

MC/15/1131

Date Received: 7 April, 2015

Location: Redvers Centre, Glencoe Road, Chatham, ME4 5QD

Proposal: Demolition of former Redvers Centre and construction of residential development comprising of 8 houses and 16 apartments

Applicant: Mont Blanc Developments

Agent: Mr Taylor CTHM Architects LLP 26 Queen Anne Road London E9 7AH

Ward Chatham Central

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 3 May 2016.

Recommendation - Approval with Conditions subject to;

Delegated powers are granted to the Director of Regeneration, Community & Culture to grant planning permission subject to:

- A) The prior completion of a section 106 agreement to secure:
- i) £5,365.92 towards the interim measures required by Natural England to secure the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM), produced by Footprint Ecology in July 2014, including any associated costs in anticipation of:
 - An administrative body being identified to manage the strategic tariff collected by the local authorities;
 - A memorandum of understanding or legal agreement between the local authorities and administrative body to underpin the strategic approach;
 - Ensure that a delivery mechanism for the agreed SAMM measures is secured and the SAMM strategy is being implemented from the first occupation of the dwellings, proportionate to the level of the housing development; and
- B) The imposition of conditions, as set out below:
- 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 drawing numbers: MBDL_1402_010_PL Rev B; MBDL_1402_011_PL Rev B; MBDL_1402_012_PL Rev B; MBDL_1402_013_PL Rev B; MBDL_1402_014_PL Rev C; MBDL_1402_015_PL Rev C; MBDL_1402_020_PL Rev B; MBDL_1402_021_PL Rev C; MBDL_1402_022_PL Rev B; MBDL_1402_023_PL Rev A; MBDL_1402_030_PL Rev B; MBDL_1402_031_PL Rev B; MBDL_1402_032_PL Rev B; MBDL_1402_033_PL Rev B; MBDL_1402_034_PL Rev B; MBDL_1402_035_PL Rev B; MBDL_1402_036_PL Rev B; MBDL_1402_037_PL Rev E; MBDL_1402_040_PL Rev B; MBDL_1402_041_PL Rev C; MBDL_1402_042_PL Rev C; MBDL_1402_043_PL Rev B; MBDL_1402_044_PL Rev B; MBDL_1402_045_PL Rev B; MBDL_1402_050_PL Rev B; MBDL_1402_051_PL Rev B; MBDL_1402_052_PL Rev B; MBDL_1402_053_PL Rev B; MBDL_1402_054_PL Rev B; MBDL_1402_060_PL Rev B; MBDL_1402_061_PL Rev B; MBDL_1402_062_PL Rev B; MBDL_1402_063_PL Rev B; MBDL_1402_100_PL; and MBDL_1402_101_PL Received on 29 July 2015.

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

- 3 No development shall take place above slab level until details and samples of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority and 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 Prior to the occupation of any part of the development hereby approved, a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be implemented in accordance with the approved details before any part of the building is occupied and shall thereafter be retained.

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

- 5 No development above slab level shall take place until full details of the typical construction details, at minimum scale of 1:10, of eaves, verges, window / wall junctions, dormers, and the podium to the flat block have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall thereafter be maintained.

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.

- 6 No development shall take place above slab level until full details of the size and position of all external flues, soil pipes, gas pipes and rain water goods have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and they shall thereafter be maintained.

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 above slab level until full details of the proposed means of foul sewerage and surface water drainage / disposal, as outlined in the Herrington Consulting Ltd document "Surface Water Drainage Strategy" Revision 1 (Issue 2) dated 28/07/2015 and received by the Council on the 29/07/2015, has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage / disposal shall be based on sustainable drainage principles, including details of the design, implementation, maintenance and management of the surface water drainage scheme and 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. The development shall be implemented in accordance with the approved details thereafter maintained.

Reason: To ensure that an appropriate means of foul and surface water sewerage disposal is supplied to serve the development and to manage the risks of flooding during and post construction and for the lifetime of the development.

- 8 No infiltration of surface water drainage into the ground should be accepted unless it has been demonstrated that there is no resultant unacceptable risk to controlled waters. No infiltration should pass through made ground. The development shall be carried out in accordance with the approval of detailed designs.

Reasons: To ensure that adequate site investigation information, prepared by a competent person, is presented and that the development contributes to and enhance the natural and local environment by preventing unacceptable risk to the underlying groundwater from, or being adversely affected by unacceptable levels of, pollution. The site overlies a principal aquifer and is within a Source Protection Zone 3 for a public water abstraction. The above is in accordance with paragraphs 109 and 121 of the National Planning Policy Framework and Policy BNE23 of the Medway Local Plan 2003.

- 9 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 10 to 13 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 13 has been complied with in relation to that contamination.

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

- 10 An investigation and 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 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,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

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

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

- 12 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 (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority prior to the bringing into use of the development.

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

- 13 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 10, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 11, 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 11 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 12.

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 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 CEMP.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on surrounding residential amenities and 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 former Redvers Centre by demolishing the existing building and structures on site and constructing a residential development comprising of 8 x 2 and 3 bedroom houses and 16 x 1 and 2 bedroom flats. The total number of residential units proposed is 24 with the mix set out below:

2 x 2-bed houses
6 x 3-bed houses
6 x 1-bed flats
10 x 2-bed flats

Additionally 42 allocated on site parking are also proposed.

The proposed development would be on a site of approx. 0.3 hectares and that is currently occupied by a redundant former community/office building and a former Primary School and its associated land in Chatham.

The flat block is proposed to be 3 storeys high with further accommodation in the roofspace. It would have a single circulation core and associated lobby and provide 16 units of a 1 and 2 bedroom mix. The main access to the flat block for pedestrians would be to the front from Redvers Road. Vehicular access to the parking area at lower ground level would be from Glencoe Road. All flats are proposed to have access to a shared private amenity garden to the rear of the flat block and secure underground parking facilities.

The proposed houses would be provided as 1 terrace and 2 pairs of linked semi detached. The linked semi detached properties would front Redvers Road and the terrace would front Symons Avenue. The 2-bed houses would be 2 storeys in height and the 3-bed houses would be 3 storeys in height. Each house would have a private rear garden and a single parking space in the form of either an integral garage for the 3-bed houses or a garage attached to the side for the 2-bed houses with secondary on plot parking spaces with the exception of plot 5 which would have two integral spaces.

Site Area/Density

Site Area: 0.3 hectares (ha) / 0.74 acres

Site Density: 80 dph /32 dpa

Representations

The application has been advertised on site, in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties. EDF Energy, Environment Agency, Kent Police, NHS Property Services, the Rochester Airport Consultative Committee, Rochester Airport Ltd, Southern Gas Networks and Southern Water Services have also been consulted.

The **Environment Agency** (EA) has written advising that the site is located on an old school building plot, which potentially had oil fired boilers in the past. This being the case they advise that checks should be made during demolition works and site investigations for any evidence of contamination and that any contamination identified should be addressed appropriately. The EA have also advised that the recommendations for further investigations at the site, to determine any required appropriate works, should be carried out and relevant proposals agreed with the Local Planning Authority before any site clean-up works are commenced, if any are required. Conditions are requested regarding dealing with unexpected contamination and no infiltration of surface water drainage into the ground.

Kent Police initially advised that they were awaiting a meeting with the applicant/agent to discuss details and address issues that may arise including a formal application for Codes, BREEAM and Secured By Design (SBD), if appropriate. Following a meeting with the applicant, Kent Police have written to advise that Secure By Design (SBD) principles and recommendations, will or have already been incorporated within the design, which will enhance the general security of the whole development, should it receive planning permission.

Southern Gas Networks (SGN) has written advising of the presence of low/medium/intermediate pressure gas main in the proximity of the application site. It is advised that no mechanical excavations are to take place above or within 0.5 metres of the low pressure and medium pressure systems and 3 metres of the intermediate pressure systems. SGN have also advised that the applicant will need to ensure that they confirm the position of mains using hand dug trial holes and of the need to undertake safe digging practices. Additionally they have advised that other gas transporters/private owners may have separate gas infrastructure in the area and

that it is for the applicant/developer to ensure that they are fully aware of all gas infrastructure within the area. Finally SGN have provided a copy of the Health and Safety Executive document entitled “HSG47 – Avoiding Dangers from Underground Services” and advised about the risks of direct or consequential damage to gas plant and the fact that SGN will charge for any damage resulting to their gas plant.

Southern Water has written advising that following initial investigations, there is currently inadequate capacity in the local network to provide foul and surface water sewage disposal to service the proposed development. They consider that the proposed development would increase flows to the public sewerage system, and existing properties and land may be subject to a greater risk of flooding as a result. Additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development.

Irrespective of the above, they also advise that under Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to a specific location and if that is not possible then as an alternative, the developer can discharge foul and surface water flow no greater than existing levels, if proven, to be connected and it is ensured that there is no overall increase in flows into the foul and surface water system. Southern Water have detailed a number of pieces of information that the developer will be required to provide should they be pursuing the claim that they will not be discharge foul and surface water flow no greater than existing levels.

In terms of water supply Southern Water advise that, following initial investigations, they can provide a water supply to the site. However, Southern Water state that they require a formal application for connection and on-site mains to be made by the applicant or developer and have requested an informative to this effect be attached should planning permission be granted.

Southern Water have also commented on changes in Legislation regarding the future ownership of sewers, detailed design for the proposed basement needing to take into account the possibility of potential surcharging of the public sewers and in regard to the applicant / developer needing to contact them in regard to the proposed development of this site. In the light of the above comments, should planning permission be granted for the development, appropriate conditions and informative are recommended to be attached.

6 letters / representations from neighbouring properties, including schools, have been received raising the following summarised objections to the proposed development:

- Over-development of the site;
- The proposed development, including windows at the first and second floors would overlook the adjoining properties, the school playing ground and potentially classrooms;
- The design is not aesthetically in keeping with the Victorian school building or the local vernacular architecture;
- The height of the development, especially the flat block, has the potential to have an overbearing impact overshadowing and dominating the school and residential

properties;

- Duct and noise pollution during construction;
- Adverse effect on the quality of life, including noise and loss of privacy;
- The development will not be conducive to a good educational environment;
- Lack of light and sunlight;
- The number of access points being created, including the access to the underground carpark, will reduce parking availability around the site in an area where there is already acute parking problems. Occupiers of the development will not use the parking spaces provided on site and will park on the public highway causing obstructions in an already heavily congested area.;
- Parking restrictions will be required to enable refuse vehicles to turn in Redvers Road;
- Visitor parking has potential to spill onto roads and combined with other issues raised will cause additional parking and congestion issues;
- Safety concerns, especially related to children attending the adjoining school;

A petition of 168 signatures has been received objection to this development on the following summarised grounds:

- The building is going to be too tall and will not fit in with the current housing in the area;
- Noise and traffic due to the demolition of the Redvers Centre and the construction of the new building will effect night workers and people with young children;
- The building is overlooking the school and will be a major privacy problem for children in the school and area in general;
- Extra volume of traffic due to the development and new residents be a safety hazard before, during and after school for children;
- Housing near the development will lose natural light and will be overlooked by new houses;
- The school will benefit more from the site; and
- Bungalows will be better suited as they will not affect the neighbouring houses or the school.

E-mail from Ward Councillors: Cllr Godwin, Cllr Maple and Cllr Shaw

The following points have been raised:

- Recognise the need for housing across Medway but needs to be seen in the context of sustainable communities
- The proposal would add pressure on services and facilities in the local area and the scheme does not contribute towards the provision of services and facilities to support the additional demand
- The adjacent school is already at capacity
- Consider a third opinion on the issue of viability is sensible, an approach which has been taken with other recent applications.
- If the current position with regard to section 106 contributions were to remain, urge committee to refuse the application
- Parking is already an issue and do not think the provision within the scheme would be adequate, particularly due to lack of visitor spaces

Development Plan

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 and are considered to conform.

Planning Appraisal

Principle

The application site lies within the urban area of Chatham, as defined in the Policy H4 of the Medway Local Plan 2003 which allows for residential development within such areas including the use of vacant or derelict land or the change of use or redevelopment of existing buildings no longer required for non-residential use. The site became surplus to the requirements of Medway Council and the site has been vacant for some time, with it being sold at auction in September 2014. The reason given as to the Council's decision to dispose of the site was "to reduce revenue costs, realise a capital receipt and gain investment in the Medway area."

National guidance and local policy support residential development within existing urban areas and in sustainable locations in favour over countryside sites. Paragraph 17 of the NPPF encourages the effective use of land by reusing land that has been previously developed (brownfield land) and paragraph 49 states a presumption in favour of sustainable housing development. This site is brownfield land, located in a sustainable urban location and is considered to be an acceptable site for redevelopment for residential use. This being the case, the general principle of the development is considered to comply with the requirements of paragraphs 17 and 49 of the NPPF and Policies S1, S2 and H4 of the Medway Local Plan 2003 and is considered to be acceptable in principle.

Housing Density, Mix and Tenure

Paragraph 50 of the NPPF states that key characteristics of a mixed community are a variety of housing, particularly in terms of tenure and price and a mix of different households such as families with children, single person households and older people. Policy H5 of the Medway Local Plan 2003 supports the provision of high density housing within or close to town centres and where there is good public transport access. The application site is within the urban area and is well located for public transport access.

In terms of the mix and tenure, the proposed development would see a mix of housing typologies in the form of 8 houses and 16 flats, with a mix of size ranging between 1-bed and 3-bed units. The housing typologies and size are considered appropriate for this urban location. The tenure proposed is market housing. No affordable units are proposed. Policy H3 of the Medway Local Plan 2003 sets out the triggers for when affordable housing to be provided. As the proposal is for a total of 24 units which would be located on an urban site which is less than 1ha, there is no policy

requirement for affordable housing to be provided.

The proposal is considered acceptable in this regard and in accordance with paragraph 50 of the NPPF and Policies H3, H5 and H10 of the Medway Local Plan 2003.

Design

Paragraphs 56 and 58 of the NPPF offers advice on the importance of design in the consideration of planning applications and in particular, paragraph 56 states, 'Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. At the local level, Policies S4, H4, BNE1, BNE6 and BNE8 of the Medway Local Plan 2003 all emphasise the importance of achieving high quality in landscape and urban design that results in safe and attractive environments. In particular, Policy BNE1 of the Medway Local Plan 2003 supports development that respects the character of the locality.

The proposed development is on a linear site of approximately 0.3 hectares bounding Redvers Road and Glencoe Road. The site slopes from Symons Road to the south, down to Glencoe Road to the north. It is currently occupied by a redundant Edwardian School building, the Redvers centre, and its associated car park. The Redvers Centre offers no particular architectural merit and does little to enhance the overall appearance of this part of Chatham. The building was functional and of its time, but in recent years deemed not to be fit for purpose. Due to the nature of the site it is considered to be reasonably prominent and in a relatively open position. The surrounding area is predominantly residential with tightly packed and much altered Edwardian terraced houses along Glencoe Road and the lower part of Redvers Road, and more widely spaced 1930's terraced houses elsewhere.

Other than the very large Phoenix Academy building immediately adjacent to the site, the area does not have a strong overall character. The Phoenix Academy school building is an Edwardian school in a red brick Arts and Crafts style. It is typical of its period, but is notable for its size and bulk. It dominates the immediate area. In particular, it looms over smaller properties along Glencoe Road.

The proposal is to replace the Redvers Centre itself with an flat block fronting Glencoe Road along to the corner with Redvers Road, with two pairs of link semi-detached houses running up Redvers Road. The flat block varies between 2.5 and 4 storeys in height, including the basement parking and services; and accommodation within the roofspace. The flat block would be raised above Glencoe Road by a podium with car parking underneath. This adds additional height to the building in this location and allows it to relate to the height and bulk of the adjacent Phoenix building, albeit at a slightly smaller scale. As viewed from Glencoe Road, a tall gable end adds interest and acts as a bookend to the flank of the Phoenix building. The proposed flat block would be chamfered to provide an asymmetric gable which would add interest to the Glencoe Road/ Redvers Road corner.

The 2/3 storey houses that step up Redvers Road would be a mixture of side-on and end-on (gabled) houses of varying heights. They would be modern in terms of the

architectural style that is unrelated to the existing 1930's dwellings elsewhere in the area but will nevertheless form an assemblage that has its own worthwhile character.

A parking court would be provided between the flat block and the houses. This maintenance of open space between the flat block and the houses allows for a prominent mature tree to be retained.

All the buildings are proposed to be red brick in order to relate to the dominant Phoenix School, but with simplified and refined modern detailing. Roof coverings to the pitched roofs of the houses are proposed to be traditional slate, whilst a zinc profiled roof covering would add a modern touch to the more prominent flat block. A contrast would exist between the residential properties surrounding the site and the general design approach of the proposal, of a tall corner flat building with housing fronting the streets beyond, is considered to work well. Overall, the scheme will be a positive addition to the area.

The layout has a number of qualities which particularly refer to the site constraints. A number of trees are to be retained of which is considered to help integrate the new development into its surroundings. This would be reinforced with further replanting and landscaping. Furthermore, the development has been designed using bespoke house designs, with the flat block marking the street corner with Redvers Road and Glencoe Road. There is a clear hierarchy within the development design which provides a coherent structure and a sense of place to the layout.

Overall, the design is well considered, attractive and the proposed re-development of the site would result in an improvement.

With the use of appropriate conditions it is considered that the development would be in accordance with the objectives of paragraphs 56 and 58 of the NPPF and Policies S4, BNE1, BNE6 and H4 of the Medway Local Plan 2003.

Sustainable and Inclusive Development

Paragraphs 50, 57, 61 and 69 of the NPPF identify the explicit need for development to achieve sustainable, inclusive and mixed communities which facilitate social interaction and create healthy communities. Planning decisions should aim to achieve places in which communities can meet, in which crime and disorder do not undermine the quality of life of local residents and in which there is safe and accessible developments, containing clear and easily identifiable pedestrian routes, etc., The concept of sustainability is a 'golden thread' which runs through the NPPF. Policy BNE7 of the Medway Local Plan 2003 also relate to the issue of inclusive societies and access for all.

Achieving sustainable and inclusive development can result from any number of factors. As stated above, paragraph 50 of the NPPF examines the benefits which come from a good housing mix, whilst paragraph 57 talks about incorporating public and private spaces within the wider area. It is imperative that development functions well and adds to the overall quality of the area.

The development is considered to be located in a sustainable location, with good

communication links to existing facilities and services. The design of the development is inclusive, safe and accessible and is considered to comply with the sustainability objectives of paragraphs 50, 57, 61 and 69 of the NPPF and Policy BNE7 of the Medway Local Plan 2003.

Boundary treatment

The boundary of gardens of the houses labelled plots 5-8 (fronting Redvers Road) would be a brick wall, whilst the boundary treatment to the area of car parking between the houses and the flat block has been amended to show a low brick wall. These boundary treatments would result in a high quality treatment that fits in with the brick architecture of the houses whilst maintaining a degree of enclosure to Redvers Road.

The podium to the proposed flat block would stand forward of the block in order to allow for small external gardens for the ground floor flats. The wall of the podium would be two-tier. The lower tier would be formed of the existing brick boundary wall. The upper tier would be set back slightly to allow for a planter and would be of perforated brickwork construction to allow ventilation to the undercroft car parking area. It would be finished with a concrete coping and metal railings to the gardens above. The breaking down of the podium wall into two tiers, plus the careful detailing that is evident in the scheme design, would prevent this wall from being dominant when experienced at pavement level adjacent to the site.

Amenity

In general terms it is considered that the provision of a residential use in an existing residential area is appropriate and would not generally cause concerns for nearby properties. Concerns have been raised about the relationship of the development with residential properties opposite and adjoining the site and the adjoining school buildings, with future residents being able to overlook adjoining properties, especially the school playground and classrooms, particularly as the proposed flat block is 4 residential floors at its highest and the majority of the proposed houses would be three storeys. However, the proposed layout achieves appropriate front and rear distances between elevations of the development and adjoining properties, including those located opposite the development. The separation distances between the residential development and adjoining uses, including the adjoining school and those properties located opposite the development site, are all considered acceptable in terms of protecting the amenity of existing and future occupiers of both adjoining properties and the occupiers of the development itself, especially with regard to overlooking and loss of privacy. These separation distances ensure that all residents, both existing and the future occupiers of the proposed development, achieve good levels of outlook and light to habitable rooms.

In terms of space standards, the internal floor area of all the proposed units within the scheme, exceed the floor areas required by the Nationally Prescribed Space Standard (NPSS) both in terms of the Gross Internal Area (GIA) and the floorspace required for the bedrooms. In line with the Medway Housing Design Standards (MHDS), private amenity space for the occupiers of the flats is incorporated as larger living areas within each flat and in the form of a communal garden which would be

provided between the flat block and the adjacent school.

The development is considered to be acceptable in terms of the NPSS and the outdoor amenity space standards in the MHDS and considering all of the above in relation to general amenity, it is not considered that there would be any conflict with Policy BNE2 of the Medway Local Plan 2003, which expects all development to protect the amenities enjoyed by nearby and adjacent properties and future occupiers of the development.

Day lighting and overshadowing.

The flat block would be higher than the building it replaces. Its location, within close proximity to, uphill from, and to the south of much smaller housing, means that it has the potential to reduce the levels of sunlight and day light received by existing buildings. For this reason a daylight, sunlight, and overshadowing assessment has been carried out.

The assessment shows that levels of daylight, using methods recommended by the Building Research Establishment (BRE), would be reduced to a number of properties. However, the level of daylight received by each property would still be considered acceptable and the impact not significant enough to be deemed detrimental to residential amenity.

Similarly, there would be a reduction in sunlight reaching some existing properties as a result of the proposal. However in all cases the amount of sunlight received by existing properties all year round would remain above that required as good practice by the BRE.

Part of the school playground would be in shadow from 2:00pm to 5:00pm at the spring equinox as a result of the development. This is again within the limits recommended by the BRE.

In summary there would be a reduction in daylight and sunlight, and there would be additional overshadowing as a result of the development. However, this is relatively minor and within recommended limits, as stipulated by BRE. Therefore, this development is considered to be acceptable in terms of daylight and overshadowing issues and therefore in accordance with Policy BNE2 of the Medway Local Plan 2003.

Noise and Dust

There is potential for noise and dust during the construction phase but that this issue can be appropriately dealt with by planning condition seeking to secure a Construction Environment Management Plan to be put in place for the duration of the construction works. Subject to the imposition of such a condition it is considered that the development would accord with Paragraph 123 of the NPPF and Policy BNE2 of the Medway Local Plan 2003.

Highways

The proposed development is estimated to generate in the region of 9 vehicle trips

during each peak period and up to around 95 vehicle trips between 0700 and 2200. Taking into consideration the previous use of the site, which was accompanied by a car park for around 40 vehicles, it is considered that the proposed development would have a lower impact on the local highway network and no objection is raised in respect of Policy T1 of the Medway Local Plan 2003.

The Council's Parking Standards indicate that a total of 42 off street spaces should be provided, including visitor provision. The application proposes two spaces for each dwelling with two or more bedrooms and one parking space for each one bedroom dwelling, amounting to a provision of 42 spaces, which is compliant with the Council's adopted interim standards. Whilst no dedicated visitor parking is proposed and this may be an issue for the one bed apartments, which would have only one allocated parking space, it is considered that as the development complies with the Council's adopted standard, the Council cannot object in this regard. Additionally it is considered that the occasional visitor parking can be accommodated on street in this instance.

Adequate secure bicycle storage is shown within the lower ground floor area of the development. This would be provided on a 1:1 basis, which complies with the Council's adopted interim parking standards.

The proposed access and egress arrangements are acceptable. The development is considered to be compliant with Policies T1, T2, T4 and T13 of the Medway Local Plan 2003.

Recreational Bird Disturbance: Unilateral Undertaking

As the application site is within 6km of the North Kent Marshes SPA/Ramsar Sites, the proposed development is likely to have a significant effect, either alone or in combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest.

Natural England has advised that an appropriate tariff of £223.58 per dwelling (excluding legal and monitoring officer's costs) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. The strategic measures are in the process of being developed, but are likely to be in accordance with the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM) produced by Footprint Ecology in July 2014.

The interim tariff stated above should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation), in anticipation of:

- An administrative body being identified to manage the strategic tariff collected by the local authorities;
- A memorandum of understanding or legal agreement between the local authorities and administrative body to underpin the strategic approach;
- Ensure that a delivery mechanism for the agreed SAMM measures is secured and the SAMM strategy is being implemented from the first occupation of the dwellings,

proportionate to the level of the housing development.

The applicants have agreed to pay this tariff and have submitted a unilateral undertaking. No objection is therefore raised under Paragraph 118 of the NPPF and Policies S6 and BNE35 of the Medway Local Plan 2003.

Planning Obligations / Section 106

In terms of other planning obligations it is recognised that new residential development can create additional demand for local services, such as for health and refuse services. Policy S6 of the Medway Local Plan 2003 says that conditions and/or legal agreements should be used to make provision for such needs.

The Community Infrastructure Levy Regulations 2010 provides 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:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

The obligations/contributions requested in this case are considered to comply with these tests because they have been calculated based on the quantum and location of the development.

A request for the following contributions has been made:

- A contribution of £45,687 towards open space provision towards improvements to the nearest play areas which are Chalk Pit and Maidstone Road Sports Ground;
- A contribution of £2,998.80 towards the Great Lines Heritage Park towards the maintenance of feature lighting and park furniture within the Great Lines Heritage Park;
- A contribution of £3,281.04 towards the provision of Community Facilities in relation to the provision of improved / increased storage capacity at the White Road Community Centre;
- A contribution of £35,276.80 is made up from a Nursery contribution of £9,817.60 and a Primary contribution of £25,459.20. Education Services have not sought a contribution towards secondary or sixth form education in this instance. They advise that *"There is a lack of sufficient nursery and primary places in the area. The adjacent Phoenix Primary Academy has been completely full for the past 4 years, and its feeder infant school has taken bulge classes for the past 3 years because of demand. The other primary schools in Chatham are also full, and all Chatham Primary schools are forecast to be full for the next 5 years. The neighbouring planning areas are also in similar situation. Therefore, a nursery and primary contribution is requested to enable expansion of schools to cater for the increasing number of pupils."*;
- A contribution of £11,230.80 towards improvements to towards improving General Practitioner facilities within 0.5 miles of the development at: Bryant

- Street Surgery, Kings Family Practice, or Halfway Surgery; and
- A contribution of £3,730.56 towards Waste Services for the provision of household waste and recycling facilities to the properties on this site and the wider Medway area, including leaflet production.

The above figures have all been calculated as set out in the adopted supplementary planning document, Guide to Developer Contributions.

Following the above requests being made, the developer submitted a financial viability appraisal, which argued that the development was unviable in relation to the provision of any S.106 contributions, with the exception of the recreational bird disturbance tariff set by Natural England. The financial viability appraisal has been examined by a suitable independent expert and they have concluded that the proposed development is unviable with the developer contributions sought and would remain unviable in terms of any Section 106 contributions unless current market conditions significantly improve and the density of the development significantly increased. (i.e. more residential units on the same site area).

Paragraph 205 of the NPPF states: "Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled." The Council recognises the Governments position in this regard at paragraphs 4.5 and 4.6 of the Council's Guide to Developer Contributions 2014 it states:

"The Council's initial negotiations will generally be based on this guide. Only where there are good and valid reasons for departing from the guide will alternatives be considered.

An example might be where the 'normal' level of contribution is genuinely unaffordable in which case the developer should inform the Council as quickly as possible and provide detailed financial evidence to substantiate the claim. Only where comprehensive evidence is provided will it be possible for the Council to consider such departures and in these cases an 'open book' approach will be required."

The applicants have followed this approach and the submitted financial viability assessment has been independently assessed, considered to be fit for purpose by the Councils appointed independent assessor and accepted as demonstrating that the development would be unviable with the Section 106 requests, as set out above, with the exception of the bird disturbance tariff set by Natural England.

In the light of the above the development is considered acceptable subject to the completion of a Section 106 agreement securing £5,365.92 towards the interim measures required by Natural England as set out in the section above.

Other Matters

Contamination

The submitted Desk Study Report undertaken by Knapp Hicks & Partners Limited

dated May 2015 (report reference: 33211G/R/001/CLM) includes a site history, site walkover, information on the geology and hydrogeology at the site. Additionally a conceptual site model has been developed for the site and recommendations have been made that a site investigation should be undertaken to support the conceptual site model. This being the case it is recommended that conditions be attached to any forthcoming planning permission to require the site investigation and any further work required as a result of the findings.

With the inclusion of the suggested conditions, the proposal is considered to be in accordance with paragraph 121 of the NPPF and Policy BNE23 of the Medway Local Plan 2003.

Local Finance Considerations

None relevant

Conclusions and Reasons for Recommendation

It is considered that the proposal would result in a development that is appropriate for its context and is acceptable in terms of design and appearance, residential amenities, highway safety and parking. It is therefore recommended that the proposal be approved subject to the imposition of appropriate conditions as set out above. The proposal accords with the provisions of paragraphs 17, 49, 50, 56, 57, 58, 61, 69, 118, 121, 123 and 205 of the NPPF and Policies S1, S2, S4, S6, H3, H4, H5 H10, BNE1, BNE2, BNE6, BNE7, BNE8, BNE23, BNE35, T1, T2, T4 and T13 of the Medway Local Plan 2003

The application would normally be determined under delegated powers but is being reported to Committee due to the level of representations received that raised objection to the proposal contrary to officer recommendation.

The application was reported to the Planning Committee on 6 April 2016 but was deferred to enable a site meeting to be undertaken and for the applicants and the Council's viability assessments to be presented in full to Committee for consideration. The viability reports are attached as appendices to this main report.

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/>