

## **MC/26/0188**

Date Received: 4 February 2026  
Location: Land adjacent to 2A Borough Road, Gillingham Medway  
Proposal: Construction of 3-bedroom chalet bungalow with off street parking and associated hard standing and associated landscaping.  
Applicant: PCD Homes  
Mr Gerry Peters  
Ward: Gillingham South  
Case Officer: Sam Pilbeam  
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 1 July 2026.**

### **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 4 February 2026:

Site Location Plan

Received 12 February 2026.

PA003 REV B - Proposed Elevations

PA004 REV B - Proposed Sections

Received 2 June 2026:

PA001 REV C - Proposed and Existing Block Plan

PA002 REV C - Proposed Floor Plans

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

- 3 No development shall take place above slab level until details and samples of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out 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 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 Prior to any development above ground floor slab level, details of the provision of one electric vehicle charging point per unit shall be 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 117e of the National Planning Policy Framework 2024.

- 6 Prior to any development above ground floor slab level, details of the refuse storage arrangements for the dwellings, including provision for the storage of recyclable materials, shall be 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.

- 7 Prior to any development above ground floor slab level, details of secure private cycle parking provision shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be implemented in accordance with the approved details before the 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.

- 8 Prior to any development above ground floor slab level, details of measures to deal with climate change and energy efficiency, including consideration of PV solar panels and air or ground source heat pumps, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved measures to address energy

efficiency and climate change and prior to first occupation of the development a verification report prepared by a suitably qualified professional shall be submitted to the Local Planning Authority confirming that all the agreed measures have been undertaken and will thereafter be maintained.

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 163 the National Planning Policy Framework 2024.

- 9 The tree protection measures and recommendations shall be implemented in full accordance with the Arboricultural Impact Assessment, Method Statement and Tree Protection Plan (TPP-01) received 4 February 2026.

Reason: Pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policies BNE1 and BNE43 of the Medway Local Plan 2003.

- 10 Prior to any works above slab level, a Biodiversity Enhancement Plan (BEP) shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include full details of the biodiversity enhancements to be implemented on-site, and shall include:

- A detailed, scaled soft landscaping plan, planting schedule and relevant habitat management measures;
- Provision of at least one suitably placed bat and/or bird boxes, with the exact locations, make and model and height from ground level shown on scaled plans suitable for construction. In the case of building mounted boxes, scaled elevation plans shall be provided. Boxes for breeding birds shall be targeted at S41 priority species and/or red/amber listed species as listed within the latest British Trust for Ornithology Birds of Conservation Concern report. Boxes shall be building integrated and/or constructed of woodcrete to ensure durability; The Plan shall be implemented in accordance with the approved details, and all features shall be retained in that manner thereafter.

Reason: To protect and enhance biodiversity in accordance with paragraphs 187 and 193 of the National Planning Policy Framework (December 2024), and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 11 Within six months of first use of the development hereby approved, a completion report produced by a suitably qualified ecologist and including photographic evidence of the implementation of the approved biodiversity enhancement measures as required by condition 10 (the BEP condition) shall be submitted to the local planning authority for approval. The approved measures shall be thereafter retained.

Reason: To protect and enhance biodiversity in accordance with paragraphs 187 and 193 of the National Planning Policy Framework (December 2024), and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

12 From commencement of works (including site clearance), to avoid impacts to protected and priority species, the following precautionary mitigation shall be implemented:

- From commencement of the demolition of works including site/vegetation clearance and for the duration of construction, mitigation for bats shall be carried out in accordance with the details contained in paragraph 4.5 of the Crossman Associates Bat Scoping Survey of Outbuilding at 156 Nelson Road, Gillingham, Kent, dated 2nd October 2024;
- Any hedgerow and trees to be retained, including its roots, shall be protected from damage in line with The British Standard "Trees in Relation to Design, Demolition and Construction to Construction - Recommendations" (BS 5837) (2012);
- All temporarily stored building materials (that might act as temporary resting places) shall be isolated within hardstanding areas and raised off the ground, e.g. on pallets;
- Any work to vegetation/structures that may provide suitable bird nesting habitats should be carried out outside of the bird breeding season (1st March to 31st August inclusive to avoid destroying or damaging bird nests in use or being built. If any works do need to be undertaken within the breeding bird season a survey by a suitably qualified person needs to be conducted to confirm absence, prior to commencing works;
- If at any time a protected species is discovered within the works area all works must stop while a suitably qualified ecologist and/or Natural England are consulted.

Reason: In order to limit the impact of the proposal upon the existing habitats the support protected species with regard to Policy BNE39 of the Medway Local Plan 2003.

13 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.

14 The dwelling shall not be occupied, until the area shown on the submitted layout as vehicle parking space has been provided. 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.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking and in accordance with Policy T13 of the Medway Local Plan 2003.

- 15 The three rear facing rooflights serving bedrooms two and three and the stairwell, as showing on drawing number PA002 REV B (Proposed Floor Plans) received 12 February 2026, shall be fitted with obscure glass and, unless fitted with cill height of over 1.7m above the internal finished floor level of the rooms they serve, shall be non-opening. This work shall be completed prior to first occupation of the site 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.

- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and reenacting that Order with or without modification) no further enlargement or development shall be carried out, on the existing and new dwelling, within Schedule 2, Part 1, Classes A, B, C 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.

**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 demolition of an existing outbuilding and erection of a three-bedroom, chalet bungalow measuring 7m in depth by 11.5m in width, supporting a pitched roof measuring 3m to the eaves and 6m to the ridge.

Internally, the property would comprise of an open plan kitchen/diner/living room, a bedroom and a bathroom at ground floor level; and two bedrooms within the roof space.

The plot layout provides for a driveway and parking area to the east, along with a paved garden area and refuse/cycle storage area. While to the west would be private garden space. Hedging is proposed along the frontage.

## Relevant Planning History

MC/20/2452	Construction of 8 one-bedroom flats and the provision of pedestrian accesses to the proposed development and No 156 Nelson Road - demolition of detached outbuilding. Decision: Refusal Decided: 16.04.2021
MC/24/1414	Construction of 6 one-bedroom flats and the provision of pedestrian accesses to the proposed development and No 156 Nelson Road - demolition of detached outbuilding resubmission of MC/20/2452. Decision: Withdrawn by Applicant Decided: 18.11.2024
MC/25/1666	Construction of 3-bedroom bungalow. Decision: Withdrawn by Applicant Decided: 02.10.2025

## Representations

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

**One letter of objection** has been received, on the following grounds:

- Loss of rear garden space;
- Out of character infill development;
- Loss of trees and impacts upon biodiversity.

**KCC Biodiversity** have commented stating that:

- The application site falls within 6km zone of influence of Medway Estuary and Marshes Special Protection Area and its associated Wetland(s) of International Importance under the Ramsar Convention (Ramsar Site) and a SAMMS payment is required;
- The submitted bat survey confirms the existing outbuilding has negligible suitability for roosting bats, although precautionary mitigation measures during demolition are recommended;
- The site contains vegetation with potential to support nesting birds and other urban species such as hedgehogs; accordingly, precautionary working methods during site clearance and construction are recommended;
- The proposal is required to deliver a minimum 10% Biodiversity Net Gain. Due to the constraints of the site, KCC Ecology advise this would need to be achieved through off-site biodiversity units secured via the statutory Biodiversity Gain Plan process;

- Conditions are recommended securing biodiversity enhancements, including sensitive lighting design, landscaping measures, and integrated bird and bat boxes.

**Cllr Louwella Prenter** has objected to the proposal on the basis:

- Overdevelopment and backfilling;
- Loss of garden space;
- Create additional congestion and parking issues.

**Southern Water** have commented stating the proposed development is in close proximity to their apparatus and therefore the applicant should seek express consent from southern water to ensure that the development does not damage any equipment.

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

The Emerging Local Plan has been agreed by Full Council for Reg 19 publication, consultation and has now been submitted under Regulation 22 to the Planning Inspectorate for examination. The policies within this version of the emerging plan have some limited weight in the determination of planning (and associated) applications.

## **Planning Appraisal**

### *Background*

The site has been subject to three previous applications. The only one that was determined dates from 2021, with the two more recent applications withdrawn by the applicant.

The 2021 decision, (MC/20/2452) was for the *“Construction of eight one-bedroom flats and the provision and demolition of detached outbuilding”* and was refused by the Council on four grounds.

The first ground related to concerns about the design of the building and plotting, insofar as the building would represent an overdevelopment of the plot and appear unduly dominant from the surrounding properties.

The second ground raised issues on the basis of amenity with the building failing to provide sufficient internal space for future occupants as well as inadequate garden layout and outdoor amenities for both future and existing users.

The last two objections related to the lack of information provided detailing how the unit would manage surface water runoff; and failure to offset the impact of the development on migrating birds.

This refusal did though relate to a much larger development than that now proposed.

The determining issues are whether the current significantly reduced scheme for one chalet bungalow has satisfactorily resolved the reasons for refusing the 2021 flatted development proposal.

### *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 NPPF seeks to pursue sustainable development in a positive and proactive manner through paragraph 11 of the NPPF. Stating that applications should be considered based on a presumption in favour of sustainable development, unless Policies within the NPPF provide clear reasons for refusing development, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

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.

In regard to Local Policies: the site itself is located in the urban area of Gillingham. Policies S1 and H4 of the Local Plan promote the best use of development opportunities within urban areas and the re-development and investment within the urban fabric of underused areas. In this instance, the proposal seeks to utilise the existing unused land to the rear of 156 and 158 Nelson Road, fronting onto Borough Road (and referred to as 2A Borough Road), which is currently partly occupied by a unused outbuilding that was formerly used as a Pre-School, alongside overgrown hardstanding in order to facilitate the construction of a chalet bungalow.

In this respect, the proposal would support the re-development and investment of land within the existing urban fabric in a sustainable location that benefits from its close proximity to local facilities and wider public transport links, whilst providing a three-bedroom dwelling supporting local housing needs.

The development of the existing plot for residential use is considered acceptable in principle and in accordance with policies S1 and H4 of the Local Plan and paragraphs 11 and 61 of the NPPF.

### *Design*

Both the NPPF and Local Plan stress the emphasis of good design and achieving high quality buildings. 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 by amongst other matters being satisfactory in terms of scale, mass, proportion, details, and materials.

Echoing this view, paragraph 135 of the confirms that development should contribute to the overall quality of the area, whilst being sympathetic to local character, including the surrounding built environment and landscape setting; supported further by paragraph 131, which adds that good design is a key aspect of sustainable development.

The application site is located to the rear of 156 and 158 Nelson Road, fronting onto and contributing to the street-scene of Borough Road. The area is characterised by a dense urban grain, typically formed of rows of two-storey terraced properties. Borough Road, links Nelson Road and Napier Road to the west and east respectively and effectively bisects two roads' frontages, running in parallel to their rear gardens.

As such, Borough Road itself, while forming part of the dense urban grain is characterised by a mixture of rear garden boundaries, smaller ancillary garages, and smaller groupings of both terraced dwellings and detached properties. In addition to this, there are examples of infill developments to the north and east, whereby former underutilised areas have been similarly redeveloped for residential dwellings.

The proposed development at 2A Borough Road reflects this evolution of the urban fabric, as a result of it alternative plot size, relative to Nelson Road, running wider at a shallower depth, and being positioned to the north of adjoining rear gardens.

The design vision for the construction of a relatively centrally located chalet bungalow has been largely informed by the plotting's shape, insofar as to ensure that surrounding residential amenity can be conserved.

Against this backdrop, the proposed chalet bungalow form is considered as an appropriate and measured response to the site's constraints. While in terms of scale and massing the development is smaller than the surrounding development pattern it does reflect the more organic infill development seen across Borough Road and other parts of Gillingham as a whole.

Furthermore, the proposed footprint of the chalet would not appear cramped or contrived, nor awkward within the plot. Rather there is a sufficient inset from each of the boundaries, alongside provision for a side driveway supporting off-street parking.

As a whole, the design of the proposed chalet bungalow is accepted as a measured, context-sensitive response to the site's constraints and plotting. The proposed bungalow would be well situated within its perimeter, whilst respecting surrounding residential amenity.

The proposal is considered to comply with the provisions of Policy BNE1 of the Local Plan and paragraphs 131 and 135 of the NPPF.

## *Amenity*

Paragraph 135f of the NPPF requires that development functions well over its lifetime and provides a high standard of amenity for future occupiers and neighbours, which is reflected in the requirements of Policy BNE2 of the Local Plan; to protect the amenities of neighbours in terms of privacy, daylight, sunlight, noise, vibration, heat, smell, airborne emissions. These amenity considerations should be assessed on two grounds, firstly the impact of the proposal on adjoining neighbours and secondly how the proposed works would impact future occupants.

### *Adjoining Neighbours*

Owing to the dwellings position, relative to the surrounding dwellings and tracking of the sun, the proposal would not result in undue levels of overshadowing or loss of light into adjoining residential gardens or habitable rooms.

Similarly, the dwelling would not result in any encroachment onto adjoining boundaries, insofar as to appear overbearing or result in a domineering presence from surrounding habitable rooms or windows.

Turning to privacy, three rooflights are proposed to be located to the rear of the building, two as secondary windows to bedrooms and one providing light to a stairwell. In order to protect against overlooking a condition is recommended for the windows to be obscure glazed and non-opening (unless the cill height is above 1.7m above internal floor level).

In the 2021 application concern was raised regarding the external amenity area to serve both the retained properties at 156/158 Nelson Road and the proposed flats. In this respect 158 has been sold and subdivided into two flats without any rear garden space.

Number 156 is currently owned by the applicant, and the submitted plans detail a retained rear garden of approx. 10m in depth which is considered acceptable in this location, while demolishing the outbuilding and providing a much-improved outlook from the rear of that property.

The proposal would, therefore, result in a neutral impact on the existing garden space of 158 Nelson Road, which it has no ownership against, and improve the rear garden space arrangement for 156 Nelson Road.

### *Future Occupants*

The proposed dwelling has been assessed against the Technical Housing Standards – Nationally Described Space Standard 2015, whereby a three-bedroom, two-storey dwelling is required to provide a gross internal floor area (GIA) of 102m<sup>2</sup>. In this case, the dwelling provides a GIA of 108m<sup>2</sup>, therewith exceeding this threshold set out within the National Planning Policy Guidance (NPPG).

Likewise, each of the three bedrooms would exceed the required bedrooms size standards to provide a double occupancy, alongside providing sufficient outlook and levels of natural light.

Turning to the level of private amenity space, the proposed unit would provide future occupants with 8.5m of garden space to the west, alongside additional garden space running along the southern perimeter of the site and a paved amenity area to the east. With these 2 separate amenity areas it is considered that satisfactory private amenity can be secured for the prospective occupiers without unacceptable overlooking.

The proposed development is, therefore, subject to the recommended condition, to be acceptable in terms of neighbour and prospective occupier amenity and in accordance with regard to Policy BNE2 of the Local Plan and paragraph 135(f) of the NPPF.

### *Highways*

Policy T1 permits development against the provision: there is sufficient capacity on the existing road network to accommodate the proposed developments; said traffic and associated vehicle movements do not significantly erode highways safety; and developments would not result in vehicle movements unsocial hours resulting in a subsequent loss of residential amenity. Further to this view, Policy T13 requires that developments accord with the Councils Residential Parking Standards (2010).

Equally by virtue of paragraphs 131 of the NPPF, developments are required to function well over their lifetime and the area in which they are situated. Again, emphasising highways matters further, paragraph 115 states decisions should ensure: sustainable transport modes are promoted; safe and suitable access can be achieved for all users; street design reflects current national guidance, and mitigation can be achieved of any significant impacts on the transport network.

Paragraph 116 of the NPPF states: "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".

When assessed against the Council's Residential Parking Standards (2010), a three-bedroom dwelling would be required to provide a total of two parking spaces. The proposal includes a new vehicular access and a driveway/parking area that can accommodate 2 parking spaces, thereby meeting the Councils standards.

Likewise, the proposal has illustrated indicative positions for cycle and refuse storage, with the refuse storage being less than 30m pull distance from the collection point off at Borough Road.

Subject to conditions securing the details of the refuse and cycle storage, as well as the provision of a single EV charging point, no objections would be raised with regard to Policies T1 and T13 of the Local Plan and paragraphs 115, 116, 117(e) and 131 of the NPPF.

## *Biodiversity Net Gain*

As of 2 April 2024, all sites were subject to Biodiversity Net Gain (BNG) as per the conditions of Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

The act requires that all planning applications received in England, with few exemptions, must deliver at least a 10% BNG. Where required, the Defra Statutory Metric will need to be used to demonstrate a minimum 10% biodiversity net gain. Significant gains will need to be secured for at least 30 years.

BNG is a statutory requirement of this proposed development. References to the biodiversity value of any habitat or habitat enhancement are to its value as calculated in accordance with the biodiversity metric.

In this case the baseline biodiversity value of the site has been calculated to result in a total net change of and would result in a net loss of -84.5% habitat area.

As such off-site compensation is being sought for this development as the development cannot accommodate onsite habitat gains that would be reasonably sufficient or able to be maintained in perpetuity.

## *Trees*

Policy BNE43 of the Local Plan seeks to ensure that developments retain trees and that provide a valuable contribution to the local character of the area.

The proposal would be in close proximity to a street tree, located at the meeting point between the proposed driveway and dropped kerb. As a result, the application includes an Arboricultural Report (produced by GRS Arboricultural Assistants LTD).

The report details the tree root protection area alongside measures that will be undertaken to safeguard against associated harms during the construction.

Subject to all works onsite being carried out in accordance with the submitted tree protection measures, which will be secured via a condition, no objections would be raised with regard to Policy BNE43 of the Local Plan.

## *Ecology*

Policy BNE39 of the Local Plan states: "*Development will not be permitted if statutorily protected species and/or their habitats will be harmed*" and requires conditions or obligations to be attached to permissions to "*ensure that protected species and/or their habitats are safely guarded and maintained*".

The NPPF also confirms in paragraph 187(d): "Planning policies and decisions should contribute to and enhance the natural and local environment by [...] minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and

future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs.”

The proposal seeks the demolition of an existing unused outbuilding which is in a dilapidated state and has the potential to house bats. As such the application has been submitted alongside a Bat Scoping Survey and in addition to this a Biodiversity Net Gain Assessment.

The submitted ecological information has been reviewed by KCC Ecology and found sufficient in terms of both methodology and subsequent findings; whereby no evidence was found in support of roosting bats.

Furthermore, owing to the sites existing bramble scrub within the plot there is potential to support nesting birds and other priority species (such as hedgehogs) protected under the Wildlife and Countryside Act 1981.

Accordingly, to ensure that precautionary working methods, with ecological supervision where appropriate, alongside safeguards relating to vegetation clearance during the birds nesting season are secured, appropriate conditions are recommended.

Subject to conditions, no objections would be raised with regard to Policy BNE39 of the Local Plan and paragraph 187(d) of the NPPF.

#### *Climate Change and Energy Efficiency*

The NPPF has put sustainable development as a central core. The application has not been submitted with the benefit of a Climate Change Statement, addressing how the proposal would meet with the Councils Council’s Climate Change Emergency statement. Subsequently a condition requiring the submission of a Climate Change Statement and a verification report is recommended to ensure the proposals compliance with Policy 163 of the NPPF.

#### *Contamination*

Policy BNE23 of the Local Plan requires that proposals for development of land likely to be contaminated be accompanied by the findings of a site examination, which identifies contaminants. Policy BNE23 of the Local Plan and paragraphs 196 and 198 of the NPPF require that decisions should ensure that new development is appropriate for its location and takes account of the likely effects of pollution on health, living conditions and the natural environment.

The site has been kept in an unkept site for many years, with evidence of fly-tipping present and the proposal includes the demolition of an existing outbuilding. Given the proposals sensitive end-point use as a residential development a condition is recommended requiring that if during the proposals construction any unexpected contamination is present a report detailing how the contamination will be remediated is submitted to and approved by the Council.

## *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 £350.16 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 194 and 195 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.

In this case, the applicant has paid the SAMMS tariff, therewith financially offsetting the impacts development upon migratory birds.

## **Conclusions and Reasons for Approval**

The proposed dwelling is well designed and in keeping with the character of the area and will not result in any unacceptable harm to amenity for either existing or prospective residents, while not causing any additional impact for on street parking.

The proposal complies with the provisions set out in paragraphs 11, 60, 115, 116, 117e, 131, 135, 135(f), 163, 187(d), 194 and 195 of the National Planning Policy Framework 2024 and Policies BNE1, BNE2, BNE23, BNE35, BNE39, BNE43, H4, S1, S6, T1, & T13 of the Medway Local Plan 2003.

The application is, therefore, recommended for approval.

The application would normally be determined under delegated powers but is being referred to Committee for decision at the request of Cllr Louwella Prenter.

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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/>