

MC/10/1880

Date Received: 21 May, 2010

Location: Former Municipal Buildings, Canterbury Street, Gillingham, Kent ME7 5LA

Proposal: Construction of a 1.5 storey building to house additional accommodation, ancillary offices, meeting room and retention of bunker below to serve existing residential care home (C2 use)

Applicant: Charing Healthcare Ltd

Agent: Mr P Hadley Robinson Escott Planning 303 Downe House High Street Orpington Kent BR6 0NN

Ward Watling

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 25 August, 2010.

Recommendation - Approval with 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 Prior to the commencement of the development full details of the following shall be submitted and approved in writing by the Local Planning Authority and the development shall be built in accordance with the approved details and maintained thereafter:

- Brickwork including bonding and pointing
- Roofs including ridges, and eaves
- Dormers
- Rainwater goods
- Windows and doors including how they are fitted into the walls
- Flues and vents
- Doors and door frames on the front and rear elevations

Reason: In the interests of visual amenity in the Conservation Area and the provisions of policy BNE1, BNE12 and BNE14 of the Medway Local Plan 2003.

- 3 Prior to the commencement of the development hereby permitted, a scheme of acoustic protection shall be submitted and approved in writing by the Local Planning Authority. The scheme must demonstrate that the internal noise levels within the residential units will conform to the good design range identified by BS 8233 1999: Sound Insulation and Noise Reduction for Buildings Code of Practice. 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: To safeguard conditions of amenity in accordance with policy BNE3 of the Medway Local Plan 2003.

- 4 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 5 to 8 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the Local Planning Authority until condition 8 has been complied with in relation to that contamination.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with policy BNE23 of the Medway Local Plan 2003.

- 5 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with policy BNE23 of the Medway Local Plan 2003.

- 6 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: 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.

- 7 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation 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: 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.

- 8 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 6, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 7, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected

in order to demonstrate that the works set out in condition 5 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 6.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with policy BNE23 of the Medway Local Plan 2003.

- 9 Prior to the commencement of development a scheme of ventilation for the bunker to remove damp and the build-up of gases shall be submitted to and approved in writing by the Local Planning Authority. The development shall be built in accordance with the approved plans and retained thereafter.

Reason: To ensure the preservation of the bunker as a historical asset.

- 10 The development hereby permitted shall be carried out in accordance with the following approved plans: drawing nos. 1039/10 - 1000, Planning and Design & Access Statement and a Historic Building Survey received on 21st May 2010 and drawing nos. 1039/10 - 1100, 1200 and site location plan received on 9 June 2010.

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

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

Proposal

The proposal is for the construction of a 1.5 storey building to house additional accommodation ancillary offices, meeting room and retention of bunker below to serve existing residential care home (C2 use).

The building would measure 17.5 metres in width by 18 metres in depth and 3 metres in height to the eaves and 6 metres to the ridge. Internally the ground floor plan shows 4 units each consisting of a bedroom, bathroom and lounge / kitchen and within roof space 3 offices, a meeting room and toilets are proposed. The roof area would be served by dormer windows, 3 of which would be located on each of the northern, eastern and western elevations. The plans also include a staircase from the outside of the building down to the former bunker at below ground level.

The development would provide additional living accommodation and office area for the main residential care home being constructed on site and occupiers of this development would have access to the parking and landscaping already approved on site.

Relevant Planning History

- MC/09/0535 Change of use of main building to provide care home for the elderly (Class C2) incorporating the introduction of a mansard roof extension and alterations. Demolition of existing pagoda and park suite buildings and construction of a two-storey residential care home building. Continued use of existing access points onto Canterbury Street and provision of parking and landscaping
Approved with Conditions
4th January 2010
- MC/09/0536 Conservation area consent for demolition of existing pagoda and park suite
Approved with Conditions
24th July 2009

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.

4 letters (from 3 addresses) have been received raising the following objections:

- Already overdevelopment on the site
- Parking concerns on site and the problem of overflow parking onto Stuart Road
- Not in keeping with the Conservation Area
- Loss of light, privacy and outlook to properties in Stuart Road
- Overbearing and dominant structure when seen from Stuart Road
- Proposed landscaping does not consider the amenities of residents in Stuart Road
- Increase in residents would result in more noise, activity and pressure on local services

All other matters raised not listed above are non-material

Development Plan Policies

The Development plan for the area comprises the Medway Local Plan 2003.

Planning Appraisal

Background

The initial application for the re-development of the Municipal Buildings site (MC/09/0535) was submitted including the use of the existing bunker as accommodation. This proposal involved removing the existing concrete top and

placing a glazed pyramid over the top for use in connection with the residential care complex. During the consideration of the application it became apparent that concerns were raised regarding the impact of the development on the historical features of the bunker. As such this element of the proposal was withdrawn from the scheme before determination.

Principles of Development

The new building would provide additional living accommodation and office floor space for the existing residential care home currently under construction on site. As such in terms of use the development would be complementary to the existing site and accordingly the proposal is considered acceptable with regard to the broad principle of the development and the provisions of policies CF5 and H8 (ii) and (v) of the Medway Local Plan 2003.

Street Scene and Design

The development would be located within the Gillingham Park Conservation Area and whilst, due to its location, would not contribute to street scene in Canterbury Street, it would be visible from Gillingham Park. As such consideration should be given to the impact of the building on the Conservation Area and existing buildings on the former Municipal Buildings site.

The building proposed would sit happily to the rear of Municipal Buildings and it would match in style and detail even though it is a much smaller building. The development would preserve the cold war bunker underneath. By building over the top, this will overcome the problems of water ingress through the roof, which have afflicted the bunker from time to time. The author of the historic report considers that it would be acceptable to build over the bunker provided the staircase access is retained and the original equipment within it such as the plant in the plant room are retained in situ.

The design of the new building reflects some design detail from the original Municipal Buildings, for example the French windows are shown with solid panels at the bottom and reducing stiles. Though due to the location of the site within the Conservation Area and the importance in the detailing of the building a series of conditions are recommended regarding external materials and construction details.

Accordingly the proposal is considered acceptable with regards to the impact on the visual appearance of the site and historical nature of the Conservation Area and terms of policies BNE1, BNE12 and BNE14 of the Medway Local Plan 2003.

Amenity Considerations

The proposed building would be located approximately 10 metres from the boundary of the properties in Stuart Road. Furthermore the fenestration in the southern elevation of the building would only be located at ground floor level and no dormer in that elevation. As such it is considered that the development would not cause a detrimental loss of outlook, daylight or privacy to those neighbouring dwellings in Stuart Road.

Consideration should also be given to the potential noise from activities associated with the offices and meeting room use in the roof space that may give rise to disturbance to the residential accommodation at ground floor level. As such a condition is recommended to control this.

Accordingly the development is considered acceptable with regards to the impact on residential amenity and the provisions of policy BNE2 and BNE3 of the Medway Local Plan 2003.

Highways

The development would utilise the access and parking arrangement agreed under the planning approval for the remainder of the site, planning reference MC/09/0535. Access would be from Canterbury Street using the approved entrance and exit points. There will be 41 car parking spaces together with a larger bay for delivery vehicles servicing the site. It is considered that this provision would sufficiently cater for the overall development, including this proposal, and as such no objection is raised. Accordingly the development is considered acceptable against the provisions of policy T1 and T13 of the Medway Local Plan 2003.

Contaminated Land

The previous planning application that covered the entire Municipal Buildings site/complex (MC/09/0535) was supported by a desk study. A suitably worded contamination condition was imposed to deal with contamination issues arising from the proposed development. The same condition is repeated with respect to this application. As such no objection is raised with regards to policy BNE23 of the Medway Local Plan 2003 subject to the imposition of the appropriately worded conditions.

Conclusions and Reasons for this Recommendation

The development would complement the existing use of the wider site for residential care purposes. The scale of the proposed building would not appear dominant with respect to the main building or surrounding buildings. The approach to the design of the development has been reflective of those features on both the former Municipal Buildings and the larger new build element, also respecting the Conservation Area. The development is also acceptable with regards to residential amenity, highways impacts and all other material planning considerations. As such the scheme is considered in accordance with the development plan and particular policies H8, CF5, BNE1, BNE2, BNE12, BNE14, BNE23, T1 and T13 of the Medway Local Plan 2003.

This application would normally fall to be determined under officers' delegated powers, but is being reported for Members' consideration due to the number of letters of representation received expressing a view contrary to the officers' recommendation.

This application was considered by Members at the Planning Committee on the 4 August 2010 when it was determined to defer a decision to enable a Members' site visit to be held.
