

MC/22/0116

Date Received: 19 January 2022
Location: 5-7 Mill Road And 4 Fox Street Gillingham
Medway ME7 1HL
Proposal: Construction of two new blocks of 24 flats for specialised
supported social housing for adults with learning and special
needs - demolition of existing buildings
Applicant: Koctas Ltd
Mr O Kocak
Agent: Insight Architects
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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 27th July 2022.

Recommendation - Approved Subject to:

A. The completion of a unilateral undertaking to secure the following:

- i. £6091.92 towards strategic measures in respect of the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites.

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 19 January 2022:

011 Rev P3 Proposed 1st and 2nd floor plans
015 Rev P4 Block A Proposed Elevations
019 Rev P3 Existing and proposed site sections AA

Received 24 January 2022:

018 Rev P3 Proposed Street Elevations

Received 9 May 2022:

010 Rev P6 Proposed ground floor plan
012 Rev P5 Proposed 3rd floor and roof plans
016 Rev P4 Block B Proposed Elevations

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 details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority in consultation with the Lead Local Flood Authority (LLFA).

The approved CSWMP and shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:

- i. Temporary drainage systems.
- ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses.
- iii. Measures for managing any on or offsite flood risk

The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

Reason: Required prior to commencement of development to manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 167 of the National Planning Policy Framework 2021.

- 10 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.

- 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 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 (LAm_{ax}) 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.

- 13 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.

- 14 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.

- 15 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.

- 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 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 staff; 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.

- 18 No part of the development shall be occupied until details of a Waste Management Strategy have been submitted to and approved in writing by the Local Planning Authority. The Waste Management Strategy shall provide details of how waste collection would be presented on the highway by a management company or caretaker. The management of waste within the site shall thereafter be carried out in accordance with the approved details.

Reason: To ensure adequate waste collection without prejudice to the amenities of existing and future residents in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 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 P6 011 Rev P3, 015 Rev P4 and 16 Rev P4 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 prior to occupation of the development 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 The carers room window on the third-floor side (north facing) elevation of Block B shall be fitted with obscure glass 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.

- 24 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 P6. 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.

- 25 Notwithstanding the approved plans, the external brickwork for Block A 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 24 flats for specialised supported social housing for adults with learning and special needs - demolition of existing buildings.

The application would result in the demolition of the existing commercial buildings onsite and the construction of two blocks of 24 flats consisting of 23 x 1-bedroom flats and 1 x 2-bedroom flat, a carers room and community rooms for the purpose of operating as a specialist assisted living accommodation.

Block A would front Mill Road and Block B would front Fox Street. Between the flats would be 9 parking spaces (2 disabled) accessed via an underpass within Block A and some areas of soft landscaping, a communal terrace and a bin store. 8 cycle store spaces for staff are proposed to the front of Block A on the Mill Road.

Block A

The new part brick, part cladded building would measure approx. 15.1m width (max) to front elevation and approx. 9.8m to the rear and a maximum depth of approx. 23.3m. It would have a flat roof and measure approx. 12.2m in height. The ground floor would consist of 3 x 1-bedroom flats, plant intake, entrance lobby and community room. The first and third floors would consist of 4 x 1-bedroom flats and the second floor would consist of 3 x 1-bedroom flats and 1 x 2-bedroom flat.

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, a maximum depth of approx. 23.3m at

first and second floors utilising an undercroft over the parking area. The third floor would be offset from the front of the building by approx. 7.5m. It would have a flat roof and measure approx. 12.1m in height. The ground floor would consist of 2 x 1-bedroom flats and entrance lobby. The first and second floors would consist of 3 x 1-bedroom flats and fourth floor would consist of 1 x 1-bedroom flat, community meeting room and carers room.

Site Area/Density

Site Area: 0.0918 hectares (0.2268 acres)

Site Density: 261.4380 dph (105.8201 dpa)

Relevant Planning History

The application site

MC/20/2541 Construction of two new blocks of 22 flats - demolition of existing buildings
Decision: Approval with conditions
Decided: 21 October 2021

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, Kent Police, NHS,

Southern Water, Southern Gas, EDF Energy, ESP Utilities Group and KCC Biodiversity have also been consulted.

Three letters of objection have been received raising the following concerns:

- Car parking stress in the area with the scheme being under parking standards to add to this stress. Supporting evidence shows parking available which is pay and display.
- Impact on neighbouring amenities regarding overlooking, sunlight and construction noise and dirt.
- Terraced properties in Fox Street being dominated by flats to the top of the road.
- Visually dominant to neighbours.

Rehman Chishti MP has written to support the application due to the proposed additional supply of specialist supported living. The scale and design are proportional and in keeping with other flats built in recent years between Mill Road and Fox Street and therefore should not have a detrimental impact upon the local community. Until Medway has a Local Plan we must continue to consider appropriate small-scale housing on a case-to-case basis that will provide our need for additional housing but of a scale and design that is complimentary and proportionate to the local area and where local services and infrastructure is in place which can support new housing.

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 and security of supply is vitally important. The developer must keep ESP regularly updated of extent and nature of works and suggest a meeting with their representatives to discuss the impact of the proposals on the network. They provided various guidance notes for requirements and precautions when carrying works in vicinity of Gas Pipes and Electricity cables. These issues will be flagged as an informative.

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.

Kent Police have written to advise of their concerns with regards to security and have set out some issues that need to be addressed/considered; they have also suggested the developer contacts them regarding designing out crime measures. An informative would be included within the application to bring this letter of representation to the applicant's attention.

Southern Water (SW) have provided records of their sewers showing an existing foul water sewer within the development site. The exact position may be determined by the applicant in consultation with SW. Guidance on restrictions to the layout is also provided. 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. It is also possible a sewer is crossing the site. These issues will be flagged as an informative.

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. Consequently, conditions for bat lighting and bat features are 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

Background

Planning permission was granted in 2021 under planning application reference MC/20/2541 for 22 flats consisting of 18 x 1-bedroom flats, 2 x 2-bedroom flats and 2 x 3-bedroom flats. This application seeks to build similar buildings but without the balconies. The use from market housing has been changed to specialist assisted living properties amending the mix and number of flats from 22 to 24.

Due to the change in end use this application also includes provision of a care room in Block B and community room in each block. The parking area parking has been reduced from 11 spaces to 9 with the bin store bin located within the courtyard rather than within the front of each block as previously approved.

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. At the time of the previous planning application the units were being used as a car wash fronting Mill Road. The lawful use of the building fronting Fox Street was B8 storage and

distribution but operating as a boxing gym. From the officers site visits for this application, it appears that both uses have now ceased operations. 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 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 allocated 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.

Given that the site is not allocated for employment uses, there is no objection to the redevelopment of this site to assisted living residential (Use C3) 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 respectful of the conservation area reflecting the architecture through its rhythm and use of materials. The proposed blocks are of a similar massing, size and scale to the previously approved albeit with the balconies removed which are not considered appropriate for the intended end users. The rear of each block was designed to limit the impact on neighbour's amenities of outlook and sunlight. This scheme replicates this and therefore the proposed size and scale is considered to be 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 for Block A which fronts the conservation area.

With regards to layout of the parking area between the flats, this is reflective of the neighbouring flats and considered 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

Concerns have been raised via consultation responses regarding the impact on neighbours from overlooking, sunlight and the impact during construction. The proposed development is very similar to the size, massing and scale to the previously approved scheme, with the removal of balconies. Within the previous application both Block A and Block B were altered to limit the impact of loss of daylight to 6 Fox Street and outlook on 3 Mill Road. These changes are reflected within this new application.

It was considered that on balance the impact on outlook of 6 Fox Street from the block extending further back in the site would not be considered detrimental when considered it being offset from the boundary and the resultant loss of the large commercial buildings

within the centre of the site which act as an approx. 5.5m wall dominating the rear garden of 6 Fox Street and the existing impact on loss of sunlight this causes.

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 previous application 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 was considered that these amendments were 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 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. It should also be noted that the removal of the balconies in this application would also further reduce the impact neighbours from the previous scheme.

Block B at the first and second floor proposes obscure glazing to the flank windows which project passed the rear elevation of the properties in Fox Street, to protect their privacy, while clear glazed windows are also proposed which overlook into the blank flank elevation of 6 Fox Street and would therefore not cause any detrimental overlooking. However, at the third storey a directional window is proposed to serve the blocks community room to ensure privacy to the Fox Street rear gardens. The adjoining carers room would overlook the rear gardens and therefore needs to be an obscure glazed window. As this room is not habitable this would not be an issue. A condition would be imposed to secure the obscure glazing and directional window and their future retention.

As per the previous application given the design of the proposal, 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 on balance that the proposal would not result in any detrimental impact 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

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) and the 2-bedroom 3 person flats (61sqm) and room sizes.

The Medway Housing Design Standards (MHDS) requires properties to have at least 5sqm additional private outdoor amenity space for flats and if not provided should be included on top of the minimum GIA. The previous scheme provided balconies for each flat, however as this property is being purpose built for specialist living accommodation the balconies have been removed as they would not be inappropriate for the special needs of the intended occupiers. Ground floor flats 1 and 2 in Block A and flat 15 in Block B benefit from terraces meeting this standard. Flats 4, 6, 7, 8, 10, 13, 22 and 24 all provide the additional 5sqm internal space. The remaining 13 flats exceed the national standards from between 1 to 4sqm. This application also proposes a community room in each block and a community terrace within the shared courtyard for additional future amenity benefit and it is also noted that the site is in close proximity to the Great Lines Heritage Park. As a result, no objection is raised to the flats that fall short of the MHDS guidance on the basis that blocks are purpose built and they exceed the national standards and the above-mentioned additional provisions. All habitable rooms would have the potential for suitable outlook.

The application has been submitted with an amended Environmental Noise Assessment (ref: KD0308305NR Rev 1.0 dated 14 September 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 24.5 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 8 cycle storage providing a sustainable alternative to the car for the staff of the sheltered living.

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 9 parking spaces, with an acceptable layout and access arrangements. Due to the sustainable location of the site, it is considered that a reduction in the standards would be acceptable. The applicants have provided a parking survey and parking management plan. The parking survey 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 visitors. The parking management plan indicates how the parking spaces would be allocated for the residents and support staff, who would be encouraged to travel by public transport. It is considered that the impact of the development on the local transport network has been appropriately assessed subject to a revised more detailed 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 rainwater harvesting, grey water recycling and water butts should also be considered to reduce the demand on potable water supplies.

Subject to conditions regarding the submission of a suitable construction water management plan, 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.

Waste

Due to the distance to the from the public highway of the proposed bin store exceeding 10m a waste management plan would be required to be secured by condition to ensure that the bins would be presented on the highway by a management company or caretaker.

Subject to an appropriately worded condition no objection is raised within regards to Policy BNE2 of the Local Plan and paragraph 130 of the NPPF.

Climate change and energy efficiency

The application has provided a climate change and energy efficiency statement within their design and access statement. They indicate that 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 and viability

S106 requests set out in the Medway Guide to Developer Contributions 2021 were requested in addition to a contribution towards public realm improvements reflective of the previous planning application. The applicant submitted a Viability Assessment which has been considered by the Council's viability advisor. The advisor concludes that the scheme is unviable with the s106 requests. However, it should be noted the contribution for bird mitigation below is still required to offset the impacts of the development on the protected sites.

No objection is therefore raised under paragraphs 55, 57 and 58 of the NPPF and Policy S6 of the Local Plan.

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 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 in principle to this tariff and are in the process of completing a unilateral undertaking. No objection is therefore raised under Paragraphs 180 and 181 of the NPPF and Policies S6 and BNE35 of the Local Plan.

Conclusions and Reasons for Approval

The proposal is considered acceptable in terms of principle, design, amenity and highway aspects and with regard to all other material planning considerations. The proposal accords with the provisions of Policies ED3, S6, H4, BNE1, BNE2, BNE14, BNE23, BNE35, BNE37, T1, T2, T3, T4 and T13 of the Local Plan and paragraphs 11, 55, 57, 58, 104, 105, 110b, 111, 112, 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 unilateral undertaking.

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 on Medway Council's Website
<https://publicaccess1.medway.gov.uk/online-applications/>