

MC/19/2588

Date Received: 1 October 2019

Location: 89 Ingram Road Gillingham Medway ME7 1SH

Proposal: Variation of condition 2 (drawing numbers) on planning permission MC/17/3455 (demolition of existing buildings and re-development of the site to provide 22 residential apartments alongside associated parking, access and infrastructure works) to allow a minor material amendment for additional 2 flats to block A, resiting of bin/cycle store, reduction of 2 flats to block B, provision of communal lounge with wifi to ground floor, amendments to undercroft parking, re-positioning of parking spaces, retention of garage walls to boundary and provision of sub station

Applicant Windmill Construction Ltd,

Ward: Gillingham North Ward

Case Officer: Doug Coleman

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 4th March 2020.

Recommendation – Approved Subject to:

A. Subject to the applicant entering in a Deed of Variation in respect of the Section 106 agreement attached to planning permission MC/17/3455; and

B. And the following conditions:-

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of planning permission MC/17/3455, that date being 2 May 2019.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amend

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

Drawing numbers: 2019/02/P03 and 2019/02/P06 received on 11 November 2019; 2019/02/P04/F, 2019/02/P05/E, 2019/02/P10/C received on 2 January 2020; and 2019/02/P02/K received on 5 February 2020.

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

- 3 All demolition and construction works shall be undertaken in accordance with the Construction Environmental Management Plan (CEMP) prepared by Windmill Construction dated 16 September 2019 and approved by letter dated 5 December 2019 (reference MC/19/2659)

Reason: 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 The works specified in the Remediation Strategy Report prepared by Ground and Environmental Services Ltd dated October 2019 and approved by letter dated 5 December 2019 (reference MC/19/2659) shall be carried out in full prior to the first occupation or use of any part of the development herein approved.

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.

- 5 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, 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 the remediation scheme 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.

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 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.

- 7 The archaeological works specified in the report by Groundworks Archaeology dated October 2019 approved by letter dated 5 December 2019 (reference MC/19/2659) shall thereafter be carried out in accordance with the approved specification.

Reason: To avoid any irreversible detrimental impact on any archaeological interest and in accordance with Policy BNE21 of the Local Plan 2003.

- 8 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.

- 9 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 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.

- 10 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.

- 11 No part of the development herein approved shall be occupied until the area shown on the approved layout drawing number 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.

- 12 No part of the development hereby permitted shall be occupied until details of secure private cycle parking provision shown on drawing numbers 2019/02/P02/H, 2019/02/P010/C and 2019/02/P11/B 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.

- 13 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.

- 14 Prior to the first occupation of any part of the development herein approved, the refuse storage arrangements for shown on drawings numbers 2019/02/P02/H, 2019/02/P010/C and 2019/02/P11/B shall be provided in accordance with the details herein approved and the 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.

- 15 No development shall take place above ground floor slab level until details of the provision of 2 electric vehicle charging points have been submitted to and approved in writing by the Local Planning Authority. Details shall include the location, charging type (power output and charging speed), associated infrastructure and timetable for installation. The development shall be implemented in accordance with the approved details and shall thereafter be maintained.

Reason: In the interests of sustainability in accordance with paragraph 110E of National Planning Policy Framework 2019.

- 16 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 ecological enhancement measures shall be provided before the building is occupied and shall thereafter be maintained.

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

- 17 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 provided, managed and preserved for use by future residents and their visitors to deter on-street parking. 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.

- 18 The communal lounge in Block B shall be used only by occupiers of the proposed flats incidental to the enjoyment of the dwellings hereby approved and shall not be open to use by the general public or occupied and/or used for business purposes.

Reason: To regulate and control the permitted development in the interests of amenity in accordance with Policy BNE2 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

Planning permission was granted on 2 May 2019, following consideration by the Planning Committee on 24 October 2018 and the completion of a Section 106 agreement for the following:

‘Demolition of existing buildings and redevelopment of the site to provide 24 residential apartments alongside associated parking, access and infrastructure works’.

The development, as approved comprised the following:

Block A

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

Block B

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

The existing vehicular access to the site would be closed off and a new vehicular access proposed at the southern end of the site frontage. 22 car parking spaces were proposed.

The current application seeks to vary condition 2 to allow for a minor material amendment. The following changes are proposed:

Block A

- Ground floor: The removal of undercroft parking and re-positioning of bin/cycle store to enable the provision of an additional flat to the rear. The four ground floor flats would now all be two bedroom.
- First floor (one x 1-bedroom and four x 2-bedroom flats): no change other than internal alterations to the 1-bedroom flat.
- Second floor (one x 1-bedroom and four x 2-bedroom flats): no change other than internal alterations to the 1-bedroom flat and to one of the 2-bedroom flats).
- Third floor (two x 2-bedroom flats): recessed third floor moved further back and additional 1-bedroom flat created.

Block B

- Ground floor (Entrance lobby, cycle store and two x 1-bedroom units): two flats removed. Ground floor would now comprise communal lounge with wifi, bin/cycle store and storage/laundry room.
- First floor (one x 1-bedroom unit and two x 2-bedroom units)
- Second floor (one x 1-bedroom unit and two x 2-bedroom units): Installation of plant room and consequent changes to layout. Layout of two flats on second floor, would now corresponded with layout on first floor.

External changes

- Parking layout changed with loss of four undercroft spaces to be replaced by two spaces to side of Block A, an additional space in rear parking row between blocks and an additional space adjacent to Block B.
- The existing sub-station fronting Ingram Road, currently outside the application site is to be re-located to within the site (it is submitted that this would be the subject of a separate application by UK Power Network.)

The brick walls which formed the external walls of the garages on the site are now shown to be retained.

The current scheme, as originally submitted proposed a gymnasium for use by occupiers of the proposed development. However, it was considered that the introduction of a gymnasium would fall outside the terms of the original planning permission and as such could not be dealt with as a minor material amendment. The gymnasium has, therefore been removed and the area is now to be used as a communal lounge.

Site Area/Density

Site Area: 0.2 hectares (0.49 acres)

Site Density: 90 dph (36.4 dpa)

Relevant Planning History

MC/17/3455	Demolition of existing buildings and redevelopment of the site to provide 22 residential apartments alongside associated parking, access and infrastructure works Approved 2 May 2019
------------	--

Representations

The application has been advertised on site and in the press as a major development and by individual neighbour notification to the owners and occupiers of neighbouring properties. EPF Energy has also been consulted.

4 letters (including 2 from the same household) have received raising the following objections:

- Addition of gymnasium will not make scheme more acceptable.
- The proposed cycle store should have good security.
- No point in objecting a proposal has already been approved.
- Revised plans will bring top floor of Block B closer to boundary and to neighbouring properties.
- Security at site entrance needs to be addressed.

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

Principle

The principle of the proposed development was considered acceptable and planning permission granted on 2 May 2019 under reference MC/17/3455. There have been no changes in policy terms that would result in a contrary recommendation and therefore there is no objection in this regard.

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

When the original application was considered, the impact of each building was assessed separately. Building A, fronting Ingram Road would be the more prominent building, whilst Building B located to the rear would be set back approx. 50m from Ingram Road, mostly be screened by Building A, and would have little impact on the street scene. It would only be visible would be from the rear gardens of properties in Grange Road and Gillingham Green. The design of the proposed development, was considered to be acceptable and in accordance with Policies BNE1 and H9 (vi) of the Local Plan.

The proposed amendment would involve no changes to the bulk, mass, and materials of the proposed buildings. The changes relate to the facades and detailing of the proposed buildings and would not alter their appearance such as to have an adverse impact. No objection is, therefore raised to the proposed amendment in terms of design and appearance under Policies BNE1 and H9 (vi) of the Local Plan and Paragraphs 124 and 127 of the NPPF.

Regard was also paid to the effect of the proposed development on the character and appearance of the Conservation Area. As the proposed building would hardly be visible from the Conservation Area, no objection would be raised in this regard. The proposed amendments to the scheme raise no new issues in this regard and accordingly no objection is raised to the amendment when considered against Policy BNE14 of the Local Plan and Paragraph 192 of the NPPF.

Amenity

No new issues are raised in terms of occupier amenity by the proposed amendments.

Similarly, the proposed amendment would not raise any adverse impacts in terms of loss of light, privacy or outlook. The internal layout of Block B had been designed so that there were no habitable rooms with windows on the south facing elevation that would result in unacceptable overlooking, towards the rear of those properties. To the north, the rear gardens to the properties in Gillingham Green are approx. 25m deep and the north elevation of the proposed building (Block B) would be approx. 28m from the rear of these houses. As with the approved scheme, there are habitable room windows on the first and second floors of Block B facing towards the rear of these properties, but in view of the distance, there would not be any unacceptable overlooking.

No objection is, therefore, raised in terms of amenity under Policies BNE2 and H9 (i), (iii) and (iv) of the Local Plan or Paragraph 127f of the NPPF.

Highways

The scheme, as approved showed 22 parking spaces which amounted to one space per unit. The under croft parking at Block A has been lost to improve access to the bin store and to enable refuse vehicles and fire appliances to turn within the site. Two replacement

spaces have been provided resulting in the provision of 20 spaces for the revised scheme. Whilst the loss of 2 parking spaces is regrettable, it is considered that having regard to the previous grant of planning permission and the need to enable these vehicles to turn within the site, no objection can be raised in terms of parking under Policy T13 of the Local Plan and Paragraph 109 of the NPPF. It is, however, recommended that an additional condition be imposed requiring the submission and approval of a parking management plan, to enable any issue raised by the reduction in the number of parking spaces proposed to be addressed.

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.

Other matters

The application also proposes the relocation of an electricity sub-station. The existing sub-station is located in front of, but outside the application site. UK Power Networks need to upgrade the sub-station and re-locate it within the site. The removal of the existing sub-station being outside the site is not controllable under this application. However, as it is to be included within the site it now falls to be considered as part of this application. Its re-positioning raises no new issues or concerns and therefore can be considered as a minor material amendment.

The application to vary the condition to raises no adverse impacts in terms of contamination, air quality and noise and therefore no objections are raised in this regard under Policies BNE2, BNE23 and BNE24 of the Local Plan and Paragraphs 121, 123 and 124 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.

When the previous planning application was considered, the following developer contributions were sought and a Section 106 agreement secured:

- 1) 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.
- 2) 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

- 3) 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
- 4) 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
- 5) 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
- 6) 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.
- 7) A contribution of £4,918.76 towards bird mitigation in the North Kent Special Protection Areas

In the event of planning permission being granted, it is recommended that the applicant enters into a Deed of Variation to the Section 106 agreement so that it now relates to the new application.

Climate Change and Energy Efficiency

The applicant has indicated that all materials will be used to exceed the requirements of the latest building regulations and in particular Part L (Energy Use) and will utilise materials that meet the BRE Green Guide A+ rating. (Materials which have the lowest overall environmental impact over the lifecycle of a product as calculated by BRE Environmental Assessment Method).

All new windows are to be double-glazed windows which will significantly reduce noise and improve heat insulation. Low NOx boilers and electric car points will also be provided, while all hardstanding's will be self-draining.

The close proximity of amenities including public transport, public park, leisure facilities, businesses and shopping facilities from the proposed development mean the length of journey is minimal promoting walking and making it not essential to own a car. Secured bike storage can be provided within the secured rear private gardens or within garages, as such the development offers the opportunity for a sustainable transport solution

Conclusions and Reasons for Approval

The application to vary condition 2 of planning permission MC/17/3344 raises no new matters of principle under Policies H1, H5 and H9 of the Local Plan. No harmful impacts result in terms of contamination, air quality and noise under Policies BNE2, BNE23 and BNE24 of the Local Plan and Paragraphs 178, 180 and 181 of the NPPF.

The amendments to the proposal are considered to be acceptable in terms of design and appearance, the impact on the neighbouring Conservation Area, amenity and parking and would accord with Policies BNE1, BNE2, BNE14 and T13 of the Local Plan and Paragraphs 109, 121, 124 127, 178, 180 and 181 of the NPPF.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the number of representations received expressing a view contrary to officer's recommendation.

Background Papers

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

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