

MC/20/0559

Date Received: 28 February 2020

Location: Former NHS Walk In Centre 547-553 Canterbury Street
Gillingham ME7 5LF

Proposal: Construction of a block comprising of twenty four 2-bedroom flats with new vehicular access and associated parking and landscaping

Applicant Pink Fortess Ltd,
Maya Al-Khalil

Agent Edgington Architectural Services Ltd
Mr Simon Edgington 12 Swale View
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Faversham
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Ward: Gillingham South Ward

Case Officer: Tom Stubbs

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 22nd July 2020.

Recommendation – Approval subject to:

a) A Section 106 agreement being entered into to secure the following:

- i) A contribution of £61,236.00 towards improvements to open spaces within the vicinity of the site (£58,179.56) and Great Lines Heritage Park (£3,061.80).
- ii) A contribution of £15,176.64 towards improvements at Balmoral Healthy Living Centre.
- iii) A contribution of £4,153.20 towards the maintenance and improvements of local bring centres and waste education
- iv) A contribution of £1,879.68 towards programme delivery for young people (ages 8-19 and up to 25 for people with disabilities) in the Gillingham area.
- v) A contribution of £4,397.76 towards community facilities within the vicinity of the site
- vi) A contribution of £37,959.85 for Education consisting of: Nursery £9,026.05 and Primary £7,736.59 to one or more of Greenvale Infants, Phoenix Juniors, New Road Primary, St Thomas of Canterbury. £1,452.26 to one or more

Brompton Academy, Victory Academy, Chatham Grammar School for Girls, Robert Napier.

vii) A contribution of £3,963.60 towards equipment and facilities at Luton Library.

viii) A contribution of £5,893.44 towards bird disturbance mitigation.

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 18/09/20 Rev A, 18/09/27 and the bin store elevations and floor plans and no other drawing within drawing number 17/09/28 received on 28 February 2020; drawing numbers 18/09/21 Rev E, 18/09/22 Rev E, 18/09/23 Rev D, 18/09/24 Rev D, 18/09/25 Rev E and 18/09/26 Rev D received on 15 May 2020.

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

- 3 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 in consultation with the Lead Local Flood Authority. Those details shall include (if applicable):

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

- ii. appropriate operational, maintenance and access requirements for each sustainable drainage component are adequately considered.

- iii. proposed arrangements for future adoption by any public body, statutory undertaker or management company.

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

- 4 Prior to occupation (or within an agreed implementation schedule) 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 agreed surface water system has been constructed as per the agreed scheme and plans. The report shall include details and locations of critical drainage infrastructure (such as inlets, outlets and control structures) including as built drawings, and an operation and maintenance manual for the unadopted parts of the scheme as constructed.

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.

- 5 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.

- 6 No development shall take place above slab level until details of the following architectural elements have been submitted to and approved in writing by the Local Planning Authority:

Ridge, eaves, verge, dormers, brick bonding & joint types, mortar colours, scheme colourways, entrance recess soffits, solar panels & brackets, balcony structures, balustrades, handrails, parapets & capping's, balcony recesses, window and door cills - jambs - heads , ground connections, wall plane changes, junctions at material changes, visible flashings, roof vents, electricity cupboards, waste enclosures, boiler and other flume placements. Continuous annotated wall/roof sections at 1:20 or 1:10.

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

Reason: To ensure conditions of visual amenity in the locality in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 7 No development shall take place above slab level until a scheme for protecting the proposed development from road transport noise sources that implements the measures described in the noise assessment reference 403.10797.00001 dated April 2020, has been submitted to and approved in writing by the Local Planning. 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 (LAMax) 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 development shall be implemented in accordance with the approved details before any part of the development is occupied and shall thereafter be retained.

Reason: To safeguard conditions of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 8 No development shall take place above slab level 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, and shall specify the measures to mitigate the development against related road transport emissions. The development shall be implemented in accordance with the approved details and shall thereafter be maintained.

Reason: To ensure that future occupier amenity and air quality in accordance with Policies BNE2 and BNE24 of the Medway Local Plan 2003.

- 9 No development shall take place above ground floor slab level until details of the provision of 3 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.

- 10 Notwithstanding the approved plans, no dwelling shall be occupied until full details of both hard and soft landscape works, ecological enhancements, any artefacts to be located within the development and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority.

Plans and information providing detailed hard landscaping throughout the site should be fully coordinated with the lighting strategy condition. The scheme should include details of existing and proposed finished ground levels, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, all paving and external hard surfacing, lighting and services (including drainage), tree grilles/guards, minor artefacts and structures (seating, refuse receptacles and raised planters). The soft landscaping should reflect the species and specifications of the planting within the submitted Detailed Planting Plan (Drawing Number: 0292/20/B/1C). The final location of soft landscape areas, including tree, hedge and shrub planting to the Canterbury Street frontage is to be confirmed.

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

- 11 The development shall not be occupied until full details relating to the design and specification of tree planting pits to enable healthy establishment at

maturity and a timetable of implementation shall be submitted to and approved in writing by the Local Planning Authority.

Information should provide details for the planting environment (including in both hard and soft landscape conditions), calculated soil volume, tree support and tie specification, guards and grilles, aeration and irrigation systems, soil build-up information (avoiding the use of tree sand), tree cell systems (to street tree planting environments). The design of a tree pit detail to Canterbury Street should clearly demonstrate interface details between the tree cell system and the following elements: build-up and treatment of the highway/ highway footway / development access footpath, railing foundation and any soft landscape components / soil build-up.

The tree pits should be installed and in accordance with the approved details and be maintained thereafter.

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

- 12 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.

- 13 Prior to the installation of any external lighting across the site, details of such lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include 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 and a report to demonstrate its effect on the landscaping of the site and vice versa (including an overlay of the proposed lighting onto the site landscaping plans). Any external lighting shall be implemented in accordance with the approved details.

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

- 14 Prior to the first occupation of the development herein approved, a Landscape Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include long-term design objectives, management responsibilities and maintenance schedules for all hard and soft landscape areas, including the planted tree line to Canterbury Street and communal courtyards (except for small, privately owned, domestic gardens) for a minimum period of five years and long term

arrangements for implementation. The development shall thereafter be managed in accordance with the approved details.

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

- 15 Prior to the first occupation of the development herein approved until a Waste Management Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Waste Management Strategy shall provide details of the frequency and method of collection of both recyclable materials and general household waste from both bin stores. The management of waste within the site shall thereafter be carried out in accordance with the approved details.

Reason: Required to ensure adequate waste collection without prejudice to the amenities of existing and future residents in accordance with Policy BNE2 of the Medway Local Plan 2003 and highway safety from reversing waste vehicles the length of the access road in accordance with Policy T1 of the Medway Local Plan 2003.

- 16 The dwellings shall not be occupied until details of secure private cycle storage in the form of individual lockers has been submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be implemented in accordance with the approved 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.

- 17 The proposed dwellings shall not be occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority. 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 2018 (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 of vehicles is likely to lead to hazardous on-street parking and in accordance with Policy T13 of the Medway Local Plan 2003.

- 18 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 parking spaces would be utilised and how future residents and their visitors will be deterred from 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.

- 19 The construction works shall be carried out at all times in accordance with the approved Construction Environmental Management Plan (Third Revision) undertaken by Pink Fortress Ltd received on 20 April 2020.

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.

- 20 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a method statement and remediation strategy and obtained written approval from the Local Planning Authority. The Method Statement and mitigation strategy must detail how this unsuspected contamination shall be dealt with and shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 170 of the National Planning Policy Framework.

- 21 No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 170 of the National Planning Policy Framework.

- 22 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated by a piling risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 170 of the National Planning Policy Framework.

- 23 The first floor windows serving bedroom 1 to the rear of unit 9; bedroom 1 and the living room in the rear elevation of unit 10 shall be fitted with obscure glass and shall be non opening as shown on drawing number 18/09/23 Rev D. This work shall be completed before the room it serves is occupied and shall be retained thereafter.

Reason: To ensure the development does not prejudice conditions of amenity by reason of unneighbourly overlooking of adjoining property, 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

This application seeks planning permission for the construction of a block comprising of twenty four 2-bedroom flats with new vehicular access and associated parking and landscaping.

The proposed two to three storey mixed height gable roofed block of flats would be predominantly two storey fronting Canterbury Street rising to three storeys nearer the junction of the access road where the three storey height is retained. A feature circular tower design is proposed at the road junction. The proposed building would be set back approx. 3-5m allowing for soft landscaping and street fronting trees to the Canterbury Street frontage. The internal court yard would be soft landscaped. Car parking would be provided to the rear of the development with 24 parking spaces three of which are proposed as electric charging points. The parking area is proposed to be partly block paved and part eco-block paving.

Each of the 2-bedroom dwellings would be dual aspect and have the following layout: 2-bedrooms, bathroom and open plan kitchen/diner/living room. Some flats will also benefit from a study.

The dwellings are proposed to consist of a mixture of yellow brick, cladding and render with slate roof and integrated PV panels in south facing slopes. There would be a mixture of silver UVPC windows and purpose built oriel box windows.

Site Area/Density

Site Area: 0.31 hectares (0.77 acres)

Site Density: 77.42 dph (31.17 dpa)

Relevant Planning History

MC/18/3653	Details pursuant to conditions 6, 7, 9 and 10 of MC/17/2872 - Outline application with some matters reserved (appearance, landscaping, layout and scale) for construction of up to 13no. dwellings with associated parking and landscaping. Decision: Split Decision Decided 27/3/2019
MC/18/3639	Application for approval of reserved matters being

	<p>appearance, landscaping, layout and scale pursuant to planning permission MC/17/2872 for the construction of 13 dwellings with associated parking Decision: Withdrawn Decided 5/4/2019</p>
MC/17/2872	<p>Outline application with some matters reserved (appearance, landscaping, layout and scale) for construction of up to 13no. dwellings with associated parking and landscaping Decision Approval With Conditions Decided 15/3/2018</p>
MC/14/0502	<p>Siting of a temporary NHS surgery building for a further 2 years with associated works Decision Approval With Conditions Decided 02/05/2014</p>
MC/08/1120	<p>Use of site as a temporary doctors incorporating the erection of a temporary building to be used as a surgery with attendant parking Decision Approval with Conditions Decided 02/10/2008</p>
GL/53/237T	<p>Change of use from 2 flats on first floor to offices ancillary to ground floor use of Nos. 553 and 555 Canterbury Street. Decision Approval with Conditions Decided 16/03/1977</p>
GL/53/237S	<p>Change of use from office and light industrial use to shop and ancillary storage, extension to adjoining existing shop, access to rear available for loading and off loading. Decision Approval with Conditions Decided 09/01/1976</p>

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. The Environment Agency, KCC Biodiversity, NHS Medway, EDF Energy, Southern Gas, Southern Water, RSBP, Natural England, Kent Wildlife Trust and Kent Police have also been consulted.

Five letters of objection from four objectors, including Cllr Prenter, have been received raising the following concerns:

- Insufficient parking and the impact on neighbouring roads which are already under pressures for parking.
- Impact of new housing on infrastructure, schools and hospitals.

- Overlooking of neighbours.
- Noise from car park.
- Overdevelopment of the site and previous approval is more appropriate.
- S106 money should be used to create parking solutions for neighbouring roads.

The Environment Agency have written to confirm the application is within a special protection zone 1. They have requested the following restrictions to any development approved via condition for unidentified contamination, no surface water infiltration and piling and foundations using penetrative measures to be agreed prior to commencement due to potential water pollution reasons.

KCC Biodiversity have written to confirm the submitted information is sufficient. Advised of requirement of mitigation due to distance to North Kent Marshes SPA/Ramsar Sites and suggested a condition to provide an enhancement to biodiversity.

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

Southern Water have requested an informative regarding connection to their sewage need investigation if uncovered during construction. They also indicated the site being on an area of source water protection zone.

UK Power Networks have provided a map of electrical lines and plant and fact sheet of information regarding development and UK Power Networks equipment. This will be advised as an informative.

Natural England have written to confirm the need for mitigation due to distance to the North Kent Marshes SPA/Ramsar Sites.

Kent Police have written to note the security section of the Design and Access Statement and Crime Prevention Proposals document and provide no further comment.

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 site was originally subject to an outline application in 2017. This was for the following:

‘Outline planning application with some matters reserved (appearance, landscaping, layout and scale) for up to 13 dwellings with associated parking’.

The indicative plan showed a development set back from the site and the committee report indicated that *a scheme fronting the highway and turning the corner would be considered to be more in keeping with the character of the area.*” An application to discharge the reserved matters was submitted in 2018, with a similar layout to the indicative plans submitted at outline stage. The application was subsequently withdrawn due to the concerns of the development being set back from the road frontage and therefore in keeping with the character of the area.

Principle

The site is located within an urban area of Gillingham and a mixed residential and retail area. The previous use of the site was to accommodate a temporary NHS surgery. These temporary services have been relocated to the Gillingham Healthy Living Centre and therefore the site is no longer required for provision of health services and so no objections are raised to the development with regard to Policy CF1 of the Local Plan.

Policy H4 of the Local Plan states that the use of vacant or derelict land no longer required for non-residential use will be permitted for residential development subject to clear improvement in the local environment. Paragraph 11 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraphs 117 and 118 of the NPPF also encourages efficient uses of brownfield sites but seek to safeguard and improve the environment and ensuring safe and healthy living conditions.

Subject to compliance with the detailed matters of these policies, which are subject to assessment below, the principle of the site for residential development is considered acceptable given the mixed residential and commercial character of the area.

Design

Paragraphs 124 and 127 of the NPPF emphasises the importance of good design within sustainable development and encourages visually attractive development with good architecture, layout, appropriate and effective landscaping. Policy BNE1 of the Local Plan states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area.

The application site is a former commercial site which has most recently been used to accommodate a temporary doctors surgery with associated parking. The site is currently bound by palisade fencing and is unkempt. Prior to the now ceased

temporary doctors surgery use the site had commercial buildings fronting Canterbury Street, these were demolished approximately 12 years ago. The spatial character of the area is of predominately terraced residential properties fronting Canterbury Street with small walled front garden areas, chimneys and bay windows with some commercial buildings.

The proposed two to three storey wrap around block of flats would respect the existing spatial character of the area in a more contemporary, flatted appearance than the surrounding terraced houses. The block is of a suitable size and scale with breaks within the façade that would be reflective of the surrounding terraces and not an overdevelopment of the site. The tower corner feature is also reflective of others in the area. The use of yellow brick and mixed materials is supported but further detail of materials will be required if recommended for approval. A section plan was provided however some minor alterations are required and a finer detailed condition would be required.

The general layout with parking positioning to the rear, access road to the side and landscaped setback from Canterbury Street is considered to be acceptable. The setback would be reflective of the small front gardens while the landscaping and street trees would enhance the appearance of the site and assists in breaking up the appearance of the flats from the street scene. The application is supported by a landscaping plan which is sufficient to understand the intention of the scheme and is acceptable regarding the site planting and details of the street tree species, sizes and spacing. However, further consideration to the hard and soft landscaping and boundary treatment fronting Canterbury Street is required. Consideration is required regarding the final location of hedges, street trees and installation railings in the tree cells, the proximity to the tree cells to the building and removal of slight land level changes from the footpath and the hard landscaping. Finally, the landscaping should also be tied into a lighting scheme to ensure there are no conflicts. These are more detailed aspects of the landscaping and can be covered by appropriately worded conditions. A long term landscape management plan will also be required.

Subject to the above-mentioned conditions, the proposal is considered to be of a suitable design and result in an improvement to the local environment in accordance with Policies BNE1, BNE6 and H4 of the Local Plan and Paragraphs 124 and 127 of the NPPF.

Amenity

There are two main amenity considerations, firstly the impact of the proposed dwelling on neighbours and secondly the living conditions which would be created for potential occupants of the development itself. Policy BNE2 of the Local Plan and paragraph 127 (f) of the NPPF relates to the protection of these amenities.

Neighbouring Residential Amenity

By virtue of the siting of the flats and the relationship to the neighbouring properties and their habitable room windows with distances of approx. 15m from window to window, the orientation of the site and path of the sun, there would be no detrimental impact on neighbouring amenities in terms of outlook, privacy, daylight and sunlight.

Concerns of overlooking have been raised by consultation responses. A box window with obscure glazing has been integrated into the design of the proposed units close to the boundary. This design would protect the amenities of the occupiers of the properties fronting the A2 in terms of overlooking of the rear gardens to these properties. The design solution is considered acceptable especially with distance of approx. 15m from the proposed flats to the rear of these properties.

The consultation response raise noise concerns to neighbours from the scheme. The provision of the car park to the rear would not result in a harmful impact in terms of noise, particularly when considering the mixed residential and commercial nature of the area. There is a potential for noise and dust during construction to a number of neighbouring properties. The application has been supported with a Construction Environment Management Plan (CEMP) which is considered to be acceptable to limit the potential impact. A condition would be required to ensure construction takes place in accordance with this CEMP.

Amenity of Future Occupiers

With regard to the amenities of future occupants of the development itself the proposed flats have been assessed with regard to the technical housing standards – nationally described space standard 2015 (the national standard). Within this application none of the flats would benefit from private outdoor amenity space, the Medway Housing Standards (interim) November 2011 (MHDS) indicates that if no outdoor private amenity space is provided flats should be included within the internal provision.

All flats would exceed the requirements of the national standard for gross internal floor areas (GIA) and meet the addition GIA requirements as set in the HMDS for flats of their sizes without private open space. All the single and double bedrooms meet the areas and sizes in accordance with the national standard and all habitable rooms have suitable outlook including those using the proposed box windows to protect privacy. It should be noted that there is communal open space provision within the layout which will also benefit the future occupiers.

The development would front a busy road and therefore subject to noise disturbance. A revised acoustic assessment has been submitted which is broadly acceptable. The noise from the road can be mitigated by glazing choice, however the final type needs to be specified and controlled by condition via an acoustic assessment. The proposed ventilation via trickle vents will not be acceptable as in the summer it may be required for residents to leave windows open for a prolonged period of time negating the protection therefore the acoustic assessment condition would also require information to be submitted regarding mechanical ventilation. Amenity space will be sheltered from noise by the proposed building.

Consequently, subject to conditions there would be no significant amenity concerns and the proposal would be in accordance with Policy BNE2 of the Local Plan and paragraphs 127(f) and 170 of the NPPF.

Highways and refuse

A letter of objection has been received regarding insufficient parking being provided and the impact this would have on surrounding roads. This application will utilise an existing access but would widen the access road to approx. 4.4m to allow cars passing if entering and leaving at the same time. This is considered acceptable. The application proposes 24 parking spaces which falls short of the Councils Interim Parking Standards. However, the parking standards note that reductions will be considered if the development is within an urban area that has good links to sustainable transport and where day-to-day facilities are within easy walking distance. The application site is in close proximity to public transport and shopping facilities that are located within walking distance along the A2. No objection is raised subject to a parking management plan which shall set out how the parking will be utilised by occupiers and deter future residents from applying for parking permits.

The application also provides a cycle storage and 3 electric charging points within the development. Conditions would be required to secure the final design of the cycle storage to ensure individual storage and provision of electric charging points.

The waste and refuse provision within the car park area can only be accessed by waste vehicles leaving in reverse. This would not be acceptable. However, an alternative method such as caretaker moving the bins to a collection point on delivery day would resolve these concerns and a separate condition would be required.

Subject to the abovementioned conditions, no objection is raised in terms of parking and to Policies H4, T1, T2, T4 and T13 of the Local Plan and paragraphs 105,109 and 110 of the NPPF.

Contamination

Policy BNE23 of the Local Plan requires that land known to be or likely to be contaminated should be accompanied by detailed site examination and appropriate remedial measures to reduce or eliminate risk to human health and the wider environment be agreed.

The application has been supported by a phase 1 and phase 2 environmental reports which are considered acceptable subject to a watching brief. As the site is located within an area of special protection zone, conditions will be required to prevent water pollution via mobilising contaminants, surface water infiltration, pilling and foundations would also be required if considered for approval.

Subject to the recommended conditions no objection is raised to the proposal under Policy BNE23 of the Local Plan and paragraphs 170 and 178 of the NPPF.

Air Quality

Policy BNE24 of the Local Plan and paragraphs 170 and 181 of the NPPF requires new development to take account of the impact on air quality.

An air quality assessment has been submitted in support of this application. The assessment is considered acceptable and indicates that air quality objectives are likely to be achieved and an air quality mitigation scheme should be secured via condition if the application were recommended for approval.

Subject to the abovementioned condition no objection is raised to the proposal under Policy BNE24 of the Local Plan and paragraphs 170 and 181 of the NPPF.

Ecology

The application is supported by a Preliminary Ecological Appraisal which is considered sufficient and concludes that there is unlikely to be suitable habitat for protected species. The development should seek to provide ecological enhancements and a condition would be imposed to secure these.

Subject to the abovementioned condition no objection is raised under Policy BNE37 of the Local Plan and paragraphs 175 and 180 of the NPPF.

SUDs

The application has been supported by a flood risk assessment and drainage strategy. Conditions are recommended to secure details of the disposal of surface water using SUDs, a management and maintenance plan and a verification report to ensure the development is in accordance with paragraph 165 of the NPPF.

The submission should include finished floor levels if any dwellings are in the area of surface water flooding; the entire site will need to be used for the storage calculations, not just the developable area. Confirmation as to whether the grass block paving is permeable and the use of rainwater harvesting, grey water recycling and water butts is recommended where practicable in order to provide an additional means of surface water attenuation as well as reduced demand on potable water supplies. Details of who will be carrying out the maintenance and a plan needs to be submitted detailing the management of surface water throughout the construction phase from entering the site and removal of topsoil to the completion of the development. The plan should outline the phases of construction showing where and when drainage features will be installed and how runoff will be managed, to minimise flood risk and water quality impacts on site and to the surrounding areas. The plan should reference when the drainage will be installed with regards to houses, roads and any other hard standing (any drainage should be installed prior to these).

Climate Change and Energy Efficiency

The applicant has indicated that all materials to be used will meet, and where possible, exceed the requirements of the latest building regulations, 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 (or electric boilers) and electric car

points will also be provided, while all hard standings will be self-draining. The scheme also proposes renewable energy in the form of integrated PV panels to generate electricity, sited in appropriate locations and there is a provision of street trees and other landscaping to boost the ecological value of the site and surrounding environment.

The close proximity of amenities including public transport, public park, leisure facilities, businesses and shopping facilities, all within walking distance to the proposed development mean the length of journey is minimal promoting walking and making it not essential to own a car. Secured bike storage is shown to be provided. As such the development offers the opportunity for a sustainable transport solution.

S106 Matters

The Community Infrastructure Levy Regulations 2010 provide that in relation to any decision on whether or not to grant planning permission to be made after 6 April 2010, a planning obligation (a s106 agreement) may only be taken in to account if the obligation is (a) necessary to make the development acceptable in planning terms;(b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. The obligations proposed comply with these tests because they are necessary to make the development acceptable in planning terms, they are directly related to the development and are fair and reasonable in scale and kind. The following contributions are sought:

Greenspace Services

A contribution of £61,236.00 based on a contribution of £2,551.50 per dwelling. The contribution would be spent on improvements to open spaces within the vicinity of the site (£58,179.56) and Great Lines Heritage Park (£3,061.80).

NHS

A contribution of £15,176.64 based on a contribution of £632.36 per dwelling towards improvements at Balmoral Healthy Living Centre.

Waste

A contribution of £4,153.20 towards the maintenance and improvements of local bring centres and waste education calculated as £173.05 per dwelling.

Youth Provision

A contribution of £1,879.68 based on a contribution of £78.32 per dwelling towards programme delivery for young people (ages 8-19 and up to 25 for people with disabilities) in the Gillingham area.

Community Facilities

A contribution of £4,397.76 towards community facilities within the vicinity of the site based on a contribution of £183.24 per dwelling.

Education

A contribution of £37,959.85 for Education consisting of:- Nursery £9,026.05 and Primary £7,736.59 to one or more of Greenvale Infants, Phoenix Juniors, New Road Primary, St Thomas of Canterbury. £1,452.26 to one or more Brompton Academy, Victory Academy, Chatham Grammar School for Girls, Robert Napier.

Libraries

A contribution of £3,963.60 towards equipment and facilities at Luton Library. Based on a contribution of £165.15 per dwelling.

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 £245.56 per dwelling should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. The strategic measures are in the process of being developed, but are likely to be in accordance with the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM) produced by Footprint Ecology in July 2014. The interim tariff stated above should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation), in anticipation of:

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

The applicants have agreed to pay this tariff of £5,893.44 (24 x £245.56) and the abovementioned contributions and are in the process of drafting a s106 legal agreement. A representation raised the concern of the impact of new dwellings on infrastructure however the applicant has entered into a fully section 106 complaint scheme which includes a health and education contributions to offset the impact of the proposed new housing. A further rep requested that some of the S106 money be used for parking schemes in the area, however the contributions are required as requested to offset the impact on the above services. No objection is therefore raised under paragraphs 54, 56, 76, 91, 92, 175 and 176 of the NPPF and Policies S6 and BNE35 of the Local Plan.

Conclusions and Reasons for Approval

The proposal is considered acceptable in terms of principle, design, amenity and highway aspects and with regard to all other material planning considerations. The proposal accords with the provisions of Policies S6, H4, BNE1, BNE2, BNE6, BNE23, BNE24, BNE35, BNE37, T1, T2, T4 and T13 of the Medway Local Plan 2003 and the advice in paragraphs 54, 56, 76, 91, 92, 105, 109, 110, 117, 118, 124, 127, 165, 170, 175, 176, 178, 180, and 181 of the NPPF. Accordingly, the application is recommended for approval.

This application would normally be determined under delegated powers however due site history with the outline planning permission being granted by Planning Committee, this application is being referred to Planning Committee for consistency.

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/>