

MC/14/1772

Date Received: 23 June, 2014

Location: 393 High Street, Chatham, ME4 4PG

Proposal: Construction of a part six and part seven storey building comprising 11x one bedroom and 13 x 2 bedroom apartments above ground floor commercial floorspace.

Applicant: Fornidon Limited

Agent: Mr Hume Hume Planning Consultancy Ltd 18 Waldron Road Broadstairs Kent CT10 1TB

Ward River

---

**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 10 September, 2014.**

**Recommendation - Approval subject to;**

A) The applicant entering into a unilateral agreement under the terms of Section 106 Town and Country Planning Act 1990 for:-

- £5,997.60 towards the Metropolitan Park in particular towards routine inspections of new footbridges in the Park as a result of opening up new public access into Fort Amherst.
- £45,687.60 towards recreation and play improvements to Chatham Riverside.
- £25,417.60 towards education and the provision of nursery, primary, secondary and sixth form school places
- £3,600 towards the up-skilling of local people within Medway
- £3,281.04 from Community Centres and Neighbour Facilities towards the provision and maintenance of equipment, services and facilities at White Road Community Centre.

B) And the imposition of 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: 300/PL/01, 300/ele/01, 300/ele/04, 300/ele/06 received 24 June 2014 300/PL/01, 300/PL/05, 300/PL/07, 300/PL/08 received 30 June 2014. Revised plans 300/PL/02, 300/PL/03, 300/PL/04, received 18 August 2014 and 300/PL/06B and 300/PL/02B received 21 August 2014.

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

- 3 Notwithstanding the submitted document, no development shall take place until details and samples of any materials to be used externally including roofing materials, facing bricks and/or other cladding materials, mortar, bonding and pointing details, lintels, cills, entrances, fenestration and any other external details have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out 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.

- 4 No development shall take place until a scheme of landscaping (hard and soft) and boundary treatment has been submitted to and approved in writing by the Local Planning Authority. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or completion of the development, whichever is the earlier. 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: Pursuant to condition 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policy BNE1 and BNE6 of the Medway Local Plan 2003.

- 5 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to the Local Planning Authority for approval in writing prior to the occupation of the development. The landscape management plan shall be carried out as approved.

Reason: Pursuant to condition 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 6 None of the buildings hereby approved shall be occupied until underground ducts have been installed by the developer to enable telephone, electricity

and communal television services to be connected to any premises within the site without recourse to the erection of distribution poles and overhead lines and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no distribution pole or overhead line shall be erected within the area.

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.

7 No development shall take place until details of the following architectural elements shall be submitted to and approved in writing by the Local Planning Authority.

- External wall - sections and elevation
- Balconies and their external fixings in the form of elevation and section drawings and details of the colour scheme
- Elevations, sections and details of the colour scheme of glazing, window and external door designs including wall/window junctions
- Elevations and sections of eaves and parapets

Any details to be submitted in a drawn form pursuant to the requirements of this condition shall be submitted at a scale of not less than 1:20. The development shall be implemented in accordance with the approved details and shall be retained thereafter.

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 All soil, vent and waste pipes apart from their terminations shall be constructed within the 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.

9 Prior to the first use of development, details of a long-term maintenance programme for the external appearance of the building shall be submitted to and approved in writing by the Local Planning Authority. The programme of maintenance shall thereafter 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.

10 No development shall take place until a scheme for protecting the proposed development from transport related noise, 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. Where the internal noise levels (LAeq,T) will exceed 30dB in bedrooms and 35dB in living rooms 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 less than 55dB (LAeq,T). All works, which form part of the approved scheme, shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

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

- 11 No development shall take place until a scheme to minimise the transmission of noise from the use of the premises, has been submitted to and approved in writing by the Local Planning Authority. Noise from the premises should be controlled, such that the noise rating level (LAr,Tr) emitted from the development shall be at least 5dB below the background noise level (LA90,T) at the nearest facade. All measurements shall be defined and derived in accordance with BS4142: 1997. The results of the assessment and details of any mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is brought into use and thereafter be maintained in accordance with the approved details.

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

- 12 No goods shall be loaded, unloaded, stored or otherwise handled within the application site outside the hours 07:00 to 19:00 Monday to Friday, 08:00 to 18:00 Saturday or at any time on Sunday or Bank Holidays.

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

- 13 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 14 to 17 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 18 has been complied with in relation to that contamination.

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

- 14 A desk top study and a risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the

site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The desk top study, investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include:

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

(ii) an assessment of the potential risks to:

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

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

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

- 16 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The

Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

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

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

- 17 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 14, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 15, 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 15 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 16.

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.

- 18 No part of the development shall be occupied until an amendment to the traffic regulation order for the area in relation to permit parking has been made and is in place, funded by the applicant which excludes residents of the development hereby approved from being eligible to obtain parking permits.

Reason: In the interests of amenity in accordance with policy BNE2 of the Medway Local Plan 2003.

- 19 No development shall take place until a scheme detailing measures for fire protection for the proposed development have been submitted to and approved in writing by the Local Planning Authority. No unit shall be occupied until the approved fire protection has been provided. The approved measures shall thereafter be maintained.

Reason: In the interests of fire protection and the safety of the prospective occupiers.

- 20 The ground floor commercial use hereby permitted shall only operate between the hours of 07:00 to 20:00 Mondays to Saturdays inclusive and 09:00 to 17:00 on Sundays and, Public Holidays.

Reason: To regulate and control the permitted development in the interests of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 21 The ground floor commercial units shall be used for the purpose of A1, A2 and B1 use and for no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: In order to confirm the nature of the permitted use in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 22 Notwithstanding the approved plans, no development shall take place until details to show refuse storage for the residential development (in accordance with the Councils minimum requirements) and commercial units have been submitted to and approved in writing. The approved refuse store shall be provided in accordance with the approved plans prior to the occupation of any of the development and shall thereafter be maintained.

Reason: In order to ensure that the development has adequate refuse storage in accordance with Policy BNE2 of the Medway Local Plan 2003.

**For the reasons for this recommendation for approval please see planning appraisal section and conclusions at the end of the report**

## **Proposal**

Application for the construction of a part six and part seven storey building comprising 11x one bedroom and 13 x 2 bedroom apartments above ground floor commercial floorspace.

The proposed blocks would be constructed at the north-eastern (rear) and south-western (front) ends of the site. Owing to the land level changes, the rear-sited block would likely appear one-storey higher than its southwestern counterpart. The blocks would surround a courtyard to be landscaped for the enjoyment its occupiers.

The Ground Floor Level would accommodate two retail units, refuse store, two plant rooms, a bike/storage area, lift lobby, two stairways to the upper floors and an entrance hall. Access to the residential flats would be gained via the entrance door located at ground floor within the High Street.

At First Floor Level the development splits into two blocks, one to the front and one to the rear, with a central courtyard area. There would be 2 x 2-bed flats and 2 x 1-bed flats. Because of the slope of the land, this level would be ground floor level for the block to the rear of the site.

At Second, Third and Fourth Floor Levels there would be 2 x 2-bed flats to the rear and 2 x 1-bed flats to the front to each level. Access to the flats would be from either of the two stairways with a communal landing and walkway leading to each flat.

At Fifth Floor Level there would be 2 x 2-bed flats to the rear and to the front there would be a 1 x 1-bed flat and the ground floor of 1 x 2-bed flat. Access to the flats would be from either of the two stairways with a communal landing and walkway leading to each flat.

At Sixth Floor Level there would be 2 x 2-bed flats to the rear and to the front there would be the upper floor of the 2-bed flat split over this level and the fifth floor. There would be no access to the flat at the front from this level but access would remain for the flats to the rear from either of the two stairways.

At Seventh Floor Level there would be 2 x 1-bed flats to the rear with access from either of the two stairways. The application proposes no off-road parking facilities

**Site Area/Density**

Site area: 0.05 ha (0.14 acres)  
 Site density: 480 dph (171 dpa)

**Relevant Planning History**

MC/11/0476                      Application for a new planning permission to replace extant planning permission MC2007/2089 (Construction of a part six, part seven storey block comprising eleven 1-bedroomed flats and thirteen 2-bedroom flats over 2 commercial units) in order to extend the time limit for implementation

Decision Approved Subject to Section 106  
 Decided 9 May, 2011

MC2007/2089	Construction of a part six, part seven storey block comprising eleven 1-bedroomed flats and thirteen 2-bedroom flats over 2 commercial units Approved with Conditions, 20 March 2008
MC2006/0483	Outline application for construction of two six storey buildings to accommodate 20no. one and two bedroomed units with glazed link and 1no. 75 square metre retail unit for A1 use with an accommodated 7no. off-road parking spaces. Refusal, 12 June 2006
MC2006/0452	Outline application for construction of two six storey buildings to accommodate 20no. one and two bedroomed units with glazed link and 1no. 210 square metre retail unit for A1 use. Approval, 12 June 2006



## **Representations**

The application was advertised on site and in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties. Primary Care Trust, EDF Energy, Southern Gas Networks, and Southern Water.

**One letter** relating to:

- Flank wall window in the rear bedrooms overlooking 395 High Street could prevent the future development of the site – following negotiation with the agent these have been removed.

**Southern Gas Networks** have advised of the presence of Low/Medium/Intermediate Pressure gas main in the proximity to the site and have sent a colour map with the location of the gas mains.

**Southern Water** has advised:-

- that they can provide foul sewage disposal to service the proposed development and seeks that a formal application for a connection to the public sewer is made by the applicant or developer.
- There is inadequate capacity to provide surface water disposal and advice is given as to alternative methods.

**Kent Fire and Rescue** have written to advise that it appears that access to the site for the Fire and Rescue Service, as required by B5 of the County of Kent Act 1981 Section 53 ADB, 35 is inadequate. The access to the rear block does not fall within the recommended distance of 45m. They are unable to scale the drawings and so cannot accurately determine the distances involved, in the event of them not meeting ADB then the provision of a fire fighting main (Dry Riser) should be provided.

**Development Plan Policies**The Development plan for the area comprises the Medway Local Plan 2003. The policies referred to within these documents and used in the processing of this application have been assessed against the National Planning Policy Framework, 2012 and are considered to conform.

## **Planning Appraisal**

### *Background*

Planning permission was granted for the development in 2008 and an extension of time approved in 2011. The 2001 permission has expired and this application is essentially the same scheme being re-applied for.

### *Principle*

The application site is located within the urban area of Chatham close to, but not within the core retail area and is a previously developed site that is located within close proximity to public transport facilities. As a result, the application site is

considered to be appropriate in terms of the principle of redevelopment for residential purposes subject to further assessment against other material considerations. The proposal is therefore considered to be in accordance with Policy H4 of the Medway Local Plan 2003.

### *Street Scene and Design*

The density of the development would equate to around 480 dwellings per hectare. It is considered that high-density development is more appropriate and realistic for development in this location, however, good design is fundamental to using land efficiently and building at high density is not to be achieved to the detriment of the character of the area. Development should be of high quality and make a positive contribution to the area, as good design is crucial to the development of high quality new housing, which contributes to the creation of sustainable, mixed communities.

Paragraph 56 of the NPPF attaches great importance to the design of the built environment and Policy BNE1 of the Medway Local Plan 2003 states that the design of development should be appropriate in relation to the character, appearance and functioning of the built and natural environment.

The approach to the design of the proposal is to produce an openly contemporary building. Through the use of recesses, balconies and changes in materials for cladding, the front elevation of the proposal has been successfully designed to place emphasis on verticality. This design takes reference from the existing properties in the immediate vicinity and helps to break up the width of the facade. In addition to this, the layout of the proposal is designed with two main blocks and central courtyard, which steps down with the gradient of the slope (rear to front) helping to break up the mass and bulk of the building.

It is felt that the proposal responds well to the topographical constraints of the site and the context in terms of the height and the use of architectural design and treatment. The proposed building would contribute to the appearance and public realm of this end of the High Street resulting in a clear improvement to the setting of the existing properties in the High Street.

Local Plan Policy H5 also supports a mix in terms of the type and size of residential property, to the fact that although a variety of unit sizes can be provided, the variety of dwelling types are likely to be restricted. The provision of smaller dwellings, including flats, can help to meet the continuing demand from small households that form a significant proportion of housing demand. The provision of smaller dwellings also provides cheaper accommodation and, because it will often be provided at higher densities within the urban areas, it helps to reduce the demand for the development of greenfield sites. The proposal would offer eleven 1-bed flats and thirteen 2-bed flats.

Accordingly it is considered that the proposal would not cause harm to the character and appearance of the area and no objections are raised with regard to paragraph 56 of the NPPF and Policies BNE1, H4 and H5 of the Medway Local Plan 2003.

### *Amenity Considerations*

The layout of the proposal with the central courtyard has been carefully considered to ensure that there would be no privacy issues for the future occupiers of the development as the flats with the front block would have no habitable room windows facing into the courtyard. This arrangement would also ensure that the habitable room windows would be well served in terms of levels of daylight outlook.

The proposed flats are not all in accordance with the minimum standards set out in the Medway Housing Design Standards as set out in the table below:-

<b>Number of bedrooms</b>	<b>MHDS Min gross internal floor area</b>	<b>Proposed Gross internal floor area</b>
<b>2b3p</b>	<b>61</b>	<b>67.5</b>
<b>2b3p</b>	<b>61</b>	<b>62.5</b>
<b>1b2p</b>	<b>50</b>	<b>44.7</b>
<b>1b2p</b>	<b>50</b>	<b>51.4</b>
<b>2b3p</b>	<b>61</b>	<b>67.5</b>
<b>2b3p</b>	<b>61</b>	<b>62.5</b>
<b>1b2p</b>	<b>50</b>	<b>44.7</b>
<b>1b2p</b>	<b>50</b>	<b>51.4</b>
<b>2b3p</b>	<b>61</b>	<b>67.5</b>
<b>2b3p</b>	<b>61</b>	<b>62.5</b>
<b>1b2p</b>	<b>50</b>	<b>44.7</b>
<b>1b2p</b>	<b>50</b>	<b>51.4</b>
<b>2b3p</b>	<b>61</b>	<b>67.5</b>
<b>2b3p</b>	<b>61</b>	<b>62.5</b>
<b>1b2p</b>	<b>50</b>	<b>44.7</b>
<b>1b2p</b>	<b>50</b>	<b>51.4</b>
<b>2b3p</b>	<b>61</b>	<b>67.5</b>

<b>2b3p</b>	<b>61</b>	<b>62.5</b>
<b>2b4p</b>	<b>70</b>	<b>89.5</b>
<b>1b2p</b>	<b>50</b>	<b>51.4</b>
<b>2b3p</b>	<b>61</b>	<b>67.5</b>
<b>2b3p</b>	<b>61</b>	<b>62.5</b>
<b>1b2p</b>	<b>50</b>	<b>49.5</b>
<b>1b2p</b>	<b>50</b>	<b>49.5</b>

The one bedroom 2 person flats fall between 0.5sqm (2 flats) and 5.3sqm (4 flats) short of the minimum standard, however the flats comply with the Medway Housing Design Standards when assessed through the 'Alternative Methodology' that requires the applicant to submit the layouts of each unit type plotting a schedule of furniture into the space (as detailed in the appendix of the MHDS) and showing adequate manoeuvrability space around the unit and storage space.

An area for refuse has been plotted on the ground floor to the rear of shop 1, however as it is currently laid out the refuse store is not adequate for both the commercial and residential element, it is considered that they are able to provide an adequate store and as such it is recommended that this aspect is conditioned on any approval.

In relation to the impact on the amenities of residents in surrounding properties, the area is characteristically of a tight urban grain and so there it is expected that there would be a degree of overlooking. However, the properties opposite the application site are predominantly occupied by retailers, therefore it is considered that there would be no detrimental impact on the amenities of any occupiers of a properties opposite the site in terms of loss of outlook, daylight, privacy and overshadowing.

There is a block of flats (Imperial Gate) to the northwestern side of the application site. The windows in the side elevation of the front part of Regents House appear to have windows serving non-habitable rooms. To the rear of the site on a higher land level, there is a block of garages, however there is a recent planning permission (MC/14/0605) to remove these and replace them with a two storey block comprising 5 apartments and 3, two storey dwellings to provide a total 8 residential units with associated car parking and landscaping provision. To the rear of the application site would be the two storey dwellings with habitable room windows facing the application site at a distance of approx. 16.5m between the habitable room windows and the rear of the balconies on the proposed flats. Beyond the garages, again, at a higher land level, there is a terrace of dwellinghouses with the rear elevations facing the application site. The rear elevation of the proposed block of flats would be almost in line with the rear elevation of the existing flats at Imperial Gate, but would be two storeys higher. It is acknowledged that there would be a degree of overlooking of the rear gardens of the existing dwellinghouses and the proposed dwellings approved under application MC/14/0605 to the rear of the application site, however, it is considered that the distance between and the change in land levels

would ensure that the impact would not be so significantly detrimental to the amenities of the occupiers of these dwellings in terms of loss of privacy, in addition to this, the site is located within a tight urban location where a degree of overlooking is to be expected. The flats would be located at a lower level to the dwellinghouses, and while there will be an impact with regard to overshadowing and loss of daylight it is considered the loss would not be so significant to refuse the application.

To the southeast of the site, there is an art deco style; three-storey building that is occupied as a place of worship. Taking this into account and that the windows in the side elevation serving habitable rooms, it is considered there would be no detrimental impact in terms of loss of amenity. The flank wall windows that related to secondary bedroom windows in eastern elevation have been removed to ensure that the development of this site does not prejudice the development of the vacant site adjacent to the application site.

Accordingly it is considered the proposal would not cause harm to residential amenity and create acceptable levels of amenity for future occupiers and no objection is raised with regards Policy BNE2 of the Medway Local Plan 2003.

#### *Noise*

The site is positioned on the busy High Street, thus it is likely to be exposed to appreciable levels of road traffic noise, it is therefore recommended that conditions are imposed to protect the proposed residential development from transport related noise and to minimise the transmission of noise from the use of the premises. Subject to the imposition of these conditions the proposal is considered to be in accordance with Policy BNE2 of the Medway Local Plan 2003.

#### *Air Quality*

The proposed site is positioned on the High Street, which is within the Central Medway Air Quality Management Area, which was declared in 2010. However, since this declaration was made, the road layout in Chatham has changed significantly and the traffic flow has altered. The monitoring, which has been undertaken in close proximity to the development site, has shown that NO<sup>2</sup> levels for the last few years have consistently been below the national objective level. Therefore, it is not necessary for the applicant to undertake an air quality assessment for this development site and no conditions are recommend.

#### *Contaminated Land*

The former commercial use of the site could have given rise to contamination. The Medway Local Plan 2003 contains a policy on contaminated land, Policy BNE23. The policy requires that proposals for development of land likely to be contaminated be accompanied by the findings of a site examination, which identifies contaminants.

This application has not been supported by a desk top study which would normally be required for a residential end use which poses a greater risk to human health than if it were an industrial use. However, in this instance due to previous planning permissions being granted for the site for residential end use, it is considered that in

this case contamination issues can be adequately controlled by way of an appropriately worded condition.

### *Highways*

The Council's Parking Standards indicate that the development should provide a minimum of 30 parking spaces to serve the 24 flats. However, the Standards also indicate that a reduction may 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. A 'car - free' development can be successful when adequate on-street controls are present and where it is possible for residents to reach day-to-day destinations without the use of a car. Census data indicates that average car ownership in the vicinity of the site is only 0.58 per dwelling, which suggests that this area may be an attractive proposition for residents who choose not to own a vehicle. The High Street and Upbury Way have no on-street parking bays and waiting restrictions along their full length. The residential area to the west of the site is subject to a permit system and the demand for parking appears high. It is therefore suggested that future occupiers of the development are not permitted to obtain on-street car parking permits, in order to protect the amenity of existing residents. This would not prevent them from purchasing permits to park in public car parks, however, the nearest of which is located on Cross Street.

In light of the above, it is considered that the absence of any on-site parking associated with the development would not have a detrimental impact on highway safety, and removing the right of future occupiers to obtain a permit for on-street parking would protect the amenity of existing residents to the west of the site. Subject to a suitably worded condition to restrict the purchase of parking permits, no objection is raised in respect of Policy T13 of the Local Plan.

### *S106 Matters*

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

- £5,997.60 towards the Metropolitan Park in particular towards routine inspections of new footbridges in the Park as a result of opening up new public access into Fort Amherst.
- £45,687.60 towards recreation and play improvements to Chatham Riverside.
- £25,417.60 towards education and the provision of nursery, primary, secondary and sixth form school places

- £3,600 towards the up-skilling of local people within Medway
- £3,281.04 from Community Centres and Neighbour Facilities towards the provision and maintenance of equipment, services and facilities at White Road Community Centre.

The applicant has confirmed they consider the financial requests acceptable. Subject to this agreement, no objections are raised with regards the provision of Policy S6 of the Medway Local Plan 2003.

#### *Local Finance Considerations*

None relevant to this application

#### **Conclusions and Reasons for Recommendation**

The development would create residential accommodation in a centrally located and sustainable part of Chatham. In design, amenity and highways terms the scheme is appropriate and subject to the applicant entering into a Section 106 agreement the application is considered to be in accordance with the Development Plan; particularly Policies S2, S6, BNE1, BNE2, BNE23, BNE24, H4, H5 and T13 of the Medway Local Plan 2003.

The application would normally fall to be determined under delegated powers but has been referred to Committee at the request of Councilor Mackness due to its sensitive location to the Town Centre and the possible impact on the visual amenity in the area and the development plan for Chatham.

---

#### **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://planning.medway.gov.uk/dconline/AcolNetCGI.gov>