

MC/18/0715

Date Received: 5 March 2018

Location: 21-23 New Road Chatham ME4 4QJ

Proposal: Redevelopment of site to provide nineteen 1-bedroom flats, eleven 2-bedroom flats and two 3-bedroom flats with parking and bicycle provisions

Applicant Mr Smith

Agent Mr Durr St Cubys
Blind Lane
Goudhurst
TN17 1EL

Ward: River

Case Officer: Tom Stubbs

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 1st August 2018.

Recommendation - Approved Subject to S106

Approval subject to:

A. The applicant entering into a legal agreement under the terms of Section 106 of the Town and Country Planning Act 1990 to secure:

- i. £32,253.76 on improvements at town hall gardens and/or the Paddock.
- ii. £7,996.80 towards improvements to phase 1 at Great Lines Heritage Park
- iii. £14,974.40 towards improvements to Bryant St Surgery Chatham.
- iv. £4,974.08 towards provision of waste processing
- v. £18,267.20 towards engineering survey of the water tank at the Old Brooke Pumping Station.
- vi. £18,541.71 education broken down to £3,244.80 for Nursery and £8,900.02 for Primary at both to New Road Primary and £6,396.89 for Secondary at Victory Academy.
- vii. £6,707.40 towards strategic measures in respect of the coastal North Kent Special Protection Area.
- viii. Affordable housing consisting of four one bedroom (one of which to be a wheel chair unit) and four two bedroom flats.
- ix. Meeting the Council's costs.

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:

Drawing numbers 2017-436 (P) 110 Rev E, 2017-436 (P) 111 Rev E, 2017-436 (P) 112 Rev E, 2017-436 (P) 113 Rev D and 2017-436 (P) 114 Rev B received on 11 July 2018.

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

- 3 No development shall take place until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of working, deliveries to the site, noise, dust and lighting arising from the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The construction works shall be undertaken in accordance with this approved plan

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.

- 4 No development shall take place until details of an air quality scheme that implements the measures described in the submitted air quality assessment reference 2233-23/05/18 - MG dated May 2018, has been submitted to and approved in writing by the Local Planning Authority. All works, which form part of the approved scheme, shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: Required prior to commencement of development to safeguard conditions of amenity in accordance with Policies BNE2 and BNE24 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.

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

- 6 No development shall take place above slab level until a scheme for protecting the proposed development from transport noise sources has been submitted to and approved in writing by the Local Planning Authority. 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 40dB(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 balcony and terrace noise levels of not more than 55dB (LAeq,T). The development shall be implemented in accordance with the approved details before any part of the development is occupied and shall thereafter be retained.

Reason: To safeguard conditions of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 7 No development shall take place until an acoustic assessment has been undertaken to determine the impact of noise from commercial related noise sources. The results of the assessment and details of a scheme of mitigation measures necessary to ensure an appropriate level of aural amenity within habitable rooms and amenity/garden areas shall be submitted 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 thereafter be retained.

Reason: Required prior to commencement of development to ensure no long term detrimental harm to conditions of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 8 The separating ceiling, floor and wall between any horizontally or vertically adjacent bedrooms and kitchen/living/dining rooms/roof terrace of unrelated residential units shall resist the transmission of airborne sound such that the weighted standardised level difference (DnT,W +Ctr) shall not be less than 50 decibels as measured and calculated in accordance with BS EN ISO 16283-1 2014.

Reason: To prevent harm to conditions of amenity in accordance with Policy BNE2 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. The development shall be implemented 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 Policies BNE1 and BNE14 of the Medway Local Plan 2003.

- 10 No development shall take place above slab level until details of the following architectural elements have been submitted to and approved in writing by the Local Planning Authority:

- 1:20 elevations of doors and window with arches to include vertical and horizontal sections showing details of junctions and mouldings at a scale of 1:10 or 1:5; and
- 1:20 elevation of railings to the front showing finial detail.

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

Reason: To ensure conditions of visual amenity in the locality in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 11 Prior to occupation of the development, a signed verification report carried out by a qualified drainage engineer (or equivalent) must be submitted to and approved by the Local Planning Authority to confirm that the Sustainable Drainage System has been constructed as per the agreed scheme and plans.

Reason: This condition is sought in accordance with paragraph 103 of the NPPF to ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere.

- 12 The development hereby permitted shall not be occupied until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.

Reason: In granting this permission, the Council is aware of the sustainable location of the development and in other to ensure that the development does not result in additional strain on existing street parking subject to permits and to comply with Policies T1 and T13 of the Medway Local Plan 2003.

- 13 No part of the development shall be occupied until a Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Parking Management Plan shall contain details of how the parking spaces

within the development are to be managed and preserved for use by future residents and their visitors. The Parking Management Plan shall be implemented in accordance with the approved details prior to the first occupation of the development and shall thereafter be retained.

Reason: to ensure satisfactory off-street parking in accordance with Policy T13 of the Medway Local Plan 2003.

- 14 If, during development, contamination not previously identified is found to be present at the site, no further development shall take place until a method statement has been submitted to and approved in writing by the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with. The development shall thereafter be implemented in accordance with the approved Method Statement.

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.

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

Proposal

This application seeks planning permission for the redevelopment of site to provide nineteen 1-bedroom flats, eleven 2-bedroom flats and two 3-bedroom flats with parking and bicycle provisions.

The proposal seeks to raise the existing rear flat roof height between approx. 2m approx. 7m to provide an enlarged first and second floor and a new third floor. The proposed first and second floor roof would be stepped down with the flat roofs providing terraced areas for the flats while the third floor roof would consist of a table top roof. The application also proposes excavation to the front of the site to assist in the conversion of the lower ground floor into residential use. A glass bridge over the excavated area to the front would lead to the access door into the development from New Road.

Vehicular access from The Paddock to the rear would be provided to allow access to the parking area at lower basement and basement levels. A lift and stairwell provide pedestrian access into the building from this area. There would be 19 parking spaces over the two levels and a secure cycle storage space and refuse storage area located at lower basement level.

There have been a number of revisions to the proposal since the application was originally submitted. The main changes are the introduction of an access door to the front, changes to the window design to the front elevation, a reduction in the number of windows to the side elevations and a reduction in the number and changes to the layout of the flats.

The layout would comprise the following accommodation at each level:

Lower Basement

10 parking spaces, secure cycle storage area and refuse storage area

Basement

9 parking spaces

Lower Ground Floor

8 flats – 6 x 1-bed and 2 x 2-bed

Ground Floor

7 flats – 4 x 1-bed and 3 x 2-bed

First Floor

8 flats – 4 x 1-bed, 3 x 2-bed and 1 x 3-bed

Second Floor

6 flats – 3 x 1-bed, 2 x 2-bed and 1 x 3-bed

Third Floor

3 flats – 2 x 1-bed and 1 x 2-bed

Site Area/Density

Site Area: 0.09 hectares (0.22 acres)

Site Density: 355.55 dph (145.45 dpa)

Relevant Planning History

MC/00/1515

Change of use of first and second floors from offices and storage to two self contained flats.
Decision Approval With Conditions
Decided 06/12/2000

Representations

The application has been advertised on site, in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties. Natural England, Police, Southern Gas Networks, EDF Energy and NHS Medway have also been consulted.

3 letters of objection and one mixed letter have been received raising the following concerns:-

- Impact on conservation area.
- Lack of parking spaces requesting parking restriction condition on visitors parking and residents.
- Concerns about the construction.

These will be considered within the report below.

UK Power Networks have provided records of their electrical lines and/or plant in the area and provided a fact sheet containing information regarding the use of their plans and working around equipment on site during construction, including the need for a HSG 47 form before excavation works.

Southern Gas Networks have advised of a lower/medium/intermediate pressure gas main near the site and there should be no mechanical excavations taking place above or within 0.5m of mains or within 3m of an intermediate pressure system. Details of the supplied plans and advice booklet to be made aware to senior person on site. Also safe digging practices in accordance with HSE publication HSG47. These issues will be advised of as an informative.

The Police requested a copy of the design and access statement to assess.

Natural England have responded regarding the increase of residential accommodation will result in increased recreation disturbance to the Coastal Special Protection Area(s) and Ramsar Site(s). Subject to entering into the appropriate financial contribution there would be no significant effect.

Development Plan

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

Planning Appraisal

Principle

The site is located within an urban area of Chatham and a mixed residential and commercial area. The application is adjacent to the New Road Conservation area. The existing use of the site is as an A1 retail use with two flats in the upper floors. Policy H4 of the Local Plan states that the use of vacant land or change of use of buildings no longer required for non-residential use will be permitted for residential development subject to clear improvement in the local environment. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Policy H3 of the Local Plan requires development in urban areas over 25 units to provide affordable housing. The applicants have agreed to provide four 1-bedroom flats, one of which to be a wheelchair unit and four 2-bedroom flats.

Subject to compliance with the detailed matters of these policies which are set out in the assessment below, the principle of the site for residential development is considered acceptable given the mixed residential and commercial character of the area.

Design

Paragraph 56 of the NPPF emphasises the importance of good design and Policy BNE1 of the Local Plan states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area. Policy BNE14 is also relevant stating that development affecting the setting of a Conservation Area should achieve a high quality design preserving or enhancing the area's historic or architectural character or appearance. Concerns have been raised through consultation responses regarding the potential impact on the conservation area. The scheme has been amended several times during the life of the application to improve the appearance of its elevations, particularly with regard to the detailing of the fenestration on the front and side elevations.

By virtue of its siting, the proposed block of flats would be visible from New Road, Clover Street, The Paddock and neighbouring properties. The surrounding properties are a mix of commercial and residential use and consist of three storey terraced properties, some with excavated areas to the front to provide lower ground floor levels. This is achievable as a result of the sloping nature of the land. There are examples of railings and walls as boundary treatments to the front. The existing building has limited architectural or historic significance.

The alterations made to the fenestration of the front elevation as currently proposed is welcomed and considered to be an improvement visually and proportionally to the character and appearance of the property when viewed from New Road and the conservation area.

To the rear of the main frontage building, the existing building has been extended to project cover the majority of the site. This existing extension has a flat roof with a higher flat roof element protruding from the roof which provides access to the roof area. With regard to the proposed increase in heights to the rear, the design includes a mansard style roof at its highest point and then steps down to two lower levels where the flat roofs would provide terraced areas for the flats 28, 29, 21 and 32.

These changes to the rear of the property would not be visible from New Road but would be visible from Clover Street, The Paddock and surrounding properties. Whilst large, the size and scale of the resultant building is reflective of other buildings within the vicinity when viewed from The Paddock and therefore no objection is raised in this regard. The side elevations of the proposal have been refined by a reduction in the number and placement of windows. The proposal is now considered acceptable and in accordance Policies BNE1, BNE8 and BNE14 of the Local Plan and paragraph 56 of the NPPF.

No objection is raised regarding the site layout with parking, bin stores and cycle stores within the basement and lower basement levels and conditions are recommended regarding materials and finer window, door and railing details to ensure the final design is of a high quality design.

Amenity

There are two main amenity considerations, the impact on neighbouring occupiers in terms of sunlight, daylight, outlook and privacy; and the standard of amenity of which would be experienced by future residents of the site itself. Policy BNE2 of the Local Plan and bullet point 4 of paragraph 17 of the NPPF relates to the protection of these amenities.

Neighbouring Residential Amenity

Taking account of the siting, size and scale of the proposed building, the orientation of the site and path of the sun and the distance and relationship to neighbouring properties and their habitable room windows and private amenity spaces, there would be no detrimental impact in terms of loss of outlook, privacy, sunlight and daylight.

The construction of the proposal could result in the potential for noise and dust and therefore, if the application were considered for approval, a Construction Environment Management Plan (CEMP) would be required by condition

Amenity of Future Occupiers

With regard to the amenities of future occupants of the development itself the proposed flats have been assessed with regard to the technical housing standards – nationally described space standard 2015 (the national standard). All flats meet the required gross internal floor areas and bedroom sizes.

Due to the location of the property directly next to the Air Quality Management Area (AQMA) an air quality assessment has been submitted in support of this planning application. The report provides suitable mitigation measures to offset the 5 year damage costs value consisting of NOx boilers, electric vehicle charging points and a travel plan. The assessment recommends a clean air ventilation system and sealed window to the front for the ground floor flats. These measures are considered acceptable, however a condition is recommended requiring the submission of further details.

By virtue of the location close to a busy road and commercial premises, and the proposed internal layout with bedrooms adjacent to living areas and public terraces over habitable rooms there is a potential for noise issues for the future residents. No acoustic information has been provided with this application however, a condition can be applied requiring specific mitigation measures regarding wall, ceiling and floor separation details, glazing and ventilation to ensure suitable noise levels within the flats and proposed balconies are achieved.

Subject to the suggested conditions, no objections are raised in terms of the amenities of both the future occupiers and neighbour amenities under Policies BNE2, BNE24 and H4 of the Local Plan and paragraph 17 of the NPPF.

Highways

Responses from the consultation process have raised concerns regarding the lack of parking. Residents have requested a condition to remove visitor permit rights if the application were to be approved.

Medway Council's Interim Residential Parking Standards require the provision of 1 space for a 1-bedroom dwelling and 1.5 spaces per dwelling for a 2-bedroom dwelling and 2 spaces for a 3-bedroom property, plus 0.25 space per dwelling for visitor parking, making a requirement of 47.5 spaces for the proposed development. The development proposes 19 parking spaces on the basement and lower basement level, which would fall short of this standard.

The standard, however does allow a reduction within a sustainable location with good access to public transport. The site location is considered a sustainable location being within close proximity to Chatham Train Station, High Street and Bus Station. If the application was granted planning permission the applicant has agreed a condition removal of the ability of the future occupiers to obtain parking permits.

No objection is raised under highway safety grounds to the proposed shared vehicle and pedestrian access to the rear. No objection is raised under Policies T1, T2, T3, BNE8, T4 and T13 of the Local Plan subject to the abovementioned condition.

Contamination

Policy BNE23 of the Local Plan requires that land known to be or likely to be contaminated should be accompanied by detailed site examination and appropriate remedial measures to reduce or eliminate risk to human health and the wider environment be agreed. An Environmental Risk Assessment undertaken by Groundsure Local Intelligence has been submitted in support of this application. Subject to a condition requiring a watching brief, no objection is raised to the proposal under Policy BNE23 of the Local Plan and paragraphs 109 and 121 of the NPPF.

Flooding/SUDS

If the application were considered for approval, conditions to secure details of the disposal of surface water using SUDs would be required to ensure the proposed development its maintenance in accordance with paragraph 103 of the NPPF. It is considered that permeable paving should be used where possible.

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 necessary to make the development acceptable in planning terms, they are

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

Greenspace Services

A contribution of £32,253.76 based on an occupancy ratios of 1.33 for the one bed flats of 2.44 for the two bedroom flats and 3.59 for the three bed flats with a contribution of £544 per person. The contribution would be spent on improvements at town hall gardens and/or the Paddock.

Great Lines Heritage Park

A contribution of £7,996.80 based on an occupancy ratio of 2.45 and a contribution of £102 per person towards improvements to phase 1 at Great Lines Heritage Park

NHS

A contribution of £14,974.40 based on an occupancy ratio of 2.45 and a contribution of £191 per dwelling towards improvements to Bryant St Surgery Chatham.

Waste

A contribution of £4,974.08 towards the maintenance and improvements of local bring centres calculated as £155.44 per dwelling.

Heritage

A contribution of £18,267.20 towards engineering survey of the water tank at the Old Brooke Pumping Station. Based on an occupancy ratio of 2.45 and a contribution of £233 per person

Education

A contribution of £18,541.71 broken down to £3,244.80 for Nursery and £8,900.02 for Primary at both to New Road Primary and £6,396.89 for Secondary at Victory Academy.

Bird Mitigation

As the application site is within 6km of the North Kent Marshes SPA/Ramsar Sites, the proposed development is likely to have a significant effect, either alone or in-combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest. Natural England has advised that an appropriate tariff of £223.58 per dwelling should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. 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 of £6,707.40 (30 x £223.58 as two existing flats on site) and the abovementioned contributions and are in the process of drafting a s106 agreement. No objection is therefore raised under paragraphs 109 and 118 of the NPPF and Policies S6 and BNE35 of the Local Plan.

Local Finance Considerations

There are no local finance considerations.

Conclusions and Reasons for Approval

There is no objection to the scheme in principle and design. The development can be undertaken without detriment to the amenities of the occupiers of surrounding properties and by securing the contributions set out would be without harm to the environment and existing infrastructure and community facilities. The proposed development is therefore considered to be in accordance with paragraphs 17, 49, 56, 103, 109, 118 and 121 of the NPPF 2012 and Policies S6, H4, BNE1, BNE2, BNE8, BNE14, BNE23, BNE24, BNE35, T1, T2, T3, T4 and T13 of the Local Plan. The application is therefore recommended for approval.

The application would normally be determined under delegated authority but is being referred to Members for decision due to the number of representations received expressing a view contrary to officers 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://publicaccess1.medway.gov.uk/online-applications/>