

MC/18/1555

Date Received: 23 May 2018

Location: Former Redvers Centre Glencoe Road Chatham Medway

Proposal: Construction of residential development comprising six 3x bedroom houses and six 1x bedroom and twelve 2x bedroom apartments - resubmission of MC/17/4420

Applicant Mr N Sait

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Ward: Chatham Central Ward

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 13th February 2019.

Recommendation - Refusal

- 1 The proposal fails to agree terms of a section 106 to mitigate the development which would have a detrimental impact on facilities and services within the locality contrary to Policy S6 of the Local Plan and paragraphs 54, 56 and 57 of the NPPF.

Recommendation

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

Proposal

This application seeks the construction of residential development comprising six three bedroom houses and six one bedroom and twelve two bedroom apartments (flats).

The Redvers Centre was formerly a community/office building which has already been demolished.

A three storey, hipped roof block would provide eighteen flats. The main pedestrian access would be to the front of the building from Redvers Road. All flats are proposed to have access to a shared private amenity garden to the rear of the flat block which would also include a cycle store. The car parking area would front Redvers Road providing 19 parking spaces.

The proposed three bedroom houses would be provided as terrace of four three storey hipped roof and a pair of detached two storey gable roof properties. The detached properties would front Redvers Road and the terrace would front Symons Avenue. Each house would have a private rear garden and a single external parking space or car port and an integral garage.

Site Area/Density

Site Area: 0.3 hectares (ha) / 0.74 acres

Site Density: 80 dph /32 dpa

Relevant Planning History

MC/17/4420	Demolition of the former Redvers Centre and construction of residential development comprising six 3x bedroom houses and six 1x bedroom and twelve 2x bedroom apartments Decision Refused Decided 6 April 2018
MC/17/2726	Details pursuant to conditions 4, 5, 6, 7 and 15 on planning permission MC/15/1131 for the Demolition of former Redvers Centre and construction of residential development comprising of 8 houses and 16 apartments Decision: Conditions 4, 5, 6 and 15 discharged Decided 22 November 2017
MC/16/5160	Details pursuant to conditions: 03 (Materials) 10 (Contamination - Investigation and Risk Assessment); 11 (Contamination - Remediation) and 14 (Construction and Environmental Management Plan) of Planning Permission MC/15/1131 - Demolition of former Redvers Centre and construction of residential development comprising of 8 houses and 16 apartments Decision Conditions 10, 11 and 14 discharged Decided 15 September 2017

- MC/16/4613 Application for non-material amendment to planning permission MC/15/1131 for retention of existing fire egress gate in its original location and provide an emergency egress passageway straight across the site to Redvers Road; an additional integrated gate to be provided into the garage doors to ensure that the impact to the street scene is minimised; to provide the additional passageway there have been alterations to the floor plans of unit 7 & 8 including a small single storey rear extension to unit 7
Decision Approval With Conditions
Decided 09 December 2016
- MC/16/3817 Application for a non-material amendment to planning permission MC/15/1131 for re-alignment of boundary line; re-location of two car parking spaces from lower ground floor to ground floor and re-location of emergency exit gates.
Decision Approval With Conditions
Decided 11 October 2016
- MC/15/1131 Demolition of former Redvers Centre and construction of residential development comprising of 8 houses and 16 apartments
Decision Approval With Conditions
Decided 6 September 2016

Representations

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

Southern Water has written requesting conditions and informatives relating to the connection to public sewage system and discharge of foul and surface water drainage. With regard to the location of the site over a Source Protection Zone, the LPA are to rely on Environment Agency response and defining responsibility, implementation and maintenance of SUDs schemes. An additional letters was received to indicate additional modelling has been undertaken and a surface water flow of no more than 5 l/s would not result in the risk of flooding.

Southern Gas Networks have advising of safe digging practices in accordance with HSE publication HSG47.

UK Power Networks have written providing a map of their power lines and advice on using the provided plan and working around their equipment.

Fulcrum have written providing a map of their pipe lines and advice on using the provided plan and working around their equipment.

Kent Police have written requesting the applicant contact them and have suggested various changes to meet Secure by Design.

KCC Ecology has written to indicate that previously demolished building may have had the potential for roosting bats. A condition is sought to provide ecological enhancements and additional bat roosting opportunities if the application were recommended for approval.

Natural England have written to confirm the Councils Appropriate Assessment has been accepted and the use of Strategic Access Management and Monitoring Strategy (SAMM) is suitable mitigation to the integrity of the European Sensitive Sites.

The Environment Agency raised no comments to the previous applications.

The Planning Agent has written in to address the issues raised on the committee report. The letter has also been circulated in full to Members of the Planning Committee and is attached to this supplementary agenda.

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 2018 and are considered to conform.

Planning Appraisal

Background

Planning permission was granted under MC/15/1131 for the Demolition of former Redvers Centre and construction of residential development comprising of eight houses and sixteen apartments'.

MC/17/4420 was refused. The refused scheme differed to the above approved scheme by reducing the number of houses by two and replacing them with additional flats within the main block. The block of flats had been altered in design and the lower ground floor car parking had been removed relocated offsite along Redvers Road which had resulted in the loss of the two houses. The proposed houses had also been altered in design. The reasons for refusal were:

1. As a result of the layout dominated by surface car parking and the architectural design of the semi-detached dwellings, the development appears arbitrary and

contrived when viewed from Redvers Road contrary to paragraph 56 of the NPPF and Policies BNE1 and H4 of the Medway Local Plan 2003.

2. By virtue of the size and scale of the proposed block of flats and the relationship to numbers 2, 3 and 4 Redvers Road, the development would result in a detrimental impact on the amenities of the occupiers of those properties in terms of loss of daylight contrary point 4 of paragraph 17 of the NPPF and Policy BNE2 of the Medway Local Plan 2003.
3. As a result of the garden depth proposed for unit 6, the development would provide an inadequate level of occupier amenity for this property contrary to point 4 of paragraph 17 of the NPPF and Policy BNE2 of the Medway Local Plan 2003.
4. The proposal fails to agree terms of a section 106 to mitigate the development or secure contribution towards strategic mitigation measures within Special Protection Areas, and in the absence of this contribution or adequate information to inform an Appropriate Assessment, the development fails to comply with the requirements of the Habitat Regulations and Section 11 (specifically paragraphs 109 and 118) of the NPPF and Policies S6 and BNE35 of the Medway Local Plan 2003.

This current application differs by amending the height and siting of the block of flats to overcome daylight concerns, reducing car parking for the flats to provide two detached properties with enlarged gardens instead of a semi-detached properties along Redvers Road.

Principle

The application site lies within the urban area of Chatham, as defined in the Policy H4 of the Local Plan which allows for residential development within such areas including the use of vacant or derelict land or the change of use or redevelopment of existing buildings no longer required for non-residential use.

National guidance and local policy support residential development within existing urban areas and in sustainable locations in favour over countryside sites. Paragraph 59 of the NPPF encourages the effective use of land by reusing land that has been previously developed (brownfield land) and paragraph 11d states a presumption in favour of sustainable housing development. This site is brownfield land, located in a sustainable urban location and is considered to be an acceptable site for redevelopment for residential use. A mix of flats and dwellings is considered appropriate within the urban area with good public transport links and the scheme as proposed does not exceed the threshold for affordable housing set out under Policy H3 of the Local Plan.

The principle of development has also already been established with the previous grant of planning permission.

This being the case, the general principle of the development is considered to comply with the requirements of paragraphs 11 and 59 of the NPPF and Policies S1, S2 and H3 and H4 of the Local Plan and is considered to be acceptable in principle subject to the consideration of design, amenities, highways and other relevant material matters.

Design

Paragraphs 124 and 127 of the NPPF emphasise the importance of good design and visually attractiveness as a result of good layout 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.

The street scene is predominantly two storey gable or hipped roof terrace or semi-detached properties, along with the three storey Phoenix Academy School. The flat building would be located at the corner of the site and is of an appropriate design, size and scale reflective of the height of the adjacent school.

The parking area from the flats has been reduced during the life of this application in an attempt to overcome the concerns from the previous refusal which dominated the proposed Redvers Road street scene. The originally proposed semi-detached house has also been amended during the life of the application to two detached dwellings with car ports. Albeit an improvement on the originally submitted layout, the layout when considered against the originally approved scheme still shows a lack of presence and activity along a disjointed Redvers Road street scene. The original approval provided 36m of frontage in the form of four houses. The current application provides two dwellings within a 28m section. It is considered that a better street scene can be provide.

The proposed layout provides a disjointed street scene largely dominated by parking for the flats when viewed from Redvers Road contrary to Policies BNE1 and H4 of the Local Plan and paragraphs 124 and 127 of the NPPF.

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 amenity

By virtue of the design, size and scale of the proposed development and the distance and relationship to neighbouring properties (including the neighbouring school) and their habitable windows there would not be a detrimental impact on neighbouring amenities in terms of loss of outlook or overshadowing or privacy. The design of the flats has been amended since the previous refused application. This redesign would result in no

detrimental impact regarding daylight which is supported by the Daylight, Sunlight and Overshadowing Assessment (dated January 2018)

There may be resultant nuisance of noise and dust caused during construction and as such a condition requiring a Construction Environmental Management Plan would be included should planning permission be granted.

Occupier amenity

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)

With regards to flats, the proposed two bedroom four person flats numbered 1, 3, 4, 7, 9, 10, 13, 15 and 16 have a second bedroom which would have an area of under 11.5sqm and would actually be two bedroom three person flats and therefore have been assessed as such within this assessment. All flats would meet the requirements of the national standard with regard to gross internal area and in relation to the widths and areas for single and double bedrooms. Due to the proposed layout with bedrooms adjacent to living rooms in neighbouring flats, if the application were considered to be acceptable, conditions would be imposed for the resistance to transmission of airborne noises through walls to mitigate noise and disturbance between certain flats. All habitable rooms within all the dwellings would be provided with satisfactory outlook. With regard to outdoor amenity space, no balconies are provided within the scheme however, some of the ground floor flats have terraced areas to the front and rear. There is also sufficient sized communal garden provided to counter the lack of balconies.

With regard to the houses, they would meet the requirements of the national standard with regard to gross internal area and in relation to the widths and areas for single and double bedrooms. As guidance, the Medway Housing Standards (interim) November 2011 (MHDS) states that gardens should be 10m in depth and 7m when constraints exist. The proposed garden depth of units 5 and 6 is between approx. 4.5m and 5m in depth to the rear of the property, although this falls short of the of the MHDS guidance there is considered to be suitable garden from the side of the dwellings of 10m depth. The remaining houses exceed the garden depths ranging from approx. 8m to 18m.

Subject to the above mentioned conditions, no objection is raised under Policy BNE2 of the Local Plan and paragraph 127(f) of the NPPF.

Highway

No objection is raised regarding highway safety with the scheme providing suitable access and egress arrangements and having a lower impact than the previous use of the site. Medway Council's Interim Residential Parking Standards require the provision of 1 space per one bed dwelling, 1.5 spaces per two bedroom dwelling and 2 spaces per three bedroom dwelling, plus 0.25 spaces per dwelling for visitor parking, making a requirement

of 42 spaces for the proposed development. The proposal would provide 31 spaces which would fall short of this standard and the 42 spaces provided on the previously approved scheme.

The standard, however does allow a reduction within a sustainable location with good access to public transport. Under the proposed scheme the houses would be provided with suitable provision, while the 18 flats would have 19 spaces which could be allocated as one space per flat with a visitor space. This would be considered acceptable due to the sustainable location and Census data for car ownership in the area (Medway 022). The data demonstrates that average car ownership per apartment/flat is 0.6 and per house is 0.88 which would result in a likely demand of 17 vehicles which is comfortably provided within the application site. Subsequently, no objection is raised under Policies T1, T2, T4 and T13 of the Local Plan and paragraph 109 of the NPPF.

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. Within the submission of discharge of conditions for the previous application a Site Investigation' Ref. 16/10878/KJC, Revision 3, dated May 2017 a report was submitted with appropriate remediation proposals. If the application were recommended for approval a condition requiring the previously approved details to be adhered to will be necessary along with an additional condition regarding watching brief if any previously unidentified contamination is revealed. Subject to such conditions, no objection is raised to the proposal under Policy BNE23 of the Local Plan and paragraph 178 of the NPPF.

Drainage/SUDS

A Drainage Strategy undertaken by Bellamy Wallace Partnership has been submitted with the application. The use of permeable paving has been proposed for the central part of the site. It is recommended extending this coverage to the terrace and amenity space areas to manage water quality as well as possible and within the hard landscaping on the street front where possible. Where possible, soft landscaping should be maximised to reduce runoff from the site.

At a detailed design stage, the Flood Estimation Handbook (FEH) should be used for the design storms opposed to FSR. MicroDrainage outputs (or other industry appropriate software) should be provided for the critical duration for a range of storms up to and including the 1 in 100 year + 40% intensity climate change scenarios.

Surface water simulations should also be submitted at detailed design stage including relevant Microdrainage outputs or other industry recognised software.

Consequently, if the application were considered for approval, conditions to secure details of the disposal of surface water and a verification report would be required to ensure the

proposed development and its maintenance is in accordance with paragraph 163 of the NPPF.

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 £ 59,753.52 based on a contribution of £2,489.73 per dwelling. The contribution would be spent on improvements at Chalk Pit and/or Maidstone Road Sports Ground and/or Great Lines Heritage Park – Phase 2 footpaths.

NHS

A contribution of £14,809.20 based on a contribution of £617.05 per dwelling towards improvements to MCH Pentagon to provide Saturday clinics.

Waste Services

A contribution of £4,052.64 based on a contribution of £ 168.86. per dwelling for the provision of brown bins; refuse bags and informational leaflets to all homes.

Education

A contribution of a total £46,466.23 broken down to £12,232.64 for Nursery and £15,098.56 for Primary at Phoenix Junior Academy and/or Greenvale Infant School and £18,890.48 for Secondary for The Thomas Aveling School.

Heritage & Museums

A contribution of £6,667.20 based on a contribution of £277.80 per dwelling towards improve interpretation at the Old Brooke Pumping Station.

Community Facilities

A contribution of £4,291.20 based on a contribution of £178.80 per dwelling towards the provision of Community Facilities in relation to the provision of improved / increased storage capacity at the White Road Community Centre.

Youth Provision

A contribution of £1,834.08 based on a contribution of £76.42 per dwelling towards developing creative art sessions for young people in the local area for ages 8-19 and up to 25 for people with disabilities.

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 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 £5,750.64 (24 x £239.61) and Natural England have confirmed their acceptance of the appropriate assessment undertaken by the Council. No objection is therefore raised under Policies S6 and BNE35 of the Local Plan and paragraphs 175 and 176 of the NPPF.

With regard to the above section 106 contribution requests the applicants have submitted a viability assessment which is considered within the section below.

Viability Assessment

The applicant has submitted a viability assessment for the amended scheme dated 12 November 2018 undertaken by rlf explaining why the scheme is not viable and why they cannot make full payment of the above section 106 contributions.

The report has been independently assessed by Pathfinder who issued an Addendum to the Economic Viability Assessment for Medway Council on the 22 November 2018. The report concluded that a fully policy compliant S106 contribution of £141,780 is viable as it enables generation of a residual land value of £628,391 which is 132% of the benchmark. Consequently it is considered that all the contributions requested can be made and the scheme is viable.

The applicants disagree with the outcome of the report from Pathfinder regarding the development/construction programme, construction figures and sales figures and have offered to match the agreed planning obligations of the previous approved planning application (MC/16/1131) of £41,671.72 with overage/clawback clause if greater profits are made.

Essentially the difference between the applicant's contention that the scheme is not viable and the Council's independent assessment, is based on the purchase price of the land. Essentially the Council's assessor advises that the applicants overpaid for the site and if they had paid a reasonable price then the scheme would be viable. New advice in the NPPF and PPG's re viability allows for LPA's to assess schemes based on appropriate purchase price rather than reflecting on viability arguments based on over payment. This change has been brought in to try to reduce viability cases based on over payment and land owners getting enhanced value at the expense of necessary payments to local services and infrastructure to make unacceptable development, acceptable.

As a consequence the applicants offer is not considered to be acceptable and in the absence of the provision of full contributions which are required to make the scheme acceptable, there would be a detrimental impact on facilities within the locality contrary to Policy S6 of the Local Plan and paragraphs 54, 56 and 57 of the NPPF.

Local Finance Considerations

There are no local finance considerations.

Conclusions and Reasons for Refusal

The layout provides a street scene of Redvers road which would be dominated by car parking for the flats resulting in a disjointed street scene with no improvement to the local environmental contrary to Policies H4 and BNE1 of the Local Plan and paragraphs 124 and 127 of the NPPF.

Furthermore, the proposal fails to agree terms of a section 106 to mitigate the development which would have detrimental impact on facilities within the locality contrary to Policy S6 of the Local Plan and paragraphs 54, 56 and 57 of the NPPF.

This application would usually be determined under delegated powers but due to the history and politically sensitive nature of the application site it has been referred to planning committee for a decision.

Post 16 January 2019 Committee

This application was reported to the Planning Committee on 16 January 2019, where Members considered that the application was acceptable in design terms but they still had concerns regarding viability. Therefore, the Committee removed the design reason for refusal and deferred the application to enable further negotiation over viability issues. The outcome of the viability negotiations will be reported to Planning Committee via the supplementary agenda.

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/>