

**MC/21/2015**

Date Received: 7 July 2021  
Location: Canada House Barnsole Road  
Gillingham Medway  
Proposal: Change of use from Class C2 (Hospital) to Class C3 (Dwellinghouse) into 21 self-contained flats comprising one x studio, eight x 1-bed and twelve x 2-bed with associated landscaping and parking (demolition of part single storey side/rear addition)  
Applicant: Risbridger Scott & Sons Ltd  
Mr Qasim Shah  
Agent: Tang and Associates Ltd - Chartered Architects  
Mr Barry Tang  
Entrance W1  
First Floor  
Westwood House  
Greenwood Business Centre  
Manchester  
M5 4QH  
Ward: Watling Ward  
Case Officer: Madeline Mead  
Contact Number: 01634 331700

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 10th November 2021.**

**Recommendation - Approved Subject to S106**

- A. A Section 106 Agreement under the terms of the Town and Country Planning Act 1990 being entered into to secure the following developer's contributions:
- i) £18,371.37 towards mainstream nursery/primary education within a radius of 2 miles from the development site, and/or SEND education within Medway and mainstream or SEND secondary/sixth form education within Medway.
- Nursery education: £4,665.04 within a radius of 2 miles from the development site, and/or SEND education within Medway
  - Primary education: £1,199.58 within a radius of 2 miles from the development site, and/or SEND education within Medway
  - Secondary education: £10,505.18 mainstream or SEND secondary education within Medway
  - Sixth Form education: £2,001.57 mainstream or SEND sixth form education within Medway

- ii) £13,726.86 towards supporting the creation of additional capacity in Primary Care premises required as a result of the increase in housing and resulting patient registrations.
- iii) £3,584.91 towards improved equipment and facilities at Gillingham Library and/or Luton Library.
- iv) £1,699.95 towards programme delivery for young people (ages 8-19 and up to 25 with additional needs) in the Gillingham area which may include facilities, providing access, supplies, equipment and/or instructors.
- v) £7,500.00 towards the development of sustainable transport infrastructure to encourage modal shift from the private motor vehicle within the local vicinity.
- vi) £3,756.48 towards the provision, improvement and promotion of waste and recycling services to cover the impact of the development.
- vii) £5,145.00 towards the development of public realm improvements to Gillingham town centre.
- viii) £55,386.45 towards the enhancement of open space facilities within Watling ward including Gillingham Park and Medway's Metropolitan park - Great Lines Heritage Park.
  - £52,617.13 to enhance open space facilities within Watling ward including Gillingham Park.
  - £2,769.32 to Medway's Metropolitan park - Great Lines Heritage Park
- ix) £5,330.45 towards Designated Habitats 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:

Received 7 July 2021:

9620/311 REV C Proposed basement floor plans

9620/314 REV C Proposed roof plan

9620/321 REV C Existing and proposed Alexandra Avenue elevation

Received 20 September 2021

9620/101 REV E Proposed site plan  
9620/322 REV D Existing and proposed Barnsole Road elevation

Received 11 October 2021

9620/125 REV A Existing and proposed Alexandra Avenue and Barnsole Road store elevation  
9620/126 REV A Existing and proposed Larkfield Avenue and east store elevation  
9620/323 REV E Existing and proposed Larkfield Avenue elevation  
9620/324 REV E Existing and proposed east elevation

Received 18 October 2021

9620/312 REV G Proposed ground floor plan  
9620/313 REV E Proposed first floor plan

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

- 3 No development shall take place above ground floor slab level until details of the provision of electric vehicle charging points (1 per flat) has 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 National Planning Policy Framework 2021.

- 4 No development above slab level shall take place until details of the elevations and materials of the bin storage enclosure have been submitted to and approved in writing by the Local Planning Authority. The bin storage enclosure shall be implemented in accordance with the approved details, prior to occupation of the flats 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.

- 5 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the design and access statement (by Tang & Associates Limited, dated June 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.

- 6 Flat numbers 14, 19, 20 and 21 as shown on drawing number 9620/313 Revision F, shall not be occupied details of privacy screening for the balconies/terrace areas of Flats 14 and 21 have been submitted to and approved in writing in writing by the Local Planning Authority. The privacy screening shall be installed in accordance with the approved details prior to occupation of these flats and shall be retained thereafter.

Reason: To ensure the development does not prejudice conditions of visual amenity for the future occupant of the unit, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 7 No flat 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 implemented in accordance with the approved details before any flat 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.

- 8 No flat shall be occupied until details of cycle storage facilities (including the provision of individual lockers) have been submitted to and approved in writing by the Local Planning Authority. The cycle storage facilities shall be implemented in accordance with the approved details prior to occupation of any flat herein approved and shall thereafter be retained.

Reason: To ensure satisfactory cycle storage in accordance with Policy T4 of the Medway Local Plan 2003.

- 9 No flat 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 on-site parking provision is to be managed. The Parking Management Plan shall be implemented in accordance with the approved details from the first occupation of development and shall thereafter be retained.

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

- 10 No flat shall 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 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 of vehicles is likely to lead to hazardous on-street parking and in accordance with Policy T13 of the Medway Local Plan 2003

11 No flat shall be occupied until full details of a hard and soft landscape scheme as set out below have been provided including:

i. Plans and information providing details of existing and proposed finished ground levels, all paving and external hard surfacing, services (including drainage), tree grilles, minor artefacts and structures (seating, refuse receptacles and raised planters). Soft landscape works, including details of planting plans, tree positions, planting build ups, written specifications (including cultivation and other operations associated with grass, tree and planting establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes, root treatments and proposed numbers/densities where appropriate.

ii. Details for the design and specification of tree planting to enable healthy establishment at maturity. Information should provide details for the planting environment (including within hard landscape and raised planters), 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).

iii. 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 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.

12 All materials used externally shall match those of the existing building.

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 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) and hours of use together with a report to demonstrate its effect on the landscaping of the site (including an overlay of the proposed lighting onto the site landscaping plans), nearby residential properties, bats (including reference to the recommendations of the Bat Conservation Trust) and of how this effect has been minimised. Any external lighting shall be implemented in accordance with the approved details prior to the first occupation of the development and shall thereafter be retained.

Reason: To limit the impact of the lighting on the surrounding area and nearby residents and with regard to Policies BNE1, BNE2 and BNE5 of the Medway Local Plan 2003.

## **Proposal**

The application proposes the conversion of the building from a hospital (Use Class C2) to 21 self-contained flats. Some alterations to the elevations are proposed with the removal/insertion of some doors and windows.

To the western side of the building, a single storey projection from the southern elevation of the main building that projects into the 'courtyard' area is to be demolished and a detached smaller building constructed to be used as a store.

The accommodation would comprise at ground floor level a studio, two 1-bedroom flats, eight 2-bedroom flats, bicycle storage and other storage areas. At first floor level six 1-bedroom flats and four 2-bedroom flats. Within the basement, storage areas are provided along with bicycle storage.

Parking is proposed to the front (Alexandra Avenue) and side of the building and would provide 36 car parking spaces. Vehicular access would be via the two existing accesses.

Bin storage is proposed to the north-eastern boundary of the site.

## **Site Area/Density**

Site Area: 0.38 hectares (0.95 acres)

Site Density: 55 dph (22 dpa)

## **Relevant Planning History**

No relevant history

## **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 Highways Agency, Southern Gas Networks, Southern Water Services, Kent Police and EDF Energy have also been consulted.

**UK Power Networks** have written in with a copy of their records which show electrical lines and/or electrical plant within the vicinity of the site.

**Southern Gas Networks** have written in with a copy of their records and advise a low/medium/intermediate pressure gas main is near the site.

**Kent Police** have written advising of measures the applicant should take to design out crime by secured by design.

**Southern Water Services** have commented that it is possible that a sewer now deemed to be public could be crossing the development site and that the design of the proposed basements and on-site drainage system should consider the possibility of surcharging within the public sewerage system in order to provide adequate protection to basements from the risk of flooding.

**Highways England** have commented that the site is in the vicinity of the M2 Junction 4 that forms part of the Strategic Road Network and advise that they have no objection.

**Thirteen** letters have been received raising the following objections:

- Application proposed too many 1-bedroom flats in an area of 3-bedroom houses.
- Increase in on street parking.
- Concern of pedestrian and cyclist safety due to location of vehicular access to the site.
- Increased impact on infrastructure, hospital, G.P surgery, dentist and schools.
- Overdevelopment.
- Lack of disabled parking spaces.
- Noise and light pollution.
- Trees on site should be retained.
- Overlooking

## **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*

Canada House is a vacant hospital located within the urban area of Gillingham. Policy H4 of the Local Plan states that within the urban area, residential development consisting of the use of vacant or derelict land and or the redevelopment of existing buildings no longer required for non-residential use will be permitted. In addition, Paragraph 11 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development.

The site is currently vacant but the existing and lawful use of the building is as a hospital and so would constitute a community facility. Policy CF1 of the Local Plan considers that development which would result in the loss of existing community facilities will only be permitted where it can be demonstrated that exceptional circumstances exist such that it would be beneficial to redevelop the site.

The property was sold at auction by the NHS Trust and therefore it is considered that there cannot be a need for a hospital of this size within the Gillingham area. Medway Hospital is within close proximity to the site and has been the main hospital serving Medway for a number of years.

Subject to compliance with the detailed matters which are set out in the assessment below, the principle of the site for residential development is considered acceptable given the residential character of the area.

### *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.

To the north elevation of the building no alterations are proposed. To the south elevation part of the single storey addition is to be demolished and a detached store building formed. To the east elevation an external staircase is to be removed, a door at ground floor level removed and bricked up, at first floor level two windows removed and replaced with doors, an additional window at first floor level and the creation of a balcony. To the west elevation of the building, a new window is to be inserted at ground floor level.

Overall, subject to a condition to secure matching materials, no objection is raised to the design of the development or impact on the character of the area and the proposal is considered to be in accordance with Policy BNE1 of the Local Plan and paragraphs 126 and 130 of the NPPF.



## *Amenity*

There are two main amenity considerations, firstly the impact of the proposed development 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 130f of the NPPF relates to the protection of these amenities.

### Neighbours Amenity

Due to the building being existing and with only minor alterations proposed to the building, it is not considered that the development would have a detrimental impact on the neighbouring occupier's amenity in terms of loss of sunlight, daylight or outlook. The use of the building would intensify in terms of the residential units within it, however, due to distances to neighbouring properties it is not considered that the development would have a detrimental impact on neighbouring properties in terms of loss of privacy.

### Future Occupiers Amenity

With regard to the amenities of the future occupiers, the proposed dwellings have been considered against the Technical Housing Standards - nationally described space standard dated March 2015.

The space standards would require a gross internal floor area of 37m<sup>2</sup> for a 1b1p, 50m<sup>2</sup> for a 1b2p, 61m<sup>2</sup> for a 2b3p and 70m<sup>2</sup> for a 2b4p flat. A double bedroom should have a floor area of 11.5m<sup>2</sup> and be at least 2.75m wide, with a second double bedroom at least 2.55m wide. A single bedroom should have a floor area of 7.5m<sup>2</sup> and be at least 2.15m wide.

All proposed flats, except for one, would either meet or exceed these standards. The flat that would fall slightly below the standards would only be short by approx. 0.5m and therefore would be considered acceptable.

The proposal is therefore considered to provide adequately sized living accommodation for future occupants of the dwellings.

The Medway Housing Design Standards requires each flat to have private amenity space of 5m<sup>2</sup>. Flats 14 and 21 which would be located at first floor level would be provided with balconies of over 5m<sup>2</sup> of private amenity space. A condition is recommended for privacy screening to be erected between the balcony areas of these two flats as well as to the ends that may affect the privacy of Flats 19 and 20. No external private amenity space would be provided for the remaining flats. Eleven of the other flats, although would not be provided with private external amenity space, are provided internally with a gross internal floor area of 5m<sup>2</sup> or more, over that required by the space standards and this would be considered acceptable. The eight flats remaining would not have an additional 5m<sup>2</sup> gross internal floor area, however,

this is not unusual for a conversion of a property and the site as a whole, also benefits from an area of shared amenity space of approx. 588m<sup>2</sup> to the southeast. Overall, it is considered that the flats would be provided with an acceptable level of private/shared amenity space.

No objections are raised in terms of the impact on amenities of both the future occupiers and neighbours and the proposal is considered to comply with Policy BNE2 of the Local Plan and paragraph 130f of the NPPF.

### *Highways*

The details submitted indicate that the existing accesses would serve the proposed development. It is not considered that the new residential units being served from existing accesses would cause a significant or severe impact to highway network and therefore would be considered acceptable.

In terms of impact to the highways, given the current lawful use of the site, it is not considered that the change of use would have a significant impact on the highway function and therefore would be considered acceptable.

The adopted Interim Residential Parking Standards require the provision of a minimum of 1 space per 1 bedroom, 1.5 spaces per 2 bedroom and 2 parking spaces for a 3+ bedroom property with visitor parking provided at 0.25 per flat. The site plan indicates 36 car parking spaces would be provided, which would be considered sufficient parking provision on site for the new residential units and therefore in compliance with the parking standards. A parking management plan would be required to manage the spaces and preserve the spaces for the residents and their visitors to the site and this is recommended as a condition.

It should be noted that the NPPF has put sustainable development as a central core and Paragraph 112e outlines that development should provide electric charging facilities, therefore a condition is recommended to secure and fulfil this objective.

In terms of cycle storage, the drawings indicate that sufficient storage would be available at the ground floor and basement levels and include individual lockers per flat.

The application is considered to be acceptable in respect of the transport and parking Policies T1, T2, T4 and T13 of the Local Plan and paragraphs 111 and 112e of the NPPF.

### *Climate Change and Energy Efficiency*

The design and access statement submitted with the application advises:

Due to the proposal being walking distance to the town centre as well as local amenities, this minimizes car usages for day-to-day activities which in turn reduces the carbon footprint of each residential unit. Additionally, there are several bus stops near the site which promotes the usage of public transport and further increases the potential for carbon footprint reduction of the future occupants.

The existing building will be refurbished using high quality materials to reduce heat loss through the existing building fabric as well as sourcing its materials locally. The proposal also has large windows in each apartment which allows in ample daylight to maximise natural light within the rooms and reduce the usage of energy during the day. Additionally, flats facing the south will also benefit from passive solar heating which further reduces the energy demand.

The proposal is in accordance with paragraph 154 of the NPPF.

### *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 £253.83 per dwelling (excluding legal and monitoring officer's costs, which separately total £550) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. The strategic measures are in the process of being developed but are likely to be in accordance with the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (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 this tariff and would be secured as part of the Section 106 Obligation. No objection is therefore raised under Policies S6 and BNE35 of the Local Plan and paragraphs 180 and 181 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 have been calculated based on the quantum and location of the proposal and are directly related to the development.

Based on a net increase of 21 flats, the following contributions are sought and agreed by the applicant in accordance with Medway Council's Developer Contributions Guide 2019:

- i) £18,371.37 towards mainstream nursery/primary education within a radius of 2 miles from the development site, and/or SEND education within Medway and mainstream or SEND secondary/sixth form education within Medway.
- ii) £13,726.86 towards supporting the creation of additional capacity in Primary Care premises required as a result of the increase in housing and resulting patient registrations. This can be, by way of extension to, refurbishment of, or upgrade to existing practice premises within the vicinity of the development, or contribution towards a new facility if this is required to support the population growth.
- iii) £3,584.91 towards improved equipment and facilities at Gillingham Library and/or Luton Library.
- iv) £1,699.95 towards programme delivery for young people (ages 8-19 and up to 25 with additional needs) in the Gillingham area. Which may include facilities, providing access, supplies, equipment and/or instructors.
- v) £7,500.00 towards the development of sustainable transport infrastructure to encourage modal shift from the private motor vehicle within the local vicinity.
- vi) £3,756.48 towards the provision, improvement and promotion of waste and recycling services to cover the impact of the development.
- vii) £5,145.00 towards the development of public realm improvements to Gillingham town centre.
- viii) £55,386.45 towards the enhancement of open space facilities within Watling ward including Gillingham Park and Medway's Metropolitan park - Great Lines Heritage Park.

- ix) £5,330.45 towards Designated Habitats Mitigation (as stated in the section above).

The applicants have agreed to meet these contributions which would be secured by s Section 106 Agreement. No objection is therefore raised under Policy S6 of the Local Plan and paragraphs 55 and 57 of the NPPF.

### **Conclusions and Reasons for Approval**

The scheme under this current proposal is considered to be acceptable and would comply with Policies BNE1, BNE2, BNE23, BNE35, CF1, H4, S6, T1, T2, T4 and T13 of the Medway Local Plan 2003 and the objectives of paragraphs 55, 57, 111, 112e, 126, 130, 154, 180 and 181 of the National Planning Policy Framework 2021.

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 for approval.

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### **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/>