

MC/25/0387

Date Received: 27 February 2025

Location: Land to the east of Eastern Road, Gillingham Medway

Proposal: Application for permission in principle for the construction of a minimum of five and a maximum of 5 residential units.

Applicant: Mr M McGlynn
Aitco Ltd

Agent: Freeman Consultancy
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Ward: Gillingham North

Case Officer: Arron Nicholls

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 4 June 2025.

Recommendation:

- 1 The location, land use (residential) and the amount of development (five dwelling) are considered acceptable, and it is considered that permission in principle is acceptable in compliance with Policies BNE4 and S1 of the Medway Local Plan 2003 and paragraphs 61, 193 and 194 of the NPPF.

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 permission in principle for the construction of five residential units, alongside the provision of vehicular parking and a new access road from the junction of Marble Close and Eastern Road. An indicative site layout drawing has been submitted that shows how the five dwellings could be accommodated within the site.

Site Area/Density

Site Area: 0.24 hectare (0.59 acre)

Site Density: 20.8 dph (8.5 dpa)

Relevant Planning History

MC/19/1491	Construction of 5x three-bedroom dwellings with associated parking. Decision : Non determined, Appeal dismissed Decided : 19/08/2021
MC/1999/5209	Erection of two blocks of six flats with associated parking. Decision : refused Decided : 29/09/1999
GL/95/5130	Outline application for the erection of 2 x two storey blocks of four flats. Decision : Approval with conditions Decided : 28/04/1995
GL/90/0616	Outline application for a two-storey block of four flats. Decision : Approval with conditions Decided : 11/10/1990
GL/90/226	Outline application for a two-storey block of 12 x one-bedroom flats. Decision : Refused Decided : 30/04/1990
GL/64/108N	Outline application for the erection of a two-storey block of 12 x one-bedroom flats. Decision : Refused Decided : 23/11/1989

Representations

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

Thirteen Letters of objection have been received raising the following concerns:

- Overdevelopment of the site
- Impact on biodiversity
- Impact on climate change
- Concerns in relation to highways safety
- Concerns in relation to the proposals impact on parking in the area

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 considered to conform.

Planning Appraisal

Background

Planning Committee have not previously been asked to consider an application for permission in principle. It is not a process that is commonly used in Medway and is only a relatively recent addition in terms of a form of application.

It is not the equivalent of an outline planning permission. It is an alternative way of obtaining planning permission for housing-led development, but on its own, permission in principle does not allow development of the land, planning permission is still required. Where permission in principle is granted for land, an applicant may obtain planning permission by applying for technical details consent (TDC), which will cover matters such as the design of buildings, development layout and landscaping schemes. A grant of permission in principle plus a grant of TDC equates to a full planning permission.

So, an application for permission in principle is only to consider location, land use and the amount of development and only issues relevant to these matters can therefore be considered at this stage. Conditions cannot be attached to a grant of permission in principle and its terms may only include the site location, the type of development and the amount of development, although applicants can be informed about what would be expected at the technical details consent stage.

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.

It should be noted that in the previous appeal decision (APP/A2280/W/20/3261117), against the non-determination of application MC/19/1491, the planning inspector determined that the social and environmental roles of sustainable development would not be achieved and highlighted concerns in relation to the access arrangements and highway safety alongside ecological concerns and dismissed the appeal.

But as this application relates to only the permission in principle these factors do not form part of this application and would be considered at the technical details consent stage.

In regard to the planning principle the application site lies within the urban area of Gillingham in a predominately residential area. Policy H4 of the Local Plan supports

infilling in existing residential areas providing that a clear improvement in the local environment will result. Furthermore, paragraph 61 of the NPPF seeks to boost the supply of housing by bringing forward a variety of land to meet specific housing requirements.

Such a direction supported by the NPPF is also echoed by Policy S1 of the Local Plan: promoting the best use of development opportunities within urban areas and the re-development and investment within said locations, in particular underused areas in Gillingham.

In these circumstances it is considered that permission in principle should be granted. Although it should be noted that although the principle is acceptable the number of units and the scale of the development cannot be fully considered at this stage and would be subject to the detailed matters, that would be considered at the technical details consent stage.

Other Matters

Detailed matters including design, amenity, ecological and biodiversity impacts and highways impacts would be considered at the technical details consent stage if permission in principle were granted.

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 193 and 194 of the NPPF.

A decision from the Court of Justice of the European Union detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats

Directive. Given the need for the application to contribute to the North Kent SAMMS, there is a need for an appropriate assessment to be carried out as part of this application. This is included as a separate assessment form.

Conclusions and Reasons for Recommendation

The application only relates to the permission in principle, and in these circumstances the location and land use (residential) are considered acceptable, and it is recommended that permission in principle is granted. The application is considered to be compliant in regard to Policies BNE4 and S1 of the Medway Local Plan 2003 and paragraphs 61, 193 and 194 of the NPPF.

Normally this applicant would be determined under delegated powers but as a result of the number of objections contrary to the officer's recommendation the application is being reported to planning committee.

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/>