

MC/16/1924

Date Received: 3 May, 2016

Location: Chatham Waterfront, Medway Street, Chatham, ME4 4HA

Proposal: Outline application with all matters reserved for the construction of up to 115 residential units with retail facilities at ground floor level.

Applicant: Medway Council

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

Ward River

Case Officer Thomas Ashley

Contact Number 01634 331700

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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 15 March 2017.**

**Recommendation - Approval subject to;**

- A. Cabinet only agreeing a land disposal sale of the land subject to a Section 106 obligation being entered into to secure the following
- (i) a contribution of £655,000.00 towards affordable housing to be provided off site.
  - (ii) a contribution of £218,919.75 towards public open space improvements in the vicinity of the site.
  - (iii) a contribution of £28,744.25 towards improvements to the Great Lines Heritage Park
  - (iv) a contribution of £319,696.00 (only applied to 2 Bed Units) towards improvements to local schools likely to be impacted by the development
  - (v) a contribution of £8,280.00 towards sustainable travel improvements
  - (vi) a contribution of £23,000.00 towards local training
  - (vii) a contribution of £39,641.65 towards community facilities improvements in the local area
  - (viii) a contribution of £28,175.00 towards public realm improvements in Chatham Centre
  - (ix) a contribution of £53,814.25 towards public health improvements in facilities likely to be impacted by the development
  - (x) a contribution of £17,875.60 towards waste and recycling
  - (xi) a contribution of £25,415.00 towards sports and leisure improvements in

the area likely to be impacted by the development  
(xii) a contribution of £116,953.00 towards air quality mitigation  
(xiii) a contribution of £223.58 towards bird disturbance mitigation  
agreement to meet the Monitoring officers costs.

B. And the following conditions:

- 1 Approval of the details of the layout, scale and appearance of the buildings, the means of access thereto and the landscaping (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To accord with the terms of the submitted application and to ensure that these details are satisfactory

- 2 Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted in writing to the Local Planning Authority for approval. Such application for approval shall be made to the Authority before the expiration of three years from the date of this permission and the reserved matters shall be carried out in accordance with the approved details.

Reason: To comply with Section 92(2) of the Town and Country Planning Act 1990.

- 3 The development to which this permission relates must be begun no later than the expiration of 2 years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

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

Site Plan, Site Diagram and Site Access Diagram all received 11th May 2016.

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

- 5 No part of the development hereby approved shall exceed 18.25m above ground level unless a further detailed visual impact assessment which demonstrates that taller buildings can be accommodated without detrimentally impacting upon the setting of nearby designated heritage assets is submitted and approved in writing by the Local Planning Authority.

Reasons: To protect the significance of nearby heritage assets.

- 6 Prior to the commencement of development details of the measures to protect the site from the risk of flooding shall be submitted to and approved in writing

by the Local Planning Authority in consultation with the Environment Agency. The measures shall include improvements to the existing flood defence wall and site specific protection and mitigation measures as necessary. Modelling shall be submitted which demonstrates that the measures proposed effectively mitigate the risk of flooding to the site and do not increase the risk of flooding elsewhere. The development shall not be occupied until the measures have been implemented to the satisfaction of the Local Planning Authority and the Environment Agency.

Reason: To ensure the development and surrounding areas are properly protected from the risk of flooding

- 7 No development above ground floor 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.

- 8 Any application for the approval of reserved matters relating to the landscape shall include full details of hard and soft landscaping and a programme for implementation. Details shall include:

1. Proposed finished levels of contours, (including slab levels); means of enclosure (should be consistent with boundary treatment proposals); car parking layouts; existing areas of retained planting; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. external furniture, play equipment; refuse or other storage units, signs, lighting etc); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc); retained historic features and proposals for restoration where relevant.
2. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; tree pit details including species, size, root treatment and means of support; implementation programme.
3. All planting, seeding and turfing comprised in the approved scheme of landscaping, shall be implemented during the first planting season following occupation of the houses or completion of the development, whichever is the earlier.
4. Details of lighting design, location and specification including spillage and intensity
5. Detailed design for sustainable drainage systems

Details shall be approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved timetable.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003

- 9 Any tree and/or shrub planted pursuant to condition 8 and being removed or severely damaged, dying or becoming seriously diseased within 5 years of planting shall be replaced with a tree or shrub of a similar size and species unless approved in writing by the Local Planning Authority.

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

- 10 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 and approved in writing by the Local Planning Authority 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.

- 11 No development above ground floor slab level shall take place until an Air Quality Emissions Mitigation Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall be prepared in accordance with the Medway Air Quality Planning Guidance, and shall specify the measures that will be implemented as part of the development to mitigate the air quality impacts identified in the Air Quality Assessment dated 9th May 2016 and approved under this permission. The total monetary value of the mitigation to be provided shall be demonstrated to be equivalent to, or greater than, the total damage cost values calculated as part of the Mitigation Assessment. The development shall be implemented entirely in accordance with the measures set out in the approved Mitigation Statement.

Reason: In the interests of amenity and minimising air pollution in accordance with policy BNE24 of the Medway Local Plan 2003.

- 12 No development above ground floor slab level shall take place until a scheme for protecting the proposed residential element of the development from noise that implements the measures described in the noise assessment reference P1192/R01 dated May 2016, has been submitted to 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: To ensure no detrimental effect on residential amenity of future residents.

- 13 No development above ground floor slab level shall take place until a scheme to minimise the transmission of noise from the use of the commercial premises, has been submitted to and approved in writing by the Local Planning Authority. Noise from the premises should be controlled, such that the noise rating level (L<sub>Ar</sub>,T<sub>r</sub>) emitted from the development shall be at least 5dB below the background noise level (L<sub>A90</sub>,T) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014. All works which, form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To ensure no detrimental effect on residential amenity of future residents.

- 14 Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan 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: To prevent harm being caused to the amenity of the area.

- 15 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 14 to 17 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the Local Planning Authority until condition 17 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.

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

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

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

- 18 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 occupation 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.

- 19 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 14, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 15, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition 15 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 16.

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

- 20 No development shall take place until a detailed scheme for the provision and future management and maintenance of surface water drainage for the life time of the development, together with a timetable for its implementation, has been submitted to and approved in writing by the Local Planning Authority. Those details 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 drainage scheme shall be implemented in accordance with the approved details.

Reason: In order to ensure the satisfactory development of the application site.

- 21 No development shall take place until details of the foul and surface water disposal, together with a timetable for its implementation, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Planning Authority.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: In order to ensure the satisfactory development of the application site.

- 22 Prior to the commencement of development details of the measures which will be undertaken to divert public sewers, including a timetable for implementations shall be submitted and approved in writing by the Local Planning Authority in consultation with Southern Water. The development shall be undertaken in accordance with the approved details

Reason: To protect drainage apparatus.

- 23 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 scheme of investigation and timetable which has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved specification.

Reason: To ensure that features of archaeological interest are properly examined and recorded

- 24 Prior to the first occupation of each individual building within a phase or sub-phase of the development hereby permitted details of the refuse storage arrangements for that building, including provision for the storage of recyclable materials, shall be submitted to and approved in writing by the Local Planning Authority. Except with the prior written approval of the Local Planning Authority, no building within a phase or sub-phase shall be occupied until the approved refuse storage arrangements for that building are in place 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.

- 25 Prior to the commencement of development a parking plan shall be submitted and approved in writing by the Local Planning Authority. The parking plan shall include a parking management strategy and a timetable for implementation. The parking shall be implemented in accordance with the approved plan and retained thereafter.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking and in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

**For the reasons for this recommendation for Approval please see Planning Appraisal Section and Conclusions at the end of this report.**

## **Proposal**

The current application is in outline form with all matters are reserved for future consideration. It proposes the provision of up to 115 residential units with retail



facilities at ground floor level. It is anticipated that up to 1645sqm of retail floorspace would be provided.

Although the application is in outline form two drawings have been produced which provide a broad indication of how the site could be developed. These comprise a "site diagram" and a "site access diagram". These drawings include details of the potential location of buildings, shared surface areas, parking zones, landscape areas and access routes within the site. These have been provided as part of the application submission for illustrative purposes only.

It is proposed that 115 car parking spaces would be provided for the residential element of the proposal. It should be noted that 29 car parking spaces within the existing car park would be retained for continued public use although this area lies outside the current application site. However, these public spaces would be accessed from the application site as shown on the illustrative "site access diagram". In a similar way, access to the Chatham Waterfront Pumping Station would also be via the application site as shown on the "site access diagram".

### **Site Area/Density**

Site Area: 0.9 hectares (2.2 acres)

Site Density: 128 dph (52 dpa)

### **Relevant Planning History**

- Case ref:** MC/11/0167 Demolition of existing buildings and construction of 31 one and two bedroomed apartments, an 86 bedroomed hotel and 1,792 sqm commercial floorspace (Use classes A1 to A5, B1(a) and D1) and ancillary parking  
**Decision** Committee resolution to grant permission subject to applicant entering into S106 Agreement  
**Decided** Planning Committee Resolution 30<sup>th</sup> March 2011
- Case ref:** MC/11/0166 Construction of 80 one and two bedroomed apartments and 1,589sqm commercial floorspace (Use classes A1 to A5, B1(a) and D1) and ancillary parking  
**Decision** Committee resolution to grant permission subject to applicant entering into S106 Agreement  
**Decided** Planning Committee Resolution 30<sup>th</sup> March 2011
- Case ref:** MC/10/4092 Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 - request for a screening opinion for a mixed use development comprising of Some 121 one and two-bed apartments located within two blocks one being of six and one of eight storeys in height, both of which sit at right angles to the water's edge; Ground floor commercial premises (comprising some 4,265 sq.m. floorspace, including the 3,000 sq.m hotel) located below the residential development, suitable for a

range of small A1 to A5 retail uses (with restaurants, cafes and bars being most likely) or B1(c) office uses; An 80 bed hotel; Car and cycle parking provision to serve the above development, with access off Medway Street; A pedestrian concourse running diagonally from Medway Street towards the existing riverside park with lanes running towards the waterfront; Landscaping appropriate to the urban and riverside setting of this site, incorporating terraces associated with the commercial uses; A new riverside walk within the site boundaries; Private and semi-private amenity space for apartments on high level roof terraces; Refuse collection points and bin stores for both residential and commercial units at strategic locations off the main concourse and Refuse collection points and bin stores for both residential and commercial units at strategic locations off the main concourse

**Decision** EIA not required

**Decided** 29 November, 2010

**Case ref:** MC/06/1101 Application for mixed development comprising commercial (945 square metres) and restaurant (290 square metres) at ground floor level with 136 flats over in a part 4/5/6/7 storey block; associated parking and ancillary works

**Decision** Refusal

**Decided** 11/09/2006

**Appeal** Withdrawn

**Decided** 22/01/2007

## Representations

The application has been advertised on site, in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties.

The **Environment Agency, Natural England, Southern Gas Networks, EDF Energy, NHS, Historic England, KCC Ecology** and **KCC Archaeology** have also been consulted.

**One** letter was received raising the following objections:

- The loss of parking will impact upon local business and will not assist in the regeneration of the area;
- The proposed development will have a detrimental amenity impact upon nearby properties, particularly with regard to daylight/sunlight.

**The Environment Agency** initially objected to the application on the basis that the site is within Flood Zone 3 and insufficient detail had been submitted regarding flood risk mitigation. Following the provision of further details the objection has been removed subject to an appropriately worded condition being attached to the

permission.

**Natural England** commented that as the 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, which separately total £550) should be collected to fund strategic mitigation measures across the Thames, Medway and Swale Estuaries.

**Southern Water** comment that the development is likely to require the diversion of existing sewers and thereby request that details of any diversion must be agreed with them prior to the layout for the site being finalised. They set out technical details relevant to the diversion of sewers, including details of required set-backs. They also request conditions are attached to any permission requiring details of the proposed diversion of sewers and details of foul and surface water drainage.

**Historic England** wrote confirming that they do not object to the principle of development, or the amount of development proposed in this location. Notwithstanding this they highlighted concerns with regard to the absence of detail provided in support of the application.

## **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.

The National Planning Policy Framework, Chatham Centre and Waterfront Development Brief (2008) and the Chatham Centre and Waterfront Development Framework (2004) are all material considerations relevant to the determination of this application.

## **Planning Appraisal**

### *Background*

This site represents one of the key regeneration opportunities in Medway as identified in the Chatham Centre and Waterfront Development Framework (2004) and the Chatham Centre and Waterfront Development Brief (2008).

In January 2011 two inter-related planning applications were submitted to Medway Council which proposed the comprehensive development of the current application site (see history above references MC/11/0166 and MC/11/0167). As noted above these applications sought permission for the provision of 111 one and two bedroomed apartments, an 86 bedroomed hotel and 3,381 sq. of commercial floorspace (including retail floorspace). These applications were presented to the Council's Planning

Committee which resolved to grant planning permission for each subject to the applicant entering into a legal agreement relating primarily to developer contributions and affordable housing. However the legal agreements were never completed due to legal technicalities, and as a consequence the planning permissions were never issued by the Council.

The current application has been submitted on behalf of Medway Council with a view to reconfirming the principle of development and clearly defining the development parameters, before actively promoting and marketing the site.

### *Principle*

### Development Plan

Policy S1 of the Local Plan sets out the development strategy for the plan area. It states that the development strategy *“is to prioritise re-investment in the urban fabric”* which will *“include the redevelopment and recycling of under- used and derelict land within the urban area”*. It further states that the focus will be on a number of areas including the Medway riverside areas and Chatham. The proposed development would accord with this broad strategy.

The application site is allocated on the proposals map of the Local Plan as lying within an area to which Policy S5 relates. Policy S5 seeks to develop Chatham Town Centre *“as the major, multi-use ‘city’ centre for Medway”*. Of particular relevance to the current proposal is the following provision within Policy S5:

*“Land at the riverside, as defined on the proposals map, will be released for riverside open space and for mixed use development. This could include Class C3 residential uses; Class A1 and A3 shop, restaurant and pub uses; Class B1 business; and Class D1 and D2 leisure uses.”*

This adds further support to the principle of the proposed development.

The residential element of this proposal finds strong support in Policy H4 of the Local Plan. This relates to housing in urban areas and states that within such areas residential development will be permitted consisting of, inter alia, *“mixed commercial and residential uses in proximity to town centres”*.

With respect to the retail element of the proposal, the application site lies outside of, but immediately adjacent to, the core retail area of Chatham as defined on the proposals map of the Local Plan. Policy R1 relates to comparison retailing within Chatham and states that schemes on the edge of the core area will be permitted subject to *“it being demonstrated that the development proposed cannot be accommodated within the core area”* and *“the use, the site location and layout being related directly to the core area to complement the vitality and viability of the centre as a whole”*.

Policy R2 relates to convenience retailing within Chatham. It makes provision for the development of Class A1 convenience floorspace on the edge of the core area (if

suitable sites are not available within the core area) subject to a number of criteria including the requirement for the proposal to support the vitality and viability of the core area.

Policies R1 and R2 clearly allow for retail development within the application site subject to specific criteria being satisfied. However it should be noted that the provisions of the Chatham Centre and Waterfront Development Framework (2004) and the Chatham Centre and Waterfront Development Brief (2008) postdate the Local Plan and provide further and stronger justification for retail development within the site. These documents are discussed in more detail below.

The principle of a mixed use scheme within this location is supported by Policy R12 of the Local Plan. This states that within or on the edge of the defined core areas of a number of specified centres, including Chatham, *“mixed use developments of an appropriate scale and incorporating high design standards and which contribute to the vitality and viability of these centres will be permitted”*.

In light of the above considerations, the principle of the proposed development finds strong support in the policies of the Medway Local Plan.

#### Chatham Centre and Waterfront Development Brief (2008)

The purpose of this Development Brief is to provide guidance for developers and landowners and to inform planning decisions on new development within the masterplan areas. It sets out the regeneration aspirations for Chatham. This includes making Chatham a City Centre for Medway which has its own powerful and distinct identity.

The Development Brief proposes a diverse mix of uses to create a dynamic and vibrant Town Centre and Waterfront. The application site is located within the neighbourhood area defined as The Waterfront. Within this area the Development Brief proposes a number of uses including the following:

*To generate activity all year round, the provision of publicly accessible buildings at ground floor level with a mixture of food and drink outlets and other retail uses should help to ensure a bustling riverside destination.*

In addition it proposes that apartments are provided above ground level which “will take advantage of the views over the river”. The Development Brief anticipates the provision of 500 new residential units and 4500 sqm of retail floorspace within The Waterfront.

It is considered that the submitted planning application would meet the aspirations of the Development Brief and would assist in meeting the targets relating to new residential units and retail floorspace. As such, the principle of the proposed development finds strong support in the Development Brief.

## Chatham Centre and Waterfront Development Framework (2004)

This Framework relates to Chatham Centre and Waterfront. It provides the context for future investment within the area and is seen as *“the cornerstone of a transformation that should see Chatham reach its full potential at the heart of Medway”* The aim of the Framework is to guide planning and investment decisions for both the public sector and developers across Chatham Centre and Waterfront.

The application site falls within a Key Project Area known as The Waterfront. Within The Waterfront, the site is identified as lying within the Sun Pier/Medway Street Area. Within this area the Framework proposes the following:

*.....the Development Framework promotes predominantly residential development at the Waterfront between Medway Street and the River Medway. Along the principal pedestrian routes to the Waterfront, development will include small-scale retail units, restaurants, bars and cafes. Business units and live/work units will be provided elsewhere at ground floor level. These uses will add interest and encourage people to visit the area at all times of day as well as ensuring that ground floor levels do not include residential units which could be at risk from flooding.*

*The proposed mixed-use residential-led development in this area will greatly enhance the quality and feel of the Waterfront, and will introduce a new community which will create activity throughout the day and during the evening. The proposed scale of retail and leisure uses in this area will not cause competition with the established shopping areas along the High Street and Lower High Street.*

Within The Waterfront, the Framework seeks to make provision for “up to 550 new residential units” and employment space and small-scale ground floor retail and leisure uses of approximately 5,000m<sup>2</sup>”.

The current proposal would meet the aspirations of the Framework and would assist in meeting the targets relating to new residential units and other floorspace. In these respects the principle of the proposed development finds strong support in the Framework.

## National Planning Policy Framework

Members are aware that the NPPF seeks to *“boost significantly the supply of housing”* (paragraph 47) and requires that housing applications *“should be considered in the context of the presumption in favour of sustainable development”* (paragraph 49).

In addition one of the core planning principles set out in the NPPF is that planning should *“encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”*. This requirement is emphasised at paragraph 111.

A further core planning principles is that planning should *“promote mixed use developments”* (paragraph 17). Support for mixed uses can also be found in

paragraph 37 of the NPPF which states that planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

In summary the principle of the proposed development finds strong support in the NPPF.

### Summary

There is strong support in both statutory and non-statutory planning policy for the principle of residential and retail development on the application site. In addition the resolution of Medway Council's Planning Committee to grant permission for the 2011 applications is also a material planning consideration and provides further support for the principle of the development currently proposed.

### *Flood Risk*

Policy CF13 of the Medway Local Plan 2003 sets out Medway Council's requirements in relation to development within a tidal flood risk area. The NPPF sets out the Government policy with respect to flood risk and requires developments in areas at risk of flooding to be accompanied by a site specific flood risk assessment.

The application site is located in flood zone 3. As such this application is accompanied by a flood risk assessment which proposes some possible flood risk mitigation measures including:

- Only accommodating lower risk commercial uses at ground floor of the building;
- Raising finished floor levels (of residential and commercial) above flood levels;
- Enhancing the existing flood defences (the flood wall) to better protect the site;
- Installing a flood warning system;
- Agreeing an emergency plan with the Local Authority in the event of a collapse/breach or overtopping of the flood defence walls;
- Agreeing a flood sensitive surface water drainage strategy for the site.

It should be noted that because the application is in outline only, the detail of these flood risk mitigation measures cannot be provided at this stage. However it should be noted that a similar mitigation strategy was agreed in outline by the Environment Agency (EA) in respect of the 2011 application.

In response to the current Flood Risk Assessment the EA initially indicated that to support the principle of residential development on this site, they would require a commitment that the existing flood defences would be improved for their full extent within the relevant 'flood cell' (which runs from Rochester Riverside in the west and Gun Wharf in the east) to reduce the risk of any 'back door' flooding of the site.

However the EA subsequently recognises that this would make the development of the site unviable (and furthermore could not be secured by condition as the Council does not control/own all of the wall). Furthermore the EA also recognises that the risk of flooding could feasibly be addressed through the measures identified in the Flood Risk Assessment, albeit with the caveat that the detail of these measures is not

currently available. The EA thereby agreed that an appropriately worded condition could be attached to the permission requiring a detailed flood risk mitigation strategy to be submitted and approved in writing by the Local Planning Authority in consultation with the EA as part of the reserved matters application.

However, given that the flood defences would not be improved along the full extent of the flood cell, the EA have emphasised that the site specific flood protection/mitigation strategy would also need to have careful regard to the risk of 'back door flooding' and they would need flood modelling to be provided as part of the mitigation strategy which demonstrates that the measures are effective in this regard.

Subject to the inclusion of an appropriately worded condition it is considered that the proposals are in accordance with Saved Local Plan Policy CF13 and the relevant provisions of the NPPF.

### *Highways*

Saved Policy T1 of the Medway Local Plan states that development will only be permitted provided the highway network has adequate capacity to cater for the traffic generated by the development and also not increase road safety risks or result in loss of residential amenity.

Paragraph 32 of the NPPF states that Transport Statements should be provided in support of developments that generate significant amount of traffic movements. However, paragraph 32 states that *"development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe"*.

Paragraph 34 the NPPF states that *"developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised"*.

Given that the site already accommodates 196 parking spaces, the proposed redevelopment will actually result in the reduction in the availability of parking on the site by 52 units. Parking provision is dealt with in the next section. It is considered that the potential for traffic movements to and from the site will be reduced following the redevelopment of the site, with a consequential increase in capacity on the local highway network.

Further it is noted that the application site is situated adjacent to Chatham Bus Station and only a short distance from Chatham Railway Station and thereby has a high level of accessibility to sustainable means of transport, making it one of the most sustainable sites in Medway for mixed use development. The proposals are thereby considered to be compliant with NPPF paragraph 34.



## Parking

### Provision

Saved Policy T13 Vehicle Parking Standards requires parking to be provided on new developments in accordance with adopted standards which comprises the 2010 Medway Council Interim Residential Parking Standards and the 2004 Medway Council Parking Standards.

The table below summarises the requirements for this development under the adopted standards.

Type	Amount	Policy Standard	Parking Requirement (spaces)
1 Bedroom Flat	60 units	1	60
2 Bedroom Flat	55 units	1.5	82
Residential Visitor	115 units	0.25	29
<b>Residential Total</b>			<b>171</b>
A1 Retail	839m <sup>2</sup>	Max. 1:18m <sup>2</sup>	47 (+2 servicing spaces)
A3 Restaurant	148m <sup>2</sup>	Max. 1:6m <sup>2</sup>	25
B1 Business	658m <sup>2</sup>	Max. 1:30m <sup>2</sup>	22
<b>Commercial Total</b>			<b>96</b>
<b>Grand Total</b>			<b>267</b>

The level of parking proposed is set out in the table below.

Use	Spaces
Residential	115 (1:1 parking ratio)
Retained Pay & Display Parking (for residential visitors and commercial uses)	29
<b>Total</b>	<b>144</b>

The applications proposals depart from the residential parking standards. It is noted that the commercial parking requirements are maximum standards and thereby there is no policy conflict. However, it is considered that reduced parking provision is appropriate in this instance for the following reasons:

Most fundamentally the application site is situated in a highly sustainable location, adjacent to the bus station and close to the train station (less than 500m). There are many opportunities for sustainable travel in this very urban location, reducing the need and demand for private vehicle movements. As noted above paragraph 34 of the

NPPF specifically requires planning decisions to locate new development where *“the need to travel will be minimised and the use of sustainable transport modes can be maximised”*. By reducing parking on the site, densities can be increased in this highly sustainable location and thereby opportunities for sustainable travel can be maximised.

Further the applicants have noted that the 2011 census demonstrates that local vehicle ownership in this area was recorded at approximately 0.7 vehicles per household. Based on the 115 units proposed, residential parking demand can be calculated at approximately 81 spaces, significantly below the 115 spaces that are proposed.

In addition, it is noted that in order to make the best use of previously developed land, and consequentially reduce the requirement for new housing to be built on greenfield land, it is necessary to increase densities which necessarily requires a relaxing of parking provision which accounts for significant proportion of land take on any site.

It is further noted that increasing densities on ‘complex’ brownfield sites, such as this, increases the value of the land and thereby makes them more viable and deliverable, directly contributing towards achieving Medway Council’s regeneration objectives.

Furthermore, it is noted that a reduction in parking provision allows for a ‘tighter grain’ layout to be designed and delivered. As is noted in the heritage section below the site is close to the Town Centre which has a very tight urban grain, and this forms an important part of its historic character. It is considered appropriate to support and facilitate efforts to achieve a tight urban grain on this site to compliment the character of Town Centre.

Finally, it is noted that this level of residential parking provision (1:1 parking provision) has been accepted in sustainable locations elsewhere in the district including at Rochester Riverside (where a reduced standard has been agreed through the approved Supplementary Planning Document) and at Victory Pier. However, to facilitate a reduction in parking provision for these developments specific parking management measures have been required or implemented. It is thereby recommended that an appropriately worded condition is attached to the application requiring the approval of a residential and commercial parking management plan prior to the first occupation of the development.

#### Loss of Pay & Display Parking

As noted above the principle of the redevelopment of this site to accommodate mixed use development is very well established in local statutory and non-statutory planning policy. As such the loss of public parking on this site is accepted in principle.

This notwithstanding the applicants have provided information in support of the application which demonstrates that average existing weekday parking demand in the Town Centre can be accommodated even with the loss of capacity that would result from the redevelopment of the Globe Street Car Park.

*“under conditions of an average parking occupancy, whereby 199 vehicles parking at the Globe Lane or Medway Street car parks are re-assigned into available alternative car parking capacity...it is estimated that a total of 137 car parking spaces [in total across Chatham Town Centre Car Parks] remain unoccupied equating to an average occupancy of 91%.” (paragraph 6.20)*

## *Design*

At a national level good design is one of the central requirements of the NPPF:

*“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”. (paragraph 56)*

At a local level this requirement is reflected in the Medway Local Plan 2003. In particular, Policy BNE1 provides general principles for built development and requires the design of development to *“be appropriate in relation to the character, appearance and functioning of the built and natural environment”*. In addition the Chatham Centre and Waterfront Development Framework (2004) and the Chatham Centre and Waterfront Development Brief (2008) provide guidance on the likely form and amount of development that could be achieved and indicate the overall design principles that should be applied.

This application is in outline form with all matters reserved for future consideration including layout, scale, appearance and landscaping. However, the two indicative drawings accompanying this application provide a broad indication of how the site could be developed. These include details of the location of buildings, shared surface areas, parking zones and landscape areas and suggested access routes within the site. These indicative drawings demonstrate that the amount of development proposed can be accommodated on the site.

In view of the importance of this site to the regeneration of this area and its prominent location on the waterfront it is critical that the detailed design of the proposed development is of a high standard.

It is considered that the policy requirements of the NPPF, the Medway Local Plan, and importantly the Chatham Centre and Waterfront Development Framework (2004) and the Chatham Centre and Waterfront Development Brief (2008) provide the Council with the policy leverage to seek a high standard of design at the reserved matters stage.

## *Amenity*

Policy BNE2 of the Local Plan requires all development to secure the amenities of its future occupants and to protect those amenities enjoyed by nearby and adjacent properties. This policy requirement is generally consistent with the NPPF Core Planning Principle that planning should secure *“a good standard of amenity for all existing and future occupants of land and buildings” (paragraph 17)*. It is also noted

that the Nationally Described Space Standards set requirements for the gross internal area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home which must be accommodated in all new residential developments.

Given that the scheme is outline only it is not possible at this stage to fully assess the amenity implications of the proposed development. However, it is noted that the nearest properties are well set back from the application site with some 30m from the boundary of the application site to the nearest window (Star Quest).

Given the location of site and its size it is considered that the scale, quantum and density of development proposed can be accommodated without detrimentally impacting upon nearby residential properties. Further it is considered that the nationally described space standards can be fully complied with.

### *Heritage*

The application site does not contain any listed buildings or scheduled ancient monuments and it is not located within a conservation area. However, it lies in proximity to a number of heritage assets including: the Brompton Lines Conservation Area and the Star Hill to Sun Pier Conservation Area. It also lies near Chatham Dockyard. The Dockyard and its defences form a cluster of scheduled ancient monuments and listed buildings.

### Legislative and Policy Context

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the general duty in respect of listed buildings in exercise of planning functions, requiring special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the general duty as respects Conservation Areas in exercise of planning functions, requiring special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area.

Saved Policy BNE18 of the MLP 'Setting of Listed Buildings', states that: "*Development which would adversely affect the setting of a Listed Building will not be permitted*". Policy BNE18 is consistent with general duty set out Section 66(1).

Saved Policy BNE12 of the MLP 'Conservation Areas' requires that: "*Special attention will be paid to the preservation and enhancement of the character and appearance of Conservation Areas, as defined on the proposals map.*" Broadly in accordance with general duty set out Section 72(1).

Saved Policy BNE20 'Scheduled Ancient Monuments' requires that: "*...Development affecting Scheduled Ancient Monuments or other nationally important sites will not be permitted if it would: (i) damage or destroy such sites; or (ii) be detrimental to their setting.*"

In accordance with the statutory duties set out in the 1990 Act chapter twelve of the NPPF requires that development has regard for its impact upon the significance of heritage assets and their settings. Paragraph 128 requires applicants to describe the significance of any heritage assets affected by an application proposal, including their setting. Paragraph 129 requires LPA to identify and assess the particular significance of any heritage asset that might be affected by a proposal. Paragraph 132 explains that significance can be harmed through alteration or destruction or harm within its setting. A distinction is drawn between substantial harm and less than substantial harm.

### Significance

As required by NPPF paragraph 128 the applicants have submitted a Heritage Statement in support of their application which describes the significance of the heritage assets that might be affected by the proposed development. The Statement notes that the site itself has some significance but this is limited to its historic use (known as historic value and evidential value); given the site is now a car parking it has little or no historic aesthetic value.

However, the statement goes on to highlight that:

*“While not itself in a conservation area, the site is adjacent to two conservation areas and forms part of the setting of both. To the west is the Star Hill to Sun Pier Conservation Area, the old centre of the town along the High Street, characterised by a mixture of residential and small commercial buildings, mostly two and three storeys high and mostly dating from the eighteenth and nineteenth centuries. To the east is the Brompton Lines Conservation area, which runs from up the river bank to the wooded ridge behind the town including the church of St Mary with its prominent tower and embracing much of the later military complex, including Fort Amherst.”*

Whilst the area surrounding the application site clearly has historic significance it is noted that the general character of this part of Chatham has changed very considerably in the last fifty years. The development site itself has changed from open mudflats, to a fairly dense mixture of minor residential and riverside commercial buildings serving the wharfs, to the present slightly bleak open space with rough car parking. Inland from the site is the bulk of Mountbatten House, which completely overshadows its surroundings. Although the old High Street has retained much of its nineteenth century scale and character, the area between the High Street and the waterfront to the west of the development site has seen the building of office and residential buildings of completely different scale and character from what was here before the 1960s.

### Impact of the Proposal

The above analysis demonstrates the site contributes to historic significance principally because it is located within the setting of several designated heritage assets, although this ‘setting’ has been much changed in recent decades. As such any potential impacts must be considered within this context.

To assess the impact of the proposed development upon the setting (and thereby the significance) of nearby designated heritage assets, regard has been had to the relevant strategic views identified in the Building Height Policy for Medway, adopted in 2006 and in the Chatham Dockyard and its Defences Planning Policy Document adopted in January 2015 as a Supplementary Planning Document. The viewpoints which were considered the most relevant for this proposal are as follows:

- Fort Amherst/Belvedere Battery
- Fort Pitt
- Doust Way
- Broom Hill, Strood
- Sun Pier
- New Gun Wharf

The applicants were required to undertake a simple visual impact assessment for each of these views, having regard to the indicative layout for the site and assuming maximum building heights of 18.25m above existing ground levels. The visual assessment demonstrates that the scheme would not detrimentally impact upon any of these views and thereby would not impact upon the setting and significance of any of the nearby designated heritage assets. To this end it is recommended that an appropriately worded condition is attached to the permission restricting development to 18.25m above ground level unless a further detailed visual impact assessment which demonstrates is submitted and approved in writing which demonstrates that taller buildings can be accommodated without detrimentally impacting upon the setting of nearby designated heritage assets.

It is important to acknowledge that the proposals are in outline only, with all matters, including layout, appearance and scale reserved for future planning applications. As noted above Historic England, whilst not objecting to the principle of development, highlighted that for development on this site to properly respond and respect its historic context, including the designated heritage assets, a high standard of design must be secured. Officers are in complete agreement with this. Given the policy context relevant to this site which emphasises the important of high quality design it is considered that this can be effectively controlled through the standard reserved matters conditions, however to add further weight to these requirements it is suggested that an informative is attached to the permission which emphasises that a high standard of design will need to be demonstrated at the Reserved Matters stage.

### Conclusion

In conclusion, whilst the proposed development will be on a larger scale than earlier buildings on the site, the assessment submitted in support of the application demonstrates that the proposed development, provided it is restricted to 18.25m about existing ground levels would not impact upon the setting of nearby designated heritage assets.

Further it is considered that the scheme, by continuing the height of the more recent waterfront buildings could provide some coherence to the waterfront. The development will also reinstate something of the original street pattern providing permeability, allowing easy public access to the riverside and greatly enhancing the

amenity value of this part of Chatham.

It is thereby considered that the proposals are in accordance with the statutory requirements of Section 66(1) and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Saved Local Plan Policies BNE12, BNE18 and BNE20 and the national policy requirements set out in the NPPF.

### *Affordable Housing*

Saved Policy H3 of the Local Plan states that where a need has been identified, affordable housing will be sought as a proportion of residential developments of a substantial scale. The 2014 Guide to Developer Contributions confirms this requirement applies to sites of 25 units or more in the urban area, with a target of at least 25% of homes to be affordable. These policy requirements are broadly in accordance with the approach set out at paragraph 50 of the NPPF regarding the provision of affordable housing.

In addition, the National Planning Policy Guidance (“NPPG”), in alignment with the NPPF, contains important guidance on development viability. According to the NPPG:

*‘A site is viable if the value generated by its development exceeds the costs of developing it and also provides sufficient incentive for the land to come forward and the development to be undertaken’.*

The NPPG is a material consideration in the determination of this planning application.

### Financial Viability Appraisal

In support of the application a Financial Viability Appraisal (FPA) was provided by the applicants which sought to test the maximum level of affordable housing and additional financial obligations, including Section 106 obligations, which could be supported by the development without impeding the viability of the project and the chances of delivery.

The submitted FPA suggested that affordable housing was not viable on the site on the basis that the “benchmark land value” (which was calculated with reference to its existing use as a car park and the revenue/value that this would be expected to generate) was higher than the “residual land value”.

However, Members noted that the displacement of parking to other Council operated car parks elsewhere in Chatham, demonstrated that there would be no loss in revenue, and thereby it is in-appropriate to use the “existing use value” and the benchmark land value for the purposes of assessing viability.

In responses to these concerns the Head of Planning instructed an independent viability assessor to review the submitted viability appraisal, making more appropriate assumptions where necessary in particular in respect of the benchmark land value. The following summaries the key points of this independent viability assessment.

- *Gross Development Value: £31,607,417*

The value proposed by the applicants has been adopted for the independent viability assessment. It is noted that this value is considered as being at the top end of the achievable range in comparison to other local developments where good data is available such as Victory Pier.

Registered Provider acquisition prices for the affordable housing are based on recent market transactions and are considered robust.

- *Gross Development Cost: £30,528,645*

The independent assessor has critically reviewed all elements of the cost assumptions:

- Site acquisition costs
- Construction costs
- Abnormal and additional construction costs
- Design and professional fees
- S106 contributions
- Marketing and sales costs
- Finance costs
- Development programme
- Overhead and profit

The independent assessor challenged a number of the assumptions made in the applicant's report. Notably in respect of profit, suggesting that this is likely to be higher than the applicants had assumed:

*"It is currently deemed likely that any private residential development proposals predicting an overhead and profit return of less than 20% of gross development value would not be considered viable. We have therefore adopted an overhead and profit rate of 20% of GDV for the scheme in our base option based on recent appeal decisions. This is at a rate slightly higher than by the applicant in the rate viability submission to the council but considered as reasonable and avoids the placing of profit in part in the build cost as proposed by the applicant."*

However, overall the Gross Development Costs assumed by the independent assessor (£30,528,645) are broadly comparable to those assumed by the applicants (£30,928,813).

- *Residual Land Value: £1,078,771.92*

Calculated by subtracting the Gross Development Cost from the Gross Development Value.

- *Benchmark Land Value: £1,081,800*

As noted above the benchmark land value is the assumption that was disputed



by Members, who did not consider existing use value to be appropriate in this context. In this regard the independent assessor commented:

*“The use of EUV to establish benchmark land values should, in our opinion, be restricted to sites where the current use leads to a lower level of value than comparable evidence for housing sites... We believe the actual transactional costs are far more relevant in assessing the benchmark land value.”*

In this regard the independent assessor highlights that:

*“The 0.889 hectare site was acquired in two parcels by the council for a total cost including SDLT of £1,081,800 or £1,216,873 per hectare.*

By way of comparison the independent assessor also highlights:

*“We have considered a number of other recent transactions, including:*

- DCLG Land Value Estimates for Policy Appraisal report of February 2015, which suggests a land value per hectare for market housing only with planning consent of £1,819,000 per hectare. Adjusted for policy compliance and planning status this would in our opinion equate to £1,091,000 per hectare.*
- The recent S106BA application for the Chatham Maritime scheme is based on a land value of £330,000 per hectare.*
- The Redvers Centre, Glencoe Road, Chatham sold for £1,303,000 per hectare for residential development*
- Open storage land selling for £620,000 per hectare on advice from the councils property team.”*

The independent assessor thereby concludes: *“Therefore an appropriate benchmark land value in our opinion should be no more than £1,081,800.”*

The independent assessor concludes:

*“A scheme delivering a residual land value equivalent to the benchmark value noted above is able to contribute a commuted sum for the off site provision of affordable housing of £655,000, in addition to other S106 contributions. This is broadly equivalent to a 10% level of affordable housing. This is considered to be an economically viable level of land value as required by the National Planning Policy Framework, which notes a “competitive return to the landowner” is required.”*

On this basis a contribution of £655,000 towards off site affordable housing will be secured by way of a S106 agreement.

### *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 (excluding legal and monitoring officer's costs, which separately total £550) 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/are in the process of submitted/submitted a unilateral undertaking. No objection is therefore raised under Paragraphs 109 and 118 of the NPPF and Policies S6 and BNE35 of the Local Plan.

### *S106 Matters*

The applicants have agreed to pay the following financial contributions to fund improvements to local services and infrastructure required to accommodate the needs of the new residents accommodated on the development:

• Open Space	£218,919.75
• Great Lines Heritage Park	£28,744.25
• Education	£319,696.00 (only applied to 2 Bed Units)
• Sustainable Travel	£8,280.00
• Training	£23,000.00
• Community facilities	£39,641.65
• Public Realm	£28,175.00
• Health	£53,814.25
• Waste and Recycling	£17,875.60
• Sports Facilities	£25,415.00
• Air Quality Mitigation	£116,953.00
• <b>Total</b>	<b>£880,514.50</b>

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 in accordance with 2014 Guide to Developer Contributions. It should be noted that as a Council owned site a Section 106 cannot be completed, as the Council can not be signatory to an agreement with itself. A permission including a Section 106 agreement cannot therefore be issued. The Planning Committee can thereby only indicate that it is minded to approve the application based on Cabinet only agreeing a land disposal sale subject to a S106 agreement being secured with a new owner.

#### *Local Finance Consideration*

There are none.

### **Conclusions and Reasons for Approval**

The application site is one of the most important regeneration sites in Medway for which the principle of redevelopment to accommodate a residential led mixed use development was established in 2011. The application is seeking to re-establish and reconfirm the principle of development and at the same time clarifying the key development parameters for the site including: amount of development, scale and massing, parking provision and the exposure to financial contributions.

The above analysis has demonstrated that the proposals are broadly compliant with statutory development plan policies, national planning policy and non-statutory local planning guidance.

Whilst the application departs from the Council adopted residential parking standards this is considered acceptable in this instance given the highly sustainable location of the site and the benefits derived from increasing the density on the site including in terms of reducing greenfield land take, enhancing the viability and deliverability of the site and facilitating the creation of a more attractive development reflective of the historic Town Centre context.

Given the importance and sensitivity of the site, and given that the application is in outline only, it is essential that careful attention is taken at the reserved matters stage and it is thereby recommended that appropriately worded conditions are attached to the permission.

The application is accordingly recommended for approval subject to Cabinet only agreeing a land disposal sale with a S106 agreement as set out.

The application needs to be determined by Planning Committee due to the scale of the development as the Council is the applicant/land owner.

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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/>