

MC/17/3455

Date Received: 9 October 2017

Location: 89 Ingram Road Gillingham Kent

Proposal: Demolition of existing buildings and redevelopment of the site to provide 22 residential apartments alongside associated parking, access and infrastructure works

Applicant Mr Chadd

Agent Mr Bedford Eclipse House  
Eclipse Park  
Maidstone  
Kent  
ME14 3EN

Ward: Gillingham North Ward

Case Officer: Doug Coleman

Contact Number: 01634 331700

---

**Recommendation : Approval subject to ;**

- A. Subject to the applicant entering in a Section 106 agreement to secure:
- 1) A contribution of £10,294.90 towards improvements to Railway Street surgery.
  - 2) A contribution of £4,243.20 for nursery education towards improvements at Saxon Way Primary School
  - 3) A contribution of £12,729.60 for primary education towards improvements at Saxon Way Primary School
  - 4) A contribution of £12,199.20 for secondary education towards improvements at Chatham Girls Grammar School
  - 5) A contribution of £4,066.40 for sixth form education towards improvements at Chatham Girls Grammar School
  - 6) A contribution of £37,397.01 towards improvements to Queen Elizabeth Fields and/or Hillyfields Community Park.

7) A contribution of £4,918.76 towards bird mitigation is the North Kent Special Protection Areas

B. And the following 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:

Drawing numbers 1701/09 & 1701/19 received on 9 October 2018; 1701/04B, 1701/10B, 1701/11B, 1701/13B, 1701/15A and 1701/16C received on 10 May 2018; 1701/02B, 1701/03B, 1701/05B, 1701/06B, 1701/07B, 1701/08B and Accommodation Schedule received on 4 June 2018; and 1701/12B & 1701/14B received on 8 June 2018.

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

3 No development, including demolition, shall take place until a Construction Environmental Management Plan (CEMP) that describes, amongst other matters, measures to control hours of working, deliveries to the site, noise, dust and lighting, wheel cleaning/chassis cleaning, pollution incident control and site contact details in case of complaints arising from the demolition and construction phases of the development has been submitted to and approved in writing by the Local Planning Authority. The construction works shall be undertaken in accordance with this approved plan.

Reason: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents and with regard to Policy BNE2 of the Medway Local Plan 2003.

4 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 take place until conditions 5 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: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or water courses as a result

of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 5 No development shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been 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. 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. 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/or water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 6 No development shall take place until 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 has been prepared and submitted to and approved in writing by the Local Planning Authority. 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/or water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 7 No development shall take place (other than development required to enable the remediation process to be implemented) until the approved remediation scheme has been carried out in accordance with its terms. 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/or 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 in accordance with the requirements of 5, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of 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 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 6.

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 In this Condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs a) and b) below shall have effect until the expiration of 5 years from the date of occupation of the building for its permitted use.

- A. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars. Any pruning approved shall be carried out in accordance with British Standard 3998 (Tree Work).
- B. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.
- C. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this Condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written approval of the Local Planning Authority.

Reason: To protect and enhance the appearance and character of the site and locality, in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 10 No development shall take place until the implementation of a programme of archaeological work has been secured in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority. The archaeological works shall thereafter be carried out in accordance with the approved specification.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on any archaeological interest and in accordance with Policy BNE21 of the Local Plan 2003.

- 11 No development above slab level shall take place until details and samples of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented 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.

- 12 No part of the development hereby permitted shall 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 contain measures to safeguard the security of the rear gardens of adjoining properties. The boundary treatment shall be completed in accordance with the approved details before any part of the development 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, BNE2 and BNE8 of the Medway Local Plan 2003.

- 13 Prior to the occupation of the development hereby permitted, a scheme for protecting the proposed development from noise that implements the measures described in the noise assessment reference MRL/100/1274.1v1 dated November 2017, shall be submitted and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the occupiers of the proposed development and having regard to the provision of Policy BNE2 of the Medway Local Plan 2003.

- 14 No part of the development herein approved shall be occupied until the area shown on the submitted layout drawing no: 1701-03A as vehicle parking space and garaging has been provided, surfaced, drained and marked out on site. 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 and garaging.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking and in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

- 15 No part of the development hereby permitted shall be occupied until details of secure private cycle parking provision shown on drawing numbers 1701-04B and 1701-11B has been provided. The cycle parking shall be implemented in accordance with the approved details 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.

- 16 Prior to the installation of any external lighting on the site, details of such lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the height, position, external appearance, any shielding, light intensity, colour, spillage (such as light contour or lux level plans showing the

existing and proposed levels) and hours of use together with a report to demonstrate its effect on the landscaping of the site (including an overlay of the proposed lighting onto the site landscaping plans), nearby residential properties, bats (including reference to the recommendations of the Bat Conservation Trust) and of how this effect has been minimised. Any external lighting shall be implemented in accordance with the approved details.

Reason: In order to limit the impact of the lighting on the landscaping of the site, nearby residents and wildlife and with regard to Policies BNE1, BNE2, BNE5 and BNE39 of the Medway Local Plan 2003.

- 17 Prior to the first occupation of any part of the development herein approved, the refuse storage arrangements for shown on drawings nos: 1701-03A and 1701-20 shall be provided in accordance with the details herein 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.

- 18 Prior to first occupation of any unit within the proposed development hereby permitted 2 electric vehicle charging points shall be provided within the car park and thereafter retained.

Reason: To promote sustainable transport and reduce greenhouse gas emissions in accordance with Paragraph 30 of the National Planning Policy Framework.

- 19 The building shall not be occupied until details of ecological enhancement measures have been submitted to and approved in writing by the Local Planning Authority. The approved shall be provided before the building is occupied and shall be maintained for the duration of the development.

Reason: In the interests of ecology and in accordance with the provisions set out under Policies BNE37, BNE38 and BNE39 Medway Local Plan 2003.

## **Recommendation**

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 24th October 2018.

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

## **Proposal**

This application is for the demolition of existing buildings and redevelopment of the site to provide 22 residential apartments alongside associated parking, access and infrastructure works.

The proposal is for the demolition of existing buildings within the site and the construction of two blocks, comprising a total of 22 apartments, with 18 car parking spaces. The larger block (Block A) would be four storeys high and would be located at the front of the site, comprising 15 flats. Block B would be three storeys high and located at the rear of the site. This building originally comprised 9 flats, but the proposed scheme has been amended and Block B has been reduced in size to 7 flats. The development now comprises the following:

### **Block A**

- Ground floor: entrance lobby, cycle and bin storage together with two 1-bedroom and one 2- bedroom apartments;
- First floor: one 1-bedroom and four 2- bedroom apartments;
- Second floor: one 1-bedroom and four 2-bedroom apartments;
- Third floor: two 2-bedroom apartments.

### **Block B**

- Ground floor: Entrance lobby, cycle store and two 1-bedroom units;
- First floor: one 1-bedroom unit and two 2-bedroom units;
- Second floor: two 2 bedroom units.

The existing vehicular access to the site would be closed off and a new vehicular access would be created at the southern end of the site frontage, where the two storey office building is currently located. 22 car parking spaces are shown, including 4 undercroft spaces on the ground floor of Block A. Pedestrian access to Block A would be directly off Ingram Road in the approx. position that the disused toilet block now stands.

## **Site Area/Density**

Site Area: 0.2 hectare (0.49 acre)

Site Density: 90 dph (36.4 dpa)

## **Relevant Planning History**

MC/13/1096 Conversion of existing garages and toilet block into two 3-bedroomed dwellings with garages including construction of a first and second floor extension

Withdrawn by Applicant 03/06/2013



MC/12/0633 Conversion of existing garages and toilet block into two 2 bedroomed apartments with garages  
Refused 26/06/2012

## **Representations**

The application was advertised on site and in the press as major development and as development affecting the setting of a designated Conservation Area, and by individual neighbour notification to the owners and occupiers of neighbouring properties.

Environment Agency, Natural England, KCC Archaeology, Kent Police, Southern Water Services, EDF Energy, NHS, and Southern Gas Networks have also been consulted.

29 letters were received objecting to the original application raising the following concerns:

- Overdevelopment of site;
- Four storey building would be out of character and detract from Conservation Area
- Overlooking of neighbouring properties;
- Loss of light;
- Inadequate parking would lead to increased on street parking;
- Loss of existing parking in garages;
- Proposal would increase traffic in Ingram Road which is already busy and add to congestion and traffic hazards in area;
- Concerns about access onto Ingram Road at this point;
- Access to site is close to pedestrian crossing, bus stops and school entrance and would add to traffic problems;
- Increase in noise, disturbance and pollution;
- Waste;
- Loss of security by opening up site;
- Impact on schools, hospitals, water supply etc.;
- Submitted documents are misleading.

**One** further letter of objection has been received raising the following objections:

- Disturbance to quiet garden;
- Loss of outlook;
- Proposal would add to parking problems in area.

All other matters raised are non-material

**Natural England** advises that the net increase in residential accommodation may increase disturbance in Special Protection Areas and the appropriate financial contribution should be secured.

**KCC Archaeology** comments that the site is within the historic core of medieval Gillingham close St Mary Magdalen Church (Grade II\*). Virtually everything of the medieval settlement has been swept away, but buried archaeological remains are likely to have survived. In the event of planning permission being granted provision should be made for a programme of archaeological evaluation and an appropriate condition is recommended.

**Kent Police** have written providing guidance in relation to secure by design aspects.

**Southern Water** have written advising of the approximate positions of public sewers within the vicinity of the site and the need for the development to provide additional infrastructure.

**Southern Gas Networks** have written 'attaching' a plan of apparatus in the area (plan not attached).

All consultees and objectors have been notified of the receipt of revised drawings

**17 letters** have been received raising the following objections to the revised plans:

- The proposed changes will make no difference in terms of loss of privacy, loss of light, parking, traffic, noise and disturbance;
- Parking is still below standard;
- Buildings would still be overbearing;
- Loss of security resulting from reduction in height of boundary wall from 3m to 1.8m;
- Bin storage area will attract rats, vermin and smell;
- Imposing buildings would result in overlooking;
- Proposed flats would be out of character with adjoining Conservation Area;
- Noise and disturbance during construction;
- Loss of garages would increase on street parking;
- Site is opposite a school and development would put children's lives at risk
- Impact on schools and health services;
- Site is allocated for a GP surgery in local plan, which is needed as existing surgeries are oversubscribed;
- There are not enough jobs to support people moving in;
- Loss of flora and fauna.

**Environment Agency** has commented on the revised drawings raising no objection subject to appropriate conditions.

**Natural England** has written advising that their previous comments still apply.

**Southern Water** has written raising no objection.

## **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**

Since the agenda has been produced, the National Planning Policy Framework has been revised. The application has been considered against the following paragraphs 11d, 56, 59, 105, 108, 124, 127, 170, 175, 176, 178, 180, 181 and 190. There is no change to the recommendation as set out.

### *Principle*

The core principles set out in Paragraph 17 of the NPPF, alongside paragraph 49, which states that there should be a presumption in favour of sustainable housing development to support the provision of housing to meet the needs of the area.

The site is within the urban area, and is identified as a housing allocation under Policy H1 (GL159) with a nominal figure of 5 units. It also states that there shall be a development brief to guide development. The site is also identified as being suitable for a healthcare facility under Policy CF3.

Whilst the allocation under Policy CF3 is noted, no application has been submitted to provide a healthcare facility on this site, while in the meantime such facilities have been provided elsewhere in the vicinity - Balmoral Gardens, Will Adams Centre. Medway NHS CCG is not seeking provision on this site, but is seeking a contribution towards facilities elsewhere. No objection is, therefore raised under Policy CF3 in terms of the loss of a potential healthcare facility.

Whilst the site has a nominal allocation of 5 units, regard should be paid to Policy H5 of the Local Plan which seeks to promote higher density development, close to town centres, public transport access points, and on routes capable of being well served by public transport. The site is relatively close to the town centre, the site is within an area of medium to high density development, and is well served by public transport. The density of the proposed development at 90 dph (36.4 dpa) is moderately high, but not excessive for a flat development and no objection is, therefore raised under Policy H5 of the Local Plan.

Due to the location of Block B, the proposal is considered to amount to a form of backland development and therefore falls to be assessed under the criteria specified Policy H9 of the Local Plan. In addition, the site is adjacent to the Gillingham Green

Conservation Area and the proposal also falls to be assessed under Policy BNE14 of the Local Plan and Paragraphs 128-134 of the NPPF. These considerations are set out below.

### *Design, appearance and effect on the character of the Conservation Area*

The application site is located on the east side of Ingram Road. The site is to the rear of the houses in Grange Road to the south and Gillingham Green to the north. It is currently occupied by garage blocks, two on the north side comprising 16 garages, two on the south side also comprising 16 garages, and a block of 3 garages on the western boundary. In addition there is a two storey flat roof office building in the south-west corner of the site and single storey workshop buildings within the site. The site also includes a disused former toilet block fronting Ingram Road.

The site is irregular in shape with a staggered frontage to Ingram Road of approx. 30m, which excludes and electricity sub-station within this frontage. The front part of the site is approx. 50m deep. Beyond this the site staggers slightly south with a pinch point of approx. 12m, beyond which the rear part measures approx. 20m wide, reducing to approx. 17m by 28m deep.

The site is enclosed by a metal palisade fence approx. 2m high with a gated entrance.

The site is currently hard surfaced and is occupied by blocks of lock up garages, several of which used for commercial/storage purposes. The two storey flat roofed office building at front of the site and a brick built former public convenience, are proposed to be demolished. The site at present has no design merit and does not make a positive contribution to the character and appearance of the area.

The area has a varied but average character. Ingram Road consists primarily of late nineteenth/early twentieth century two/three storey terraced housing, including former public houses converted to flats. There is an electricity sub-station in front of the site, which is to be retained. Immediately adjoining the site to the north is a two storey detached house with a steeply pitched roof. Beyond this house, there is a hot food take-away on the corner of Ingram Road and Gillingham Green.

To the south, the rear gardens of houses in Grange Road back onto the site. Grange Road, comprises mid twentieth century terraced houses (1930s). The rear garden of one of these properties, 25 Grange Road, is deeper and forms the eastern boundary to the application site.

To the north, the site is bounded by the rear gardens of properties in the Gillingham Green, which are in the Conservation Area. These properties also comprise a mid-twentieth century terrace, together with two detached bungalows. The only building of significance within this part of the Conservation Area is St Mary Magdalene Church, which is slightly further to the north-east.

The visual impact of each building needs to be assessed separately. Building A would be a 4 storey building fronting Ingram Road, and in terms of street scene would be the more prominent of the two buildings proposed. The top floor would be recessed, so that from street level the building would appear as three storeys. The main facing would be brickwork with brick infill panels. Render elements would be off white, with fascias and soffit boards as matt grey uPVC. The proposed building would make a strong statement and add to the variety of the street scene in Ingram Road. On balance, it is considered that the building would make a positive contribution to the character and appearance of the street scene.

Building B would be a smaller 3 storey building, located at the rear (eastern) end of the site. This building would be constructed in the same materials, but would be set back approx. 50m from Ingram Road and would mostly be screened from view from Ingram Road by Building A. It would, therefore, have little impact on the street scene. The only place it would be clearly visible would be from the rear gardens of properties in Grange Road and Gillingham Green. The relationship with these properties is considered and set out in the Amenity Section below.

No objection is raised in terms of design and appearance under Policies BNE1 and H9 (vi) of the Local Plan and Paragraph 56 and 58 of the NPPF

In addition to the impact on the street scene, regard should be paid to the effect of the development on the character and appearance of the Conservation Area. As stated above, the only public place from which the development would be readily visible would be Ingram Road, which is outside of the Conservation Area. Generally, it would not be readily visible from Church Green as it would be obscured from view by existing houses. The only exception would be from near the church gate where the proposed building may be visible through a gap between the end property of the terrace (16 Church Green) and a detached bungalow (18 Church Green). As the proposed building would be set back behind existing development, it would not be clearly noticeable or prominent and therefore no objection is raised in terms of the effect on the character and appearance of the Conservation Area under Policy BNE14 of the Local Plan and Paragraphs 128-134 of the NPPF.

### *Residential Amenity*

There are two main amenity considerations, firstly the impact of the proposed development on the living conditions which would be created for potential occupants of the development itself and secondly the neighbours. Policy BNE2 of the Local Plan and bullet point 4 of paragraph 17 of the NPPF relates to the protection of these amenities.

## Occupier amenity

### Block A

Unit No.	No. bedrooms and people	DCLG Standard sqm	Gross Internal Floor Area sqm	Bedroom 1 sqm	Bedroom 2 sqm
Ground Floor					
1	2b3p	61	62	12	9.8
2	1b2p	50	50	13.5	
3	1b2p	50	50	13	
First Floor					
4	2b3p	61	61	11.5	7.8
5	2b3p	61	63	11.6	8.4
7	2b3p	61	63	12.4	8.4
7	1b2p	50	50	11.5	
8	2b3p	61	62	12	9.8
Second Floor					
9	2b3p	61	61	11.5	7.8
10	2b3p	61	63	11.6	8.4
11	2b3p	61	63	12.4	8.4
12	1b2p	50	50	11.5	
13	2b3p	61	62	12	12
Third Floor					
14	2b4p	70	72	12	11.2
15	2b4p	70	78	17	14

### Block B

Unit No.	No. bedrooms and people	DCLG Standard sqm	Gross Internal Floor Area sqm	Bedroom 1 sqm	Bedroom 2 sqm
Ground Floor					
1	2b3p	61	62	11.5	8.75
2	2b3p	61	62	11.5	8.75
First Floor					
3	2b3p	61	62	11.5	8.75
4	1b1p	39	40	11.5	
5	2b3p	61	62	11.5	8.75
Second Floor					
6	2b4p	70	67.26	15	10.24
7	2b4p	70	70	13	10.2

Flat 4 on the first floor of Block B has been described as a one bedroom/one person flat and at 40 sq. m. would comply with the standard, although the bedroom is large enough to comply with the standard for a double bedroom.

Private amenity space is provided for the proposed flats.

Having regard to the above considerations, no objection is raised in terms of occupier amenity under Policies BNE2 and H9(iv) of the Local Plan.

### Neighbour amenity

The application site is bounded to the south by the rear gardens of nos 1-23 (odd) Grange Road, with the longer rear garden of 25 Grange Road to the east. Under the revised scheme, at its closest point, the south facing elevation of the proposed rear building (Block B) would be approx. 19m from the rear wall of the nearest building in Grange Road, and between 4m and 8m from the site boundary. As originally proposed the closest point would have been 15m. This therefore has the effect of reducing the impact in terms of outlook and an overbearing structure at the end of the gardens of these properties. The internal layout of Block B has been designed so that no habitable rooms face southwards to the rear of the houses in Grange Road, and there would, therefore be no unacceptable overlooking from the proposed development towards the rear of those properties.

Immediately to the north of the front part of the site is a detached house (91 Ingram Road). There would appear to be a window in the flank wall of the property, which would lose direct light as a result of the proposed development. However, the main windows are in the front and rear elevations. Whilst several representations have been raised to the proposed development, no specific concerns have been raised with regard to loss of light to that property. No windows are proposed in the north facing wall of the proposed building (Block A) so there would be no unacceptable overlooking from the proposed development towards that property.

The remainder of the northern boundary to the site is bounded by the rear gardens on nos 2a-14 Gillingham Green. 2a Gillingham Green is a detached bungalow with a rear garden approx. 10m deep. This garden adjoins the proposed parking area, so there would be no overlooking from the proposed flats towards that bungalow. There is the potential of overlooking from the parking area into the rear garden, together with some noise and disturbance. This could however, be addressed by a condition requiring appropriate boundary treatment.

The remaining properties in this section of Gillingham Green have rear gardens approx. 25m deep and the north elevation of the proposed building (Block B) would be approx. 28m from the rear of these houses. Although there are habitable rooms on the first and second floors of the proposed building facing towards the rear of these properties, in view of the distance, there would not be any unacceptable overlooking.

The proposal would not result in unacceptable levels of noise and traffic disturbance to local residents or the loss of any existing private gardens.

Having regard to the above, it is considered that on balance, there would be no adverse impact on the amenities of the occupiers of neighbouring properties and no objection is raised in this regard under Policies BNE2 and H9 (i), (iii) and (iv) of the Local Plan or Paragraph 17 of the NPPF.

### *Trees*

There are no trees on site. There are, however, six trees in close proximity to the site, which could be affected by the proposed development. A Tree Survey Plan and a Tree report have been submitted with the application. Subject to an appropriate condition seeking protection for these trees, no objection is raised under Policies BNE43 and H9(iv) of the Local Plan.

### *Highways*

#### Traffic Generation

The application was accompanied by a Transport Statement. This predicted a trip generation for the proposed development of 7 vehicular movements during the morning peak (0800-0900) and 8 vehicular movements during the evening peak (1700-1800). The predicted 12 hour (0700-1900) vehicular movement is 83. However, when this is offset against the existing authorised use, the net increase in vehicular movements resulting from the proposed development would be 2 during the morning peak, 3 during the evening peak and 43 throughout the day.

Taking the net increase in vehicular movements, it is considered that the additional traffic generated by the proposed development would not have a significant impact on highway safety or the free flow of traffic on the local highway network, and accordingly, no objection is raised under Policy T1 of the Local Plan.

#### Access

The proposed access, repositioned to the south of the existing access, would have satisfactory visibility of approaching vehicles and pedestrians, subject to the landscaping proposals along the site frontage. The access would be 4.1 metres in width, which would allow some two-way vehicle flow. No objection is, therefore raised to the proposed vehicular access under Policies H9(ii) and T2 of the Local Plan.

#### Parking

The Council's adopted Vehicle Parking Standards require the provision of 1 space for a one bedroom unit and 1.5 spaces for a two bedroom unit, plus 0.25 space per unit for visitor parking, resulting in a requirement of 35 spaces for the proposed development.



As originally submitted the scheme proposed 18 spaces for 24 units, a ratio of 0.75 space per unit. As amended, the scheme proposes 1 space per unit.

A review of 2011 Census car ownership data shows that the level of car ownership within the Gillingham North Ward is 0.94 per dwelling; based on the size and tenure of the proposed dwellings, it is estimated that the development would generate a demand for 19 spaces. The applicant commissioned a parking survey of surrounding roads within a 200 metre radius. This demonstrated that, whilst the demand for on-street parking is high in some streets, some of the areas closest to the site - Church Street, Church Path and Gillingham Green - had spare capacity. On this basis, and taking in to consideration the proximity of the site to local amenities and public transport, the parking provision is considered acceptable and no objection is raised in respect of Policy T13 of the Local Plan.

Secure cycle parking is to be provided in both flat blocks and in this regard, no objection is raised under Policy T4 of the Local Plan.

### *Contamination*

The site is currently occupied by lock up garages several of which are used, or have been used for commercial storage and there is therefore potential for contamination resulting from these uses. In addition, there have been various commercial uses in the vicinity of the site.

In view of these previous uses, it is recommended that in the event of planning permission being granted, appropriate conditions are imposed requiring the submission and approval of an investigation and if necessary, a remediation strategy. Subject to this condition, no objection is raised in terms of contamination under Policy BNE23 of the Local Plan and Paragraph 121 of the NPPF.

### *Air Quality*

Although the site is not within an Air Quality Management Area (AQMA) it will generate additional traffic onto Ingram Road/Church Street, which in turn will travel through the Pier Road AQMA. As a mitigation measure, it is recommended that a condition be attached to any planning permission requiring the provision of electric charging points within the proposed car park. Subject to this condition, no objection is raised in terms of air quality under Policy BNE24 of the Local Plan and Paragraph 124 of the NPPF.

### *Noise*

A Noise Assessment was submitted with the application. The principle noise source is the adjacent electricity sub-station which emits a continuous low level noise. During the daytime, noise from the sub-station was generally not audible above road traffic noise, although at nighttime, when traffic noise was lower it was more audible. A mitigation

scheme is proposed which should address this noise issue. Subject to an appropriate condition requiring the implementation of these mitigation measures, no objection is raised in terms of noise under Policy BNE2 of the Local Plan and Paragraph 123 of the NPPF.

### *Developer contributions*

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 following obligations are sought and are considered to 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 fairly and reasonably related in scale and kind to the development:

A contribution of £10,294.90 based on an occupancy ratio of 2.45 persons per unit and £191 per person as set out under the HUDU model. The contribution is to be used for improvements to Railway Street surgery.

A contribution of £4,243.20 based on an occupancy ratio of 0.03 pupils per two bedroom unit and £8,320 per pupil for nursery education. The contribution is to be used for improvements at Saxon Way Primary School

A contribution of £12,729.60 based on an occupancy ratio of 0.09 pupils per two bedroom unit and £8,320 per pupil for primary education. The contribution is to be used for improvements at Saxon Way Primary School

A contribution of £12,199.20 based on an occupancy ratio of 0.06 pupils per two bedroom unit and £11,960 per pupil secondary education. The contribution is to be used for improvements at Chatham Girls Grammar School

A contribution of £4,066.40 based on an occupancy ratio of 0.02 pupils per two bedroom unit and £11,960 per pupil sixth form education. The contribution is to be used for improvements at Chatham Girls Grammar School

A contribution of £37,397.01 based on an occupancy ratio of 1.33 persons per one bedroom unit and 2.44 persons per two bedroom unit, resulting in an occupancy of 48.13 persons and a contribution of £777 per unit to be used on improvements to Queen Elizabeth Fields and/or Hillyfields Community Park.

The applicants have agreed to pay these contributions, but to date have not entered into a Section 106 agreement. In the absence of this agreement an objection is raised under Policy S6 of the Local Plan.

## *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 total contribution for 22 units would amount to £4,918.76

The applicants have agreed to pay this tariff, which will be included in the Section 106 agreement to secure other developer contributions. No objection is therefore raised under Paragraphs 109 and 118 of the NPPF and Policies S6 and BNE35 of the Local Plan.

## **Conclusions and Reasons for Approval**

The principle of the proposed development is acceptable and no and would be in accordance with Policies H1, H5 and H9 of the Local Plan and Paragraphs 17 and 49 of the NPPF. Subject to appropriate conditions, the proposal is acceptable in terms of design and appearance, the impact on the neighbouring Conservation Area, amenity, trees, traffic generation, access, parking contamination, air quality and noise, and as such would accord with Policies BNE1, BNE2, BNE14, BNE23, BNE24, BNE43, T1, T2 and T13 of the Local Plan and Paragraphs 17, 56, 58, 121, 123, 124 and 128 of the NPPF. The applicant is agreeable to entering into a Section 106 agreement to secure appropriate developer contributions and no objection is raised under Policy S6 of the Local Plan. The application is, therefore, recommended for approval.

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

expressing a view contrary to officer's recommendation.

The application was considered by the Committee on 1 August 2018 when Members resolved to defer the application for further discussions with the applicant on parking issues and to obtain more survey information from the applicant.

The Senior Planner met with the applicant on 21 September 2018 to discuss Members concerns. Following the meeting, an e-mail was received from the applicant on 26 September 2018 asking for the application to be determined as it stands.

---

### **Background Papers**

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess1.medway.gov.uk/online-applications/>