

MC/19/0008

Date Received: 3 January 2019

Location: Britton Farm Car Park Jeffery Street Gillingham Medway

Proposal: Construction of a five storey block comprising of seventeen 1-bedroom and twenty seven 2-bedroom self-contained flats with associated parking, landscaping and bin store

Applicant Medway Development Co Ltd

Ward: Gillingham North Ward

Case Officer: Karen Cronin

Contact Number: 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 20th March 2019.

Recommendation - Approved subject to:

A. The applicant / owner entering into an agreement under Section 106 of the Town and Country Planning Act to secure:

- Contribution of £11,501.28 towards bird disturbance mitigation measures
- Restriction on permit parking for residents of this development
- Delivery of 100% affordable housing

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 18.139-001; 18.139-005; 18.139-010 01; 18.139-011 01; 18.139-015; 18.139-016; 18.139-020 03; 18.139-021 01; 18.139-030 03; 18.139-031 04; 18.139-032 04; 18.139-033 04; 18.139-034 04; 18.139-035 04; 18.139-036 04; 18.139-037 04; 18.139-040 04; 18.139-041 04; 18.139-042 02; 18.139-043 02.

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

- 3 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.

- 4 Prior to the first occupation of any dwelling/the development herein approved, full details of both hard and soft landscape works and a timetable for implementation 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 any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 5 No dwelling 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 be completed in accordance with the approved details before any dwelling is occupied and shall thereafter be retained.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 6 No dwelling shall be occupied until the cycle parking provision shown on the approved ground floor plans have been fully implemented. All such cycle storage 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.

- 7 Prior to the first occupation of the building herein approved details of the refuse storage arrangements for the building, including provision for the storage of recyclable materials, shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved refuse storage arrangements for the building are in place and all approved storage arrangements shall thereafter be retained.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 8 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; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control; delivery and removal information, 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 in order to minimise the impact of the construction period on the amenities of local residents and with regard to BNE2 of the Medway Local Plan 2003.

- 9 No development shall take place until an acoustic assessment has been undertaken to determine the impact of noise from transport related sources and shall be made in accordance with BS8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. The results of the assessment and details of a scheme of acoustic protection shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of acoustic protection sufficient to ensure internal noise levels (LAeq,T) no greater than 30dB in bedrooms and 35dB in living rooms with windows closed and a maximum noise level (LAm_{ax}) of no more than 45dB(A) with windows closed. Where the internal noise levels will be exceeded with windows open, the scheme shall incorporate appropriate acoustically screened mechanical ventilation. The scheme shall include details of acoustic protection sufficient to ensure amenity noise levels of not more than 55dB (LAeq,T). 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: Required before commencement of development in order to minimise the impact on the amenities of local residents and so that the requirements can be built into the scheme before construction with regard to Policy BNE2 of the Medway Local Plan 2003.

- 10 No development shall take place until an Air Quality Emissions Mitigation Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall be prepared in accordance with the Medway Air Quality Planning Guidance (April 2016), and shall specify the measures that will be implemented as part of the development to mitigate the air quality impacts of development related emissions. The total monetary value of the mitigation to be provided shall be demonstrated to be equivalent to, or greater than, the total damage cost values calculated as part of the approved Emissions Mitigation Assessment, reference J3616A/1/F2, dated 22 February 2019. The development shall be implemented, and thereafter maintained, entirely in accordance with the measures set out in the approved Mitigation Statement.

Reason: In the interests of amenity and minimising air pollution in accordance with policy BNE24 of the Medway Local Plan 2003.

- 11 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 a timetable for its implementation (including phased implementation where applicable).

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 165 of NPPF.

- 12 Prior to occupation, a signed verification report carried out by a qualified drainage engineer (or equivalent) must be submitted to and approved by the Local Planning Authority to confirm that the Sustainable Drainage System has been constructed as per the agreed scheme and plans.

Reason: This condition is sought in accordance with paragraph 165 of the NPPF to ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere.

- 13 No part of the development shall be occupied until a Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Parking Management Plan shall contain details of how the parking spaces within the development are to be managed and preserved for use by future residents and their visitors. The Parking Management Plan shall be implemented in accordance with the approved details prior to the first occupation of the development and shall thereafter be retained.

Reason: to ensure satisfactory off-street parking in accordance with Policy T13 of the Medway Local Plan 2003.

- 14 The dwelling herein approved shall not be occupied until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking 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.

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 construction of a five storey block comprising of seventeen 1-bedroom and twenty seven 2-bedroom self-contained flats with associated parking, landscaping and bin store above an existing public car park.

The proposed building would provide a mix of one and two bedroom units. There will be provision for stores, waste and recycling, plant, and cycle parking as well as car parking at basement level, and a landscaped courtyard at ground floor level.

The site is location on the periphery of the core retail area of Gillingham town centre, relatively close to the train station.

For reasons of viability this application must be considered alongside an application submitted at Chatham Waterfront under reference MC/18/3659 which is also on this agenda. It is proposed to locate the affordable housing for the Chatham Waterfront proposal off site at this Britton Farm site and hence the link between the two applications.

Site Area/Density

Site Area: 0.16 hectares (0.39 acres)

Site Density: 300 dph (121 dpa)

Representations

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

Historic England, Environment Agency, Highways Agency, Southern Water, Network Rail, NHS, Southern Gas Network, EDF and Kent Police have also been consulted.

One letter of objection has been received making the following comments:

- Overdevelopment of the site
- Negative impact on the High Street
- Not enough local services to support this development

One letter of support has been received commenting that there is a need for more affordable housing in the area

Kent Police have commented that the applicant has not yet demonstrated that they have considered crime prevention and have attempted to apply the seven attributes of Crime Prevention through Environmental Design. The letter sets out issues to be addressed and suggest the developer contacts them to ensure compliance with BREEAM and SBD.

Southern Water raise no objections to the proposal and have stated that they can provide water supply to the site. Their desktop study shows that there is an increased risk of flooding unless any required network reinforcement is provided by Southern Water. Southern Water and the developer will need to work together to deliver any such reinforcement. They have suggested a condition relating to the occupation of the development and sewerage network reinforcement and a condition relating to foul and surface water sewerage disposal.

Southern Gas Networks comment that the site is in the vicinity of a low pressure mains. There should be no mechanical excavations taking place within 0.5m of a low/medium pressure system. You should, where required confirm the position using hand dug trial holes.

Natural England comment that the site is within 6km of the coastal Special Protection Area and Ramsar site and will result in a net increase in residential accommodation that may result in impacts from increased recreational disturbance, as such an appropriate assessment is required and a financial contribution towards mitigation.

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 2019 and are considered to conform.

Planning Appraisal

Background

The proposal has been subject to pre-application discussion and Member Presentation. The applicant has made changes to the final scheme submitted based on the comments received. Changes made to the scheme include amendments to the ground floor layout and entrance, a reduction in units and changes to car parking.

Principle

The proposal is for the construction of a five storey block comprising of seventeen 1-bedroom and twenty seven 2-bedroom self-contained flats, a total of 44 residential units, with associated parking, landscaping and bin store

The site is in the existing urban area and on land that is accepted as a brownfield site. Local and National Policies are generally supportive of residential development in the urban area and the re-use of previously developed land. Paragraph 117 of the NPPF seeks to make as much use as possible of previously developed or 'brownfield' land. Paragraph 118 of the NPPF gives substantial weight to the value of using suitable brownfield land within settlements for homes.

Policy H4 of the Local Plan sets out certain development that will be permitted within the urban area including mixed commercial and residential uses in proximity to town centres. The impact on the local environment will be addressed below but in principle there is no overriding objection to the development with regard to this policy or to the more recent advice in the NPPF, including paragraph 10 which says that applications should be considered in the context of the presumption in favour of sustainable development. A key element of national housing policy is to minimise the loss of greenfield sites for residential use by making the best use of development opportunities within existing urban areas.

The proposal is for high density housing close to the town centre, public transport and local facilities. In these locations low density housing will not be permitted in accordance with Policy H5 of the Local Plan. The NPPF and NPPG's encourage higher densities in appropriate locations.

The NPPF has a presumption in favour of sustainable development so that development that is sustainable can be approved without delay. The proposal is in a sustainable location on the periphery of Gillingham Town Centre and relatively close to the train station. The NPPF supports the delivery of a wide choice and mix of high quality homes to meet the needs of different groups in the community. This development would provide 100% affordable housing. The proposal would contribute to the vitality and viability of the area.

The redevelopment of the site for residential purposes is accepted in principle in accordance with Policy H4 and H5 of the Local Plan and Paragraphs 10, 11, 12, 117 and 118 of the NPPF.

Design

The scheme is for a five storey building with a recessed top floor. The intention for the development is to provide an attractive modern building of an appropriate scale for this prominent corner site marking the edge of the Town Centre. The scheme is design led and has evolved through the pre application process. The design approach draws on the

architectural style and materials used in surrounding buildings whilst standing out as a modern design to create an interesting and dynamic street scene.

The NPPF attaches great importance to the design of the built environment. Paragraph 124 advises that good design is a key aspect of sustainable development, creates better places to live and work and helps make development acceptable to communities. Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Policy BNE1 of the Local Plan is a general, criteria based policy for all development. It seeks appropriate design in relation to the character, appearance and functioning of the built and natural environment.

The development would be on a prominent corner plot at the junction of Jeffery Street and Britton Street and would be highly visible within the street scene. The surrounding area consists of a mix of two storey residential terraces and commercial units ranging from two storey pitched roof and four storeys high flat roof buildings as well as 4 storey blocks of flats. The height and footprint of the building responds to the existing buildings but has been made taller than the surrounding buildings partly to avoid a monolithic repetitive massing and form but mostly to provide a building of an appropriate scale on this important edge of Centre corner site .

Any building which exceeds the scale of the surrounding townscape has the potential to impact on the character and appearance of the area. At 5 storeys it is considered that the design of the proposal creates a skyline that introduces variety when compared to the other buildings currently planned in this area as it is considered that the proposal provides focus and interest while avoiding creating an uninteresting and monotonous wall of development. The main bulk of the building is 4 storeys with the top floor recessed to lessen the impact of the height, particularly from street level

Jeffery Street at this location creates a poor impression of the town centre for vehicles travelling along it and other users accessing the town centre from adjacent residential areas. For much of Jeffrey Street, the Town Centre turns its back on the Street, presenting backs of buildings, car parks and service yards onto that road. Over the years gaps in the urban fabric have developed, primarily for car parks and service yards. Whilst these fulfil useful town centre functions, it is important from an economic and public safety point of view to improve the environmental quality of this corridor and make it a living street once again. It is important that the Town Centre links into and forms part of the surrounding residential areas it serves rather than being the island separated by Jeffrey Street that it currently is. The Gillingham Town Centre Development Framework July 2007 sets out aspirations for this area and considered that these issues can be addressed through redevelopment of vacant/underused sites, reintroducing residential and employment uses fronting onto the street – both Jeffrey Street and the High Street. The proposed residential development will be sited above a private car park and partly on the former service area and would introduce an active frontage into an area that currently lacks one. This is vital in terms of re-connecting the Centre to the residential area it serves and would meet the objectives of the core planning principles set out in the National Planning Policy Framework.

The proposal is considered to have a high quality, contemporary design and as such the development would be in accordance with Policy BNE1 of the Medway Local Plan 2003 and paragraphs 124, 127, 128 and 130 of the NPPF.

Amenity

There are two main amenity considerations; the impact on the amenity of neighbours' and the standard of amenity which would be experienced by occupants of the site itself.

Impact on neighbours

By virtue of the siting, size and scale of the proposed building and the relationship and distance to neighbouring residential development and the relationship to the neighbouring commercial properties, there would be no detrimental impact on these neighbours in terms of loss of outlook, privacy, sunlight and daylight. However, there may be potential disturbance as a result of construction activity and consequently a condition requiring a Construction Environmental Management Plan is recommended.

Impact for future residents

The development has been assessed with regard to the Medway Housing Design Standards (interim) November 2011 and the Government's Technical Housing Standards 2015.

The proposal will comprise the erection of 44 one and two bedroom flats. The room sizes are all in accordance with the Government's Technical Housing Standards 2015. The Medway Housing Design Standards (MHDS) requires properties to have at least 5sqm additional private outdoor amenity space for flats and this is secured primarily through individual balconies. Screening for privacy would be included between balconies. All habitable rooms would have reasonable outlook.

With regard to noise, due to its location on a main road and bus route, an acoustic assessment to determine the impact of transport related sources is required and an appropriate condition is recommended, which includes requiring mitigation if necessary.

With regard to air quality the development would result in increased road activity along Jeffery Street. This could lead to a decrease in air quality, especially with the cumulative developments already in progress in this area. Consequently, a condition for basic air quality mitigation measures to help to off-set the impact of the development is recommended.

Subject to the recommended conditions, no objection is raised in terms of the amenities of both the future occupiers and neighbour amenities under Policies BNE2, BNE3, BNE24 and H4 of the Local Plan and paragraphs 127 and 170 of the NPPF.

Highways

The proposal would use the existing access to the road network from the existing undercroft car park and create no new access. The occupants will then access the building via the basement level or the street level entrance if on foot. The development proposes to use 46 parking spaces all allocated within the existing undercroft public car park for the residential development. The undercroft public car park will retain 50 pay and display spaces and 46 spaces for the proposed commercial use, which would become additional pay and display car parking at the weekend. The different parts of the car park will be accessed via separate secure barriers at the entrance with key fobs for the residential and commercial users. There will also be 18 car parking spaces for the proposed commercial use at ground floor level to the rear of the flat development but these would not be for residential users. In terms of the Council's parking standards, this will leave a slight under provision of visitor spaces. However the site is next to Gillingham Town Centre, close to the train station and bus services and as such this is a highly sustainable location. It is considered that a car parking management condition would be necessary to ensure the layout, access and security of the residential parking.

A Transport Assessment has been submitted as part of this application, which shows that the existing public car park is underutilised and that there are other public car parks in close proximity. As such the existing undercroft public car park is no longer required wholly for the purpose of public Town Centre parking and is suitable for appropriate development. Paragraph 103 of the NPPF seeks development located in sustainable locations, limiting the need to travel and offering choice of transport modes to reduce congestion and emission and improve air quality and public health. National Policy also promotes the use of walking and cycle over private car.

The proposal has been considered in the light of the level of proposed parking provision, the access and egress in relation to the existing access arrangement and highway and pedestrian safety generally. No objection to the principle of this development have been raised in the light of this highway consideration, especially due to the location of the site in close proximity to the town centre, accessibility by bus and proximity to the railway station, which permits a reduction to the Council's minimum parking standards.

The proposal will not result in any detrimental increase in risk to highways or pedestrian safety and is considered to be acceptable in terms of Policies T1, T2 and T13 of the Local Plan and paragraphs 102, 103, 109 and 110 of the NPPF. The proposal has the provision of secure cycle storage on a 1:1 basis in accordance with policy T4 of the Local Plan.

Proposed Commercial use subject to a separate application

A separate change of use application has been submitted for the site immediately abutting the development site to develop a number of commercial uses within the former supermarket building. It is proposed to convert the single storey retail space into offices

for the Kent and Medway NHS and Social Care Partnership Trust, who provide specialist health services and will amalgamate their operations from two buildings into one.

The retail building will be increased in height to provide a two storey element directly adjacent to this application site where it is intended to convert the former loading bay and first floor storage/office spaces into business start-up units. The submitted plans identify access and parking arrangements for the adjacent uses including refuse and delivery vehicle access. The parking arrangements for KMPT are outlined within the change of use application, which details the required provision from Monday to Friday only.

It is not considered that the plans submitted will adversely impact upon the amenities of prospective residents of this residential flat development.

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 have been calculated based on the quantum and location of the development. New residential development can create additional demand for local services. Policy S6 of the Local Plan states conditions and/or legal agreements should be used to make provision for such needs.

- All 44 units to be for affordable rent.
- Contribution of £11,501.28 towards bird disturbance mitigation measures
- Restriction on permit parking for residents of this development

The applicants have confirmed the above contributions are acceptable and on this basis no objections are raised with regards 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 £239.61 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 (SAMB) 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 SAMB measures is secured and the SAMB 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 and this will be included in the above S106 agreement. No objection is therefore raised under Paragraphs 175 and 176 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

The proposed development has a modern, contemporary design that will greatly enhance the area and this important corner site on the edge of the Town Centre. The proposal would result in an attractive residential development on the site. In addition, the benefits of the delivery of high quality affordable housing development must be considered as will additional residential accommodation within the Town Centre helping to increase the vitality and viability of the Centre.

The proposed development would not have a detrimental impact on neighbouring amenity of current or future occupiers in terms of daylight, sunlight, outlook and privacy or highways safety.

The proposal is acceptable in accordance with Policies S6, BNE1, BNE2, BNE3, BNE24, BNE35, H3, H4, H5, T1, T2, T3, T4 and T13 of the Local Plan and paragraphs 10, 11, 12, 17, 102, 103, 109, 110, 117, 118, 124, 127, 128, 130, 170, 175 and 176 of the NPPF.

The application would normally be determined under delegated powers but is being referred for Committee determination due to its link with the Chatham Waterfront significant development, also on this agenda.

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/>