

MC/17/2872

Date Received: 17 August, 2017

Location: Former NHS Walk-In-Centre, Canterbury Street, Gillingham, ME7 5LF

Proposal: Outline application with some matters reserved (appearance, landscaping, layout and scale) for construction of up to 13no. dwellings with associated parking and landscaping

Applicant: NHS Property Services Ltd

Agent: Mr Garvey DHA Planning Ltd DHA Planning Ltd Eclipse House  
Eclipse Park Sittingbourne Road, Maidstone ME14 3EN

Ward Gillingham South

Case Officer Thomas Stubbs

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 14 February 2018.**

**Recommendation - Approval subject to:**

- A. The applicant entering into a legal agreement under the terms of Section 106 of the Town and Country Planning Act 1990 to secure:
- I. £34,475.49 towards improvements to Gillingham Park.
  - II. £1,624.35 towards vegetation and shrub removal works at the Marlborough Road entrance.
  - III. £6,083.35 towards the Medway Medical Centre Malvern Road Gillingham.
  - IV. £2,020.72 towards provision of brown bins, refuse bags and information leaflets to the housing units on the development.
  - V. £2,906.54 towards strategic measures in respect of the coastal North Kent Special Protection Area.
  - VI. £61,873.07 broken down to £10,566.40 for Nursery and £23,400.00 for Primary towards a new free school in the Gillingham area or expansion at St Thomas of Canterbury and £27,906.67 for Secondary School at Chatham Grammar School for Girls and/or a new free school.
  - VII. Meeting the Council's costs.
- B. And the following conditions:-

- 1 Approval of the details of the layout, scale and appearance of the buildings, and the landscaping (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To accord with the terms of the submitted application and to ensure that these details are satisfactory

- 2 Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted in writing to the Local Planning Authority for approval. Such application for approval shall be made to the Authority before the expiration of three years from the date of this permission and the reserved matters shall be carried out in accordance with the approved details.

Reason: To comply with Section 92(2) of the Town and Country Planning Act 1990.

- 3 The development to which this permission relates must be begun no later than the expiration of 2 years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

- 4 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing number T-04 Rev P1 received on 17 August 2017.

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

- 5 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 until conditions 6 to 7 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 7 has been complied with in relation to that contamination.

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.

- 6 A detailed remediation scheme to bring the site 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. 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.

- 7 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development (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 bringing into use 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.

- 8 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 6, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition 6 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 7.

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.

- 9 No development shall take place until a Construction Environmental Management Plan (CEMP) has been 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 including delivery/collection times from the site; measures to prevent vehicles from idling when not in use/waiting; measures to control noise affecting nearby residents; parking plan for any associated vehicles; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on surrounding residential amenities and in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 10 No development shall take place until a scheme showing details of the disposal of surface water, based on sustainable drainage principles, including details of the design, implementation, maintenance and management of the surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

Those details shall include:

- i. a timetable for its implementation, and
- ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

The development shall be implemented in accordance with the approved details.

Reason: To manage surface water during and post construction and for the lifetime of the development.

- 11 Any off-street car parking provision to serve the development and subsequently approved as part of a reserved matters application shall not be allocated to any individual dwelling at any time. Details of the future maintenance and management of the car parking area should be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwelling herein approved. The development shall be implemented in accordance with the approved details and shall be retained thereafter.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety, and parking standards in accordance with Policies BNE2, T1 and T13 of the Medway Local Plan 2003.

- 12 The development hereby permitted shall not be occupied until such time as a scheme has been submitted to and approved in writing by the Local Planning

Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.

Reason: In granting this permission, the Council is aware of the sustainable location of the development and in other to ensure that the development does not result in additional strain on existing street parking subject to permits and to comply with Policy T1/T13 of the Medway Local Plan 2003.

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

## **Proposal**

This application seeks outline planning permission with some matters reserved (appearance, landscaping, layout and scale) for the construction of up to 13 dwellings with associated parking and landscaping.

With regards to access which is determination at this time, the proposals shows the use of access from the private road off Canterbury Street and the configuration of a parking court of 15 spaces. Matters of appearance, landscaping, layout and scale are reserved for future consideration, however an illustrative layout plan shows how 13 dwellings would be located, part fronting Canterbury Street and part fronting the parking area and landscaping along the boundary to Canterbury Street.

## **Site Area/Density**

Site Area: 0.31 hectares (0.77acres)

Site Density: 41.94 dph (16.88 dpa)

## **Relevant Planning History**

MC/14/0502	Siting of a temporary NHS surgery building for a further 2 years with associated works Decision Approval With Conditions Decided 02/05/2014
MC/08/1120	Use of site as a temporary doctors incorporating the erection of a temporary building to be used as a surgery with attendant parking Decision Approval with Conditions Decided 02/10/2008
GL/53/237T	Change of use from 2 flats on first floor to offices ancillary to ground floor use of Nos. 553 and 555 Canterbury Street. Decision Approval with Conditions Decided 16/03/1977
GL/53/237S	Change of use from office and light industrial use to shop and ancillary storage, extension to adjoining existing shop,

access to rear available for loading and off loading.  
Decision Approval with Conditions  
Decided 09/01/1976

## **Representations**

The application has been advertised on site, in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties. The Environment Agency, Kent Police, Southern Water, Southern Gas Networks, EDF Energy and NHS Medway have also been consulted.

**One** letter of support has been received encouraging development of the site.

**Three** letters of objection have been received raising the following concerns:-

- Parking spaces provided are under standard.
- Impact on lack of parking onto the access road, which will impact on deliveries to the business premises which require it for deliveries.

**Southern Gas Networks** have advised of a lower/medium/intermediate pressure gas main near the site and there should be no mechanical excavations taking place above or within 0.5m of mains or within 3m of an intermediate pressure system. Details of the supplied plans and advice booklet to be made aware to senior person on site. Also safe digging practices in accordance with HSE publication HSG4. These issues will be advised of as an informative.

**Southern Water** have written requesting conditions and informative's relating, connection to public sewage system, to discharge of foul and surface water drainage. The location of the site over a Source Protection Zone, the LPA are to rely on Environment Agency response and defining responsibility, implementation and maintenance of SUDs schemes.

**Kent Police** have written requesting the applicant contact them and have suggested various changes to meet Secure by Design. An informative will be added.

**Environment Agency** have written requesting a condition regarding contamination and an informative regarding water drainage to the surface water system.

## **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 2012 and are considered to conform.

## **Planning Appraisal**

### *Principle*

The site is located within an urban area of Gillingham and a mixed residential and

retail area. The previous use of the site was to accommodate a temporary NHS surgery. These temporary services have been relocated to the Gillingham Healthy Living Centre and therefore the site is no longer required for provision of health services and so no objections are raised to the development with regard to Policy CF1 of the Local Plan. Policy H4 of the Local Plan states that the use of vacant land or change of use of buildings no longer required for non-residential use will be permitted for residential development subject to clear improvement in the local environment. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Subject to compliance with the detailed matters of these policies which are subject to assessment below, the principle of the site for residential development is considered acceptable given the mixed residential and commercial character of the area.

### *Design*

Paragraph 56 of the NPPF emphasises the importance of good design and Policy BNE1 of the Local Plan states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area.

The application site is a former commercial site which has most recently been used to accommodate a temporary doctors surgery with associated parking. The site is currently bounded by palisade fencing and is unkempt. The spatial character of the area is of predominately terraced residential properties fronting Canterbury Street with small front garden areas.

The illustrative plans show the properties to be two storey, terraced properties with bay windows which would be considered to be in keeping with the character of the area. However the illustrative plan shows to orientation to consist of four properties (the two flats and two houses) fronting Canterbury Street and the remaining nine orientated away from the street overlooking the proposed car parking area. Instead soft landscaping within the corner of the private road and along Canterbury Street. This would depart from the spatial character of the area. Development fronting Canterbury Street and providing an edge would be preferred and encouraged with in the reserved matters stage of the application. It is considered that a scheme fronting the highway and turning the corner would be considered to be more in keeping with the character of the area. However as this outline planning application with matters of layout and scale reserved for a later date a high quality designed scheme overcoming these concerns for thirteen units and suitable parking provision could be provided at reserved matters stage.

Consequently no objection is raised under Policy BNE1 of the Local Plan and paragraphs 56 of the NPPF.

### *Amenity*

There are two main amenity considerations, the impact on neighbouring occupiers in terms of sunlight, daylight, outlook and privacy; and the standard of amenity of which would be experienced by future residents of the site itself. Policy BNE2 of the Local Plan and bullet point 4 of paragraph 17 of the NPPF relates to the protection of these amenities.

### Neighbouring Residential Amenity

The illustrative plan demonstrates that thirteen properties can be provided on the application site without resulting in a detrimental impact on neighbouring amenities in terms of loss of outlook, sunlight and daylight by virtue of the orientation of the site, path of the sun and relationship of habitable room windows with neighbouring properties. Furthermore, should the layout be altered in accordance with the comments set out in the design section above, the proposal could still be achieved without harm to the residential amenities of occupiers of surrounding residential properties.

The construction of the proposal could result in the potential for nuisance and therefore a construction management plan would be required by condition if recommended for approval. Subject to this condition no objection would be raised.

### Amenity of Future Occupiers

With regard to the amenities of the future occupiers, the design and access statement indicates that the properties would exceed the Technical housing standards - nationally described space standard dated March 2015 (the national standard) for the three bedroom properties and one bed flats. At reserved matters stage, the submission documents would need to demonstrate that room sizes would also meet the national standard and garden depths would meet the Medway Housing Standards (interim) November 2011 (MHDS) of 10m or 7m deep where constraints exist. No objection is raised subject to the layout of any future scheme meeting the national standards and garden sizes stated in the MHDS at reserved matters stage.

Consequently there is no objection under Policy BNE2 of the Local Plan and paragraph 17 of the NPPF.

### *Highways*

Responses from the consultation process has raised concerns regarding the under standard parking provision and impact on on-street car parking demand. The business using the road for servicing their premises have also raised concerns with regard to the access to the proposed development and the potential for residents to park along this road. Access is for consideration at this time. It is considered that the proposed access would not result in any highway safety issues and that suitable sight lines can be provided.

Medway Council's Interim Residential Parking Standards require the provision of 1.5 spaces per dwelling for a two bedroom dwelling and 2 spaces per three bedroom dwelling, plus 0.25 space per dwelling for visitor parking, making a requirement of 25 spaces for the proposed development. The illustrative plans indicates that a parking area of 15 spaces can be provided, which would fall short of this standard. The standard, however does allow a reduction within a sustainable location with good access to public transport. The proposed site location is considered a sustainable location being within a mixed residential and retail area with good public transport links in terms of buses. The supporting transport plan indicated that each dwelling would be provided with a single parking space. If the spaces were allocated then 21 spaces



would be required to be provided when calculated against DCLG 'Residential Parking Research'. Consequently this would not be acceptable, however the applicant has accepted that the scheme would provide unallocated parking. Calculations for unallocated parking would be 14 spaces for the DCLG guidance and therefore the parking provision proposed would be acceptable subject to a condition to ensure the parking arrangements are unallocated and a restriction on the future occupiers gaining parking permits within local parking zones. The applicant has confirmed their acceptance of these conditions. Subsequently, no objection is raised under Policies T1 and T13 of the Local Plan subject to the abovementioned conditions and the inclusion of the restriction in the unilateral undertaking.

### *Contamination*

Policy BNE23 of the Local Plan requires that land known to be or likely to be contaminated should be accompanied by detailed site examination and appropriate remedial measures to reduce or eliminate risk to human health and the wider environment be agreed. A Phase 1 Environmental Review and a Phase 2 Environmental Site Assessment both undertaken by Ramboll Environ UK Limited have been submitted with this application. The contaminated land survey has indicated some areas that will still need remedial works to be completed. This would be required to be secured by condition. Subject to such a conditions no objection is raised to the proposal under Policy BNE23 of the Local Plan and paragraphs 109 and 121 of the NPPF.

### *Ecology*

A Preliminary Ecological Appraisal undertaken by Ramboll Environ UK Limited has been submitted with this outline application. The report provides general recommendations for mitigation measures to reduce impacts on habitats and protected species. These appear to have not been included within the design proposed. However due to the history of development and disturbance along within being located in a very urban area with poor connectivity, the presence of reptiles would be highly unlikely and therefore, further mitigation measures would not be required. Consequently no objection is raised regarding Policy BNE37 of the Local Plan and paragraph 118 of the NPPF.

### *Flood and Drainage*

A Drainage Statement undertaken by DHA Environment and Sustainable Development has been submitted with the application. If the application were considered for approval, conditions to secure details of the disposal of surface water would be required to ensure the proposed development and its maintenance is in accordance with paragraph 103 of the NPPF.

### *S106 Matters*

The Community Infrastructure Levy Regulations 2010 provide that in relation to any decision on whether or not to grant planning permission to be made after 6 April 2010, a planning obligation (a s106 agreement) may only be taken in to account if the obligation is (a) necessary to make the development acceptable in planning terms;(b)

directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. The obligations proposed comply with these tests because they are necessary to make the development acceptable in planning terms, they are directly related to the development and are fair and reasonable in scale and kind. The following contributions are sought:

#### Greenspace Services

A contribution of £34475.49 based on an occupancy ratio of 2.44 for the two bedroom flats and 3.59 for the three bedroom dwellings with a contribution of £777 per person. The contribution would be spent on improvements at Gillingham Park.

#### Great Lines Heritage Park

A contribution of £1624.35 based on an occupancy ratio of 2.45 and a contribution of £51 per person towards vegetation and shrub removal works at Brompton Academy/Marlborough Road entrance to the Great Lines Heritage Park.

#### NHS

A contribution of £6083.35 based on an occupancy ratio of 2.45 and a contribution of £191 per dwelling towards improvements to Medway Medical Centre Malvern Road Gillingham.

#### Waste Services

A contribution of £2020.72 based on a contribution of £155.44 per dwelling for the provision of brown bins, refuse bags and informational leaflets to all homes.

#### Education

A contribution of £61,873.07 broken down to £10,566.40 for Nursery and £23,400.00 for Primary at Riverside Primary School and £27,906.67 for Secondary School at Chatham Grammar School for Girls and/or a new free school.

#### 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 £223.58 per dwelling (excluding legal and monitoring officer's costs, which separately total £550) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. The strategic measures are in the process of being developed, but are likely to be in accordance with the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM) produced by Footprint Ecology in July 2014. The interim tariff stated above should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation), in anticipation of:

- An administrative body being identified to manage the strategic tariff collected by the local authorities;
- A memorandum of understanding or legal agreement between the local authorities and administrative body to underpin the strategic approach;
- Ensure that a delivery mechanism for the agreed SAMM measures is secured and the SAMM strategy is being implemented from the first occupation of the dwellings, proportionate to the level of the housing development.

The applicants have agreed to pay this tariff of £2906.54 (13 x £233.58) and the abovementioned contributions and are in the process of drafting a s106 agreement. No objection is therefore raised under paragraphs 109 and 118 of the NPPF and Policies S6 and BNE35 of the Local Plan.

#### *Local Finance Considerations*

There are no local finance considerations.

#### **Conclusions and Reasons for Approval**

There is no objection in principle to the development, The final design is to be considered at reserved matters stage and it should be sympathetic to spatial character of the area. The access is acceptable and without harm to other users of the highway. Finally, it is considered that the proposed development can be undertaken with detriment to the amenities of the occupiers of surrounding properties and by securing the contributions set out would be without harm to the environment and existing infrastructure and community facilities. The proposed development is therefore considered to be accordance with paragraphs 14, 17, 49, 56, 103, 109, 118 and 121 of the NPPF 2012 and Policies S6, CF1, H4, BNE1, BNE2, BNE23, BNE35, BNE37, T1 and T13 of the Local Plan. The application is therefore recommended for approval.

The application would normally be determined under delegated powers but is being reported for Committee determination due to the number of representations received contrary to the recommendation.

This application was considered by Members at the Planning Committee on the 17 January 2018 when it was determined to defer for confirmation about an education contribution and further information regarding the ownership of the road the proposed access is to come off and measures to prevent non residents utilising the proposed parking.

Since the meeting the applicant has agreed to the £61,873.07 education contribution broken down to £10,566.40 for Nursery and £23,400.00 for Primary towards a new free school in the Gillingham area or expansion at St Thomas of Canterbury and £27,906.67 for Secondary School at Chatham Grammar School for Girls and/or a new free school. The applicant also indicated that.

The access to the site, leading from Canterbury Street, is mainly in the ownership of the applicants. There are small slithers of land that are in the ownership of third

parties, however, the majority is controlled by the NHS. Other business owners and landowners have rights of access over the land. The issues of non residents using the proposed parking spaces can be covered under the parking management plan requested under condition 11.

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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 in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess.medway.gov.uk/online-applications/>