

MC/15/3739

Date Received: 7 October, 2015

Location: Adult Education Centre (Including Number 46) Green Street, Gillingham, Kent ME7 5TJ

Proposal: Details pursuant to conditions 3, 4, 5, 7, 8, 9, 10, 11, 12 and 13 of planning permission MC/15/1742 Alteration to Block D approved on planning permission MC/13/0674 to facilitate the conversion ground floor from car parking/cycle store to 8 student accommodation units with associated kitchen, living and dining areas

Applicant: JG Student Lets

Agent:
Ward Gillingham South

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 1 June, 2016.

Recommendation - Discharge of Conditions

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

Proposal

This application has been submitted to seek the discharge of conditions 3, 4, 5, 7, 8, 9, 10, 12 and 13 of planning permission MC/15/1742. Alteration to Block D approved on planning permission MC/13/0674 to facilitate the conversion ground floor from car parking/cycle store to 8 student accommodation units with associated kitchen, living and dining areas

Planning permission MC/15/1742 was granted with conditions attached, for the alteration to Block D approved on planning permission MC/13/0674 to facilitate the conversion ground floor from car parking/cycle storage to 8 student accommodation units with associated kitchen, living and dining areas.

Relevant Planning History

MC/15/2523 Application for a non material amendment to planning permission MC/13/0674 - Addition of 1no skylight to the North West facing elevation of Block A.
Approval With Conditions, 10 August 2015

- MC/15/1742 Alteration to Block D approved on planning permission MC/13/0674 to facilitate the conversion ground floor from car parking/cycle store to 8 student accommodation units with associated kitchen, living and dining areas.
Approval With Conditions, 29 July 2015
- MC/15/0681 Demolition of existing office building and construction of a detached three-storey building consisting of 12 student bedroom units.
Withdrawn by Applicant, 7 July 2015
- MC/14/2989 Details pursuant to condition 9 of planning permission MC/13/0674 - Redevelopment of the site to accommodate a total of 97 student bedrooms (Sui Generis) including the demolition of two buildings to the rear; extensions and conversion of main building (block A) into student accommodation; conversion of number 46 (block B) into office use (B1a) on ground floor and students accommodation on first floor; construction of two 3-storey buildings to the rear (blocks C and D) for student accommodation including a single storey attached building for refuge/cycle storage and four garages; part conversion of building to the rear (Block E) into student accommodation and (Block F) to remain unchanged as office use (B1a) together with associated works.

Discharge of Conditions, 5 May,2015
- MC/13/2968 Details pursuant to conditions 4, 5, 8, 9, 11, 12, 13, 14, 15, 16 and 17 on planning permission MC/13/0674 for Redevelopment of the site to accommodate a total of 97 student bedrooms (Sui Generis) including the demolition of two buildings to the rear; extensions and conversion of main building (block A) into student accommodation; conversion of number 46 (block B) into office use (B1a) on ground floor and students accommodation on first floor; construction of two 3-storey buildings to the rear (blocks C and D) for student accommodation including a single storey attached building for refuge/cycle storage and four garages; part conversion of building to the rear (block E) into student accommodation and (block F) to remain unchanged as office use (B1a) together with associated works

Discharge of Conditions, 28 February 2014
- MC/13/0674 Redevelopment of the site to accommodate a total of 97 student bedrooms (Sui Generis) including the demolition of two buildings to the rear; extensions and conversion of main building (block A) into student accommodation; conversion of number 46 (block B) into office use (B1a) on ground floor

and students accommodation on first floor; construction of two 3-storey buildings to the rear (blocks C and D) for student accommodation including a single storey attached building for refuge/cycle storage and four garages; part conversion of building to the rear (block E) into student accommodation and (block F) to remain unchanged as office use (B1a) together with associated works

Approval With Conditions, 19 August 2013

Representations

The application does not require public consultation.

However, a generic letter of objection has been received from 5 residents, raising the following concerns:-

- Retention of disabled car spaces (i.e. safeguarding Conditions 06 and 14 of the original permission).
- Site access is too narrow, causing loss of residential amenity and road safety hazard.
- Concern over HGV movements and associated impacts on residential amenity, road safety and the structural integrity of homes

Following receipt of these representations, the applicant acknowledges that an error has occurred and is no longer requesting to discharge all outstanding conditions. The application description was changed as a result.

Development Plan Policies

The Development plan for the area comprises the Medway Local Plan 2003. The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2012 and is considered to conform.

Planning Appraisal

Background

Planning Application MC/13/0674 was approved subject to conditions for the redevelopment of the site to accommodate a total of 97 student bedrooms. The development has been mostly completed or is nearing completion. This application relates specifically to Block D, where the ground floor is to be converted to provide additional student accommodation. Block D is in the advanced stages of completion in accordance with the planning permission granted under MC/13/0674. The ground floor of this block is currently formed of two large cycle stores and 4 car parking spaces. The proposal, approved under planning reference MC/15/1742, was to convert this floor to provide 8 further bedroom units, with associated living/kitchen space.

A key concern previously was the impact on the noise generated from the train line immediately adjacent this block (Block D), and the potential noise disturbance on future occupiers of the block of student accommodation. The previous application noted that the noise survey submitted demonstrates that only 1 event exceeded 80dB LA max over the course of the three night-time period survey, whilst for the majority of the time they were in the mid 70s dB LA, which is not considered to be excessive when considering the proximity to railway, and can readily be reduced to acceptable noise levels within bedrooms by means of appropriate sound insulation measures (i.e. recommended glazing and ventilation solutions). As such, Condition(s) 3 & 4 were attached to the planning permission to ensure internal noise level of all habitable rooms is no more than 35dB(A) in living rooms (day) and 30(dB(A) in bedrooms (night), with windows closed; and full details of suitable mechanical ventilation to all units with openings towards the railway.

Under MC/15/1742 saw the loss of 4 parking spaces and a cycle store, although it was noted that a number of car parking spaces would remain, currently opposite the KTA centre. This was considered to be an acceptable amount of spaces to cater for student accommodation, which do not have parking standard requirements attached to them. Furthermore, 12 cycle spaces would be retained for the student accommodation and subsequent correspondence suggested that additional spaces can be provided on site to offset any loss sustained. Condition 5 requires details of additional cycle storage, proposed by the applicant.

The original scheme under MC/13/0674 had a site investigation report prepared which recommends further site investigations should be undertaken. A discharge of condition application (MC/13/2968) was approved which dealt with contamination matters. In their report, the Case Officer for planning reference MC/15/1742 stated that *"no objections are raised specifically in this case, although contamination conditions should be re-imposed should unforeseen contamination be found on site."* Hence the reasoning behind imposing Conditions 8, 9, 10 and 12. Conditions 13 required full details of boundary and landscaping treatment, including fencing adjacent to network rail land.

The conditions set out were as follows:-

Condition 3 of MC/15/1742 states:

Prior to the first occupation of any unit within the development herein approved, an acoustic assessment shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The acoustic assessment shall confirm that the internal noise level of all habitable rooms is no more than 35dB(A) in living rooms (day) and 30(dB(A) in bedrooms (night), with windows closed. This shall be assessed as a rigorous method as set out in BS8233:1999, and to include SEL of passing trains. Where the levels above are not met further mitigation details shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be retained thereafter.

Reason: To ensure acceptable levels of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

Condition 4 of MC/15/1742 states:

Prior to the first occupation of any unit within the development herein approved, full details of a mechanical ventilation system to all units with openings towards the railway shall be submitted to and approved in writing by the Local Planning Authority. The mechanical ventilation system shall include heat recovery and cooling to living rooms and bedrooms. The development shall be implemented in accordance with the approved details prior to the first occupation and shall be retained thereafter.

Reason: To ensure acceptable levels of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

Condition 5 of MC/15/1742 states:

Prior to the first occupation of any unit within the development herein approved, details of additional cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be retained thereafter.

Reason: To ensure adequate cycle storage provision in accordance with Policy T4 of the Medway Local Plan 2003.

Condition 7 of MC/15/1742 states:

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence upon a phase or sub-phase until conditions 8 to 11 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the Local Planning Authority until condition 11 has been complied with in relation to that contamination.

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

Condition 8 of MC/15/1742 states:

An 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 on that phase or sub-phase. The 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 on that particular phase or sub-phase. 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 and water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

Condition 9 of MC/15/1742 states:

A detailed remediation scheme to bring each phase or sub phase 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 on that phase or sub-phase. 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 and water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

Condition 10 of MC/15/1742 states:

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development on that phase or sub-phase (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 occupation of that part of the development.

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

Condition 12 of MC/15/1742 states:

No development shall commence until a construction code of practice covering noise, dust, air quality and lighting for the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The code of practice should have due regard to the adjacent network rail land. The development shall be carried out in accordance with the approved construction code of practice.

Reason: Required before commencement of development to ensure no irreversible impacts on the amenities of neighbours in nearby residential properties and in accordance with Policy BNE2 of the Medway Local Plan 2003.

Condition 13 of MC/15/1742 states:

Prior to the first occupation of any unit within the development herein approved, full details of boundary and landscaping treatment, including fencing adjacent to network rail land shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be retained thereafter.

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 and BNE2 of the Medway Local Plan 2003.

Landscaping

The applicant has confirmed that there have been no major variation in the landscaping treatment and boundary treatment on site, approved under MC/13/0674; other than the addition of the cycle storage sheds. In view of no changes, the applicant has resubmitted the same drawing used to discharge the previous landscaping condition under MC/13/2968.

The details submitted pursuant to this condition are shown on the landscape drawing, specification and planting schedule. The proposals would create an attractive and useable amenity space for future residents of the development. These details have been considered against Policies BNE1 and BNE2 of the Medway Local Plan 2003.

Amenity

The submitted noise assessment, conducted by MRL Acoustics, Report No.

MRL/100/923.1v1, which also included an assessment of internal noise levels from passing trains, has shown that the levels specified in Condition 3 shall be achieved when windows are closed and that no further noise mitigation measures are required.

In relation to details submitted in pursuant of Condition 4, sufficient details have been supplied in relation to the mechanical ventilation system, which shows that the engineers installation tests results and manufacturers technical specification.

With respect to Condition 12, a 'Construction Management Plan' (CMP) had been received, but did require a series of revisions. An amended version was submitted to the Authority on the 22 April 2016. The report identified key dates and contacts, working hours, routes for construction traffic, traffic management, site security, deliveries (including coordination), storage areas, site parking, complaints, scaffolding, welfare facilities, lighting, noise and vibration and emissions (of dust and air quality). The Environmental Protection Officer reviewed the information submitted and was satisfied that neighbouring amenities would be safeguarded as a result.

In light of the above, details are considered acceptable and the proposal is considered to accord with Policy BNE2 of the Medway Local Plan 2003.

Highways

Additional cycle storage is provided on site in the form of 3 detached bike sheds, comprising a total of 33 cycle spaces. This was confirmed by the applicant in correspondence dated 11 March 2016. Drawing No. 12.73.CYC 01 Revision P2 indicates one shed is located to the rear of "Lustrous House", another within the courtyard area, adjacent to a 'smoking hut' and a third, 'L-shaped' cycle shed to the north-east corner of Block D.

There are no parking standard requirements for student accommodation, nor a defined level of cycle storage. The current level of cycle, which has now increased to 33 and parking provision is considered appropriate and adequate particularly as evidence from university travel surveys still indicates that a large majority of students do not utilise private vehicular transport as means of commute.

A satisfactory level of cycle storage provision can be accommodated on site and accordingly, the proposal is considered to accord with Policy T4 of the Medway Local Plan 2003.

Contamination

Geo-Environmental Services Ltd previously prepared a Ground Appraisal Report (ref: GE9275-GAR-MAY13) and Desk Study, in connection with the development of the above site for student accommodation. The Ground Appraisal Report reported on an intrusive ground investigation and Phase II environmental assessment which included laboratory chemical testing of shallow Made Ground soils and statistical analysis of the results, in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR11*'. The Ground Appraisal Report identified elevated levels of Polycyclic Aromatic Hydrocarbons (PAH) within the Made Ground and as a result, the shallow Made Ground soils at the

site were deemed to be impacted with PAH contamination. Therefore, on the basis of the results of the analysis, the report deemed that remedial measures would be required within proposed communal gardens and soft landscaped areas to protect the health of end users; which included removal of contaminated soil/capping and use of geotextile layers and protection of water services.

The applicant subsequently undertook a review of, and commented on information pertaining to the landscaping scheme for external areas at the site, in connection with Condition 9 of the site's planning permission which required the submission of a Remediation Scheme. The findings of the review and provision of information were set out in a letter from Geo-Environmental to JG Student Lets, dated 21st April 2016, reference GE9275/DW/LS01.

Based on a review of the information provided, it was concluded that the landscaping scheme for the site does not include any areas of soft landscaping, with the scheme designed to provide low maintenance amenity areas for the residents and to ensure the protection of end users and water supply pipes. On this basis, it was concluded that the protection of end users and water utilities provided by the inherent design of the landscaping scheme is such that pollution linkages between PAH impacted soils and end users of the site and water utilities would be broken and any residual risk to end users and water utilities following implementation of the landscaping scheme would therefore be *"very low to negligible"*. It was concluded that the requirement for provision of a detailed remediation scheme contained within condition 9 of the site's planning permission is not applicable to this development.

It is therefore considered that in view of the implementation of the landscaping scheme that has been undertaken at the site, that requirement for a verification report contained within condition 10 of the site's planning permission is not applicable to this development. Furthermore, in view of the fact that information provided by JG Student lets has confirmed the absence of additional contamination other than that previously identified during the construction works, that the requirements for an investigation and risk assessment contained within condition 11 of the site's planning permission are not applicable to this development.

The Council's Environmental Protection Officer reviewed the information and was satisfied that it had meet the requirements of conditions 7, 8, 9, 10 and 11 of permission MC/15/1742 and has recommended a discharge of all of the above conditions. The application is therefore considered to comply with Policy BNE23 of the Medway Local Plan 2003.

Local Finance Considerations

None relevant to this application

Conclusions and Reasons for Recommendation

The information submitted pursuant to all outstanding conditions are considered acceptable and therefore the overall scheme is considered to comply with the provisions of Development Plan Policies BNE1, BNE2, BNE23 and T4 of the Medway Local Plan 2003 and is recommended to be discharged in full.

The discharge of conditions would normally be determined under delegated powers but is being referred for Committee determination given the level of representation contrary to officer recommendation.

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://publicaccess.medway.gov.uk/online-applications/>