

MC/15/0335

Date Received: 4 February, 2015

Location: Horsted Park (Phase 2) Former Midkent College Site, Maidstone Road, Chatham, Kent, ME1 2XQ

Proposal: Redevelopment of the site to provide 265 dwellings comprising of 99 houses, 103 apartments and 63 extra care units in buildings extending between 2 and 3.5 storeys in height together with hard and soft landscaping, open space, parking and associated infrastructure works

Applicant: Countryside Properties Limited

Agent: Mr K Wheeler Savills 33 Margaret Street London W1G 0JD

Ward Rochester South & Horsted

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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 3 June 2015.**

**Recommendation - Approval subject to:**

- A) The applicant / owner entering into an agreement under Section 106 of the Town and Country Planning Act to secure:
- i) Provision of 63 Extra Care Units
  - ii) £120,000 towards the creation of local employment opportunities and particularly the development of Innovation Centre 2
  - iii) £31,010.40 towards waste and recycling
  - iv) £64,925 towards public realm improvements in Chatham Town Centre
  - v) £93,122.05 towards healthcare provision at Maidstone Road surgery, King George Road surgery, City Way surgery, DMC Walderslade and / or Wayfield Road surgery
  - vi) £159,588 towards the provision of primary school places at New Horizons School
  - vii) £300 per trigger event for monitoring officers costs
- B) The imposition of the following conditions (delegated authority being granted to the Head of Planning to make minor amendments to the wording of the conditions if considered desirable before the issuing of the permission):

- 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:

200B, 210 A17, 100R, 201E, 201\_OP2E, 201\_OP3E, 301E, 302G, 301\_OPT1J, 301\_OPT2I, 301\_OPT3I, 304E, 304\_OP2E, 401H, 402\_OP1C, 402\_OP2F, 403D, CH1C, CH2B, CH3A, BL1\_1N, BL1\_2N, BL2\_1N, BL2\_2N, BL3&9\_1G, BL3&9\_2F, BL4\_1C, BL4\_2C, BL5\_1E, BL5\_2E, BL6\_1E, BL6\_2E, BL7\_1I, BL7\_2J, BL8\_1F, BL8\_2G, BL10\_1K, BL10\_2K, BL11\_1H, BL11\_2G, BL12E, BL13\_1H, BL12\_2H, BL14\_1G, BL14\_2G, BL15\_1D, BL15\_2D, 311, 312, 313, 314, 315, 316, 317, 700U, 710V, 711U, 720T, 730T, 740A, . A078070\_001A, 002A, 003D, 004A, 005A, 006A, 007A, 008A, 010, 011 and 012

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

- 3 No development above foundation 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 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 above foundation level shall take place until details of measures to minimise the risk o crime, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED), have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason: In the interests of security, crime prevention and community safety and in accordance with policy BNE8 of the Medway Local Plan 2003.

- 5 No development above foundation level shall take place until full details of all hard and soft landscaping, boundary treatment and any artefacts to be located within external areas have been submitted to and approved in writing by the Local Planning Authority.

Hard landscaping works shall include all decking, paving and external hard surfacing material (including safe surfacing for play equipment). Minor artefacts and structures shall include play equipment, seating, refuse receptacles, planters, tree grilles and any other decorative feature(s). These

details shall also include a timetable for the provision of the play equipment.

Soft landscape works shall include details of planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment and aftercare, schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. 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, unless the Authority gives written consent to any variation.

The boundary treatment details shall include a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied and shall thereafter be retained. The development shall be carried out in accordance with the approved details.

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 and afford residents good levels of amenity in accordance with policies BNE1, BNE2, BNE6 and L4 of the Medway Local Plan 2003.

- 6 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.

- 7 No development above foundation level shall take place until details of all external lighting, including for open parking courtyard areas, enclosed parking spaces, any individual covered parking area and areas of communal open space, has been submitted to and approved in writing by the Local Planning Authority. The details of the lighting shall include design, the exact position, light intensity and spillage and be illustrated on the associated landscaping plans for that phase or sub phase. The lighting shall be installed in accordance with the approved details prior to the first occupation of any part of the phase or sub-phase to which it relates. The approved lighting shall be retained in accordance with the approved details.

Reason: To ensure a satisfactory external appearance and to ensure the provision of lighting does not result in glare or light overspill to surrounding

properties in accordance with policies BNE2 and BNE5 of the Medway Local Plan 2003.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out within Classes A - E of Part 1 and Class A of Part 2 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of amenity, in accordance with policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 9 No part of the development hereby consented shall be occupied until a detailed design for the southern access junction with Maidstone Road, including pedestrian facilities, an extension to the existing central reservation on Maidstone Road and a review of the current location of the speed limit terminal, has been submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: in the interests of highway safety in accordance with policy T2 of the Medway Local Plan 2003.

- 10 No development above foundation level shall take place until a timetable for the realignment of the existing footway on the eastern side of Maidstone Road has been submitted to and approved in writing by the Local Planning Authority. The realigned footway, including a link to the existing bus stop, replacement of the existing footway with soft landscaping, new street lighting and measures to prevent vehicle incursion from within the site, shall thereafter be constructed in accordance with the approved timetable, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide an attractive and safe means of pedestrian access in accordance with Policy T3 of the Medway Local Plan 2003.

- 11 No development above foundation level shall take place until details of amendments to the existing Public Right of Way that runs through the site, including surfacing materials, litter bins and way marking, together with a timetable for construction, shall be submitted to and approved in writing by the Local Planning Authority. The diversion shall thereafter be implemented in accordance with the approved details and timetable, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of pedestrian accessibility in accordance with policy L10 of the Medway Local Plan 2003.

- 12 No development above foundation level shall take place until, a Parking Management Plan for the development has been submitted to and approved in writing by the Local Planning Authority. The Parking Management Plan shall include details of the allocation of spaces to individual dwellings, visitor parking, management of the provision for the extra care units and arrangements for monitoring and reviewing the plan. The Parking Management Plan shall thereafter be implemented in accordance with the approved details prior to first occupation of the development.

Reason: To ensure efficient management of resident and visitor parking within the development to preserve the amenity of existing and future residents in accordance with policies BNE2 and T13 of the Medway Local Plan 2003.

- 13 No development above foundation level shall take place until details of secure, enclosed and covered cycle storage facilities for each flat has been submitted to and approved in writing by the Local Planning Authority. The approved cycle storage shall thereafter be constructed in accordance with the approved details and made available for use prior to first occupation the flats to which it relates.

Reason: To provide suitable cycle storage facilities in accordance with policy T4 of the Medway Local Plan 2003.

- 14 No development above foundation level shall take place until, details of pedestrian footpaths, crossing points and traffic calming measures within the development, together with dropped kerbs to facilitate refuse collection at apartment blocks 14 and 15, 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 and thereafter retained.

Reason: To provide an attractive and safe means of pedestrian access and refuse collection in accordance with policies BNE2 and T3 of the Medway Local Plan 2003.

- 15 Each building shall not be occupied, until the area shown on the submitted layout as vehicle parking space and garaging 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 1995 (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 and garaging.

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 Policy T13 of the Medway Local Plan 2003.

- 16 Prior to the occupation of any part of the development hereby approved measures and mechanisms the ongoing removal of any graffiti which may

appear on the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details and retained thereafter.

Reason: In the interests of visual amenity in accordance with policy BNE1 of the Medway Local Plan 2003.

- 17 Prior to the occupation of any part of the development details of the information and educational material concerning waste and recycling storage and collection shall be submitted to and approved in writing by the Local Planning Authority. The approved material shall be provided to each new resident prior to the occupation of the development.

Reason: To ensure effective waste collecting and recycling in the interests of visual and residential amenity in accordance with policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 18 Notwithstanding the approved plans, no development above foundation level shall take place until, details of the refuse and recycling storage for apartment blocks 4, 10, 11 and 13 has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter.

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 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.

Those details shall include:

- i. a timetable for its implementation, and
- ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To manage the risks of flooding pre and post construction and for the lifetime of the development.

- 20 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. All areas proposed for infiltration drainage shall be proved to be free of any contamination. All road drainage shall be proved to be free of any contamination. All road drainage shall have suitable pollution prevention measures installed. The development shall be carried out in accordance with the approved details.

Reason: To protect the underlying groundwater from the risk of pollution and in accordance with the requirements of the National Planning Policy Framework.

- 21 No development shall take place until measures to divert the public water supply main have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and retained thereafter.

Reason: In the interests of amenity and to avoid any irreversible impacts to the public water supply.

- 22 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted to the Local Planning Authority a remediation strategy detailing how this unsuspected contamination will be dealt with. Works shall be carried out in strict accordance with the approved details.

Reason: To protect the underlying groundwater from the risk of pollution and in accordance with the requirements of the National Planning Policy Framework and policy BNE23 of the Medway Local Plan 2003.

- 23 No development to the south of the existing alignment of the public footpath shall take place until further reptile, dormice, bat, bird, and badger surveys have been submitted to and approved in writing by the Local Planning Authority. If the surveys show the presence of such species on site then detailed mitigation strategies and management plans shall also be submitted for written approval. The development shall be carried out in accordance with the approved details.

Reason: To safeguard protected species in accordance with policy BNE37 of the Medway Local Plan 2003.

- 24 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has 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 features of archaeological interest are properly examined and recorded and to avoid permanent impacts to any heritage assets in accordance with policy BNE21 of the Medway Local Plan 2003.

- 25 In this Condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs a) and b) below shall have effect until the expiration of 5 years from the date of occupation of the building for its permitted use.

a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with British Standard 3998 (Tree Work).

b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.

c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this Condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written consent of the Local Planning Authority.

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, BNE6, BNE41 and BNE43 of the Medway Local Plan 2003.

26 No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include amongst other matters details of: hours of construction working; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenities of nearby properties and to avoid any irreversible detrimental impacts to human health in accordance with policy BNE2 of the Medway Local Plan 2003.

27 No development shall take place above foundation level until a scheme for protecting the proposed development from transport, including aircraft and airfield, 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 attenuation measures. The scheme shall include details of acoustic



protection sufficient to ensure private garden noise levels of not more than 55dB (LAeq,T). All works, which form part of the approved scheme, shall be completed before any part of the relevant phase or sub phase 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.

**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 full planning permission for the redevelopment of the site to provide 265 dwellings comprising of 99 houses, 103 apartments and 63 extra care units. The mix of the private dwellings can be seen in the table below.

<b>Unit Type</b>	<b>Number of Units</b>	<b>Percentage</b>
1 bedroom apartment	22	11
2 bedroom apartment	81	40
Flat over Garage	9	4
2 Bedroom House	21	10
3 Bedroom House	44	22
4 Bedroom House	25	12

The extra care building would consist of a collection of 1 and 2-bedroom apartments together with communal facilities including laundry, living / dining room and multi-purpose room. This building would also contain a community room that could be used by the general public and would have a separate external access.

The buildings across the site would be between 2 and 3.5 storeys in height and arranged in detached, semi-detached, terraced and apartment blocks. The properties would be arranged in a combination of straighter terraces similar to that seen in phase 1 or smaller mews style streets. Open space would be provided within the centre of the site to form a village green area and a green finger would run from the eastern boundary to this green. The public right of way that runs between Maidstone Road / Horsted Way and Vale Drive would be diverted to run through the development. The extra care building is proposed to the south of the current alignment of this footpath with enhancements of the open space to the east of the building.

Access to the site would be via the existing access points onto Maidstone Road / Horsted Way. The primary access being towards the northern end and currently utilised by Phase 1. The secondary access is towards the southern end and currently used by the construction traffic. Both of these accesses are the same as the access arrangements approved as part of the previous outline application. Phase 2 would provide 402 parking spaces to be a mix of allocated and unallocated spaces.

## Site Area/Density

Site area: 5.7 hectares (14 acres)  
Site density: 46.49 dph (18.9 dpa)

## Relevant Planning History

MC/14/0101 Construction of an extra care block comprising 30 one bedroomed and 13 two bedroomed units together with associated facilities.  
Approved with Conditions, 21 May 2014

MC/12/2359 Application for approval of reserved matters (access, appearance, landscaping, layout, and scale) for phase 2.1 for the construction of 80 one and two bedroomed flats pursuant to planning permission MC/12/1860 (Variation of condition 5 of MC/11/2865 which allowed for minor material amendments of MC/11/0001 - Outline application for residential (up to 336) dwellings and employment/service facilities, new highway accesses, public open space and ancillary works together with a variation of condition 37 of MC/11/2865 to allow for a reduction in parking provision).  
Approved with Conditions, 2 January 2013

MC/11/0001 Outline application for residential (up to 336) dwellings and employment/service facilities, including commercial office/residential building (2500 sqm), and including full application for Phase 1 (except for the appearance of block A - sub-phase 1A) for 154 dwellings, A1 retail and D1 community development, new highway accesses to Maidstone Road and Horsted Way, public open space and ancillary works.  
Approved with Conditions, 30 September 2011

Various other applications have been submitted which relate to condition discharge and amendments to MC/11/0001.

## Representations

The application has been advertised on site and in the press and by individual neighbour notification letters to the owners and occupiers of neighbouring properties. The Environment Agency, Kent Fire & Rescue, Kent Police, EDF Energy, Southern Gas Networks, Southern Water Services, English Heritage, Rochester Airport, Rochester Airport Consultative Committee.

**14 letters (from 13 addresses)** have been received raising the following objections:

- Increase in traffic will cause increase in congestion in local area including around the gyratory and City Way
- Loss of designated open space
- Design of phase 2 differs from phase 1 to the detriment of quality, character and amenity value
- High density and scale of phase 2 is not complementary of phase 1

- Too many apartments
- Inadequate parking in phase 2
- Fewer greenspaces than originally shown in the plans for the site
- Increase in pressure on local health services and schools
- Not in keeping with the Davis Estate
- Loss of pathway between Maidstone Road and Davis Estate
- Loss of skyline from 12 Primrose Close
- Proximity of plot 6 to Fort Horsted ditch
- Appearance of the development from Greenway will not be pleasant, as is the case with Phase 1
- Support the provision of open space in the middle of the site
- Loss of privacy to properties in Greenway
- 3-storey buildings will dominate the skyline
- Concerns regarding level of consultation
- Potential archaeological remains under Horsted Farm

All other matters raised not listed above are non-material

**Horsted Park Residents Association** has made the following comments: -

- Parking concerns regarding the parking allocation for phase 1 and the lack of visitor spaces, particularly around Pilots View
- Some residents double park within the development
- Traffic moves quickly around the development leading to concerns of a potential accident
- Insufficient green space is proposed
- Extra care building is proposed on greenbelt
- Proximity of apartments to houses will cause poor levels of amenity

**Friends of Horsted Valley** object to the application for the following reasons:

- Development involves the further encroachment into the Area of Local Landscape Importance
- Environment Agency (EA) advises the area has a high chance of surface water flooding and no consultation with the EA is evident
- Ecological assessment was carried out at the wrong time of year
- Area designated as outer catchment as no consultation with Southern Water is evident
- Kent Wildlife Trust have not been consulted
- Original site survey from 2011 has been re-used which included no proper survey of the Eco-Park
- Insufficient public consultation
- Density of the development is too high

**Medway Countryside Forum** object to the application for the following reasons: -

- Original outline application included a condition that development would not take place within the Area of Local Landscape Importance (ALLI)

- Development should not take place within the ALLI
- Access to the current open space does not matter as the ALLI is there for green visual amenity
- Urban green lung is necessary and should be retained
- Species within the open space should not be relocated

**Environment Agency** has raised no objections subject to the imposition of conditions concerning sustainable drainage, contaminated land and surface water.

**English Heritage** has advised that the application should be determined in accordance with national and local policy guidance on the basis of the council's specialist conservation advice.

**Southern Water** has raised no objections subject to the imposition of conditions and informatives relating to the public water supply, sewerage and sustainable drainage.

**Kent Police** has considered the application from a 'crime prevention through environmental design' perspective. The applicant has considered these matters in the design and access statement and an appropriate condition is recommended.

## **Development Plan Policies**

The Development plan for the area comprises the Medway Local Plan 2003. The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2012 (NPPF) and are considered to conform. The Guide to Developer Contributions 2014 is a relevant Supplementary Planning Document (SPD). The Medway Landscape Character Assessment 2011 is also a material planning consideration.

## **Planning Appraisal**

### *Background*

As outlined in the planning history section above, the site is currently undergoing redevelopment. This follows the closure and relocation of the former Mid Kent College Horsted campus, which previously occupied the site. The planning permission approved under MC/11/0001 granted outline consent for a mixed use development across the site with detailed consent for phase 1 of the scheme. Following this reserved matters were approved for phase 2.1 and a full application was approved for the extra care block. Currently 87 dwellings have been constructed on site and these fall within phase 1 of the scheme. This application seeks consent for a new planning permission to cover the remainder of the site. Previously the land now identified as phase 2 was subject to part detailed and part outline permission. The previous hybrid application together with a further application for 1 dwelling resulted in an overall proposal of 337 dwellings on the site (including the extra care units). This scheme would result in a total of 352 units across the site. Within this scheme development is now also shown to the south of the public footpath that leads to Vale Drive and the original outline approvals showed this as retained open space.

## *Principles of Development*

The previous planning permission accepted the principle of redevelopment for the majority of the site. The former college has been relocated into more modern facilities elsewhere in Medway. The previous outline approval contained a mix of uses but was primarily for residential development. The majority of the overall site and all of the land to the north of the public right of way is considered to be previously developed land. Policy H4 of the Local Plan supports the provision of housing on vacant or derelict land and as the site is close to key transport routes, shops and services, it is considered to be a sustainable location.

The previous permission allowed for office accommodation together with retail and community facilities. The site is not allocated for any particular use in the Local Plan, however mixed-use developments are encouraged as they assist with sustainable living. The applicants have advised that there has been limited demand for office accommodation on the site even though marketing has taken place during recent years. The site is, however, close to key transport routes, including the M2, and the Councils Innovation Centre, which is located to the south of the site, is very much in demand. As such the lack of demand is surprising. That said, it is often advantageous to co-locate or cluster such commercial uses and so, as outlined in the S106 part of this report, a financial contribution has been agreed with the applicants, which would be in lieu of the provision of the office accommodation on site. This contribution would go towards the creation of local job opportunities, namely the provision of a second Innovation Centre to be located close to the existing complex. This contribution would therefore support the provision of further jobs in the local area.

The extra care unit has been revised during the consideration of this application to include some community space at ground floor level where the local residents could use the room. This is a similar provision to that which was indicatively shown in the outline permission and would benefit existing and future residents and is in accordance with policy CF2 of the Local Plan.

The outline permission also showed retail space within the extra care building. Following the grant of outline planning permission discussions took place with potential providers of the facility. It was shown that the parameters of the building that had been agreed were too limited to allow for the retail unit to co-locate with the facility bearing in mind the number of extra care units and associated communal space that is required. As such a full application came forward and permission was granted for a redesigned extra care block without a retail unit. This application follows the same principles. The building has again been increased in size to provide 63 units rather than 43 units however it is understood that a building of at least 60 units is seen to be the optimum size in terms of viability and management. The provision of extra care on site adds to the mix of uses across the site and assists with the creation of a balanced community. The building would contain the community facility mentioned above and, depending on the end user, the café could be open to the wider public.

The other option would therefore be to provide a stand-alone retail facility on site. This has not been included in the proposals and based on the lack of site allocation

and the existing retail units within walking distance of the site no objection is raised with this no longer being part of the proposals.

As such the mix of uses on the site together with the financial contribution is considered acceptable in principle. The redevelopment of the brownfield land is in accordance with policy, however specific consideration should be given to the development of land to the south of the public footpath and housing land supply and landscape should be assessed in this regard.

### *Housing Land Supply*

Paragraph 47 of the NPPF states that local planning authorities “should boost significantly the supply of housing”, and as such are required to “identify and update annually the supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirement”.

The 2013/14 Authority Monitoring Report (AMR), published in December 2014, sets out the five-year housing land supply position in Medway. The AMR includes a ‘housing land trajectory’ that sets out the expected delivery rates of identified housing development sites in Medway. On this basis it has been calculated that Medway has 5.4 years housing land supply. It should be noted that this figure included an allowance for development coming forward at Lodge Hill, which was expected to commence in 2016/17 (year 3). However since the publication of the AMR the Secretary of State has decided to ‘call-in’ the Lodge Hill planning application, which means it will be subject to public inquiry before being determined by the Secretary. Given the time it will take to conduct the inquiry it is likely that commencement of development at Lodge Hill will be delayed. There is also a risk that the Secretary of State could refuse the application altogether. Any delay in delivery at Lodge Hill, indefinite or otherwise, will reduce the supply of housing in Medway.

In addition it should also be noted that the Government has published new household projections. Medway’s figures are higher than previous forecasts. Although these projections will need to be reviewed, it is likely that they will result in a higher housing requirement for Medway.

Taken together these two factors, the call-in of Lodge Hill and the new household projections, are likely to undermine the robustness of our five-year housing land supply calculations. Pending a full review of the situation, it should not be assumed the Council will be able successfully demonstrate that Medway currently has five-years housing land supply, should we be challenged at Appeal.

In light of the above it is important to understand the implications of being unable to demonstrate five-years housing land supply by referring to paragraphs 49 and 14 of the NPPF. Paragraph 49 of the NPPF states: “relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”. Paragraph 14 of the NPPF requires that where the development plan is “absent, silent or relevant policies are out-of-date” planning permission should be granted unless “any adverse impacts would significantly or demonstrably outweigh the benefits, when assessed against

the policies in the Framework taken as a whole”.

Housing supply policies include BNE25 and those which set urban and village settlement boundaries. Reference to this policy alone in determining the current application would be unlikely to be upheld at appeal. However, policies that seek to protect specific features, such as landscape character, are not generally considered to be housing supply policies, and can therefore be considered in determining this application. This report also has regard to the policies of the NPPF in assessing the application proposals.

### *Landscape*

This application differs from the previous outline application in that development is now proposed to the south of the public footpath, which connects Maidstone Road to Vale Drive. This land is part of an area generally called Horsted Farm and was previously shown as an Eco Park. The public footpath represents the urban boundary as defined in the proposals map of the Medway Local Plan 2003 and so the land lies outside of the urban settlement boundary. It is also classified as being within the Horsted Valley ‘Area of Local Landscape Importance’ (ALLI).

Policy BNE25 defines land outside of settlement boundaries as the countryside. Policy BNE25 states that development within the countryside will only be permitted if it “maintains, and wherever possible enhances the character, amenity and functioning of the countryside.” Policy BNE34 states that development within the ALLI will only be permitted if “it does not materially harm the landscape character and function of the area”. Under Policy BNE34 development within an ALLI may be permitted “where the economic and social benefits are so important that they outweigh the local priority to conserve the areas landscape”. It is considered that policy BNE25 and BNE34 are consistent with the NPPF requirements to “recognise the intrinsic character and beauty of the countryside” (paragraph 17) and to “enhance the natural and local environment by protecting and enhancing valued landscapes” (paragraph 109).

To assist in assessing the impact of development upon the character of the countryside the Medway Landscape Character Assessment (MLCA) has been prepared. The MLCA provides guidance to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place. The MLCA identifies the site within the westernmost boundary of the Horsted Valley Landscape Character Area (LCA), which forms part of the larger Capstone and Horsted Valleys Landscape Character area. Paragraph 170 within the NPPF encourages the production of Landscape Character Assessments. As such the MLCA is an important consideration against which these proposals should be judged. It is considered to be fully NPPF compliant and to thereby carry significant weight regarding the determination of these proposals.

The Local Plan describes the Horsted Valley ALLI as a: “finger of open space extending from A229 close to Rochester Airport, to Luton, including Coney and Daisy Banks.” The Local Plan also notes that the Horsted Valley ALLI provides a valuable open space close to a large urban area, it defines urban areas and maintaining identities of separate communities. It also provides reference to its setting on

Wayfield Estate, Luton and Fort Horsted.

The MLCA highlights that the Horsted Valley LCA is characterised by a steep sided dry valley, predominantly scrub with extensive open grassland. There is a cluster of amenity uses at Snodhurst Bottom and towards Luton and there is a rural character in places. It acts as a strong green wedge separating built development. The MLCA provides guidelines for this area, which include the need to resist development that erodes the rural character, ensure that permitted new development respects the distinctive landscape character, openness and views, and control boundary treatment

Paragraph 109 of the NPPF states that the planning system should “contribute to and enhance the natural and local environment by protecting and enhancing valued local landscapes”. The summary above highlights that the application site sits within the Horsted Valley LCA, which is valued for the rural character and its role as a green wedge in between existing communities.

However this proposed scheme only represents a small encroachment into the area with the extra care building sitting within an existing landscape parcel. The drawings show the extra care building located within the existing arrangement of tree planting in this area. The proposals would provide a further ‘green finger’ connecting the landscape into the site and this would be much more generous than the finger in phase 1. The scheme also allows for landscape improvements within the retained parcel of open space to the east of the extra care building allowing for suitable boundary treatment and planting for the dwellings 195 – 202. Whilst development is not supported in this area, the impact on the landscape would be limited and due to the poor position of the councils housing land supply, it is not felt that it can be resisted.

### *Open Space*

Policy L3 of the Local Plan identifies the need to protect open space from development. With this proposal the land to the south of the existing footpath (part of Horsted Farm) is amenity land and so whilst not useable for leisure use it is covered within the policy. The proposals would result in the creation of a village green within the centre of the scheme and a ‘green finger’ linking the eastern boundary to this central space. The level of open space provided within the site would be at least the same (if not greater) than that lost and its design and positioning would result in it having a greater amenity value for residents of the site. The scheme therefore accords with policy L3 (ii).

Policy L4 of the Local Plan identifies the need to provide sufficient open space within new residential developments. This second phase proposes 3 local areas of play to be located within the green finger, the village green and close to the extra care unit. These would be provided alongside the existing play provision, which is located in phase 1. As discussed above areas of amenity or informal open space would also be provided on site. The management of the open space is key and some could act as ecological mitigation. A condition is therefore recommended to ensure a management plan is agreed. Overall the scheme is considered to have sufficient open space for future residents and to accord with the policy.



It should be noted that Local Plan policy L9 refers to an aspiration of the Council to designate country parks in various locations across Medway. One of these sites is Horsted Farm, however this refers to the land to the south of the red line boundary, which is owned by the Council. These proposals therefore do not affect this aspiration.

### *Street Scene and Design*

The first phase of Horsted Park is almost complete, and to quote the Design Panel, *'is a highly distinctive award winning scheme'*. Irrespective of the scheme's merits it has a very strong character, and establishes underlying development principles for organising the whole site. The challenge is to design phase 2 such that, whilst clearly different, it nevertheless forms a coherent whole with phase 1. In considering this key aspect it is useful to take the same headings as the Design Panel when they considered the scheme that is the subject of the current application.

### Development Principles

The new design retains the clear north south connection through the site, plus the 'green fingers' of landscape that extend towards the open space of Horsted Valley. This is to be welcomed. Indeed the final 'finger' is rather more open to the valley than previously approved. Previous applications featured an extra care building at the intersection of the north-south route and the fingers. It formed a landmark building, and was the location of a small café and hairdressers. A small hard landscaped square was to be provided next to the building.

This concept of a definable focal point and centre was an important component of the overall scheme and would have done much to create a strong sense of place. As such it was strongly supported. There were nevertheless some concerns about the height and bulk of this extra care building relative to the surrounding houses. The new scheme (the subject of this application) has, in place of the extra care building in this location, an open space. It is conceived as the village green. There are two justifications for this space. It provides a central focal point, which would provide a sense of place, and it also provides a gap between the first and second phases of the scheme. This gap would allow a more comfortable relationship between the two parts of the scheme. Whilst it is a different concept than that envisaged in the original design, it works just as well.

The Design Panel praised the way Phase 1 responded to the valley with a clear edge. There is no doubt that the edge is strong, and possibly rather dominating. Plots 195-198 would have their rear gardens facing Horsted Valley. Close-boarded fencing in this location would look extremely utilitarian; whilst brick boundary walls would be extensive and potentially brutal. Further information has been provided by the applicant, which shows hedgerow boundary with a public footpath and further planting beyond. This softer boundary is appropriate as an edge to the green space of Horsted Valley and is considered acceptable. A condition is recommended removing permitted development rights with regards boundary treatment.

The Design Panel *'welcomed the stronger edge created to Maidstone Road'*. More

minor revisions have taken place during the course of the application which focus on providing gable end roofs to houses to give them more of a presence, lowering the roofs of selected apartment blocks where possible to improve the juxtaposition between them and houses, and on 'tweaking' the design of flats blocks 1 and 2 to improve their function as the main 'gateway' to the site.

### Landscape and Public Realm

A similar public realm concept that was used for phase 1 would be carried forward into phase 2. This manifests itself in the retention of the fingers, but also in the design of the main spine road which features end-on parking in consequently wide streets. It does however lack the deliberate asymmetry and subtlety of phase 1. Elsewhere the public realm manifests itself in the Mews character area between the new spine road and Maidstone Road itself. This informal arrangement of open space features, narrow winding roads and parking courts would give this a picturesque quality. Many houses would be accessed from these spaces, which would make the public realm in this area well used and 'active' rather than forgotten and intimidating. To ensure this is delivered to a high quality, conditions are recommended securing further hard and soft landscaping details.

The 'village green' concept has been dealt with above. It would form a welcome focal point at the centre of the scheme.

### Character

The Design Panel report rightly notes the contemporary character of Phase 1. It further states that '*Phase 2 should follow similar principles, with an emphasis on simplicity*'.

Some of the house types submitted were excessively plain. Revisions have again been sought to retain the simplicity whilst adding more interest. Window sizes have been varied to introduce asymmetric windows to the upper façade adding both interest and creating a more useable bedroom. Brick patterns have also been added to balance the asymmetric windows together. This is a similar approach to some of the units within phase 1. Recessed doorways have also been provided on all housing types, which has again, been a positive change.

The footway adjacent to the houses and flats along Maidstone Road has been widened. The condition regarding soft landscaping would allow for further details on front gardens and landscape strips in this area.

The house types feature two main variants to roof form, ridgeline parallel to main facades, and front gable ends. In general, gable ends would be used where the development faces phase 1 in order to reflect this very strong aspect of the phase 1 design. Materials would also be generally restricted. Stone base details have been added to flats along Maidstone Road, which have a 'gateway' function. Slate roofs are to be restricted to units served by the shared surface mews lane behind Maidstone Road.

The Design Panel suggested that six character areas are too many for the small size of the site. However, the term character area is applied to different places within the

street system rather than genuinely different character areas. In reality the design is perhaps best explained by 1) edges (along Maidstone Road, the interface with Phase 1 and the park); 2) the interior of the scheme (the Mews) which has a more informal character; and 3) the Extra Care building.

### The Extra Care Building

The Design Panel was concerned about the design of the Extra Care building in the location proposed and stated that it *'appears bulky with a horse shoe plan that suggests long corridor circulation enclosing an external space that addresses a noisy main road'*. It further stated that *'for the peripheral location to be taken forward, we consider that the building would be more successfully designed as a courtyard development perhaps akin to a small college or farmyard, rather than being presented as single substantial block'*.

The architects have redesigned the scheme along the lines suggested by the Design Panel. It is a complex building of two and three storey elements and a complex roof form. This is designed to break down its apparent bulk and scale. In this regard the architects have been as successful as can be expected given the amount of accommodation to be provided. The footprint of the Extra Care building has been reduced so that it fits more comfortably onto its landscape parcel. A condition is recommended to ensure that further landscaping details are submitted in order to ensure that a degree of screening of the building and to maintain a semi-rural character.

### Design Summary

Overall phase 2 of the Horsted Park scheme works well. This would be a more traditional approach than that seen in phase 1 but the two phases would sit comfortably next to each other. The provision of a greater proportion of housing than that previously proposed would create a more balanced community. The provision of high quality landscaping and boundary treatment is important and conditions are recommended. Accordingly no objections are raised with regards the provisions of policies BNE1 and BNE6 of the Medway Local Plan 2003.

### *Heritage*

The application site is located to the south of Fort Horsted, which is a Scheduled Ancient Monument (SAM) reflecting its national significance. This designated heritage asset is a late 19th century fort and one of only three that now survive from the system of land fortifications built then to defend the dockyard. The fort itself is not subject to the application but the proposed works are situated in the former field of fire for the fort and thus they are clearly within the setting of the designated asset and have the potential to change the ability to understand the significance of the fort in terms of its nature and purpose.

Phase 1 of the development shares a long boundary with the Fort and so development has already taken place along a significant portion of the edge of the Fort. The northern element of phase 2 would have the greatest impact on the Fort. However previous outline and reserved matters applications for residential development in this area (referred to as Phase 2.1 in previous applications) showed

apartment buildings on this land. This new scheme would have a mixture of flats and houses and with the built form more fragmented. As such it is considered that this scheme would not cause any additional impact to the SAM when considering what has previously been approved. On this basis no objections are raised with regards policy BNE20 of the Medway Local Plan 2003.

### *Crime Prevention*

The design and access statement submitted by the applicant contains elements of the seven attributes of crime prevention through environmental design. A condition is therefore recommended to ensure that appropriate measures are incorporated into the design of the scheme. On this basis no objections are raised with regards policy BNE8 of the Medway Local Plan 2003.

### *Trees*

A tree report has been submitted in support of the application, which outlines the various trees across the site for removal. Some of these trees are subject to a tree preservation order and some are not. The protected trees are mainly located in a small group adjacent to the public footpath with non-protected ones within the centre of the site and along the Maidstone Road frontage. The majority of the trees along the Maidstone Road / Horsted Way frontage, which have a greatest amenity value, would be retained as part of the proposals. The scheme has been submitted with various outline landscape proposals and replacement tree planting can be secured within these proposals. As previously mentioned, a soft landscaping condition is recommended, and furthermore the tree protection measures outlined in the report for retained trees should also be adopted. Subject to the imposition of these conditions no objections are raised with regards policy BNE41 and BNE43 of the Medway Local Plan 2003.

### *Waste and Recycling*

A refuse strategy has been submitted with the application outlining bin storage and collection points. The details have been reviewed with regards the manoeuvrability of a refuse collection vehicle within the site and the drag distance for both residents and operatives on the site. Generally the scheme has the required level of bin storage and associated access arrangements however some small revisions are necessary for some apartment blocks and conditions are recommended to secure these.

As outlined in the S106 section below a contribution request has been agreed with the application for waste and recycling matters. However the applicant has advised that graffiti removal would be carried out by the on-site management company and information / education would be included in welcome packs for new residents. On this basis the S106 contribution has been reduced and accordingly suitable conditions are recommended to secure these details.

### *Amenity Considerations*

Consideration should be given to the level of amenity created for future residents

together with any impacts to occupiers of neighbouring dwellings.

The site is bounded to the west by Maidstone Road / Horsted Way and to the south by open space. Due to the arrangements of open space and streets within phase 2, there would be sufficient separation distance from the properties already built in phase 1 so maintain their levels of amenity with regards light, outlook and privacy. Fort Horsted is located to north alongside properties in Primrose Way. 12 Primrose Way is the closest dwelling however this is still located sufficient distance from the new properties proposed in plots 1 – 5 to ensure appropriate levels of amenity. The rearrangement of development in this corner of the site would lead to greater development along the northern boundary however the distance involved would retain outlook and matters of view are not a material planning consideration.

The scheme accords with the guidance in the Medway Housing Design Standards (MHDS) in terms of the internal area of each unit and in many cases the properties would exceed these standards. Within Phase 2 the scheme has been designed to ensure that window-to-window distances are acceptable. The scheme has been revised during the course of the application to increase private amenity space. The dwellings would not generally meet the 10-metre length as set out in the MHDS but they would provide for 7 metre gardens, which is considered acceptable with the removal of permitted development rights. The scheme does not provide any private amenity space for the apartments proposed however balconies would create potential overlooking problems and as discussed above there is provision of generous public open space within the scheme.

A noise report has been submitted with the application. The report is an update on that originally submitted with the outline application and a further update has been submitted following approval of the Rochester Airport application earlier this year. The report deals with noise from highway and aviation sources. The assessment looks at existing noise levels and potential design features and mitigation measures to reach suitable levels. The conclusions of the assessment are considered acceptable and a condition is recommended to ensure that a full scheme is submitted and appropriate noise levels are adhered to in the dwellings.

Overall the scheme would provide for good levels of amenity whilst maintaining amenity for local residents. As such no objections are raised with regards policy BNE2 of the Medway Local Plan 2003.

### *Highways*

#### Trip Generation

The Transport Statement submitted with the application uses the TRICS trip generation database to demonstrate that development now proposed would generate fewer vehicle trips than previously consented schemes, due to the removal of the B1 office use. On this basis, the highway impact of the phase 2 proposals is acceptable and no objection is raised in respect of Policy T1 of the Medway Local Plan 2003.

## Access

The application proposes a secondary access on to Maidstone Road, which would operate on a left-in/left-out basis. In order to discourage right-turns, it would be necessary to extend the existing central reservation to the south. The outline plan demonstrates that sightlines of 70 metres in each direction along Maidstone Road can be achieved, which is appropriate for traffic speeds of around 40mph. Notwithstanding this, it may be appropriate to extend the 30mph speed limit to incorporate the access, and this should be considered at the detailed design stage. It is recommended that the detailed design of this access, including junction radii, pedestrian facilities and a road safety audit, be secured by planning condition and on this basis no objections are raised with regards policy T2 of the Local Plan.

The application proposes to realign the existing footway along the site frontage, setting it back a distance of up to 12 metres from the edge of the carriageway. The new footpath is proposed to be 2.5 metres wide, which would make it suitable for shared use by pedestrians and cyclists, and includes a short section of new path to link it to the existing bus stop. The footpath would tie-in to the existing footway alignment on the northern and southern boundaries. Subject to the provision of a lighting scheme for the new footpath, and any adjustments to the existing carriageway lighting, this proposal is likely to improve the pedestrian environment in the vicinity of the site and would provide a safe means access to the development in accordance with Policy T3 of the Medway Local Plan 2003. Whilst no vehicular access across the footpath is proposed, it is likely that measures to prevent vehicle incursion from parking areas located on the western boundary would be required. It is recommended that details of these measures, which could form part of an overall boundary treatment along the site frontage, be secured by planning condition, together with details relating to surfacing and lighting and a construction timetable. The application also proposes to realign sections of the Public Right of Way within the site. It is recommended that details of the surfacing of the Public Right of Way be secured by planning condition, together with details of signs and litterbins along its route through the site. On this basis no objections are raised with regards policy L10 of the Local Plan.

## Parking & Internal Layout

The Council's parking standards indicate that a minimum of 375 parking spaces should be provided for the 202 dwellings, which includes 50 spaces for visitors, and 24 spaces for the extra care units. The application proposes 376 spaces for the dwellings and 24 spaces for the extra care units, which complies with the standards and policy T13 of the Medway Local Plan 2003. It is recommended that a Parking Management Plan be secured by planning condition. This would set out the parking provision in more detail, including the allocation of spaces to individual dwellings, the location and management of the visitor parking throughout the development and how the parking provision for the extra care units would operate. Cycle storage is provided at a ratio of one space per flat, which accords with the Council's standards. It is recommended that further details relating to the design of the storage be secured by condition.

The streets within the development are between 5.5 and 6 metres wide, which would

permit two vehicles to pass comfortably and provide sufficient space to manoeuvre in to the adjacent car parking spaces. The proposed pedestrian routes within the site are generally acceptable, although there is some concern about visibility for pedestrians crossing between parking bays adjacent to Plot 135. It is therefore recommended that details of pedestrian routes and crossing points be secured by planning condition, in order for this to be given further consideration. Furthermore, it would appear that pedestrian routes between the extra care block and the Maidstone Road could be improved. The application also includes vehicle tracking diagrams that demonstrate how large refuse vehicles are able to negotiate the internal layout and access bin stores within the development.

Subject to the imposition of the conditions discussed above no objections are raised with regards the access, internal layout and parking. The scheme therefore accords with the provisions of T1, T2, T3 and T13 of the Medway Local Plan 2003.

### *Contaminated Land*

The preliminary site reporting and assessment of risk for this development has already been accepted in principle for the overall development as previously submitted and largely completed. A watching brief condition is therefore recommended for phase 2 of the site. On this basis no objections are raised with regards policy BNE23 of the Medway Local Plan 2003.

### *Ecology*

Under the Natural Environmental and Rural Communities Act (2006) "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity." The NPPF states "the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible".

As part of the outline permission the area to the south of the existing public footpath was to be used as a receptor site for reptiles present within phase 1 and as an eco park and open space for residents. As such there are no ecological issues associated with the land within phase 2 and located to the north of this footpath. This land has been cleared and is being partly used as the construction compound for phase 1 works.

An ecological scoping survey has been submitted for the site and further survey work is required for the land to the south of the footpath dealing with reptiles, dormice, bats, breeding birds and badgers. Depending on the outcome of these surveys suitable mitigation would need to be created. As these surveys would relate to a small portion of the site only, development on phase 2 could commence without causing harm to any potential species. A condition is therefore recommended to agree a phasing plan to ensure that works to the former Horsted Farm area do not take place until after suitable surveys have been carried out, the results submitted for approval and any appropriate mitigation is agreed. On this basis no objection is raised with regards policy BNE37 of the Medway Local Plan 2003.

## *Archaeology*

The application is accompanied by an archaeological desk-based assessment, which provides an assessment of the sites archaeological potential. The report notes that much of the site was archaeologically evaluated in 2011 in response to the existing redevelopment granted under MC/11/0001. These previous archaeological works demonstrated that the former colleges construction had severe negative impact across much of the development site.

This application (phase 2) includes areas outside of the footprint of the former college. Of particular archaeological interest is the site of Horsted Farm, which was located immediately to the south of the former college. Horsted Farm is shown on maps dating to the latter half of the eighteenth century, but may have earlier origins. The submitted assessment recommends that further archaeological investigations take place, focussed on the southern part of the site in areas that were not evaluated in 2011. A condition is therefore recommended to control this. On the basis of the imposition of the condition no objections are raised with regards policy BNE21 of the Medway Local Plan 2003.

## *Flood Risk and Drainage*

The site is not situated within an area, which is considered to be at risk of surface water flooding, and there are no records to indicate that the site has been subject to flooding in the past.

It is understood that the majority of drainage infrastructure that will serve the entire development has been constructed as part of Phase 1 of the development (for example the underground storage tank). It is noted that there are two parts to the underground storage – an adopted offline storage tank attenuating the 30 year event, and an additional storage tank linked by a weir to store flows between the 30 year and 1 in 100 year + 30%. It is understood that the un-adopted tank will be privately owned.

The Flood and Water Management Act 2010 establishes a Sustainable Drainage (SuDs) Approving Body (the “SAB”) at county and unitary local authority levels. However, the relevant schedule has yet to be formally enacted and therefore consideration needs to be given to the future maintenance of any SuDs structures that would not be adopted by the relevant water authority. It should be demonstrated that any SuDs structures provided on site, including underground storage, swales and permeable paving would be maintained for the lifetime of the development.

The Drainage Strategy includes Microdrainage outputs pertaining to the 1-year storm, although it is unclear what the duration of the design storm is. The scheme should be designed to accommodate the critical storm duration and limit runoff to that of the existing site as a minimum providing betterment where practicable. This should be demonstrated for a range of events up to and including the 1 in 100 year + climate change allowance which would evidence the storage requirements for the site. This should be cross-referenced with the attenuation requirements of Phase 1 of the site. Further details should be submitted which summarises the runoff from Phase 1 and Phase 2, the storage requirements for each, and Microdrainage outputs



as outlined above for Phase 2 and a condition is recommended to secure this.

Drawing SK01 sets out the indicative drainage strategy and illustrates the exceedance flows throughout the site. Whilst most appear to be confined to public open space, or the highway, some are shown to route straight through property areas. It should be ensured on the final design that exceedance flows are routed away from property areas and limited to open spaces and highway corridors as described in the Drainage Strategy. The detailed design should also include the location of the permeable pavements.

Accordingly to an appropriate condition no objections are raised with regards flood risk and drainage matters on site.

#### *Local Finance Considerations*

There are none considered relevant to this application.

#### *S106 Matters and Affordable Housing*

New residential development can create additional demand for local services. Policy S6 of the Local Plan states conditions and/or legal agreements should be used to make provision for such needs.

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 have been calculated based on the quantum and location of the development.

- i) Provision of 63 Extra Care Units
- ii) £120,000 towards the development of Innovation Centre 2
- iii) £31,010.40 towards waste and recycling
- iv) £64,925 towards public realm improvements in Chatham Town Centre at Chatham Railway Station
- v) £93,122.05 towards healthcare provision at Maidstone Road surgery, King George Road surgery, City Way surgery, DMC Walderslade and / or Wayfield Road surgery
- vi) £159,588 towards the provision of primary school places at New Horizons School
- vii) £300 per trigger event for monitoring officers costs

As discussed above, conditions are recommended to ensure that there is on-site provision of equipped play areas and the plans show significant informal open space.

The extra care units would be provided as affordable housing with a split between affordable rent (38 units or 60%) and intermediate units or shared ownership (25 units or 40%). This equates to 24% of phase 2. The extra care building was originally shown within phase 1 of the scheme, albeit smaller. Based on the overall site, the extra care building would equate to 18%. This falls below the policy position of 25% affordable housing.

When the outline application was approved the extra care provision equated to 25% of phase 1 and the S106 agreement included a clause to allow for a viability review to take place phase by phase. When phase 2.1 was submitted at reserved matters stage a viability report was submitted and its results were accepted. No affordable housing was then secured as part of phase 2.1. As part of this scheme a fresh viability report has been submitted and independently assessed. The results of the report have again been accepted and on this basis the level of affordable housing proposed is considered acceptable.

The applicants have confirmed the above contributions are acceptable and on this basis no objections are raised with regards policies S6 and H3 of the Medway Local Plan 2003.

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

This application would allow for the completion of the re-development of this along a key gateway into Chatham. The scheme has been carefully designed to be complementary to phase 1 whilst offering a greater proportion of housing than was originally shown in the previous outline approval. The scheme would continue to be high quality affording residents with good levels of amenity. A range of conditions is recommended to ensure that detailing on various aspects is agreed. Accordingly the scheme is considered in accordance with the adopted development plan particularly policies BNE1, BNE2, BNE6, BNE8, BNE20, BNE21, BNE23, BNE25, BNE34, BNE41, BNE43, CF2, H3, H4, L3, L4, L9, L10, S6, T1, T2, T3 and T13 of the Medway Local Plan 2003.

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

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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://publicaccess.medway.gov.uk/online-applications/>