

MC/20/2541

Date Received: 13 October 2020
Location: 5-7 Mill Road & 4 Fox Street Gillingham
Medway ME7 1HL
Proposal: Construction of two new blocks of 22 flats - demolition of existing buildings
Applicant: Koctas Ltd
Mr O Kocak
Agent: Insight Architects
Tina McFadzean The Joiners Shop
The Historic Dockyard
Chatham
ME4 4TZ
Ward: Gillingham North 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 18th August 2021.

Recommendation - Approval subject to:

A. Subject to the applicant entering into a legal agreement under the terms of Section 106 of the Town and Country Planning Act 1990 to secure:

- i. £52,785.50 green space contribution towards improvements to the local area.
- ii. £3,881.90 towards waste containment for the development, maintenance and improvement of location bring centres and waste education.
- iii. £1,756.92 towards youth provision in Gillingham for young people between 8-19.
- iv. £4,110.48 towards community facilities within the vicinity of the site.
- v. £3,704.80 towards library improvements at Gillingham Library.
- vi. 14,185.38 towards health improvements in Gillingham South and Medway Central locality primary care networks.
- vii. £5,390 towards public realm improvements to Gillingham Town Centre.
- viii. £6,386.16 towards heritage improvements at Upnor Castle.
- ix. £5,508.58 towards strategic measures in respect of the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites.
- x. Meeting the Council's costs.

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 016 Rev P2 and 018 Rev P2 received on 19 January 2021;
010 Rev P4, 011 Rev P2, 012 Rev P3, 015 Rev P3 and 019 Rev P2 received on 14 June 2021.

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

- 3 No development shall take place until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of working, noise, dust and lighting arising from the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The construction works shall be undertaken in accordance with this approved plan.

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

- 4 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not take place until conditions 5 to 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: Required before commencement of development to avoid any irreversible detrimental impact on human health as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 5 No development shall take place until an intrusive investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be

submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination.
- (ii) an assessment of the potential risks to:
 - o human health
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o archaeological sites and ancient monuments.
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 6 No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared and submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 7 No development shall take place (other than development required to enable the remediation process to be implemented) until the approved remediation scheme has been carried out in accordance with its terms. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and submitted to and approved in writing by the Local Planning Authority prior to the bringing into use of the development.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 8 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 5, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 6, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition 6 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 7.

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 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: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 168 of National Planning Policy Framework 2021.

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

Reason: To ensure that suitable surface water drainage scheme is designed in accordance with paragraph 168 of the National Planning Policy Framework 2021.

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

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

- 12 Notwithstanding the approved plans, no development above slab level shall take place until details of a directional window for the flank bedroom window on the third floor of Block B has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the occupation of that flat and shall be retained thereafter.

Reason: To regulate and control any such further development in the interests of amenity and protection of privacy for neighbouring properties and outlook for future occupier, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 13 No development above slab level shall take place until, a scheme for protecting the proposed development from noise that implements the measures described in the noise assessment reference KD0308205NR Rev 1.0 dated 17 November 2020, has been 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 (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 scheme shall include details of acoustic protection sufficient to ensure amenity/garden noise levels of not more than 55dB (LAeq,T). The development shall be implemented in accordance with the approved details before the dwelling is occupied and shall thereafter be retained.

Reason: To protect future occupier's amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 14 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 in working order.

Reason: In the interests of sustainability in accordance with paragraph 112(e) of the National Planning Policy Framework 2021.

- 15 No development shall take place above slab level until an Ecological Enhancement Plan which includes details of how bat roosting features will be incorporated into the buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved Ecological Enhancement Plan and shall thereafter be retained.

Reason: In order to enhance biodiversity in accordance with Policy BNE37 and BNE38 of the Medway Local Plan 2003.

- 16 Prior to the first occupation of 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.

- 17 Prior to the first occupation of the development herein approved, full details of the balcony privacy screens which shall include details of the level of privacy provided, shall be submitted to and approved in writing by the Local Planning Authority. The balcony privacy screens shall be implemented in accordance with the approved details prior to the first occupation of the development and shall be maintained thereafter.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality and to protect future occupier's amenities with regards to privacy, outlook and daylight, in accordance with Policies BNE1 and BNE2 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 the parking spaces within the development are to be managed and preserved for use by future residents and shall contain details of how residents and their visitors will be deterred from parking on street their visitors and. 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 development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within an email dated 27 April 2021. The development shall not be occupied until a verification report prepared by a suitably qualified professional has been submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been implemented.

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 154 the National Planning Policy Framework 2021.

- 20 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 height, position, external appearance, any shielding, light intensity, colour, spillage (such as light contour or lux level plans showing the existing and proposed levels) together with a report to demonstrate its effect on nearby open space with possible 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 nearby residents and wildlife and with regard to Policies BNE2 and BNE39 of the Medway Local Plan 2003.

- 21 The buildings 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.

- 22 The windows marked as privacy glass on drawing numbers 010 Rev P4, 011 Rev P2 and 015 Rev P3 shall be fitted with obscure glazing and apart from any top-hung light, that has a cill height of not less than 1.7 metres above the internal finished floor level of the room it serves, shall be non-opening. 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.

- 23 No flat shall be occupied until the secure private cycle parking provision in the form of individual lockers has been implemented as shown on approved drawing number 010 Rev P4. The secure individual cycle lockers 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.

- 24 The external brickwork shall be constructed using a Flemish bond.

Reason: To ensure that the development respects the character and appearance of the Conservation Area in accordance with Policy BNE14 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 two new blocks of flats creating a total of 22 flats and demolition of existing buildings.

The application would result in the demolition of the existing commercial buildings on site and the construction of two blocks of 22 flats consisting of 18 x 1-bedroom flats, 2 x 2-bedroom flats and 2 x 3-bedroom flats. Block A would front Mill Road and Block B would front Fox Street. Between the flats would be 11 parking spaces and some areas of soft landscaping accessed via an underpass within Block A.

Block A

The new part brick, part cladded building would measure approx. 15.1m maximum width to the front elevation and approx. 9.8m to the rear; and approx. 23.3m maximum depth. It would have a flat roof and measure approx. 12.2m in height. There would be balconies to the front and rear elevations. The ground floor would consist of 2 x 1-bedroom flats, plant equipment and bin and individual cycle stores. The first and second floors would consist of 3 x 1-bedroom flats and 1 x 2-bedroom flat; and the third floor would consist of 4 x 1-bedroom flats of which, one is a studio flat.

Block A would have its frontage onto Mill Road.

Block B

The new part brick, part cladded building would measure approx. 9m in width to front elevation and taper to approx. 11.8m to the rear; it be a maximum depth of approx. 23.3m at first and second floors utilising an undercroft over the parking area. It would have a flat roof and measure approx. 12.1m in height. There would be balconies to the front and rear elevations. The ground floor would consist of 1 x 3-bedroom flat, caretakers office, plant equipment and bin stores. The first and second floors would consist of 3 x 1-bedroom flats and fourth floor would consist of 1 x 4-bedroom flat.

The application was reduced from 23 flats to 22 during the processing of the application with amendments to the rear of Block A and the third floor of Block B reduced in attempt to overcome concerns raised by the Council with regard to outlook.

Site Area/Density

Site Area: 0.0918 hectares (0.2268 acres)

Site Density: 239.6514 dph (97.0018 dpa)

Relevant Planning History

Application site but including 3 Mill Road

MC/09/2698 Demolition of existing buildings and construction of eighteen one 1 and 2 bedroomed flats within two blocks with associated parking (Resubmission of MC2008/1751)
Decision: Refusal
Decided: 22 March 2010

MC/08/1751 Demolition of existing buildings and construction of twenty-one 1 and 2 bedroomed flats within two blocks with associated parking
Decision: Refused
Decided: 15 December 2008

4 Fox Street only

MC/16/2644 Retrospective Change of use from commercial warehouse (Class B8) to vehicle servicing and repair shop (Class B2)
Decision: Refused
Decided: 24 August 2016

Representations

The application has been advertised on site, in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties, NHS, Southern Water, Southern Gas, EDF Energy, ESP Utilities Group and KCC Biodiversity have also been consulted.

Nine letters of objection have been received from **eight** contributors raising the following concerns:

- Car parking stress in the area with the scheme being under parking standards to add to this stress. Supporting information just shows pay and display availability and taken in August when students would not be living in the area.
- Impact on neighbouring amenities regarding overlooking, sunlight and construction noise.
- Visually dominant to neighbours.
- Concerns on impact on sewers as per Southern Water representation.

ESP Utilities Group have written to provide record of pipes in the area. A low-pressure gas main serving the area is located in grid reference E577007, N168743. The developer is advised to keep ESP regularly updated of extent and nature of works and suggest a meeting with their representatives. They provided various guidance notes for requirements and precautions when carrying works in vicinity of Gas Pipes and Electricity cables. An informative will be added to any decision to bring this to the applicant's attention.

Southern Gas Networks responded with a plan describing the location of SGN assets

and guidance notes about locating pipes onsite and safe digging practices. An informative will be added to any decision to bring this to the applicant's attention.

UK Power Networks provided a copy of their records which show the electrical lines and/or plant, and a fact sheet with information regarding the use of their plans and working around their equipment. An informative will be added to any decision to bring this to the applicant's attention.

Southern Water have provided records of their sewer records. There is possibly a sewer crossing the site. They also indicate the need for an application to Southern Water for foul sewage disposal and connection to the water supply and condition for surface water runoff is required in accordance with SUDs principles. An informative will be added to any decision to bring this to the applicant's attention.

KCC Biodiversity have assessed the site and the development has limited potential to result in ecological impacts and no requirements for surveys to take place. There is potential for bats in the area due to the location of nearby large open space. Conditions are suggested for lighting to take account of bats and bat features to be incorporated into the building via ecological enhancements.

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 2021 and are considered to conform.

Planning Appraisal

Principle

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

The application site is located within an urban, mixed commercial and residential area on the edge of the core retail area and within the Brompton Lines Conservation area. It is currently used as a car wash fronting Mill Road and the lawful use of B8 storage and distribution fronting Fox Street. However, at the time of the officers site visit it appears to be operating as a boxing gym without planning permission. The site is not designated as an employment area within the Local Plan. The preamble for Policy ED3 of the Local Plan indicates that it can be appropriate to consider redevelopment of sites to facilitate an improvement to local amenity and environment in the area, likely to be housing. Planning permission has previously been refused for 4 Fox Street to be converted into car sales due to neighbour amenity impacts and therefore is not necessarily suitable for continued commercial use.

The application site is actually part of a designated site for redevelopment in the Local Plan under Policy H1 which states: '*GL147 Mill Road/Arden Street, Gillingham. 21 units 3 or 4 storey infill development required that fronts Mill Road, where the existing building line should be strengthened.*' The site has already been part developed under planning permission MC/06/1823 for 28 flats. This current application seeks to provide additional flats of similar scale.

The Local Plan is of some age, being adopted in 2003; the Council does not currently have a five-year land supply; and as of the 2020-21 Housing Delivery Test, the Council had only delivered 55% of its target number of dwellings in the preceding 3 years.

The NPPF seeks to pursue sustainable development, in a positive way through a presumption in favour of sustainable development, unless the policies within the NPPF provide clear reasons for refusing development, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits (paragraph 11).

Policy H4 of the Local Plan states that residential development in the form of infilling and reuse of buildings no longer needed for non-residential purposes in such areas is acceptable providing that a clear improvement in the local environment will result. Paragraphs 119 and 120 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.

Although both commercial units are still operating at time of submission, given that the site is not allocated for employment uses, there is no objection to the redevelopment of this site to residential subject to the detailed assessment of other planning policies and material considerations included within the report below.

Design

Paragraphs 126 and 130 of the NPPF emphasises the importance of good design and 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. Policy BNE14 of the Local Plan seeks to ensure development is not detrimental to the setting of the conservation area.

The development would front both Mill Road and Fox Street. These street scenes have a mix of 3 to 4 storey flats and two storey terrace properties. The proposed development will replace the existing industrial buildings. Whilst the buildings have some historical significance, being the factory for Jubilee Clips, they add little to the conservation area in terms of architecture. The applicant has taken note of the historical context of the buildings and proposed the name Jubilee Heights for the development.

Both flat blocks would be of a similar size and scale to the adjoining flats, the blocks would be respective of the conservation area reflecting the architecture through its rhythm and use of materials. To the rear the flats the design of the flat blocks has been amended

since the original submission to limit the impact on neighbours in terms of outlook. As currently proposed, the size and scale of the proposed flat blocks are now considered acceptable. The materials are acceptable with the mix of brick and render. This would help break down the dominance of the render of the neighbouring flats. However, conditions are recommended for the materials to be submitted and for a Flemish bond to be used rather than the stretcher bond shown on the elevation plans.

With regards to layout the parking area between the flats is reflective of the neighbouring flats and considered to be suitable providing some areas of landscaping. A condition is recommended requiring final details of the landscaping.

Subject to the above conditions, the development is considered acceptable in terms of layout, size, scale and design and would be not detrimental to the character and appearance of the conservation area. The proposal would be in accordance with Policies BNE1, BNE14 and H4 of the Local Plan and Paragraphs 126 and 130 of the NPPF.

Amenity

There are two main amenity considerations, the impact on neighbouring occupiers in terms of sunlight, daylight, outlook and privacy, and the standard of amenity which would be experienced by future residents of the site itself. Policy BNE2 of the Local Plan and paragraph 130 of the NPPF relates to the protection of these amenities.

Neighbouring Amenity

As originally proposed the Council raised concerns with the proposal regarding the impact on 6 Fox Street in terms of loss of daylight and to the flats at 3 Mill Road in terms of loss of daylight and outlook. The applicant amended the proposal to reduce the scale of both blocks as described below to suitably overcome these concerns. The proposal also removes large commercial buildings within the centre of the site and this area would become predominantly a parking and landscaped courtyard.

To address the concerns raised by the Council with regard to daylight as a result of the design of Block B, the applicant amended the proposal by stepping back the third-floor level to reduce the impact in terms of loss of daylight to the habitable windows of 6 Fox Street to an acceptable level.

With regard to 6 Fox Street, the occupiers of this property are already impacted in terms of outlook and sunlight as a result of the existing commercial unit which is set back from the street scene towards the centre of the site. The approx. 5.5m wall along the boundary with number 6 dominates the rear garden and casts it in shadow throughout the afternoon as demonstrated by the applicant's shadow study in the design and access statement.

As currently proposed, the projection of Block B beyond the rear elevation of 6 Fox Street would impact the outlook to this neighbour, however, by virtue of it being offset from the boundary and at a now reduced height, it is considered that on balance, it is acceptable

particularly when considered against the existing situation and the benefits of the reduction of dominance to the rear garden from the removal of existing commercial buildings. It should also be noted that the levels of sunlight depicted in the shadow study in the afternoon would be further improved by the redesigned third floor of Block B.

3 Mill Road was a former office block converted into flats under prior approval. The outlook from the habitable room windows within the rear elevation of the main building of number 3 is already impacted due to the relationship of these habitable room windows with the two-storey rear projection of the building itself, and as a result of the size and siting of the existing commercial buildings within the centre of the site. The applicant redesigned the rear section of the Block A, so it limits the distance projecting beyond the affected windows in order to limit the impact of the development on the daylight and outlook of these habitable windows. It is considered that these amendments are sufficient to overcome the concerns when considered against the existing poor levels of outlook.

With regards to privacy, it is accepted that the development would introduce some overlooking from the rear windows and balconies of Block A to the rear gardens of Fox Street. However, this is not uncommon in an urban area and due to the window-to-window distances of approx. 28m this would not be at a level that would be considered detrimental, particularly given that this is in excess of the back-to-back distance of 20m which is achieved with 10m gardens as recommended as a minimum distance in the Medway Housing Design Standards (MHDS). The separation distance between Blocks A and B is considered acceptable.

Block B proposes obscure glazing to the flank windows and privacy screens to balconies to protect privacy of the occupiers of the properties within Fox Street. However, the flank window at third floor level would serve a bedroom. The use of obscure glazing for this window would result in an unacceptable level of amenity in terms of outlook to the future occupiers and therefore it is considered that a directional window would be more appropriate to ensure privacy to the immediate rear garden area of the properties in Fox Street. Conditions would be imposed to secure the privacy screens for balconies, obscure glazing and the suggested directional window.

Given the amended design of the proposal, particularly the reduced scale, the removal of the commercial uses and the buildings and given the siting and orientation of the proposed development with the neighbouring buildings, it is considered that the proposal would not now result in any detrimental on residential amenity in terms of loss of outlook, sunlight, daylight and privacy.

There is potential disturbance from noise and dust as a result of construction activity and consequently a condition requiring a Construction Environmental Management Plan (CEMP) should be included if planning permission is granted.

Occupier Amenity

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).

All flats would exceed the requirements of the national standard for gross internal floor areas (GIA) for studio flat (37sqm), 1-bedroom 2 person flat (50sqm), the 2-bedroom 3 person flats (61sqm), the 3-bedroom 4 person flats (74sqm) and room sizes. The Medway Housing Design Standards (MHDS) requires properties to have at least 5sqm additional private outdoor amenity space for flats. All flats have some outdoor private amenity space. All habitable rooms would have the potential for suitable outlook, the third floor 3-bedroom flat in Block B would include a bedroom served by a directional window rather than obscure glazing to ensure the amenity of the future occupiers of this flat are adequate whilst protecting the amenity of neighbours.

The application has been submitted with an amended Environmental Noise Assessment (ref: KD0308305NR Rev 1.0 dated 17 November 2020) in support of the application. The report indicates how surveys have been adjusted as taken place during COVID 19 restrictions with regards to road noise. This report is considered acceptable. However, the noise surveys indicated that internal guideline noise levels would be exceeded with windows open and the information on ventilation and overheating falls short of what would be required. Mechanical ventilation would provide a suitable alternative to using open windows to control thermal comfort and therefore a condition would be required to secure a scheme of acoustic protection to include mechanical ventilation.

Subject to the suggested conditions, no objection is raised in terms of the amenities of both the future occupiers and neighbour amenities under Policies BNE2 and H4 of the Local Plan and paragraphs 130 and 174 of the NPPF.

Highways

Concerns have been raised within consultation responses regarding the number of flats, the number of parking spaces and the impact of overspill parking onto the area which has existing parking problems.

The parking standard would require 26 parking spaces and 5 visitor spaces. However, the parking standards notes 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. Paragraph 105 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 planning policy also promotes the use of walking and cycle over use of the private car. The plans show 23 individual cycle lockers providing a sustainable alternative to the car.

The site is located on the edge of the town centre with access to day-to-day facilities, and local bus services. The railway station is also located to the other end of the High Street. The application site is considered a sustainable location in this regard. The application

proposes 11 parking spaces, with an acceptable layout and access arrangements. Due to the sustainable location of the site, along with the proposed individual cycle storage, it is considered that a reduction in the standards would be acceptable. The applicants have provided a parking survey. This indicates the availability of short-term parking and pay and display in the area which would be acceptable for overspill parking in the form of flats visitors. It is considered that the impact of the development on the local transport network has been appropriately assessed subject to a parking management plan on how the proposed parking spaces will be used.

Paragraph 112(e) of the NPPF outlines developments should provide electric charging facilities and in this case 2 chargers should be provided, and a condition would be required if the application were considered for approval.

Subject to the abovementioned conditions the proposal would not result in any detrimental increase in risk to highway safety and is considered to be acceptable in terms of Policies H4, T1, T2, T3, T4 and T13 of the Local Plan and paragraphs 104, 105, 110(b), 111 and 112(e) of the NPPF.

Flooding/SUDS

The application is supported by a Sustainable Drainage Assessment (ref:73449R1).

The site is not in an area considered to be at risk from any form of flooding and the Council do not have any records to suggest that flooding has affected the site. The application form and assessment indicate that connection to a sewer being the most suitable option for this site. However, the use of the landscaped areas, provide an opportunity for SUDs in the form of rain gardens and bio pits to manage run off at source combined with the use of permeable paving offer an opportunity of intercepting, collecting and treating water.

Subject to suitably worded conditions regarding the submission of a suitable SUDs scheme (including details of maintenance) and a verification report the proposed development is in accordance with paragraphs 167 and 169 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.

A desk top study has been submitted in support of this application which concludes there is potential for contamination on site due to the land uses of the site as a car wash and car repairs garage and recommends further intrusive investigations. Subject to conditions requiring further investigation and mitigation where necessary, no objection is raised to the proposal under Policy BNE23 of the Local Plan and paragraphs 174 and 183 of the NPPF.

Ecology

There is potential for bats in the area due to the location of nearby large open space. Consequently, conditions for bat sensitive lighting and bat features to be incorporated into the buildings via ecological enhancements are recommended.

Subject to the suggested condition no objection is raised regarding Policy BNE37 of the Local Plan and paragraph 180 of the NPPF.

Climate change and energy efficiency

The buildings will be designed in accordance with the latest building regulations and in particular Part L (Energy Use) for new dwellings ensuring high levels of thermal insulation with low energy use fixtures, fittings and appliances.

All new windows are to be double-glazed which will significantly reduce noise and improve heat insulation. The large windows and glazed doors to all habitable rooms ensure great levels of natural light reducing the need for artificial lighting and associated energy use.

All hard standings will be self-draining and electrical car charging points will be provided.

The close proximity of amenities including public transport, public park, 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. Provision of secure bike storage for each flat in the development offers the opportunity for a sustainable transport solution. A condition is recommended requiring the submission of a verification report in accordance with paragraph 154 of the NPPF.

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 into 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 £57,235.86 (£2,601.63 x 22) based on a contribution of £2,601.63 per dwelling. The contribution would be spent on improvements to open spaces facilities within the local area. Due to viability this has been reduced to £52,785.50.

Waste

A contribution of £3,881.90 towards waste containment for the development, maintenance and improvement of location bring centres and waste education and protection based on £176.45 per dwelling.

Youth Provision

A contribution of £1,756.92 based on a contribution of £79.86 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 £3,704.80 towards community facilities within the vicinity of the site based on a contribution of £186.84 per dwelling.

Libraries

A contribution of £3,704.80 towards equipment and facilities at Gillingham Library based on a contribution of £168.84 per dwelling.

Health

A contribution of £14,185.38 towards development of the Gillingham South and Medway Central locality Primary Care Networks including the supporting infrastructure, IT, training and equipment based on a contribution of £644.79 per dwelling.

Public Realm

A contribution of £5,390 towards public realm improvements to Gillingham Town Centre.

Heritage

A contribution of £6,386.16 towards heritage improvements to enhance the visitor experience at Upnor Castle based on a contribution of £290.28 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 £250.39 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 had submitted a viability assessment. Assessment of the report considered that the scheme would be viable up to £100,000. The abovementioned s106 contributions are requested in full except for the green spaces request which has been reduced from of £57,235.86 to £52,785.50. The applicant is agreeable to the contributions and are in the process of drafting a s106 agreement. No objection is therefore raised under paragraphs 57, 58, 180 and 181 of the NPPF and Policies BNE2, 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 ED3, S6, H4, BNE1, BNE2, BNE14, BNE23, BNE35, BNE37, T1, T2, T3, T4 and T13 of the Local Plan and paragraphs 11, 57, 58, 104, 105, 110(b), 111, 112(e), 119, 120, 126, 130, 167, 169, 174, 180, 181 and 183 of the NPPF. Accordingly, the application is recommended for approval subject to conditions and the completion of the section 106.

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/>