

MC/19/0886

Date Received: 3 April 2019

Location: Redvers Centre Glencoe Road Chatham Kent

Proposal: Demolition of the former Redvers Centre and construction of residential development comprising 6 houses and 18 apartments

Applicant Mr N Sait

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Brighton
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Ward: Chatham Central Ward

Case Officer: Thomas 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 24th April 2019.

Recommendation - Approval subject to:

- A. Delegated Authority be given to the Head of Planning to complete the S106 and issue the decision after the public consultation period has ended, provided that no new issues are raised through the consultation that have not been considered by the Planning Committee and are material in the determination of the application.

- B. A S106 being entered into to secure the following:
 - i) Education contribution totalling £9,054.36 comprising of Nursery £3,093.87 and Primary £5960.49
 - ii) Green Spaces contribution totalling of £12,695.34
 - iii) Community Facilities contribution totalling £1,131.90
 - iv) Health contribution totalling £2878.16
 - v) Waste contribution totalling £956.04.
 - vi) Bird's contribution totalling £5,356.92.
 - vii) In the event that the viability assessment demonstrates that the development has made or is anticipated to make a gross profit in excess of 20% to pay the Council the additional contributions to be spent in accordance with the Medway Council Developers Contribution guide,

details of the division of the additional contribution will be supplied at the time that payment is made.

C. 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:

Drawing numbers 0231-P002 Rev E, , 0231-P005 Rev E, 0231-P006 Rev E 0231-P007 Rev C, 0231-P010 Rev C, 0231-P015 Rev C received on 2 April 2019; and drawing numbers 0231-P003 Rev D, 0231-P004 Rev D, 0231-P008 Rev D, 0231-P009 Rev D, 231-P011 Rev D, 0231-P012 Rev D, 0231-P013 Rev D and 0231-P014 Rev D and 0231-P016 Rev D received on 9 April 2019.

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

- 3 Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be 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 including delivery/collection times from the site; measures to prevent vehicles from idling when not in use/waiting; measures to control noise affecting nearby residents; parking plan for any associated vehicles; 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 in order to minimise the impact of the construction period on the amenities of local residents and with regard to Policy BNE2 of the Medway Local Plan 2003.

- 4 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, phasing (where appropriate) 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 (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 any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

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

- 5 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 Policy BNE1 of the Medway Local Plan 2003.

- 6 Within 6 months of the commencement of construction an ecological enhancement plan must be submitted for written approval by the LPA. The plan must include the following:

- i Map showing location of ecological enhancements;
- ii Details of bat roosting features to be incorporated in to the building;
- iii Details of the ecological enhancements to be incorporated in to the site
- iv Recommendations for any management required.

The enhancements must be implemented as detailed within the approved plan.

Reason: To increase biodiversity of the site in accordance with paragraph 175b of the NPPF.

- 7 Following completion of the measures identified in the approved remediation scheme indicated within "Report On A Site Investigation", undertaken by Albury S.I Ltd, dated December 2016, report reference 16/10878/KJC rev 3, a verification report (referred to in PPS23 as a validation 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 before commencement of development to avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 8 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 163 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.

- 9 Prior to the first occupation of any dwelling herein approved, full details of both hard and soft landscape works and a timetable for implementation 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 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.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 10 No dwelling shall be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before any dwelling is 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.

- 11 The dwellings herein approved shall be occupied until the area shown on the submitted layout as vehicle parking spaces has been provided, surfaced and drained. 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 and garaging.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking and in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

- 12 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 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/18/1555	Construction of residential development comprising six 3x bedroom houses and six 1x bedroom and twelve 2x bedroom apartments - resubmission of MC/17/4420 Decision Refused Decided 25 February 2019
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.

The following were the statutory consultation response from the previous application MC/18/1555 which has the same layout. The responses to this application will be provided within the supplementary agenda.

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.

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 2019 and are considered to conform.

Planning Appraisal

Background

Planning application MC/18/1555 was decided by committee. Although officers had concerns with the design of the scheme, the Planning Committee had no objection to the layout and design but had concerns regarding lack of section 106 contributions for the scheme. The application was subsequently refused for the following reason:

The proposed development, by reason of the lack of s106 contributions towards local services, would have an unacceptable negative impact on the local services and facilities. The Local Planning Authority has given serious consideration to the viability

appraisal undertaken but considers that the development without the necessary contributions would be harmful to the local services and facilities in the area and as such contrary to Policy S6 of the Medway Plan and the set objectives of paragraph 54, 56 and 57 of the NPPF, which state that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.

This current application is the same scheme however the developer has agreed that they would provide section 106 contributions reflective of the approved section 106 of MC/15/1131 with a small reduction as a partial contribution towards the applicants costs incurred in preparation of an appeal, but with an additional clawback clause to secure further S106 contributions if the profit exceeds 20%..

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 site layout is considered to be appropriate to provide the flats, its associated parking and the proposed houses, subject to a suitably worded landscaping and boundary treatment condition.

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. With regards to the houses both the terrace of properties to Symons Avenue and the detached dwellings to Redvers Road are considered of a suitable size and scale within this residential area subject to a suitable materials condition.

Subject to the abovementioned condition the application is considered to be in accordance with 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 and Viability Assessment

The applicant submitted a viability assessment with the previous refused application explaining why the scheme was not viable and why they could not make full S106 payments.

The report was independently assessed by Pathfinder who confirmed the scheme is not viable with any S106 contributions.

Following the refusal the applicant commenced work on preparing for an appeal and sought legal advice in relation to the likelihood of success at appeal, which has been shared with the Council.

Notwithstanding the legal advice and the results of the independent viability assessment, further discussions have taken place with the applicant and in recognition of the time delay in going through the appeal process (and the costs associated with that delay) and the benefits of getting on site quickly to both the applicant and the Council – in terms of much needed housing delivery and providing appropriate development on a site in need of development – the applicant has agreed that they will provide s106 contributions similar to the agreed contributions of MC/15/1131 and the following contributions are considered to be acceptable, necessary and reasonable. The recipients of the s106 money will be confirmed in the supplementary agenda.

1. Education contribution totalling £9,054.36 comprising of Nursery £3,093.87 and Primary £5,960.49
2. Green Spaces contribution totalling of £12,695.34
3. Community Facilities contribution totalling £1,131.90
4. Health contribution totalling £2878.16.
5. Waste contribution totalling £956.04.
6. Birds contribution totalling £5,365.92.
7. Payments 1-6 due – 10% on commencement of development, 30% on occupation of the first housing unit, 30% on occupation of the 14th housing unit and the final 30% on 21st housing unit or the expiry of 24months from the commencement of development whichever is sooner.
8. In the event that the viability assessment demonstrates that the development has made or is anticipated to make a gross profit in excess of 20% to pay the Council the additional contributions to be spent in accordance with the Medway Council Developers Contribution guide, details of the division of the additional contribution will be supplied at the time that payment is made.

As a consequence, notwithstanding the viability report, the applicants offer of a section 106 with clawback measures is considered to be acceptable and in accordance with 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 Approval

The proposal is considered acceptable in terms of principle, design, amenity and highway aspects and with regard to all other material planning considerations. The proposal accords with the provisions of Policies S1, S2, S6, H3, H4, BNE1, BNE2, BNE23, T1, T2, T3, T4 and T13 of the Medway Local Plan 2003 and paragraphs 11, 54, 56, 57, 59, 109, 124, 127, 163 and 178 of the NPPF. Accordingly, the application is recommended for approval subject to the completion of the section 106.

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.

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/>