appropriate condition relating to a construction and environment management plan is recommended.

Amenity of Future occupants

With regard to the amenities of the future occupiers, the proposed dwellings have been considered against the Technical Housing Standards - Nationally Described Space Standard dated March 2015 (the national standard). Below is a table showing the proposed floorspace for the dwelling in comparison to the Technical Housing Standards - Nationally Described Space Standard.

Number of bedrooms and bed spaces	Proposed (m ²)	National Standard (m ²)
4-bedroom, 6 persons	114	106

Both the double bedrooms and the single bedrooms meet the national standards in area and width and all habitable rooms have been provided with adequate outlook and daylight.

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 number 37 Central Park Gardens would retain a garden of sufficient size to also comply with the requirements as set out.

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.

Refuse storage will be provided at the front of the property. All bins will be housed and stored within a bin store at the higher parking area much like the existing refuse arrangement and an appropriate condition is recommended to secure further details and provision on site.

It is considered that subject to the above conditions, the proposed end of terrace 4-bedroom dwelling would not detrimentally impact neighbouring residential amenities in terms of loss of daylight, sunlight, outlook or privacy and would provide adequate living conditions for future occupiers, in accordance with Policies BNE2 and H4 of the Local Plan and paragraph 135(f) of the NPPF.

Highways

The proposal for the construction of a 4-bedroom dwelling has been considered against the Medway Councils Interim Residential Parking Standards which would require 2 car parking spaces while also looking to retain sufficient parking to serve the existing property.

It is proposed that the existing hard standing to the front will provide for 3 spaces serving the proposed property, the existing property and a visitor space. To the rear, off the private road, will be 2 further spaces serving the existing and proposed dwellings. Whilst it is noted that the parking spaces to the rear are off a private road, this is a civil matter and will require consent from the landowners to undertake this work. An appropriate condition is recommended to ensure that the parking is provided.

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. The applicant has stated that within the proposed development, cycle parking will be provided in the form of a secure shed located in the rear garden and an appropriate condition is recommended to secure details of this.

The site is in close walking distance to shops, parks, schools and public transport. Chatham train station is within 15 minutes' walk making the site extremely sustainable.

Subject to the above conditions no objection is raised in relation to Policies T1, T4 and T13 of Medway Local Plan 2003 and Paragraph 116 of the NPPF.

Biodiversity Net Gain (BNG)

The development would technically be self-build development and when calculating the existing footprint of the existing dwelling house and considering the existing patio to the rear and hardstanding already present, the Planning Practice Guidance on BNG confirms that sites where they will not impact on priority habitat or more than 25sqm of on-site habitat are exempt. The proposal does not appear to impact on priority habitat or more than 25sqm of on-site habitat.

It would appear that the application is subject to the de minimis exemption being below the 25sqm of existing onsite habitat and so is exempt under the Biodiversity Gain Requirements (Exemptions) Regulations 2023.

Climate Change and Energy Efficiency

A Climate change statement has not been submitted with this outline application and as a result appropriate conditions to secure these details (including EV charging) and compliance are recommended.

Subject to sufficient measures being provided via condition the proposal would be in accordance with 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 £328.27 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 (SAMM) 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 186 and 187 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

It is considered that the proposal would respect the character and appearance of the existing streetscene and would provide adequate living accommodation for future occupants. Additionally, it is considered that the proposal would not detrimentally impact neighbouring residential amenities, or highways safety. The proposal is in accordance with Policies BNE1, BNE2, BNE23, BNE35,, H4, S1, S6, T1, T4 and T13 of Medway Local Plan 2003 and Paragraphs 11, 116, 131, 135, 135(f), 159, 186 and 187 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.

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/>