

MC/17/0092

Date Received: 11 January, 2017

Location: Land Fronting The Paddock Rear Of 7-13 New Road Chatham
Kent ME4 4QL

Proposal: Construction of a five storey block comprising 6 one bedroom
and 8 two bedroom flats

Applicant: Rexel Estates Limited

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 2 August 2017.

Recommendation – Approval subject to;

A. The applicant entering into a Section 106 agreement to secure the following:

- 1) A contribution of £14,960 based on an occupancy ratio of 1.33 persons per unit for one bedroom units and 2.44 persons per unit for two bedroom units, and a contribution of £544 per unit to be used on improvements to Town Hall Gardens and/or the Paddock Gardens;
- 2) A contribution of £3,498.60 based on an occupancy ratio of 2.45 persons per unit and £102 per person towards improved wayfinding to the Great Lines Heritage Park from Chatham Town Centre;
- 3) A contribution £6,551.30 based on an occupancy ratio of 2.45 persons per unit and a contribution of £191 per person towards healthcare facilities in the locality;
- 4) A contribution of £3,130.12 (£223.58 per unit) towards appropriate mitigation measures within Special Protection Areas;
- 5) 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;

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:

Drawing numbers NR707, NR708, NR709, NR710, NR711 and NR712 received on 11 January 2017; NR701A, NR702A, NR703A, NR704A, NR705A and NR706A received on 16 February 2017; 2030.02C received on 21 March 2017; and NR715 received on 7 April 2017.

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

- 3 No development shall take place until details of a clean air ventilation system has been submitted to and approved in writing by the Local Planning Authority. The scheme shall cover all habitable rooms and include details of the design and installation of the clean air ventilation system and, if necessary, air purification equipment. 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: Required prior to commencement of development to ensure the development is carried out in a manner that protects the amenities of the future occupiers of the proposed flats and in accordance with Policies BNE2 and BNE24 of the Medway Local Plan 2003.

- 4 No development shall take place until a scheme of acoustic protection has been submitted to and approved in writing by the Local Planning Authority which protects the development from transport related source. The scheme shall include details of acoustic protection sufficient to ensure internal noise levels (LAeq,T) no greater than 30dB in bedrooms and 35dB in living rooms with windows closed and a maximum noise level (LAm_{ax}) of no more than 45dB(A) with windows closed. Where the internal noise levels will be exceeded with windows open, the scheme shall incorporate appropriate acoustically screened mechanical ventilation. The scheme shall include details of acoustic protection sufficient to ensure amenity/garden noise levels of not more than 55dB (LAeq,T). All works, which form part of the approved scheme, shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: Required prior to commencement of development to ensure the development is carried out in a manner that protects the amenities of the future occupiers of the proposed flats and in accordance with Policies BNE2 of the Medway Local Plan 2003.

- 5 No development shall take place until details of a whole dwelling mechanical ventilation system, including heat recovery and cooling have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details before any part of the development is occupied and shall be maintained thereafter.

Reason: To ensure the development is carried out in a manner that protects the amenities of the future occupiers of the proposed flats and in accordance with Policies BNE2 of the Medway Local Plan 2003.

- 6 No development shall take place until a Construction Environmental Management Plan (CEMP) have been 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 throughout the construction phase of the development.

Reason: Required prior to commencement of development to minimise the impact of the construction period on the amenities of local residents in accordance with Policy BNE2 of the Medway Local Plan 2003.

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

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

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

c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the Arboricultural Report ref: SA/1121/16 dated 16 February 2016 before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this Condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written

consent of the Local Planning Authority.

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

- 8 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.

The development shall be implemented in accordance with the approved details and shall be maintained thereafter.

Reason: Required prior to commencement of development to ensure surface water is managed during, and post construction and for the lifetime of the development in accordance with Paragraph 103 of the NPPF.

- 9 No development shall take place until details of the proposed means of foul water sewerage disposal has been submitted to, and approved in writing by the Local Planning Authority. 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: Required 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 and to safeguard the amenities of the occupiers of the proposed development in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 10 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a method statement, and obtained written approval from the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with.

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.

- 11 Notwithstanding the submitted drawings, 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. 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.

- 12 Notwithstanding the submitted drawings the upper ground, first and second floor windows within the eastern side elevation shall be fitted with obscure glass and apart from any top-hung light, that has a cill height of not less than 1.7 metres above the internal finished floor level of the room it serves, shall be non-opening. This work shall be carried out and completed before the room is occupied and shall be retained at all times thereafter.

Reason: To ensure the development does not prejudice conditions of amenity by reason of unneighbourly overlooking of adjoining property, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 13 No flat herein approved shall be occupied until details of the vehicular access onto the site have been submitted to and approved in writing by the Local Planning Authority. The vehicular access shall be constructed in accordance with the approved details and shall be 3.1 metres wide with footways of 0.6 metres, raised to kerb height for pedestrian access, prior to the occupation of any flat herein approved.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with Policy T2 of the Medway Local Plan 2003.

- 14 Prior to the occupation of any flat herein approved the landscaping and boundary treatment shall be implemented in accordance with the approved details shown on drawing number 2030.02C. Any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: 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.

- 15 The landscaping shall be implemented, maintained and managed in accordance with the Landscape Implementation, Maintenance Schedule & Management Plan by Concept Landscape Architects dated February 2016 and received on 11 January 2017.

Reason: 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.

- 16 Prior to the occupation of any flat herein approved, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be implemented in accordance with the approved details prior to the occupation of any flat herein approved and shall be retained thereafter.

Reason: To safeguard conditions of amenity within the scheme of development permitted in accordance with Policy BNE1 and BNE2 of the Medway Local Plan 2003.

- 17 No part of the building shall be occupied, until the area shown on the approved layout drawing NR701A as vehicle parking space has been provided, surfaced, drained and marked out on site. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

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

Proposal

The proposal involves the construction of a four-storey block with central fifth storey within the roof. The building would be set back approx. 2.3m from the site boundary with The Paddock and approx. 24m to the rear (north) of 7 – 13 New Road. The building would occupy the entire width of the plot and include a central vehicle entrance underneath, which would serve 8 parking spaces to the rear of the block, together with parking to the rear of the neighbouring block at 5 New Road (proposed under application MC/17/0093).

A small landscaped strip would be planted at the front. Refuse storage and cycle storage are proposed within the building. No external garden areas are proposed but some units would have balconies.

The accommodation proposed within the building would comprise:

Lower Ground Floor	One 1-bed flat and one 2-bed flat;
Upper Ground Floor and cycle store;	One 1-bed flat and one 2-bed flat, plus refuse store
First Floor	One 1-bed flat and three 2-bed flats;
Second Floor	One 1-bed flat and three 2-bed flats; and
Third Floor	Two 1-bed flats.

Site Area/Density

Site Area: 0.06 hectare (0.14 acre)
Site Density: 233 dph (100 dpa)

Relevant Planning History

Application site

MC/16/0905	Details pursuant to condition 03,05,06,07,08,10 & 11 on planning permission MC/11/0842 for 'Application for a new planning permission to replace an extant planning permission MC/2004/2816 (Construction of a block comprising six 1-bed room and eight 2-bed room flats with associated car parking) in order to extend the time limit for implementation' Refused 22/04/2016
MC/16/0903	Details pursuant to condition 04 on planning permission MC/11/0842 for 'Application for a new planning permission to replace an extant planning permission MC/2004/2816 (Construction of a block comprising six 1-bed room and eight 2-bed room flats with associated car parking) in order to extend the time limit for implementation' Refused 22/04/2016
MC/11/0842	Application for a new planning permission to replace an extant planning permission MC/2004/2816 (Construction of a block comprising six 1-bed room and eight 2-bed room flats with associated car parking) in order to extend the time limit for implementation Refused 15/05/2012 Appeal Allowed with Conditions 16/04/2013
MC/04/2816	Construction of a block comprising six 1-bed room and eight 2-bed room flats with associated car parking Approved with Conditions 06/04/2006
MC/03/0995	Construction of block comprising x 1 bedroom flats and x 2 bedroom flats with associated car parking Approval subject to section 106 Obligation 19/05/2004
MC/00/1809	Outline application for the construction of one block of six 1-bed room flats and two 2-bed room flats and associated car parking. Approved with Conditions 14/06/2001

Adjoining site (r/o 5 New Road)

MC/17/0093	Construction of a 4 storey block comprising 1 x two bedroom flat and 6 x one bedroom flats
MC/16/0906	Details pursuant to condition 03,05,06,08,09,12,15 & 16 on planning permission MC/11/1428 'Application for a new planning permission to replace extant planning permission MC2006/2165 (Demolition of existing garage and construction of 7 x one bedroom flats) in order to extend the time limit for implementation' Refused 22/04/2016
MC/16/0902	Details pursuant to condition 04 on planning permission MC/11/1428 'Application for a new planning permission to replace extant planning permission MC2006/2165 (Demolition of existing garage and construction of 7 x seven bedroom flats) in order to extend the time limit for implementation' Refused 22/04/2016
MC/11/1428	Application for a new planning permission to replace extant planning permission MC2006/2165 (Demolition of existing garage and construction of 7 x one bedroom flats) in order to extend the time limit for implementation Refused 15/05/2012 Appeal Allowed with Conditions 16/04/2013

Representations

The application has been advertised on site and in the press as a major development and as development affecting the setting of a Conservation Area, and by individual neighbour notification to the owners and occupiers of neighbouring properties.

Natural England, Kent Policy, Southern Water, EDF Energy, Southern Gas Networks, NHS, Rochester Airport Ltd and Rochester Airport Consultative Committee have also been consulted.

Two letters (from the same household) have been received raising the following objections:

- Loss of light to rear of 5 New Road;
- Air quality in area is poor and additional flats will result in a deterioration in air quality;
- Mechanical ventilation will be needed to mitigate the effects of poor air quality;
- Two parking spaces are inadequate to serve the proposed development and will exacerbate problems for existing residents in area;
- No more parking permits should be issued in Zone C.
- Many flats have a floor area of less than 50 sq. m.

One letter has been received neither objecting to nor supporting the application but raising concerns regarding parking in the area and loss of light to rear of 5 New Road.

Kent Police have written advising that no reference is made to crime prevention in the Design and Access Statement. They make the following comments:

- Extremely important that gates are installed and not omitted at a later date to add to security;
- Underpasses should be adequately lit and finished in light colours to aid general surveillance;
- The vehicle and pedestrian access gates should be placed close to the main building line to reduce the recess;
- Mail delivery should not be in the undercroft area. A through the wall mail delivery system is preferable as an added layer of security;
- Full audio access control system should be installed.
- Appropriate access control for the pedestrian/vehicle gates for the right of way to the rear of no.5 New Road will need to be installed.
- Doorsets and windows should comply with SBD specifications.

Southern Water have written with conditions and informatives they would like to see attached to any planning permission.

Natural England have written advising that the proposals should comply with the Strategic Access Management Plan.

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

Background

As can be seen from the Planning History, there have been previous applications for the development of this land (and for the adjoining land at rear of 5 New Road) the last being MC/11/0842 which was a re-submission of application MC/04/2816 which was approved on 6 April 2006.

Application MC/11/0842 was refused on 10 May 2012 for the following reason:

"The proposed development by virtue of the number of units proposed would result in poor levels of internal amenity for prospective occupiers representing an unacceptable overdevelopment of the site contrary to the provisions of Policy BNE2 of the Medway Local Plan and the Medway Housing Design Standards 2011".

A subsequent appeal was allowed on 16 April 2013 with several conditions attached, including the three year statutory time condition. However, details pursuant to these

conditions, including pre-commencement conditions were only submitted just prior to the expiration of the three year time period and therefore were unable to be discharged. The planning permission has, therefore lapsed.

Since the appeal was allowed, the site has been cleared and footings dug, but no further work has taken place.

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, Policies S1, H4 and H5 of the Local Plan also support the redevelopment of under-used and derelict land within the urban area at higher densities.

The application site is located just outside the defined core area of the Chatham Town Centre, as identified on the Proposals Map to the Local Plan and within an area of mixed commercial and residential uses. Essentially most of the land fronting onto this side of The Paddock comprises the rear of properties in New Road, and is under-used. The proposal would bring some of this land back into use, add activity to the street scene and contribute to the Council's Housing land supply by securing residential development within a town centre location.

The proposed development is therefore considered acceptable in principle and in accordance with paragraphs 17 and 49 of the NPPF and Policies S1, H4 and H5 of the Local Plan.

Design, appearance and street scene

The site currently vacant and presents an unattractive appearance to the street scene, allowing views of the rear elevation of the buildings in New Road and associated parking areas. The re-development of the site has the opportunity to lift the character of the area by introducing an active frontage to The Paddock. As a result of the land level sloping down from New Road towards The Paddock, the proposal would appear as a four storey building when viewed from The Paddock and three storey to the rear. The architectural design of the building, is considered to be acceptable albeit fairly standard. The elevational treatment of the building including the provision of roof terraces and balconies would add interest and activity and the slight step back from the street allows for some planting.

Whilst the proposed building would make a positive statement, regard should also be paid to the fact that the properties to the south-west (5-19 (odd) New Road) are in the New Road Conservation Area. The main component of the Conservation Area is Gibraltar terrace on the south-west side of New Road, which comprises several fine buildings. On the north-east side, the terrace formed by 5-13 has some character, but the rear of this terrace, at a height of five storeys, is imposing. However, as the terrace is set back from the application site and given that the rear elevation of the terrace does not present a particularly attractive appearance. The proposed development, being located to the rear of New Road, would not impact upon the character of the area, and by screening the rear of the terrace would enhance the

overall appearance of the Conservation Area.

Accordingly no objection is raised with regard design, appearance and street scene, and in terms of the impact on the Conservation Area under paragraphs 56 of the NPPF and Policies BNE1 and BNE14 of the Local Plan.

Amenity

Occupier Amenity

The previous application was refused on the grounds that:

"The proposed development by virtue of the number of units proposed would result in poor levels of internal amenity for prospective occupiers together with poor outlook and light for units 7 and 11 representing an unacceptable overdevelopment of the site contrary to the provisions of policy BNE2 of the Medway Local Plan 2003 and the Medway Housing Design Standards."

That application was assessed under Medway Council's Housing Design Standards, which were in force at the time, and which on which six of the proposed flats exceeded the standards whilst eight fell short.

In the appeal decision, the Inspector stated that *by plotting furniture layouts it may be possible to demonstrate that there is adequate space for day-to-day activities.... The furniture plans appear to show that they can accommodate necessary furnishings.* The Inspector went on to say that *there are shortcomings but only limited conflict with the objectives of the housing design standards.* He considered that *it would be inconsistent to conclude that the accommodation was now unsatisfactory when previously no concern was raised.*

The Inspector balanced the limited concerns against the considerable benefit of the efficient use of land in this sustainable location and was satisfied that the units would provide acceptable living conditions for future occupiers. He found that the development would meet the design requirements and general objectives of the NPPF and should benefit from a presumption in its favour.

The current proposal falls to be assess against the DCLG's Nationally Described Space Standard as below, which specify a floor area of 11.5 sq m for a double or twin bedroom and 7.5 sq m for a single bedroom. Under the DCLG's standards there is no minimum size specified for kitchens and living areas. Nine of the 14 flats would fall short in terms of overall floorspace and some also fall short for bedroom sizes, whilst others meet or exceed the standard.

Flat	Number of bedrooms	DCLG's standard	Gross Internal Floor Area	Bedroom 1	Bedroom 2
1	2	61 sq m	64 sq m	11.61 sq m	7.5 sq m
2	1	50 sq m	45.4 sq m	13.78 sq m	-
3	2	61 sq m	65 sq m	11.61 sq m	7.5 sq m
4	1	50 sq m	47.1 sq m	13.78 sq m	-
5	2	61 sq m	56.5 sq m	9.6 sq m	7.44 sq m

6	2	61 sq m	58.4 sq m	9.9 sq m	6.5 sq m
7	1	50 sq m	41.2 sq m	7.8 sq m	-
8	2	61 sq m	60.6 sq m	12.45 sq m	6.72 sq m
9	2	61 sq m	56.6 sq m	9.6 sq m	7.44 sq m
10	2	61 sq m	59.6 sq m	9.9 sq m	6.5 sq m
11	1	50 sq m	42.3 sq m	7.8 sq m	-
12	2	61 sq m	61.1 sq m	12.45 sq m	6.72 sq m
13	1	50 sq m	64 sq m	10.45 sq m	-
14	1	50 sq m	61.5 sq m	9.62 sq m	-

However, having regard to the furniture layouts shown on the submitted drawings and the appeal Inspector's comments within the previous decision, no objection is raised in this regard under point 4 of paragraph 17 of the NPPF and Policy BNE2 of the Local Plan.

Neighbour amenity

The closest residential properties to the application site are the flats located at 7 – 13 (odd) New Road. There would be a separation distance of approx. 24m between the new development and rear elevation of properties in New Road which is located at a higher land level. As such no objection is raised with regards loss of light, outlook or privacy to or from these properties under point 4 of paragraph 17 of the NPPF and Policy BNE2 of the Local Plan.

Highways

The application proposes 8 parking spaces for the 14 flats. This is below the Council's interim residential parking standards, which would require the provision of 18 spaces plus visitor parking. However the standards allow for a lower provision in central and well-connected locations. The site is on the edge of the town centre within walking distance of shops and services, the railway station and bus station. The proposal also includes secure cycle storage within the building at upper ground floor level and if the application was deemed acceptable a condition would be recommended to secure this.

However, as the proposal is under standard, it could add to pressure for on-street parking in nearby roads at a later date and it is therefore recommended that the applicant enter into a Section 106 agreement to the effect that no on street parking permits are issued to occupiers of the proposed flats.

Subject to these conditions and to the applicant entering into a Section 106 agreement, no objection is raised with regards highway safety or parking under the Policies T1 and T13 of the Local Plan.

Air Quality and Noise

The Air Quality Assessment submitted with the application is not, in itself considered to be sufficient as it predates the Air Quality Planning Guidance published by the Council in 2016. The application site lies within the Central Medway AQMA.

The Noise Assessment submitted with the application is generally acceptable. The assessment identifies that acceptable internal noise levels should be achieved with standard thermal double glazing units. However, it is questionable whether standard thermal double glazing would be sufficient to deal with the highest external noise levels. The report identifies that acceptable internal noise levels cannot be achieved with windows open (assuming a 15dB attenuation for a partially open window). This will require that an alternative means of providing ventilation will be required. This should take the form of appropriately screened mechanical ventilation (for example Mechanical Ventilation with Heat Recovery- MHVR). Further details on a suitable ventilation system will be required. It is recommended that this be addressed by the imposition of conditions requiring the submission and approval of details of a mechanical ventilation system that could deal with both outstanding noise and air quality aspects.

A condition is also recommended requiring the submission and approval of a Construction Environmental Management Plan (CEMP) to address issues of noise arising from the construction phase of the development. Subject to these conditions, no objection is, therefore raised in terms of noise or air quality issues under Paragraphs 123 and 124 of the NPPF and Policies BNE2 and BNE24 of the Local Plan.

Contaminated Land

A desktop study and site assessment, submitted with the previous application, has been submitted with the current application. A Phase 2 Ground Investigation report dated January 2016 has also been submitted. The desk study indicates potentially contaminative uses from workshops, lockup garages, fly tipped material, made ground and vehicle parking. No potential off site sources were noted. The intrusive investigation, based on more recent criteria, and based on the use of communal soft landscaping and hard standing, found no elevated levels of potential contaminants and it is considered remediation is not required. The conclusion seems acceptable based on the available information and that clean topsoil is to be imported for landscaped areas. However, due to the sensitivity of the development for residential and previous land use, it is recommended that a watching brief condition is attached to any planning permission.

Accordingly no objection is raised with regard contaminated land issues under Paragraph 121 of the NPPF and Policy BNE23 of the Local Plan.

Trees

The application site contains one mature tree (subject of a tree preservation order) that is graded as a category A tree with a high value. As with the previous scheme, this tree would be retained as part of the development. If the application is recommended for approval, conditions relating to construction and surfacing within the root protection area are recommended. Subject to the suggested conditions, no objection is raised with regard to this tree under Policies BNE41 and BNE43 of the Local Plan.

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 in the event of planning permission being granted would be willing to enter into a Section 106 agreement. 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 Community Infrastructure Levy Regulations 2010 provide that in relation to any decision on whether or not to grant planning permission to be made after 6 April 2010, a planning obligation (a s106 agreement) may only be taken in to account if the obligation is (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. The obligations proposed comply with these tests because they have been calculated based on the quantum and location of the proposal are directly related to the development.

The following developer contributions are sought:

- 1) A contribution of £14,960 based on an occupancy ratio of 1.33 persons per unit for one bedroom units and 2.44 persons per unit for two bedroom units, and a contribution of £544 per unit to be used on improvements to Town Hall Gardens and/or the Paddock Gardens;
- 2) A contribution of £3,498.60 based on an occupancy ratio of 2.45 persons per unit

and £102 per person towards improved wayfinding to the Great Lines Heritage Park from Chatham Town Centre;

- 3) A contribution £6,551.30 based on an occupancy ratio of 2.45 persons per unit and a contribution of £191 per person.
- 4) A contribution of £3,130.12 based on 14 flats and a contribution of £223.58 per unit.

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 acceptable and no objection is raised in terms of design and appearance, neighbour amenity, noise, air quality, contaminated land, trees, and highways and parking, subject to appropriate conditions. Whilst the previously raised concerns regarding occupier amenity are noted, having regard to the appeal decision on the earlier application, no objection is raised in this regard. The applicant is agreeable to entering into a Section 106 agreement to secure appropriate developer contributions and address issues of on site parking. The proposal would, therefore, comply with Paragraphs 17, 49, 109, 118, 121, 123 and 124 of the NPPF, and Policies S1, S6, BNE1, BNE2, BNE14, BNE23, BNE24, BNE41, BNE43, H4, H5, T1 and T13 of the Local Plan and is therefore, recommended for approval.

The application would normally be determined under delegated powers but is being referred to Committee due to the extent of the representations received expressing a view 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/>