

MC/17/1192

Date Received: 31 March, 2017

Location: Yeoman House, Princes Street, Rochester, ME1 2LW

Proposal: Demolition of all structures and erection of part 3 ,4, 5 storey sheltered development to provide 40 x 1-bed units, 14 x 2-bed units and 1x guest room with associated parking, refuse, scooter and cycle store.

Applicant: Mr MHS Homes

Agent: Mr Tom Gadd Frankham Projects Ltd Irene house Five Arches Business Park Maidstone Road Sidcup DA14 5AE

Ward Rochester East

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 30 August 2017.

Recommendation – Approval subject to;

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

- 1) A contribution of £31,606.40 towards improvements at Jackson's Recreation Ground or Watts Meadow;
- 2) A contribution of £3,420.54 towards improvements to the kitchen facilities at the neighbouring Parish Centre.
- 3) A contribution £14,974 towards the running of the Minor Illness Clinic in Rochester, currently to be sited at Rochester HLC open to all Rochester patients for minor illnesses
- 4) A contribution of £7,154.56 (£223.58 per unit) towards appropriate mitigation measures within Special Protection Areas; and

B: 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:

612646/1000/C01, 612646/1001/C02, 612646/1002/C02, 612646/2000/C01, 612646/2001/C01, 612646/2002/C01, 612646/2003/C01, 612646/2004/C02, 612646/2005/C02, 612646/2201/C02, 612646/2202/C02, 612646/2203/C02, 612646/2211/C02, 612646/2212/C02, 612646/2301/C01 & 612646/2302/C01 received on 25 April 2017;

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

- 3 No development shall commence until a Construction Environmental Management Plan (CEMP) that describes measures to control the noise affecting nearby residents, dust, lighting, hours of working, delivery and collection times from the site, measures to prevent vehicles from idling when not in use/waiting, parking for operatives and associated vehicles, wheel cleaning/chassis cleaning, pollution incident control, and site contact details in case of complaints, arising from the demolition and construction phases of the development, has been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken in accordance with the approved CEMP.

Reason: Required prior to commencement of demolition and construction in order to minimise the impact of the work on the amenities of local residents and with regard to Policy BNE2 of the Medway Local Plan 2003.

- 4 In this Condition "retained tree" means an existing tree which is to be retained in accordance with the approved plan no: 612646/2000/C01 and Arboricultural Report AR/45316 dated February 2017; 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 Aboricultural Report AR/45316 dated February 2017 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.

5 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.

6 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.

7 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.

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

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

- 10 All soil, vent and waste pipes apart from their terminations shall be constructed within the building.

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

- 11 No development above slab level shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping (hard and soft) and boundary treatment. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or completion of the development, whichever is the earlier. Any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Authority gives written consent to any variation.

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.

- 12 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to the Local Planning Authority for approval in writing prior to the occupation of the development. The landscape management plan shall be carried out as approved.

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

- 13 Prior to the occupation of any flat within the building herein approved, a lighting scheme shall be submitted to and approved by the Local Planning Authority. The lighting shall be installed in accordance with the approved details before the full occupation of the development and shall be retained thereafter.

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

- 14 No part of the building shall be occupied, until the area shown on the approved layout drawing no: 612646/1001/C02 as vehicle parking space, including disabled parking bays, 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.

- 15 Prior to the occupation of any flat in the building herein approved, the 'Buggy Bikes' parking and re-charging area shown on drawing no: 612616/2000/C01 shall be provided and shall be retained thereafter.

Reason: In the interests of occupier amenity and in accordance with Policy BNE7 of the Medway Local Plan 2003.

- 16 Prior to the occupation of any flat herein approved, the refuse and recycling storage facility shown on drawing no: 612646/2000/C01 shall be provided and shall be retained thereafter.

Reason: In the interests of occupier amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

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

Proposal

Yeoman House is a two storey building, occupied as sheltered accommodation with a total of 22 units. It was built during the 1970s as part of a larger mixed housing development. Due to a drop of approx. 2m from Princes Street to the site, the existing building appears as only single storey when view from the west. The surrounding area is predominantly residential, although to the east the site is adjoined by Rochester Parish Church and Centre, and to the south by Rochester Health Centre (constructed in 2008). In addition, there are shops and public houses nearby in Delce Road and Cossack Street.

MHS Homes has carried out an assessment of its assets and found that Yeoman House did not meet minimum requirements for living standards, with poor spatial standards and no lift. It was not considered viable to re-model.

It is, therefore proposed to demolish the existing building and to construct a part 3, part 4, and part 5 storey sheltered development to provide 40 x one-bedroom units, 14 x two-bedroom units and 1 x guest room with associated parking, refuse, scooter and cycle store. Existing residents will be given the option to re-locate to other properties in the Rochester area.

The submitted drawings show the following:

- Ground floor (FFL 10.1m OD): 9 x one bedroom units, plus common room, plant room , mobility scooter storage area with charging points and refuse storage area;
- First floor (FFL 13.7m OD): 8 x one bedroom units and 5 x two bedroom units;
- Second floor (FFL 16.95m OD): 8 x one bedroom units and 5 x two bedroom units;
- Third floor (FFL 20.2m OD): 9 x one bedroom units and 3 x two bedroom units, plus roof amenity area (125 sq. m) and planters at northern end of building;
- Fourth floor (FFL 23.45m OD): 8 x one bedroom units and 1 x two bedroom units.

The submitted drawings show 29 car parking spaces, including 3 disabled parking bays, located within the existing forecourt area to the west of the main part of the site and accessed via an existing drive off Princes Street. Existing garages will be demolished to provide this parking. A pick up/drop off point will be provided outside the building.

Two amenity areas are shown, one to the north of the building, with an area of 445 sq. m, and one to the south with an area of 210 sq. m.

The application is accompanied by a Design and Access Statement, Arboricultural Report, Transport Statement, Drainage Impact and Flood Risk Assessment and Energy Statement.

The proposal has been the subject of pre-application discussion, including two presentations to Council Members.

Site Area/Density

Site Area:	0.3 hectare (0.74 acre)
Existing Site Density:	73.3 dph (29 dpa)
Proposed Site Density	183 dph (74 dpa)

Relevant Planning History

None identified

Representations

The application has been advertised on site and in the press as a major development and by individual neighbour notification to the owners and occupiers of

neighbouring properties.

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

Three letters from local residents and a letter from the Parish of Rochester have been received raising the following objections:

- Overshadowing/loss of light to neighbouring homes and gardens;
- Proposed building would be too high;
- Impact of development on doctors' surgeries;
- Anti social behaviour;
- Overlooking garden area to rear of church.

Other matters raised are non-material.

One letter has been received supporting the application on ground that more sheltered accommodation is needed.

One letter has been received advising that the contamination report is incorrect as the site is contaminated with Japanese Knotweed.

The Environment Agency has made the following comments:

- Any changes to foul drainage should be notified to EA;
- Surface water should drain to a mains sewer. If this not be possible the following should be noted wherever infiltration drainage (such as soakaways) is proposed at a site:
 - Appropriate pollution prevention methods (such as trapped gullies or interceptors) should be used to prevent hydrocarbons draining to ground from roads, hardstandings and car parks. Clean uncontaminated roof water should drain directly to the system entering after any pollution prevention methods.
 - No infiltration system should be sited in or allowed to discharge into made ground, land impacted by contamination or land previously identified as being contaminated.
 - There must be no direct discharge to groundwater, controlled water. An unsaturated zone must be maintained throughout the year between the base of the system and the water table.
 - A series of shallow systems are preferable to systems such as deep bored soakaways, as deep bored soakaways can act as conduits for rapid transport of contaminants to groundwater.
- Contaminated waste, including soil must be disposed of in accordance with appropriate regulations;
- Applicant's attention is drawn to the EA's Guide for Developers;
- Applicant should contact EA regarding other consents that may be required.

Kent Police Crime Prevention Design Adviser comments that having reviewed the plans and documentation, the applicant/agent has considered crime prevention. The

applicant's attention should be drawn to the Kent Design Initiative. A condition is recommended.

Natural England has commented that the Council should ensure that the proposal fully adheres to the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy.

Southern Water has written noting that it appears that the applicant is proposing to abandon/divert part of a public foul sewer. This should be subject to a formal application under Section 185 of the Water Industry Act 1991. Southern Water also comments that:

- No development or new tree planting should be located within 3m of either side of a public sewer;
- All existing infrastructure should be protected during construction;
- No new soakaways should be located within 5m of a public sewer;
- Should any public sewer be found during construction works an investigation will be required to ascertain its condition, the number of properties served and potential means of access before any further works commence on site;
- A formal application will be required for connection to public foul and surface water sewers;
- The site is within a Source Protection Zone and Southern Water will rely on consultations with the Environment Agency to ensure protection of the public water supply;
- The applicant will need to ensure that long term arrangements exist for the long term maintenance of SUDS facilities;
- If the existing development discharges into an existing surface water system, a discharge from the site may be permitted and the applicant may wish to investigate this option.

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

The proposal has been the subject of pre-application discussions and a presentation to Council Members. As a result, the applicants have made the following changes to the scheme, from that originally proposed:

- The overall footprint of the proposed building has been reduced on the east, west and southern sides minimising the building coverage and increasing useable amenity areas;
- Parking to the north of the proposed building has been removed, increasing the

- communal garden area and improving the main entrance and reception area;
- Elevations have been amended to break the mass of the building using varying rooflines, forms and material palette;
- A green roof amenity area is to be provided at third floor level using the massing profile steps to create a secluded communal amenity area;
- Parking has been amended to provide a drop off/pick up point and three disabled parking bays.

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 within the urban area, as identified on the Proposals Map of the Local Plan and is within close proximity to Rochester High Street, Rochester and Chatham stations and local shops and facilities on Delce Road. The proposal would provide a sheltered housing accommodation but at a greater intensity than currently provided on the land, however in land use terms the proposal is acceptable.

The area generally is one of moderate to high density housing, comprising a mix of late 19th/early 20th century terraced houses, and more recent housing and flat development dating from the 1960s onwards. The proposal is for a relatively high density housing development however it would not be out of character and 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.

Affordable Housing

Policy H3 of the Local Plan seeks a proportion of affordable housing for developments of 25 or more units in the urban area. In terms of the proposed development this would require a provision 14 affordable units. However, MHS is a registered social landlord/housing provider and the proposal is specifically for sheltered housing for over 55s. It is submitted that of the 54 units (excluding guest room) 35 (64%) would be sheltered flats and 19 (5 x one bedroom & 14 x two bedroom) (34%) would be shared ownership. The level of affordable housing would, therefore, exceed 25% and no objection is, therefore raised under Policy H3 of the Local Plan.

Design and appearance

Policy BNE1 of the Local Plan states that *new development should be appropriate in terms of use, scale, mass, proportions, details, materials, layout and siting, and should respect the scale, appearance and location of buildings, spaces and the visual amenity of the surrounding area.* Paragraph 58 of the NPPF states that *developments should respond to local character and history, and reflect the identify of local surroundings and materials, while not preventing or discouraging appropriate innovation.*

In terms of scale and mass, the significant impact of the proposed development would be the increase in the height from the existing two storey development to a five storey building, rising 18m above the prevailing ground floor. However, due to the sharp drop in land levels, the existing building appears as a single storey flat roofed structure from Princes Street, and the proposed development would appear no higher than four storeys (15m when viewed from Princes Street). In addition, the proposed development would be immediately to the north of the Rochester Health Centre, a two/three storey building located at the southern end of the application site, which in 2008, replaced a single storey building which was built around the same time as Yeoman House. The Health Centre rises to approximately 15.1m above the prevailing ground level, and in this instance, the scale of the proposed building would not be out of character.

In terms of materials and detailing, a schedule and illustrative drawing have been submitted showing materials to be used. This indicates London Stock bricks (buff), engineering brickwork at ground floor level, vertical cladding and slate roof tiles. Balconies are proposed on the west, east and south elevations. Visual perspective has been submitted showing the relationship of the proposed building to the surrounding area taking vantage views from Princes Street and Delce Road to the east, including one from the Rochester Health Centre grounds.

Overall, the proposal would result in the replacement of a plainly designed 1970s flat roofed building, with an attractive five storey building which would make a positive contribution to the streetscene and the area as a whole. As such, the proposal would comply with Policy BNE1 of the Local Plan and Paragraph 58 of the NPPF.

Occupier amenity

The proposal has been assessed against the DCLG's Nationally Described Standards and found to comply.

	Number of bedrooms	DCLG's standard (sqm)	Gross Internal Floor Area (sqm)	Bedroom 1	Bedroom 2
Ground floor (9)					
1	1 bedroom/1 person	39	44.5	13.2	N/A
4	1 bedroom/2 person	50	50.3	12.4	N/A
3	1 bedroom/2 person	50	50.4	12	N/A
1	1 bedroom/2 person	50	50.8	12	N/A
First floor (13)					
4	1 bedroom/2 person	50	50.3	12.4	N/A
3	1 bedroom/2 person	50	50.4	12	N/A
1	1 bedroom/2 person	50	50.8	12	N/A
2	2 bedroom/3 person	61	61	12	8
2	2 bedroom/3 person	61	62.3	12	8
1	2 bedroom/3 person	61	63	12.2	8
Second floor (13)					

4	1 bedroom/2 person	50	50.3	12.4	N/A
3	1 bedroom/2 person	50	50.4	12	N/A
1	1 bedroom/2 person	50	50.8	12	N/A
2	2 bedroom/3 person	61	61	12	8
2	2 bedroom/3 person	61	62.2	12	8
1	2 bedroom/3 person	61	63	12.2	8
Third floor (11)					
4	1 bedroom/2 person	50	50.3	12.4	N/A
3	1 bedroom/2 person	50	50.4	12	N/A
1	1 bedroom/2 person	50	50.8	12	N/A
2	2 bedroom/3 person	61	61	12	8
1	2 bedroom/3 person	61	63	12.2	8
Fourth floor (9)					
4	1 bedroom/2 person	50	50.3	12.4	N/A
3	1 bedroom/2 person	50	50.4	12	N/A
1	1 bedroom/2 person	50	50.8	12	N/A
1	2 bedroom/3 person	61	63	12.2	8

The submitted drawings show all flats would have private balconies, or patio areas on the ground floor, together with areas of communal open space and the roof amenity area on the third floor.

No objection is, therefore, raised in terms of occupier amenity under Policy BNE2 of the Local Plan and Paragraph 17 of the NPPF.

Neighbour Amenity

In terms of neighbour amenity, the nearest properties, and hence those most likely to be affected are the terraced houses fronting Castle Avenue to the north, the vicarage and church on Delce Road to the east, and the houses on Princes Street to the west.

The north elevation of the proposed building would be approx. 15m from the site boundary, and approx. 24m from the rear of the properties on Castle Avenue. The northern end the building would be lower at three storeys and incorporating a rooftop amenity area. The building would rise to a height of 10.1m above the prevailing ground level, compared to a height of 9.3m for the apex of the existing houses on Castle Street. Appropriate screening would need to be provided for the amenity area which could be addressed by a condition.

To the east, the proposed building would be approx. 33m from the rear of the vicarage and 19.7m from the rear of the church. There should, therefore be no significant loss of light, outlook or privacy to these buildings. There may be some overshadowing to the far end of the vicarage garden during the afternoon, but this should not be harmful to the amenity of its occupiers.

To the west, the bulk of the building would face onto Princes Street, but a small part would face onto the flank wall of No. 66 Princes Street, at a distance of approx. 15m, whilst the southern corner would face onto the rear of a three-storey block of flats, at a distance of approx. 22m. Due to the prevailing land levels, the buildings of the west

side of Princes Street are at a higher level than the application site, thereby reducing any potential impact in terms of loss of light and outlook.

To the south, the site is adjoined by the health centre. There are some windows on the eastern part of the north elevation of that building. The proposed building would be approx. 7m from this building. However, as the windows do not serve habitable rooms, there would be no adverse impact on the rooms served by those windows.

Having regard to the above considerations, no objection is raised in terms of neighbour amenity under Policy BNE2 of the Local Plan and Paragraph 17 of the NPPF.

Highways

The application is accompanied by a Transport Statement. This assessment identified that the proposed development would generate an additional 68 trips per day (2.195 trips per unit), with an additional 5.5 trips during the morning peak (08:00-09:00) and 5 trips during the afternoon peak (17:00-18:00). Being sheltered accommodation, the proposal would be likely to generate less traffic during peak periods. The additional peak trips would amount to approx. one every 10 minutes. Under the circumstances, it is considered that the additional traffic generated would not have an adverse impact on the local road network. Accordingly, no objection is raised in terms of traffic generation under Policy T1 of the Local Plan and Paragraph 32 of the NPPF.

There are 10 car parking spaces serving the existing development, accessed via the sloping drive and the north of the building and located to its rear. These would be lost as a result of the proposed development. It is proposed to provide 29 spaces to serve the new development, including 3 disabled parking bays. These would be secured by demolishing some of the existing garages to the west of the site, which are rarely used.

The proposed development would require the provision of 61 spaces to comply with the Council's Interim Parking Standard, resulting a shortfall of 32 spaces. However, in assessing the impact in terms of parking, regard should be given to the following:

- The existing development falls short of current standards by at least 12 spaces;
- Being sheltered accommodation, car ownership levels are likely to be lower than for family housing. Figures reveal car ownership levels of between 10% and 34% for similar sheltered accommodation owner by MHS homes;
- The site is well located in terms of shopping and local facilities, and public transport, including five buses and hour during weekdays in nearby Delce Road;
- An on street parking survey was undertaken at 00:30 on 23 & 24 February 2017. This revealed that only 71% and 74% of spaces were occupied, indicating that there is on street parking capacity available in the area.

Having regard to the above considerations, no objection is raised in terms of parking under Policy T13 of the Local Plan and Paragraph 39 of the NPPF.

Trees

A Tree Survey has been submitted with the application. This identified three trees, none of which are of significant amenity value and none of which are protected by a Tree Preservation Order. Two Trees (a Cypress-T1 and Silver Birch-T2) are located on the eastern boundary to the vicarage garden. The Cypress is Class C and Silver Birch is Class B. Both are shown to be retained under the approved scheme. This also shows that the proposed building would not encroach upon the root protection areas. In the event of planning permission being granted, a condition is recommended requiring works to be carried out in accordance with the tree protection measures recommended in the report. The third tree (an apple- T3) is located at the foot of the sloping drive. It is in poor condition and shown to be removed.

Other matters

Although this is previously developed (brownfield) land, its current use is as a sheltered accommodation for the over 55s and has been for many years. It is, therefore, unlikely to have been subject to contamination. Nevertheless a watching brief condition is recommended in case any unexpected contamination is found.

No issue is raised in terms of noise or air quality.

A Flood Risk Assessment has been submitted. This identified no major concerns, although an appropriate condition is recommended requiring the submission and approval of details of surface water drainage.

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 are prepared to enter into a Section 106 agreement to secure the appropriate contribution. 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 and are directly related to the development. Although a total of 54 units are proposed (plus guest room), there are currently 22 units on site. The contributions sought are, therefore based on the net increase in the number of units and not on the total number of units proposed.

The following developer contributions are, therefore, sought:

- 1) A contribution of £31,606.40 based on an occupancy ratio of 1.33 persons per unit for 18 x one bedroom units and 2.44 persons per unit for 14 x two bedroom units, and a contribution of £544 per unit to be used on improvements to the nearest open spaces at Jackson's Recreation Ground or Watts Meadow;
- 2) A contribution of £3,420.54 based on an occupancy ratio of 2.45 persons per unit for 14 x two bedroom units, 1 person per unit per 9 x one bedroom units and 2 persons per unit for 9 x one bedroom units towards improvements towards the kitchen facilities at the neighbouring Parish Centre.
- 3) A contribution £14,974 based on an occupancy ratio of 2.45 persons per unit and a contribution of £191 per person towards health facilities to be used for the running of the Minor Illness Clinic in Rochester, currently to be sited at Rochester HLC open to all Rochester patients for minor illnesses

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 would accord with Policies S1, H4 and H5 of the Local Plan and Paragraphs 17 and 49 of the NPPF.

No objection is raised in terms of affordable housing, design and appearance, occupier amenity, neighbour amenity, noise, air quality, contaminated land, trees, and highways and parking, subject to appropriate conditions. 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, 109, 118, 121, 123 and 124 of the NPPF, and Policies S6, BNE1, BNE2, BNE23, BNE43, H3, T1 and T13 of the Local Plan and is therefore, recommended for approval.

This is being referred to the Planning Committee for decision due to the number of representations received contrary to officer's 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/>