

MC/18/1782

Date Received: 14 June 2018

Location: 311 Station Road Rainham Gillingham

Proposal: Construction of a two storey building comprising of two 1-bedroomed and six 2-bedroomed flats with associated parking and amenity space (demolition of existing buildings) - resubmission of MC/17/0353

Applicant Mr Bowra

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Ward: Rainham North Ward

Case Officer: Tom Stubbs

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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 29th August 2018.**

**Recommendation – Approved subject to:**

- A) The completion of a unilateral undertaking to secure a contribution of £239.61 per dwelling per dwelling towards appropriate mitigation measures related to bird disturbance within Special Protection Areas.
- B) And the following conditions:
  - 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

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

Drawing numbers 002 Rev C received on 21 June 2018; 003 Rev C received on 25 June 2018; and 004 Rev C received on 16 July 2018.

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

- 3 No development, including demolition of the existing buildings, shall commence until a Construction Environmental Management Plan that describes measures to control the noise affecting nearby residents, dust, hours of working, deliveries, wheel/chassis cleaning, pollution incident control and contact details in case of complaints, during the demolition and construction phases of the development has been submitted to and approved in writing by the Local Planning Authority and all 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 an air quality emissions mitigation statement has been submitted to and approved in writing by the Local Planning Authority. The air quality emissions mitigation statement shall include the following mitigation measures amongst others for sustainable growth:-

- All gas-fired boilers to meet a minimum standard of <40mgNO<sub>x</sub>/kWh
- 1 Electric Vehicle rapid charge point per dwelling with dedicated parking
- 1 Electric Vehicle rapid charge point per 10 spaces for dwellings with unallocated parking

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 to ensure that provision is made for the for the cumulative impacts of this development and others in the area on the Rainham AQMA, in compliance with Policy BNE24 of the Local Plan.

- 5 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 6 to 8 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 10 has been complied with in relation to that contamination.

Reason: Required prior to commencement of development to avoid any irreversible detrimental impact through the potential mobilisation of contamination and 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 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: Required prior to commencement of development to avoid any irreversible detrimental impact through the potential mobilisation of contamination and 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 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: Required prior to commencement of development to avoid any irreversible detrimental impact through the potential mobilisation of contamination and 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 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: Required prior to commencement of development to avoid any irreversible detrimental impact through the potential mobilisation of contamination and 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 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 6, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 7, 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 7 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 8.

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.

- 10 No development above slab level shall take place until details (which may include brochures, website links and/or samples) of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

- 11 Prior to the occupation of any flat herein approved, details of all boundary treatments including a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before the occupation of any flat herein approved 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.

- 12 Prior to the occupation of any flat herein approved details of a scheme of hard and soft landscaping, including the incorporation of the ecological enhancements as suggested within the Preliminary Ecological Appraisal received on 14 June 2018 (including the use of appropriate native species, a permeable surface for the parking area and safe pedestrian access shall be submitted to and approved in writing by the Local Planning Authority. The landscaping shall be implemented in accordance with the approved details prior to the occupation of any flat herein approved and shall be maintained thereafter.

Reason: To protect and enhance the appearance, character and ecology of the site and locality, in accordance with paragraph 175 of the NPPF and Policies T3 ,BNE1, BNE6 and BNE37 of the Medway Local Plan 2003.

- 13 Prior to occupation of any flat herein approved details of any lighting to be installed within the site shall be submitted to and approved in writing by the Local Planning Authority. Any details of lighting shall incorporate the recommendations set out within the Preliminary Ecological Appraisal received on 30 January 2017. The development shall be implemented in accordance with the approved details and thereafter maintained.

Reason: To safeguard conditions of amenity within the scheme of development permitted in accordance with Policy BNE37 of the Medway Local Plan 2003.

- 14 Prior to the occupation of any flat herein approved, details of the cycle and refuse stores (floorplans and elevations) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and constructed in materials to be stated on the plans submitted pursuant to this condition prior to the occupation of any flat herein approved and shall be retained thereafter.

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.

**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 construction of a two storey building comprising of two 1-bedroomed and six 2-bedroomed flats with associated parking and amenity space (demolition of existing buildings) - resubmission of MC/17/0353.

The two storey gable and dual hipped roof building would measure approx. 26m in width, a maximum of approx. 11.6m in depth and eaves height of approx. 5.2m and ridge height of approx. 7.6m. It would be set back approx. 11m further back in the site than the existing factory building and located at least approx. 2.5m from the site boundaries. There would be six 2-bedroom flats with an open plan kitchen/dining/lounge areas, a patio or balcony and a bathroom and two 1-bedroomed consisting of an open plan kitchen/dining/lounge, a patio or balcony and a bathroom.

The rear of the site would form gardens for the ground floor flats while communal landscaped areas would be located at the side and front. Located to the front, the development would provide 13 parking spaces, a bin and recycling store and a cycle store for storage of up to 10 bicycles located on the boundary of 311a and 313 Station Road. The proposed site plan drawing states a mix of different boundary treatments. The site will utilise the existing site entrance between 309a and 311a Station Road.

## **Site Area/Density**

Site Area: 0.102 hectares (0.253 acres)

Site Density: 78.431 dph (31.620 dpa)

## **Relevant Planning History**

MC/17/0353	Construction of a part two storey part three storey block comprising of two 1-bedroomed and seven 2-bedroomed flats with associated parking and amenity space (demolition of existing buildings) Decision Refusal Decided 14 June, 2017 Appeal dismissed: 13 June 2018
MC/09/1400	Retrospective application to retain single storey extension to existing light industrial premises Decision Approval With Conditions Decided 26 November, 2009
MC/02/1149	Construction of an extension to rear (demolition of existing extension) Decision Approval with Conditions Decided 21 August, 2002
MC/00/1664	Part demolition of factory and construction of an enlarged extension to rear. Decision Refusal Decided 30 January, 2001
MC/99/5569	Outline application for the demolition of part of factory and erection of new two storey extension. Decision Refusal Decided 22 December, 1999

## **Representations**

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties. KCC Ecology have also been consulted.

No letters of representation have been received.

KCC Ecology have written to indicate the submitted reports are acceptable and there is evidence of foxes, suitable habitat for breeding birds and limited potential for badgers. Conditions regarding, an updated phase 1 study, mitigation, timing of works ecological enhancements and lighting scheme are requested. It also recommends that an appropriate assessment is required in addition to the SAMMS payment.

## 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*

A planning application for the construction of a part two storey part three storey block comprising of two 1-bedroomed and seven 2-bedroomed flats with associated parking and amenity space (demolition of existing buildings) was refused on 13 June 2017 under planning reference MC/17/0353. The reason for refusal was as follows:

The proposal represents an unacceptable overdevelopment of the site for the following reasons:

- The mass and 3 storey aspect of the proposal in an area characterised by 2 storey housing.
  - The inadequacy of on site parking for prospective residents below the Council's parking standards
  - Unacceptable loss of privacy to occupiers of neighbouring properties, in particular from the proposed balconies
  - Overbearing nature of the development , particularly with respect to the 3 storey element.
  - The flat roof design, in order to accommodate the number of units, is out of keeping with the area.
- The proposal is therefore contrary to the provisions of Policies BNE1, BNE2, H4, and T13 of the Medway Local Plan 2003 and Section 7 of the NPPF 2012 referring to good design.

The application was dismissed at appeal with the Inspector raising concerns regarding the *“three storey and flat roof nature of the building would be out of character with the area”, “fails to provide adequate level of parking provision” and “unacceptable relationships to the front of the proposed building arising from the balcony there. I therefore conclude that the proposed development would have an adverse impact on the living conditions of neighbouring occupiers with regard to privacy.”*

This application differs being set further back in the site, it is wider but not as deep as the original block of flats with a two storey hipped roof building instead of a part two part three storey flat roof. The proposed scheme would also provide providing additional parking spaces and removes balconies to the front elevation.

Furthermore the NPPF has been superseded since the previous application.



## *Principle*

The site is an existing backland development located within the urban area, where the character is predominately residential. The existing building and site is vacant and in a dilapidated state. The previous use of the site was for light industry (use B1c). Although the site is not allocated for employment purposes it would meet the definition of an employment site within Local Plan. Consideration is therefore required for the loss of employment land and the redevelopment of it for residential purposes. Local Plan Policies S1, ED3, H4 and H9 and the national advice of paragraphs 11d of the NPPF are applicable.

With regards to the loss of employment land Policy ED3 of the Local Plan is relevant, which seeks to protect existing employment sites not within allocation by restricting the change to B1 uses. There are exemptions within the policy justification which states: *'However, there are also sites which by reason of their age, impact on local amenity, physical constraints, or poor infrastructure are less suited to modern employment uses. In these cases, provided a suitable alternative site can be found for the relocation of existing firms, it would be appropriate to consider redevelopment for other uses to facilitate an improvement in local amenity and the environment of the area. Within the urban area the preferred form of redevelopment is likely to be housing.'* Due to the physical constraints of the site and that the previous company has relocated to an alternative site it would be considered acceptable for the loss of employment.

The residential redevelopment of this plot would be considered to be backland development (although not a new backland site) and needs to be considered under Policy H9 of the Local Plan, this indicates that backland development would only be approved subject to the compliance with six points, which can be summarised as; no overlooking, acceptable vehicle access, no significant noise increase, existing natural features retained, adequate privacy space, character of the area and amenity land maintained. Policy H4 of the Local Plan is also relevant which seeks that the development would result in the most effective and efficient re-use of urban land and whether a 'clear improvement to the local environment' would result and paragraph 59 of the NPPF supports the boosting of the supply of homes. Subject to compliance with the detailed matters of these policies which are subject to assessment below, the principle of the site for residential development is considered acceptable given the residential character of the area.

## *Design*

Paragraphs 124 and 127 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.

By virtue of its siting, the proposed block of flats would be visible from Station Road, Ellison Way and neighbouring properties. The surrounding properties are in residential use and consist of a mix of two storey terraced, semi-detached and detached properties with a mixture of brick, cladding and render of which some in Station Road have been

converted into flats. The existing vacant factory building consists of a two storey brick rendered building with a corrugated steel rear extension.

The proposed block of flats has been set back further than the existing building from Station Road and further back from the northeastern boundary so it sits at least 2.5m from all boundaries which is considered to be an improvement when compared to the siting of the existing building in relation to neighbouring properties. The siting of the building within the plot is considered acceptable. The two storey mixed gable and dual hipped roof building is reflective of the character of the area and the height is reflective of neighbouring properties and overcomes the concerns raised by the inspector regarding the proposed three storey nature and flat roof design of the previously refused scheme. Consequently the proposed block of flats would not be considered to be detrimental to the appearance of the street scene and the character of the area and it is considered that the proposed building and use would be an improvement to the existing building being of an acceptable size and scale in relation to the size and shape of the plot.

Siting the proposed parking area, cycle storage and bin stores to the front of the flats is not usually ideal in terms of appearance, however, given that these areas would be obscured from view by the existing houses and boundary treatment when viewed from the street scene of Station Road, this area is not considered to dominate the appearance of the frontage and is therefore considered acceptable. No final details of landscaping have been submitted at this stage. If the application were considered to be acceptable, a condition for hard and soft landscaping including natural enhancements (see ecology section) and boundary treatments would be required.

The proposed scheme is therefore considered to be in accordance with Policies BNE1, H4 and H9 of the Local Plan and Paragraph 124 and 127 of the NPPF subject to the aforementioned conditions.

### *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 paragraph 127(f) of the NPPF relates to the protection of these amenities.

### Neighbouring Residential Amenity

The siting of the block of flats is proposed to be located further away from 53 Ellison Way and the properties located in Station Road. Due to the distances from all neighbouring properties and the siting of the garage block to the northwest of the site it is considered there would be no detrimental impact on the amenity of surrounding residents in terms of loss of outlook. Furthermore the design there are no windows on the flank elevation subject to a privacy screen condition to the side of the balconies located to the rear elevations there would be no detrimental impact in terms of overlooking/loss of privacy to properties in Robson Mews and 53 Ellison Way.

In relation to the balconies and habitable windows to the rear of the block, these would overlook the garages within Ellison Way. Given the significant separation distance between the rear of the block and the properties on the other side of Ellison Way which face the application site, it is considered that there would not be any detrimental impact in terms of loss of privacy and some overlooking of public areas only as per the inspectors appeal decision. The proposal will provide habitable bedroom windows to the front elevation only which would overlook the rear the properties in Station Road, the Inspector considered this to be acceptable stating *“The openings serving these rooms would be located some distance from existing buildings, with an intervening parking area. Moreover, the rooms to the front of the building would mainly serve bedrooms, where occupiers looking out would typically be transient in nature”*. The appeal Inspector’s objection on loss of privacy was related to balconies to the front elevation which have been removed from this scheme.

With regard to sunlight and daylight, in undertaking our own sunlight tests following the advice given within the Building Research Establishment (BRE) Site Layout Planning for Daylight and Sunlight: A guide to good practice (2011) document, intended to be used in conjunction with the interior daylighting recommendations in BS 8206-2 Code of Practice for daylighting, it is found that due to the siting and height of the proposed block of flats, daylight will reach all neighbouring habitable rooms. The most affected property would be 53 Ellison Way, however lateral light would still reach over this property over the proposed flats.

The proposed block would be located to the northeast of properties in Robson Mews and to the northwest of the rear of the properties in Station Road and would therefore not result in any detrimental impact on the amenities of the occupiers of these properties in terms of loss of sunlight and shadow cast.

As is the case with the existing building, the proposed block would be to the southeast of 53 Ellison Way. The existing building causes overshadowing to 53 Ellison Way during the morning and early afternoon period. The siting of the proposed flats further away from the boundary and smaller footprint than the existing building would change the overshadowing of this property. There would still be overshadowing but the time this occurs would change from predominantly the morning and early afternoon period to the afternoon. The situation is not considered detrimental because the period of overshadowing of this property is similar to existing, its just the time of day that it would occur changes.

Due to the proximity of neighbouring properties there is potential impact from noise and dust during the construction stage and if the application were considered for approval an appropriate condition is recommended regarding a Construction Environment Management Plan (CEMP).

### Amenity of Future Occupiers

With regard to the amenities of the future occupiers, the proposed flats have been considered against the Technical housing standards - nationally described space standard dated March 2015.

<b>Flat</b>	<b>Number of bedrooms/ Number of floors</b>	<b>Gross internal floor area</b>	<b>Nationally described housing Standards Gross internal floor area</b>
2, 3, 4, 6, 7 and 8.	2b3p/ 1 floor	61 or 63sqm	61sqm
1 and 5	1b2p/ 1 floor	50sqm	50sqm

All of the proposed flats would comply with the minimum requirements of gross internal floor area specified Technical housing standards - nationally described space standard dated March 2015. The proposed single and double bedrooms would also comply with the minimum widths and areas in accordance with the housing standards.

The development would provide a 6sqm private amenity area in the form of either a balcony or patio (with additional lawn space to all ground floor flats) in accordance the Medway Housing Standards (interim) November 2011 (MHDS). The siting of these balconies and side screens would prevent privacy issues between the flats. A condition is recommended to ensure the privacy screens to the balconies are provided on site.

Although the proposed development is too small to require an air quality assessment in its own right, there are other proposed developments within the area of Rainham that could have a cumulative impact on the nearby Rainham AQMA and subsequently a condition for mitigation measures would be required if the application were recommended for approval.

Subject to the suggested conditions, no objections are raised in terms of the impact on amenities of both the future occupiers and neighbours and the proposal is considered to comply with Policies BNE2, BNE24, H4 and H9 of the Local Plan and paragraphs 127(f) 170, 180 and 181 of the NPPF.

### *Highways*

Medway Council's Interim Residential Parking Standards require the provision of 1 space per dwelling for a one bedroom dwelling and 1.5 spaces per two bedroom dwelling, plus 0.25 spaces per dwelling for visitor parking, making a requirement of 13 spaces for the proposed development. The proposal complies with this standard showing 13 spaces to serve the development.

No concerns regarding highway safety and activity levels of the proposed development are raised. Safe access to the site for pedestrians can be considered within the

landscaping condition. Subject to the aforementioned conditions no objection is raised having regard to Policies T1, T2, T3, T13, H4 and H9 of the Local Plan and paragraphs 105 and 108 of the NPPF.

### *Contamination*

Paragraphs 170 and 178 of the NPPF and Policy BNE23 of the Local Plan requires that land known to be or likely to be contaminated should take account of the ground conditions and risk and be accompanied by detailed site examination and appropriate remedial measures to reduce or eliminate risk to human health and the wider environment be agreed. A Phase 1 Desk Study undertaken by Soils Limited ref J11849/DS dated July 2010. The report recommends a further intrusive contaminated land investigation risk assessment would be required which can be secured by conditions. Subject to such conditions, no objection is raised to the proposal under Policy BNE23 of the Medway Local Plan 2003 and paragraphs 170 and paragraph 178 of the NPPF.

### *Ecology*

Due the site being vacant and overgrown, a Preliminary Ecological Appraisal of the site which has been submitted. This appraisal is considered acceptable however it is dated January 2017 and the site may have changed so a condition for an updated phase 1 study would be required. The report indicates that there is evidence of fox movements, that the site is suitable for breeding birds at present and that there is limited potential for badger sets. If the application were to be approved it is recommended that informative be applied to ensure a precautionary approach to site clearance is adopted requiring an ecologist to present and nesting birds. It is also recommended that conditions be applied to require the control of lighting to avoid impacting on any foraging bats and finally a finalised landscaping scheme to include the ecological enhancements recommended within the report to enhance biodiversity and an additional updated phase 1 survey. Subject to these conditions no objection is raised regarding Policies BNE5 and BNE37 of the Local Plan and paragraphs 170 and 175 of the NPPF.

### *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 £239.61 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 in the process of submitting a unilateral undertaking. No objection is therefore raised under Paragraphs 170, 175 and 176 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**

The proposal is considered acceptable in terms of principle, design, amenity, contamination, ecology and highway aspects and with regard to all other material planning considerations. The proposal accords with the provisions of Policies S6, ED3, H4, H9, BNE1, BNE2, BNE5, BNE23, BNE24, BNE35, BNE37, T1, T2, T3 and T13 of the Medway Local Plan 2003 and paragraphs 11d, 59, 105, 108, 124, 127, 170, 175, 176, 178, 180 and 181 of the NPPF. The application is accordingly recommended for approval.

The application would normally be determined under delegated powers but is being reported to the Planning Committee due to the previous application MC/17/0353 being determined by members.

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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://publicaccess1.medway.gov.uk/online-applications/>