

MC/17/1270

Date Received: 10 April, 2017

Location: Land East Of Formby Road, Halling, Rochester, Kent, ME2 1BA

Proposal: Construction of 24 flats including affordable housing with associated parking and landscaping

Applicant: Redrow Homes

Agent: Miss Holland Barton Willmore First Floor The Observatory  
Southfleet Road Ebbsfleet Dartford DA10 0DF

Ward Cuxton & Halling

Case Officer Madeline Mead

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 14 February 2018.**

**Recommendation - Approval Subject to;**

- A) The applicant / owner entering into an agreement under Section 106 of the Town and Country Planning Act to secure:
- i) Provision of 25% affordable housing on site.
  - ii) Contribution of £29,619.20 towards education and the provision of school places within Halling Primary School and either a new free school in the area or Hundred of Hoo Academy.
  - iii) Contribution of £11,230.80 towards healthcare improvements to Riverside Surgery, Halling.
  - iv) Contribution of £42,206.64 towards improvements to open spaces closest to the development, Low Meadow and/or Upper Halling Rec and/or The Mound.
  - v) Contribution of £2998.80 towards the repair and maintenance of RSME Bicentenary Bridge at Fort Amherst.
- B) The imposition of 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:

SL.01 Rev B, SE.01 Rev B, BL-A.pe Rev B, BL-B.pe Rev B and BL-C.pe received on 10 January 2018.

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

- 3 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.

- 4 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 5 to 7 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the Local Planning Authority until condition 8 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.

- 5 A desk top study, 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.

- 6 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.

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

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

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

- 8 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 5 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 6, 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 6 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 7.

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, shall take place until a Construction Environmental Management Plan has 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, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on surrounding residential amenities and in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 10 No development above foundation level shall take place until a scheme for protecting the proposed development from noise that implements the measures described in the Noise Assessment reference 50600589-163 dated April 2017, of the Noise Exposure Assessment, reference; 9432-NEA-02-RevA, dated 21/04/2017, has been submitted to and approved in writing by the Local Authority. All works which form part of the approved scheme shall be completed before any part of the development is first occupied and shall thereafter be maintained in accordance with the approved details.

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

- 11 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 has been submitted to and approved in writing by the Local Planning Authority.

Those details shall include (if applicable):

- 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 other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: Required before commencement to manage surface water during and post construction and for the lifetime of the development.

- 12 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). The hard landscaping shall be undertaken prior to first occupation of any part of the development. All planting, seeding and turfing comprised in the approved scheme of soft landscaping shall be implemented during the first planting season following first 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 Local Planning 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.

- 13 Prior to the installation of any external lighting on the site details of such lighting including its height, position, external appearance, light intensity, colour, spillage (such as light contour or lux level plans showing the existing and proposed levels together with a report to demonstrate its effect on nearby and future residential properties and of how this effect has been minimised shall be submitted to and approved in writing by the Local Planning Authority. Only the external lighting approved pursuant to this condition shall be used on the site.

Reason: In order to limit the impact of the lighting on the nearby and future residents with regard to Policy BNE2 of the Medway Local Plan 2003.

- 14 The bin storage, storage areas, car parking spaces and cycle stores located within the ground floor of blocks A, B and C as shown on drawing numbers BL-A.pe REV B, BL-B.pe REV B and BL-C.pe REV B received on 10 January

2018, shall be kept available at all times for the uses shown on the drawings.

Reason: To ensure the retention of these amenities and facilities for future occupants of the site and to accord with Policy BNE2 of the Medway Local Plan 2003.

- 15 No flats shall be occupied until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The approved boundary treatment shall be completed in accordance with the approved details before the buildings are occupied and shall thereafter be retained.

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

- 16 No part of the development shall be occupied until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. 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 of vehicles is likely to lead to hazardous on-street parking and to accord with Policy T13 of the Medway Local Plan 2003.

- 17 No development above slab level shall take place until details of carriageway markings on the A228 to facilitate right- turn vehicle movements onto the site have been submitted to and approved in writing by the Local Planning Authority. The approved carriageway markings shall thereafter be implemented prior to first occupation of the development.

Reason: to provide a safe means of vehicle access on to the site, in accordance with Policy T2 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 application proposes the construction of twenty four 1 and 2 bedroom flats,, associated parking and landscaping. The flats would be laid out within three blocks, all of which are three storey in height with the frontages aligned with the existing adjacent properties at Formby Terrace.

Block A would have a length of approx. 38m, depth of approx. 15.3m and height of up

to approx. 14.3m and would comprise at ground floor level nine car parking spaces, ten cycle store spaces and two bin storage areas. At first floor level four 2-bedroom and one 1-bedroom flats and at second floor level four 2-bedroom and one 1-bedroom flats.

Block B would have a length of approx. 38m, depth of approx. 11.5 and height of up to approx. 14.3m and would comprise at ground floor level eight car parking spaces, eight cycle store spaces and two bin storage areas. At first floor level four 2-bedroom flats and at second floor level four 2-bedroom flats.

Block C would have a length of approx. 19.7m, depth of approx. 16m and height of approx. 13.3m and would comprise at ground floor level four car parking space, six cycle store spaces, store area and a bin storage area. At first floor level two 2-bedroom and one 1-bedroom flats and at second floor level two 2-bedroom and one 1-bedroom flats.

To the front and sides of the proposed buildings are small landscaped areas and to the rear of the building are a further 19 car parking spaces with some further landscaped areas.

Access to the site and the undercroft parking, would be from Formby Road (A228) between blocks A and B.

### **Site Area/Density**

Site Area: 0.39 hectares (0.96 acres)

Site Density: 9.36 dph (23.4 dpa)

### **Relevant Planning History**

- |            |   |
|------------|---|
| MC/12/1791 | Hybrid application for outline details for demolition of existing buildings and provision of employment up to 3,000sqm floorspace (B1, B2, B8), doctors surgery up to 1,000sqm (D1) and/or a 40 unit extra care facility, pub/restaurant up to 850sqm (A3/A4), new pedestrian/cycleway bridge across A228; alterations to public highway; sports pitches and ancillary structures including means of access with all other matters reserved. Full details for 385 residential dwellings including demolition of existing structures, vehicular access and landscaping; open space; nature conservation facilities; ground modelling and earthworks and ancillary buildings<br>Decision Approved with Conditions<br>Decided 29/08/2013 |
| MC/12/0801 | Prior notification of proposed demolition of former office buildings (B1a) and canteen buildings ancillary to the previous industrial use of the main site east of A228<br>Decision Application Required<br>Decided 27/04/2012  |

MC/12/0360	Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 - request for a screening opinion for the construction of up to 400 residential dwellings including affordable housing, up to 3,000sqm of employment floorspace (B1, B2 and B8) up to 1,000 sqm of D1 use, up to 1250sqm of A3/A4 use and associated access. Decision EIA Required Decided 29/02/2012
MC/07/2153	Outline application for redevelopment of existing cement works and associated land to provide 3000sq metres of employment floorspace (B1, B2 and B8); 550 dwellings; local centre to include 700sq metres of retail floorspace; public house/restaurant; doctor's surgery; office/studio; vehicular access; new pedestrian/cycleway bridge across A228; alterations to public highway; ground modelling and earthworks; sports pitches; open space; nature conservation facilities and landscaping Decision Approval With Conditions Decided 01/10/2009

## Representations

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

The Environment Agency and NHS Medway Clinical Commissioning Group have also been consulted.

**44** letters have been received raising objections to the proposal. A further **52** letters of objection have been received following the reconsultation on amended drawings. The correspondence received raises the following objections:

- A four storey building is out of character with the surrounding area.
- A four storey building would dominate the access into Halling.
- Increased volume of traffic joining and using the A228.
- Increased pressure on existing school and doctors surgery.
- Noise pollution from adjacent sub station.
- Loss of employment area.
- Loss of privacy, light, views and noise disturbance to residents of St Andrews Park.
- Not enough parking proposed.

**One** letter of support has been received.

**Halling Parish Council** has made the following objection:

- Proposed building is not in keeping with the local street scene.



- Design of building does not compliment the existing residential properties.
- Noise from sub station.
- Impact of traffic on the A228.
- Proposed four storey building would infringe on the privacy of properties which bound the A228.
- Pressure on the existing doctors surgery and school.
- Loss of employment area.
- Development in the countryside would not maintain or enhance the character, amenity or function of the countryside.

**The Environment Agency** has no objection to the proposal based on the information provided in the Flood Risk Assessment from WSP/Parson Brinckerhoff Project no 50600589 dated May 2017.

**Southern Gas Networks** has no objection but advise that a low/medium/intermediate pressure gas main is near to the site. Advice is given regarding building near the gas main and the applicants attention will be drawn to this by way of an informative on the decision notice.

**UK Power Networks** has no objection but have provided a fact sheet regarding the use of their plans and working around their equipment. The applicants attention will be drawn to this by way of an informative on the decision notice.

## **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 (NPPF) and are considered to conform.

## **Planning Appraisal**

### *Principle and background*

The site falls outside of the defined urban area and is covered by Policy ED1 of the Local Plan. Policy ED1 lists the site as an Existing Employment Area where only B1, B2 and B8 uses will be permitted. This policy states that proposals for development on these sites that results in the loss of existing industrial, business or storage and distribution development to other uses will not be permitted. However, this Policy and the site definition applied in 2003 when the cement works were in operation. Since then the cement works have ceased and planning permission has been granted for residential at St Andrews Park which included the application site, under planning reference MC/12/1791. The previously approved application proposed for this site to be of a commercial use and therefore complied with Policy ED1. This application proposes residential use of the site and therefore conflicts with Policy ED1 of the Local Plan. Extensive marketing of the site has taken place for expressions of interest between July 2012 and April 2016. The agent (Harrisons) who marketed the site has advised that the majority of the enquires received were not compatible with the site due to its constraints and narrow width or unsuitable uses (eg. open storage). Therefore, moving forward an alternative use of the land needs to be explored.

Paragraph 22 of the NPPF advises that policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose and applications for alternative uses of land should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities. Given the extensive marketing of this site for employment being unsuccessful, with Paragraph 22 of the NPPF in mind it is therefore reasonable to consider the merits of residential on the application site.

Although the application site falls outside of the area defined as urban area, the site is an existing brownfield site and therefore the proposed redevelopment, would accord with Paragraph 17, bullet point 8 of the NPPF.

Paragraph 50 of the NPPF identifies the requirement for Local Planning Authorities to provide high quality affordable housing. Policy H3 of the Medway Local Plan 2003 sets out a requirement for 25% of the new housing within the application site to be affordable housing. In this case six flats would be required to be affordable and this would be secured by a Section 106 Agreement to ensure compliance with Policy H3 of the Medway Local Plan 2003.

On balance, the principle of the proposed development is considered to be acceptable overall.

### *Design*

Local Plan Policies S4 and BNE1 places considerable emphasis on the importance of achieving good design to ensure that all new developments are appropriate to the shape, size and location of the site. Paragraph 56 of the NPPF promotes good design and the achievement of high quality and inclusive design for all development, including individual buildings and public and private spaces.

The proposed blocks of flats would be located in a highly prominent position fronting onto Formby Road (A228). The proposed blocks would comprise 1 and 2 bedroom flats and would have a relatively modern appearance. Blocks B and C would run parallel with Formby Road with Block A at a slight angle on the corner plot. The blocks are of hipped roof design with blocks A and B (the larger blocks) having two different roof heights and block C (smaller block) being just one height. On the larger blocks where the roof height lowers, the front building line is set back slightly, which in all, reduces the impact of the blocks from looking like one large mass. To the fronts and the sides of the buildings are bay type windows that run from the ground level to the eaves of the building and where the roof height is lower, finish above eaves level. These features give the buildings vertical emphasis. Large canopies are proposed over the entrances to the front of the buildings. On the larger blocks would be a pitched roof canopy and a sloped roof canopy and on just the smaller block just one pitched roof canopy. Again these canopies being overly large add features to the building that would break up the overall mass of particularly blocks A and B.

The materials proposed for the blocks are red brick at ground floor level, with white/off white fibre cement boarding to the first and second floor level and the roofs to be grey colour concrete tiles. A condition is recommended for details of materials to be

submitted

Small areas of landscaping are proposed to the front, sides and rear of the blocks. The parking areas to the rear would be broken up with pockets of landscaping that would help to break up the hardstanding areas and give future residents some visual amenity. It is recommended that a landscaping scheme be secured by way of a condition to ensure the development would accord with Policy BNE6

Accordingly it is considered that the proposal would not cause harm to the character and appearance of the area and would contrast the development of St Andrews Park but also relate to the Formby Terrace properties, with the choice of materials proposed. Subject to the suggested condition, no objections are raised with regard to paragraph 56 of the NPPF and Policies S4, BNE1 and BNE6 of the Medway Local Plan 2003.

### *Amenity*

Bullet point 4 of paragraph 17 of the NPPF and Policy BNE2 of the Local Plan is concerned with the impact on neighbouring amenities and the amenity of future occupants of the dwelling.

To the front of the site is Formby Road and to the rear a railway line. To the south is a terrace of two storey properties and to the north a sub station. The proposed block A, would have a distance, flank wall to flank wall, of approx. 37m from the nearest residential property, number 1 Formby terrace. The closest property within the St Andrews Park development would sit approx. 36m from the front building line of block A which is the nearest block to any of the properties in St Andrews Park. It is acknowledged that the northern elevation of block A would have habitable room windows, that potentially could overlook some of the rear gardens of Formby Terrace, however, due to the distance from the flank wall of the proposed block to the flank wall of the nearest property in Formby Terrace, as stated above, it is not considered that the proposed development would have a detrimental impact on these properties in terms of loss of privacy. Overall, it is not considered that the proposed development would have a detrimental impact on neighbouring residential properties in terms of privacy, outlook, amenity and sunlight.

Regarding the amenity of future occupiers, the Government's national described standards provide guidance for determining whether the amenity levels are appropriate in order for proposals to be in accordance with Policy BNE2 of the Local Plan.

The proposed flats would comprise four 1B2P flats, six 2B3P flats and fourteen 2B4P flats. The national described standards require an gross internal floor area of 50m<sup>2</sup> for a 1B2P unit, 61m<sup>2</sup> for a 2B3P unit and 70m<sup>2</sup> for a 2B4P unit. All of the proposed flats would meet with these standards. The proposal is therefore considered to provide adequately sized living accommodation for future occupants of the units.

The development does not provide any external amenity space for the future occupants of the development. Small areas of landscaping are proposed to the front, sides and rear of the blocks of flats which would provide some visual amenity.

Prospective occupiers could benefit from the public open space provided (and to be provided) generally as part of the St Andrews park development.

Due to the position of the proposed buildings, with the heavily trafficked Formby Road to the front and the railway line to the rear, future occupiers would be subject to noise issues from both sources. It is considered that this issue can be overcome by a condition for a scheme of acoustic protection to be submitted and implemented.

With regard to refuse storage, it is deemed that there is adequate storage space for refuse within the ground floor bin storage areas, which are provided within each of the blocks.

Due to the close proximity of the site to existing residential dwellings, a condition is recommended for a Construction Environment Management Plan to be submitted.

Consequently, subject to the suggested conditions, no objections are raised in terms of Housing Standards and the amenities of both the future occupiers and neighbour amenities and the proposal is considered to be in accordance with bullet point 4 of paragraph 17 of the NPPF and Policy BNE2 of the Local Plan.

### *Highways*

The Transport Statement submitted with the application indicates that the employment use originally proposed would have generated 12 vehicle movements during each peak period and a total of around 85 vehicle trips over the course of a day. The residential use now proposed is predicted to generate up to 16 vehicle trips during the peak hours and up to a total of 117 trips over the whole day. Whilst this would represent a greater number of movements, this increase is relatively small and would not have a material impact on highway capacity. On this basis, no objection is raised in respect of Policy T1 of the Local Plan. Furthermore, the site is located adjacent to a bus route, and Halling Railway Station is within a 10 minute walking distance. The footway provision and bus stop infrastructure along both sides of the A228 carriageway has been improved as part of the development of the wider site and a Toucan crossing has been installed. On this basis, future residents would have suitable access to modes of travel other than the private car.

Vehicle access into the site is proposed directly from the A228, by way of a simple T-Junction. Visibility from the access along the A228 is commensurate with traffic speeds and it should be noted that the speed limit has recently been reduced to 40mph. It is recommended that the existing hatching in the middle of the carriageway be amended to provide a right-turn lane for vehicles accessing the site. Subject to this, which can be secured by planning condition, the application is considered acceptable in relation to Policies T1 and T2 of the Medway Local Plan 2003.

The internal layout provides sufficient space for these vehicles to enter, turn and leave the site in a forward gear. The Council's Parking Standards indicate that the development should provide a minimum of 40 parking spaces to serve the 24 flats. This would comprise 1 space per 1-bedroomed dwelling, an average of 1.5 spaces per

2-bedroomed dwelling and 6 visitor parking spaces. This level of parking spaces has been provided within the proposed development and therefore no objection is raised in respect of Policy T13 of the Local Plan.

### *Bird Mitigation*

As the application site falls outside of the 6km of the North Kent Marshes SPA/Ramsar Sites, no mitigation measures are required. No objection is therefore raised under Paragraphs 109 and 118 of the NPPF and Policies S6 and BNE35 of the Local Plan.

### *Contamination*

Due to the former commercial activity on this site, there is potential for contamination to be present on the site. The potential contamination issues would require further assessment. As a desk top study has not been submitted with the planning application it is recommended that details be required by condition. With the appropriately worded conditions attached it is considered the proposal would accord with Paragraph 121 of the NPPF and Policy BNE23 of the Medway Local Plan 2003.

### *Flood Risk*

The site falls within flood zones level 2 and 3 on the Environment Agency Flood Map. Policy CF13 states that in a Tidal Flood Risk Area development will not be permitted if it harms the integrity of the flood defences, fails to provide a means of escape for people in the event of a flood or introduces residential living and sleeping accommodation below the estimated flood level. The ground floor of each block of flats has been laid out for the provision of vehicle parking, refuse and bicycle storage with no residential living accommodation at this level. The first floor level, which comprises residential accommodation, is proposed to set the finished floor levels to 7.5mAOD and 8.0mAOD, which is above the design flood level.

### *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 are directly related to the development and are fair and reasonable in scale and kind. The following contributions are sought:

- i) Provision of 25% affordable housing on site.
- ii) Contribution of £29,619.20 towards education and the provision of school places within Halling Primary School and either a new free school in the area or Hundred of Hoo Academy.
- iii) Contribution of £11,230.80 towards healthcare improvements to Riverside Surgery, Halling.

- iv) Contribution of £42,206.64 towards improvements to open spaces closest to the development, Low Meadow and/or Upper Halling Rec and/or The Mound.
- v) Contribution of £2998.80 towards the repair and maintenance of RSME Bicentenary Bridge at Fort Amherst.

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

It is considered that the proposed development for the construction for three blocks of flats to provide 24 units, with associated parking and landscaping would be a suitable and sustainable, alternative use of this site.

The principle of the proposal has been considered against Local Policy and the NPPF and the details of the proposal have been assessed in terms of character, design, amenity and highway matters as well as flood risk. It is concluded that the provision of these residential units here are acceptable in relation to Policies BNE1, BNE2, BNE6, BNE23, C13, ED1, H3, S4, S6, T1, T2 and T13 of the Medway Local Plan 2003 and paragraphs 17, 22, 56, 64, 109, 118, 121 of the National Planning Policy Framework (2012). The application is accordingly recommended for approval.

This application would normally fall to be determined under officers' delegated powers, but is being reported for Members' consideration due to the number of letters of representation expressing a view contrary to the officers recommendation.

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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/>