

MC/16/4304

Date Received: 20 October, 2016

Location: 13-17 Church Street Chatham Kent ME4 4BT

Proposal: Demolition of existing buildings and construction of a part five/part six storey building to accommodate retail premises at ground floor level and 21 residential flats on the upper levels

Applicant: Fastgrow Investments Limited

Agent: Mr G Edwards Edwards Planning Consultancy 83 Clock House Road Beckenham BR3 4JU

Ward River

Case Officer Doug Coleman

Contact Number 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 15 February 2017.

Recommendation – Approval subject to;

- A. The applicant entering into a Section 106 agreement to secure the following:
- I. The development as 'Car Free', by precluding future occupiers from obtaining parking permits, including if required an undertaking to pay the Council's costs in regard to amending the relevant Traffic Regulation Order to preclude future occupiers of the development from obtaining such parking permits;
 - II. A contribution of £9,826.95 based on an occupancy ratio of 2.44 for the 21 flats towards the provision of local health facilities.
 - III. A contribution of £2,745.90 based on an occupancy ratio of 0.03 for the 11 x two bedroom flats towards the provision of nursery school facilities.
 - IV. A contribution of £8,236.80 based on an occupancy ratio of 0.09 for the 11 x two bedroom flats towards the provision of primary school facilities.
 - V. A contribution of £7,893.60 based on an occupancy ratio of 0.06 for the 11 x two bedroom flats towards the provision of secondary school facilities.
 - VI. A contribution of £2,631.20 based on an occupancy ratio of 0.02 for the 11 x two bedroom flats towards the provision of sixth form school facilities.

- VII. An open space contribution of £31,274.25 based on an occupancy ratio of 1.33 for the one bedroom units, 2.44 for the two bedroom units and a contribution of £777 per person to be spent on improvements to the Town Hall Gardens and/or Chatham Riverside, to encourage healthy communities.
- VIII. A contribution of £5,247.90 based on an occupancy ratio of 2.45 per units and a contribution of £233 per person towards improvements within Great Lines Heritage Park.
- IX. A contribution of £4,925.18 (£223.58 per unit) towards appropriate mitigation measures within Special Protection Areas.
- X. To pay the costs of the removal and possible replacement of the street tree on Church Street.

B. And the following conditions:-

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

15/8950/DWG/04B, 15/8950/DWG/05A, 15/8950/DWG/06A,
15/8950/DWG/07A, 15/8950/DWG/08A, 15/8950/DWG/09A,
15/8950/DWG/10A received on 20 October 2016;

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

- 3 Unless otherwise agreed by the Local Planning Authority, the development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 4 to 7 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 7 has been complied with in relation to that contamination.

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

- 4 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,
- archaeological sites and ancient monuments;

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

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

Reason: Required before the commencement of development 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.

- 5 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 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.

- 6 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given not less than two weeks written notification

prior to the commencement of the remediation scheme works.

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

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

- 7 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 4, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 5, 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 5 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 6.

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.

- 8 No development shall commence until a Construction Environmental Management Plan that describes measures to control the noise, dust, lighting, hours of working, delivery of plant and materials to the site and operatives parking impacts arising from the demolition and construction phases of the development has been submitted to and approved in writing by the Local Planning Authority and all construction works shall be undertaken in accordance with this approved plan.

Reason: In order to minimise the impact of the construction period on the amenities of local residents and businesses and with regard to Policy BNE2, BNE37 of the Medway Local Plan 2003.

- 9 No development above slab level shall take place until details and samples of all materials to be used externally have been submitted to, and approved in writing by, the Local Planning Authority, 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.

- 10 No development above slab level shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before any part of the building is occupied and shall thereafter be retained. 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.

- 11 No development above slab level shall take place until a scheme for protecting the proposed development from noise that implements the measures described in the noise assessment reference 17011-1 dated 12 July 2016 has been submitted and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the occupiers of the proposed flats and in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 12 The separating ceiling and floor between the ground and first floors shall resist the transmission of airborne sound such that the weighted standardised level difference ($D_{nT,W} + C_{tr}$) shall not be less than 60 decibels as measured and calculated in accordance with BS EN ISO 16283-1 2014.

Reason: In the interests of the amenities of the occupiers of the proposed flats and in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 13 The ground floor retail use hereby permitted shall only operate between the hours of 07:00 to 20:00 Mondays to Saturdays inclusive and between the hours of 10:00 to 18:00 on Sundays and, Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

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

- 14 No commercial goods shall be loaded, unloaded, stored or otherwise handled and no vehicles shall arrive or depart, within the application outside the hours 07:00 to 19:00 Monday to Friday, 08:00 to 18:00 Saturday or at any time on Sunday or Bank Holidays.

Reason: To ensure that the development does not prejudice the amenities of neighbouring property in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 15 Prior to the first occupation of any part of the development hereby permitted details of the refuse/recycling storage arrangements shown on drawing no: 15/8950/DWG/04B shall be provided and all approved storage arrangements shall thereafter be retained.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 16 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: Required before commencement of the development in order to manage surface water during and post construction and for the lifetime of the development in accordance with Paragraph 103 of the NPPF.

- 17 No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority details of the proposed means of foul water sewerage disposal. Work shall be carried out in accordance with the approved details before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: Details are required to be submitted and approved prior to the commencement of the development, due to the fact that below ground works will need to be undertaken prior to construction of the building. To safeguard the amenities of the occupiers of the proposed development in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 18 No development above slab level shall take place until measures to minimise the risk of 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 shall thereafter be retained.

Reason: In the interests of security, crime prevention and community safety and in accordance with Paragraph 69 of the NPPF.

- 19 No part of the building shall not be occupied until the cycle storage facility shown on drawings nos: 15/8950/DWG/04B & 15/8950/DWG/AJ/11 has been provided. Thereafter it shall be retained and kept available for such use for the entirety of the development.

Reason: Development without provision of adequate cycle parking would reduce the sustainability of the proposed development and in accordance with Policy T13 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 relates to a broadly triangular shaped plot of land, approx. 0.066ha in area, located on Church Street, adjacent to Whittaker Street. The site has a frontage onto Church Street, on the west, and backs onto public areas adjacent to Best Street on the east and south. The site comprises of buildings ranging from one to three storeys in height comprising of ground floor commercial units (with frontages onto Church Street) and a mechanical workshops/yard to the rear, and residential uses on the upper floors. The land to the north and east side is open and is used for car repairs and car sales associated with the mechanical workshop/yard. The site has a return frontage to Best Street where there is a paved area of public space with trees and planters. To the west, the site forms part of the commercial frontages on the High Street (Chatham). The site is located within the Chatham town centre.

The proposal seeks to demolish the existing buildings on the site, retaining the building at no. 11, and the construction of a part four/part six storey building to accommodate retail premises at ground floor level with services and 21 residential flats on the upper levels.

The building would comprise the following:

- Ground floor: a retail unit with a gross floor area of 353 sq. m. comprising 295 sq. m. sales area, plus ancillary floorspace. The shop would have entrances to Church Street and Best Street. The entrances to the flats would be on Church Street, which also provides a rear entrance leading to a central lawned area to the east main building. The garden area would comprise a lawn, surrounded by plants. A small lawned area would also be provided adjacent the rear entrance to the building. A cycle store will be provided along the end of the lawned area to serve the residential units and one provided to the east corner of the building to serve the commercial unit.
- First floor: 5 flats - 3 x two bedroom/three person and 2 x one bedroom/two person.
- Second floor: 5 flats - 3 x two bedroom/three person and 2 x one bedroom/two person.
- Third floor: 5 flats - 3 x two bedroom/three person and 2 x one bedroom/two person.
- Fourth floor: 3 flats - 1 x two bedroom/three person and 2 x one bedroom/two person.

- Fifth floor: 3 flats - 1 x two bedroom/three person and 2 x one bedroom/two person.

The material palette would consist mainly of Weatherboarding, facing brick work, render and plain roof tiles. Whilst the ground floor commercial unit would comprise of glass display windows sectioned to provide low stallriser with fascia banding below the first floor balconies.

A design feature of the building is a tower with a turret roof on the south-western corner of the building acting as a central 'focal' point connecting the Church Street and Best Street elevations. This tower would be predominantly glass and render with a tiled roof.

Site Area/Density

Site Area: 0.066 hectare (0.163 acre)
 Site Density: 318 dph (128 dpa)

Relevant Planning History

MC/13/1609	Construction of part 1st & 2nd floor extension to flat above retail premises. Approved With Conditions 04 February 2014
MC/08/0029	Change of use of first floor from residential to Tattoo Studio (sui generis). Approved with Conditions 29 February 2008
ME/85/941	Use of premises as dry cleaning business on ground floor with residential above. Approved with Conditions 30 January 1986

Representations

The application has been advertised on site and in the press as a major development and by individual neighbour notification to the owner/occupiers of neighbouring properties. The Environment Agency, Natural England, Kent Police Crime Prevention Design Adviser, Southern Water, EDF Energy, Southern Gas Networks, NHS, Rochester Airport and Rochester Airport Consultative Committee have also been consulted.

Five letters have been received raising the following objections:

- There is no provision for parking which will displace existing residents parking.
- Proposal would place additional pressure on services which would be detrimental to area.
- Poor planning for removal of domestic and commercial waste.

The Environment Agency have raised no objection subject to conditions relating to addressing contamination and protecting water supply.

Southern Water has raised objection on the grounds that there is limited opportunity to divert existing drainage apparatus and have suggested conditions and informatives should planning permission be granted.

Southern Water has subsequently confirmed that the sewer can be diverted.

Natural England has written stating that as the development is within 6 km of the Special Protection Areas, they will be seeking the appropriate contribution.

NHS has written seeking developer contributions for improvements to surgeries within one mile of the development.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2012 and are considered to conform.

Planning Appraisal

Principle

The core principles set out in Paragraph 17 of the NPPF, alongside paragraph 49, which states that there should be a presumption in favour of sustainable housing development to support the provision of housing to meet the needs of the area.

At local level, Policy S1 of the Medway Local Plan states that the development strategy for the plan area is to prioritise re- investment in the urban fabric. This will include the redevelopment and recycling of under-used and derelict land within the urban area, with a focus on the Medway riverside areas and Chatham, Gillingham, Strood, Rochester and Rainham town centres. Land use and transport will be closely integrated, and priority will be given to a range of new and improved transport facilities, including facilities for walking, cycling and public transport

Policy S5 states that Chatham town centre will be developed as the major, multi-use 'city' centre for Medway. A range of other uses appropriate to a town centre location will also be permitted, provided that they contribute to the centre's vitality and viability and are consistent with the requirements of the retail policies of this plan. The council will permit initiatives to enhance the attraction of the town centre. These may include environmental improvements, improved access for public transport, cyclists and pedestrians and access to the riverside.

The application site is located within and on the edge of the defined Core Area of the Chatham Town Centre, as identified on the Proposals Map to the Medway Local Plan 2003 and in this regard Policies R1, R2 and R12 apply.

Policy R1 states that Chatham Town Centre is identified as a regional scale comparison goods centre. Proposals for retail development which would undermine the strategy for, or the vitality and viability of Chatham Town Centre will not be

permitted. Proposals for Class A1, A2 and A3 (Classes A4 & A5) uses or any other uses appropriate in a shopping centre will be permitted in the core area subject to:

- (i) The proposed use(s) contributing to the vitality and viability of the area; and*
- (ii) The singular and/or cumulative impact of such uses not being detrimental to the shopping function of the area and the range of facilities provided.*

Policy R2 states that development of additional Class A1 convenience floorspace will be permitted within the Core Areasubject to:

- (i) The proposal supporting the vitality and viability of the Core Area; and*
- (ii) There being no highway objections; and*
- (ii) Provision being made for access by pedestrians, cyclists and public transport users, and there being adequate car parking provision consistent with Policies T13 and T15.*

Policy R12 states that within, or on the edge of the defined Core Area of Chatham, mixed use developments of an appropriate scale and incorporating high design standards which contribute to the vitality and viability of the centre will be permitted.

Policy H4 of the Local Plan supports the principle of residential development in urban area, mixed commercial and residential uses in proximity to town centres, and the use of upper floors above commercial premises. Policy H5 of the Local Plan contains a presumption in favour of higher density development in or close to town centres and Paragraph 23 of the NPPF states that Local Planning Authorities should recognise that residential development can play an important role in ensuring the vitality of centres.

The Chatham Centre and Waterfront Development Brief (adopted August 2008) is relevant to this application. This Brief identifies the site as being suitable for retail use. There is no specific reference to residential in respect of this site, but the Brief supports mixed uses, including residential, within the area, identified as 'The Brook'. This is supported by Paragraph 23 of the NPPF.

The site and surrounding area comprises of mixture of commercial and residential uses on the High Street and surrounding streets, service or tertiary sector uses. The majority of the buildings in the immediate locality are varied in height and architectural style. The varied mixed of styles of buildings both in the town centre and surrounding streets adds to the eclectic mix that contribute, in their own way, to the historic character and appearance of the town centre.

In respect of the application site, the site comprises of a terrace block of two/three storey buildings and a single storey detached building to the south in addition to single storey workshop buildings to the south-east of the site. The existing buildings on the site are in a poor state and, given their position and appearance, appear disjointed to the rest of the commercial buildings to the east on the High Street. Given the prominent position of the site, on the edge of the centre, its current state does little to contribute to the visual amenity of this locality. As such, the demolition of the buildings, in light of the proposed development, would be acceptable subject to design and all other matters to be considered.

Church Street is primarily retail, with other uses above and is an important pedestrian link between the town centre and the predominantly residential area south of New Road. In land use terms, the provision of a mixed use development on the site would be in accordance with the Local Plan, Development Brief and NPPF. The provision of a retail use on the ground floor would ensure that the vitality and viability of this part of the town centre is maintained.

The provision of residential units on the upper floors would support the Council's housing supply by providing much needed housing in a sustainable location. The proposal would also increase the footfall and bring trade to the area as such economically regenerating the area whilst enhancing the vitality and viability of the Chatham Town Centre. In addition, the development of sites like this in the town centre supports much needed regeneration for such areas and reduces pressure on, and the need to develop sites in the countryside. In this regard, the proposed development would be in accordance with Policies S1, S5, H4 and H5 of the Local Plan, the Development Brief and Paragraphs 17, 23 and 49 of the NPPF. As such, it is considered that the proposed development is acceptable in principle and in land use terms subject to all other material considerations in this report.

Design and appearance

The proposal is for a predominantly six storey building in a prominent location, on the corner of Church Street, and Best Street, the latter being a primary route through the urban area. The proposed building would be constructed in brick, with rendering, weatherboarding and glass materials.

The site and surrounding area comprises of mixture of commercial and residential uses on the High Street and surrounding streets, service or tertiary sector uses. The majority of the buildings in the immediate locality are varied in height and architectural style. The varied mixed of styles of buildings both in the town centre and surrounding streets adds to the eclectic mix of design that contribute, in their own way, to the historic character and appearance of the town centre.

In contrast, the proposal would provide a good quality and well-designed scheme that would complement this part of Chatham town centre. The key feature of the scheme is the tower feature on the south-west corner which provides a complementary focal point to the design of the building. From this point the building would step down, in height, along both the Church Street and Best Street frontages. The stepped design reflects this change in levels and would create a smooth visual transition between the existing buildings in Church Street and the proposed development.

The western elevation of the proposed building would step down towards, the three storey building on the High Street and on the ground floor the inclusion of large glass display windows would provide a positive link and continuation to the shopping frontages of the town centre. On the south-east elevation, the frontage of the development, in particular to the ground floor, would seek to improve this section of the town centre by providing a positive and attractive frontage on to the public open area.

It is, therefore, considered that the proposed building would make a positive contribution to the character and appearance of the area and in this regard would comply with the provisions of Policy BNE1 of the Local Plan and Paragraph 58 of the NPPF.

Standard of accommodation

Flat no:	Bedrooms/ persons	DCLG standard	GIA	Bedroom 1	Bedroom 2
		sq m	sq m	sq m	sq m
1	2/3	61	68	12	10
2	2/3	61	84	14	10
3	1/2	50	53	13	
4	1/2	50	50	16	
5	2/3	61	63	12	10
6	2/3	61	68	12	10
7	2/3	61	84	14	10
8	1/2	50	53	13	
9	1/2	50	50	16	
10	2/3	61	63	12	10
11	2/3	61	68	12	10
12	2/3	61	84	14	10
13	1/2	50	53	13	
14	1/2	50	53	16	
15	2/3	61	63	12	10
16	2/3	61	84	14	10
17	1/2	61	53	13	
18	1/2	50	57	16	
19	2/3	61	84	14	10
20	1/2	50	53	13	
21	1/2	50	57	16	

The table shows that the proposed flats would comply with the DCLG standards in terms of overall internal floorspace and room size, so no objection is raised in this regard.

The submitted drawings show a small area of lawn measuring 2.5m by 5.4m adjacent to the rear entrance on the north side of the building. A larger garden (communal) area measuring 11m by 16m would be provided to the north of the building, rear of the buildings at nos. 5 - 9 (odd) Church Street. This area would be provided and maintained for the residential occupants of the development.

Having regard to the above considerations, the proposal is considered to be acceptable in terms of the amenities of the occupiers of the proposed flats and accordingly no objection is raised in this regard under Policy BNE2 of the Local Plan. As such, the proposed development would provide a good standard of accommodation and living environment for the future occupiers.

Neighbour Amenity

The neighbouring properties to the north, all appear to be in commercial use and although the area to the back of these properties is generally open and unobstructed in terms of its views and outlook. The proposed building, by reason of its height, would result in some overshadowing to the back of these properties, although it has been stepped so that the bulk of the building is to the south, as such minimising the impact to these properties.

In terms of privacy, the building has been designed so that the windows on the north facing elevation serve non-habitable rooms. As such, minimising any potential impact from direct overlooking or loss privacy to the occupiers of the properties to the north. In respect of the properties to the west, these properties are located on the opposite side of Church Street and this type of relationship between buildings is not uncommon in urban areas and as such any overlooking or loss of privacy to these properties would not be over and above what is experienced in a typical urban street.

As such, the proposed development is considered to be acceptable in terms of its relationship to neighbouring properties and no objection is, therefore, raised in terms of neighbour amenity under Policy BNE2 of the Local Plan and Paragraph 17 of the NPPF.

Highways

No on site parking is proposed to serve the proposed development. However, in view of the site's town centre location, close to shops and public transport facilities, a reduction in the parking requirement would be acceptable. There is also public car park nearby. No objection is, therefore raised in terms of parking under Policy T13 of the Medway Local Plan 2003.

No reference has been made to the additional traffic that would be generated by the proposed development. However, it is considered that this would not be excessive and would not have an adverse impact on the highway network.

No objection is, therefore raised in this regard under Policy T1 of the Medway Local Plan 2003 and Paragraph 39 of the NPPF.

Trees

There are no trees on the application site. There is, however, a 'street tree' adjacent the site on Church Street which overhangs the existing building. In the event of planning permission being granted and the development proceeding, it would be impractical to retain this tree. As the tree is on public highway and not on the application site, the applicant would be required to contact the Council's Highway Authority to secure the removal of this tree and its possible replacement. This would be secured by inclusion of a clause within a Section 106 Agreement. Subject to this clause, no objection is raised in terms of the loss of this tree under Policy BNE43 of the Local Plan.

Contamination

A Phase 1 Desk Study has been submitted with the application which recommend an intrusive investigation. Due to previous land uses and the site being situated over a major aquifer and SPZ 3, appropriate conditions are recommended to address any issues of potential contamination. Subject to these conditions, no objection is raised under Policy BNE23 of the Medway Local Plan 2003 and Paragraph 121 of the NPPF.

Noise

An Environmental Noise Survey & Assessment has been submitted with the application and the methodology and recommended mitigation strategy are considered to be acceptable and would ensure that the occupiers of the proposed flats are not exposed to unacceptable levels of road traffic noise. However, appropriate conditions are recommended to ensure that the measures described in the assessment are fully implemented. Conditions are also recommended with regard to noise protection between the ground and first floors, and with regard to restricting shop opening hours and controlling deliveries to the shops, in order to protect the amenities of the occupiers of the proposed flats. Subject to these conditions, no objection is raised in terms of noise under Policy BNE2 of the Local Plan and Paragraph 123 of the NPPF.

S106 matters

New residential development can create additional demand on local services, such as for health and refuse services. Policy S6 of the Local Plan says that 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 into account if the obligation is (a) necessary to make the development acceptable in planning terms;(b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. The obligations/contributions requested meet with these tests because they have been calculated based on the quantum and location of the proposal are directly related to the development.

The following contributions are sought:

NHS Property

A contribution of £9,826.95 based on an occupancy ratio of 2.45 persons per unit x 21 units x a contribution of £191 per person as set out in the HUDU model based on Medway demographics. The contribution would be spent on access improvements to any of the following GP surgeries within one mile of the proposed development:

- College Health, Boots, the Pentagon;
- Bryant Street Surgery;
- Kings Family Practice, Magpie Hall Road;
- Halfway Surgery, New Road.

Children's Services

Contributions are only sought for the 11 x two bedroom units. No contributions are sought for the one bedroom units. Applying the Pupil Product Ratios (PPRs) in Medway Council's Guide to Developer Contributions, the following would be sought:

Nursery: A contribution of £2,745.60 based on a PPR of 0.03 pupils per unit and a contribution of £8,320 per pupil.

Primary: A contribution of £8,236.80 based on a PPR of 0.09 pupils per unit and a contribution of £8,320 per pupil.

Secondary: A contribution of £7,893.60 based on a PPR of 0.06 pupils per unit and a contribution of £11,960 per pupil.

Sixth Form: A contribution of £2,631.20 based on a PPR of 0.02 pupils per dwelling and a contribution of £11,960 per pupil.

Total: £14,240.08.

The nursery and primary contributions would go towards improvements at New Road, Primary School and the Secondary and sixth form contributions would be spent on improvements to Victory Academy.

Green space Services

A contribution of £31,274.25 based on the following occupancy ratios:

Number of bedrooms	Number of units	Occupancy ratio	Population
1	10	1.33	13.3
2	11	2.44	26.95
Total	21		40.25

A contribution of £777 per person is sought. The contribution would be spent on improvements to Town Hall Gardens and/or Chatham Riverside to help ensure the access and maintenance of these spaces to encourage healthy communities in accordance with paragraph 69 of the NPPF.

Great Lines Heritage Park

A contribution of £5,247.90 based on an occupancy ratio of 2.45 persons per unit x 21 units x a contribution of £233 per person. The contribution would be spent on access improvements from Chatham to Fort Amherst and would be in accordance with paragraphs 70 and 131 of the NPPF.

Bird Mitigation

As the application site is within 6km of the North Kent Marshes SPA/Ramsar Sites, the proposed development is likely to have a significant effect, either alone or

in-combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest.

Natural England has advised that an appropriate tariff of £223.58 per dwelling should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries, resulting in a contribution of £4,925.18 for the proposed development. 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 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.

Subject to the applicant entering into a Section 106 agreement to secure these contributions, no objection is raised under Paragraphs 118, 203 and 204 of the NPPF and Policies S6 and BNE35 of the Medway Local Plan 2003.

Local Finance Considerations

There are no local finance considerations raised by this application.

Conclusions and Reasons for Approval

The principle of the proposed development is considered to be acceptable and in accordance with Policies S1, S5, R1, R2, R12, H4 and H5 of the Medway Local Plan 2003, the Chatham Centre and Waterfront Development Brief and Paragraphs 17, 23 and 49 of the National Planning Policy Framework (NPPF). The proposal is acceptable, subject to appropriate conditions, in terms of design and appearance, amenity, highways, trees, contamination, noise and developer contributions, and would comply with the provisions of Policies S6, BNE1, BNE2, BNE23, BNE34, BNE39, BNE43, T1 and T13 of the Medway Local Plan 2003 and Paragraphs 58, 118, 121, 123, 203 and 204 of the NPPF. The application is therefore recommended for approval.

The application would normally be determined under delegated powers but is being referred to Committee for decision due to the extent of the representations received making comments contrary to the recommendation.

Background Papers

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess.medway.gov.uk/online-applications/>