

MC/18/2864

Date Received: 1 October 2018

Location: 4,16,20 And 22 High Street Rainham Gillingham Kent

Proposal: Construction of a block of 54no apartments comprising of 37x one bedroom and 17x two bedroom apartments with communal facilities, access, car parking and landscaping - Demolition of existing 4 residential plots

Applicant Churchill Retirement Living

Agent Miss Laura Baker
Churchill House
Parkside
Ringwood
BH24 3SG
Hampshire

Ward: Rainham Central Ward

Case Officer: Doug Coleman

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 - Appeal Against Non- Determination

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

REFUSAL

In the event that the Local Planning Authority would have been in a position to determine the application it would have been refused for the following reasons:

- 1) The intensification of the proposed access and subsequent new internal layout would result in an unacceptable safety hazard to vehicles and pedestrians on the A2 (High Street) and would, therefore conflict with Policies T2 and T3 of the Medway Local Plan 2003 and Paragraphs 108b, 109 and 110c of NPPF 2019.
- 2) In the absence of a Unilateral Undertaking/Section 106 agreement to secure

appropriate developer contributions, the proposal would be contrary to Policies S6 and BNE35 of the Medway Local Plan 2003 and Paragraphs 54, 55, 56, 170, 175 and 176 of the NPPF.

Proposal

The proposal is to construct a retirement living block of 54 apartments comprising 37 x one bedroom and 17 x two bedroom units. The proposed building would be T-shaped with the main part of the building located at the front measuring approx. 60m wide by approx. 16m (eastern part) and approx. 19 (western part) deep. The remainder of the building would project approx. 36m, with a width of up to 20m. There would be a gap of approx. 23m between the east flank of the rear projection and the site boundary to the rear garden of 24 High Street, which would serve as a communal garden for occupiers of the proposed development, and a similar gap of to the western boundary, to the hotel car park, which would serve as a parking area.

The accommodation within the proposed building would comprise the following:

- Ground floor: Entrance lobby on the west elevation leading to owners' lounge, reception, office, store and WC, together with 18 flats (12 x one bedroom and 6 x two bedroom);
- 19 flats (11 x one bedroom and 8 x two bedroom);
- 17 flats (14 x one bedroom and 3 x two bedroom) plus a guest suite.

23 car parking spaces are shown with vehicular access located at the western end of the site adjacent to the hotel car park. A plant room is shown in the south-western corner of the site, measuring approx. 6m by approx. 5m, with a ridge height of approx. 4.6m.

The apartments are to be occupied by people of 60 years or over, or those of 60 years or over with a spouse or partner of at least 55. It is submitted that the average age of purchasers of the apartments is 80 years old and that they are typically occupied by a widow. Reference is made to eight similar house schemes operated by the applicants ranging in size from 31 units to 51 units, including one at Sittingbourne.

The application is accompanied by a Design and Access Statement, Planning Statement, Arboricultural Assessment, Transport Statement, Drainage Impact Assessment, Contamination Desk Study, Affordable Housing Statement (Confidential) and supporting information relating to retirement living and sheltered housing supply in Medway.

Site Area/Density

Site Area: 0.49 hectare (1.21 acres)
Site Density: 110.2 dph (44.62 dpa)

Relevant Planning History

No relevant planning history found

Representations

The application has been advertised on site and in the press as a major development and by individual neighbour notification to the owner/occupiers of neighbouring properties. Kent Police Crime Prevention Design Adviser, Southern Water, EDF Energy, Southern Gas Networks, NHS, Royal Society for Protection of Birds, Natural England, Environment Agency, Highways Agency and KCC Biodiversity have also been consulted.

Six letters have been received raising the following objections:

- The proposed building would be higher than existing buildings and would affect the skyline;
- Poor design out of character;
- Lack of security;
- Noise and disturbance;
- Inadequate parking;
- Increase on-street parking and additional traffic in Thames Avenue;
- Additional pressure on doctors' surgeries;
- Proposed trees will overhang boundary;
- Over-development;
- Additional traffic onto High Street;
- There is no need for these apartments in Rainham.

One of these six letters adds that if planning permission is granted the scheme should include the following:

- An archaeological dig;
- New and substantial boundary fencing;
- Existing apple trees on boundary to be removed and replaced by new landscaping;
- Protection for wildlife;
- Security.

Six letters have been received making the following comments in support of the application:

- This is an ideal site for this type of accommodation within walking distance of nearby amenities;
- Proposal would bring additional trade into Rainham;
- Development would be lower than adjoining hotel;
- Proposed landscaping appears well thought out;
- Good design would blend in well;

- Parking should be adequate;
- Security is included in proposal.

Environment Agency has written raising no objection subject to appropriate conditions relating to contamination, drainage and water pollution.

Highways England have raised no objection.

KCC Biodiversity advises that no information has been submitted regarding protected species. However, the proposed development would have little impact on protected species as the site is within the urban area, comprising residential gardens and is not well connected to the wider landscape. There is, however, a small area of vegetation that should have potential for breeding birds and an informative is recommended in this regard.

The site is within 6km of the Medway Special Protection Areas (SPAs) and Wetlands of International Importance under the Ramsar Convention (Ramsar Sites) and appropriate mitigation measures are sought. The applicants have confirmed that they will contribute to the SAMM. There is, therefore, a need for an appropriate assessment to be carried out.

A condition is sought requiring ecological enhancements.

Kent Police have written advising that they have considered this application having regard to Crime Prevention Through Environmental Design (CPTED), in accordance with the National Planning Policy Framework (NPPF) July 2018. To date they have had no communication from the applicant/agent and there are issues to be discussed and addressed including:

- Boundary treatments. Additional fencing and gating may be required to secure the sides and rear of the building.
- Creation of defensible space to protect ground floor bedroom windows and private patio areas.
- Access control and CCTV measures.
- Staffing.
- Mail delivery.
- Use of certified PAS24:2016 doorsets and windows in line with SBD Homes 2016.
- Cycle, bin and buggy storage.

Some of the points above may be considered at the detailed stage.

Southern Water has written making the following comments:

- A formal application for connection to the public sewerage system is required;
- It is the responsibility of the developer to make suitable provision for the disposal of surface water;

- Drainage details will need to be submitted;
- A condition is requested requiring details of foul and surface water to be submitted;
- A formal application for connection to the water supply is required.
- The applicant will need to ensure that arrangements exist for the long term maintenance of SUDS facilities
- Where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should: specify the responsibilities of each party for the implementation of the SUDS scheme; specify a timetable for implementation; and provide a management and maintenance plan for the lifetime of the development.

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

Principle

The site is within the urban area and close to the centre of Rainham and on a public transport route. It is currently occupied at a relatively low density of 8.1 d. p. h. (3.3 d. p. a.). The proposal would result in the re-investment in the urban fabric and a more efficient use of land in the locality. It will also meet a specific need insofar as the proposed development would cater specifically for the requirements of elderly but still active people.

In this regard, the proposed development would be in accordance with Policies S1, H4 and H5 of the Local Plan and Paragraphs 59, 117 and 122 of the NPPF. As such, it is considered that the proposed development is acceptable in principle and in land use terms subject to all other material considerations in this report.

Affordable Housing

An Affordable Housing Statement has been submitted with the application. This has been considered by the Council's Housing Team and assessed independently in terms of financial viability.

A development of this size 54 units would result in a requirement for 14 affordable units in accordance with Policy H3 of the Local Plan.

It is submitted that this a comparatively small site which makes it impossible in terms of physical and management considerations to provide affordable housing on site. To provide affordable housing provision would necessitate the provision of two separate blocks, each with their own management arrangements, to ensure fair, unsubsidised

costs for each occupant. This is not considered possible on a site of this scale especially once external management costs are factored in.

The site in its existing use is made up of relatively high value larger properties (4 detached bungalows with large gardens) which generate a higher than normal existing use value which must be surpassed in order for the proposal to be considered viable. It is demonstrated in the report that there is no surplus available to make financial contributions.

This is a specialised housing scheme that will however address an identified housing need in the area in the form of dedicated housing for older people. The provision of this type of housing will facilitate 'rightsizing' of households in the area and release larger under-occupied housing for younger families.

A contribution of £225,000 has been offered towards the provision of off-site affordable housing, based on a residual land value of £2,242,848, when all costs including Section 106 contributions are taken into account.

The Affordable Housing Assessment has been independently assessed on behalf of the Council and it is concluded that a residual land value of £2,242,848 would deliver a minimum return to the landowner in comparison with the established convention of consideration of current benchmark values.

Therefore, subject to a contribution of £225,000 towards the provision of off-site affordable housing, no objection is raised under Policy H3 of the Local Plan and Paragraph 63 of the NPPF.

Design and appearance

The application site is a rectangular shaped plot of land, measuring approx. 70m wide by approx. 70m deep, giving a site area of approx. 0.49 ha, located on the south side of High Street, Rainham, adjacent to Manor Farm restaurant and Premier Inn hotel. The site is currently occupied by 4 detached bungalows, each having its own vehicular access, and rear gardens approx. 45m deep. The site is adjoined by detached properties to the east, fronting High Street, the rear gardens of properties in Thames Avenue to the south, and the car park serving Manor Farm to the west.

Good design, including landscaping, is encouraged in Policies BNE1 and BNE6 of the Local Plan and Paragraphs 124 and 127 of the NPPF. The character of the area has evolved and is generally mixed. The south side of this part of Rainham High Street is predominantly residential comprising detached dwellings with long gardens, probably dating from the 1930s. The north side is predominantly commercial, mainly terraced properties in Class A2 use. The application site is adjoined immediately to the west by the Beefeater Manor Farm, a building dating back to the 1930s, which has more recently been extended by the construction of the 26 bedroom Premier Inn Hotel, which was approved on 21 May 2009 under reference MC/2008/1984.

The proposal would be appropriate for this site in design terms, having regard to its proximity to the centre of Rainham and to the neighbouring Premier Inn & Beefeater immediately to the west. In this regard not appear out of character and it would make a positive contribution to the street scene in this part of Rainham High Street.

In terms of scale and mass, the proposed development at 2.5/3 storeys, would be higher than the existing bungalows, but would nevertheless, respect the general character and appearance of its surroundings. The ridgeline of the easternmost block would correspond with that on the neighbouring house to the east, 24 High Street. The central two block would be slightly higher. Whilst the western block would be the same as the other end block, which would be lower than Manor Farm.

The T' shaped plan of the proposed development, represents a carefully thought out layout with the main bulk of the building in the centre of the site, with parking and vehicular access to the west, adjacent to Manor Farm car park and the private amenity area to the east, adjacent to the rear garden of 24 High Street.

Clearly defined landscaping is proposed with a large private amenity area to the rear with tree and shrub planting and a smaller grassed amenity area to the front, maintaining the existing separating distance between the front of the proposed building and the highway. There would also be a smaller planted area between the car park and the main entrance to the building on the western elevation.

Detailing is very important in terms of design and appearance. The predominant material would be brick (Ibstock Cissbury Red) with painted walls on the upper part of the end blocks and Marley Eternit Slate grey cladding on the central blocks and recesses between each block. The roofs would be Marley Eternit Slate grey.

In the event of planning permission being granted, a condition would be imposed requiring the submission and approval of details and samples of materials. In addition, a condition would be imposed requiring the submission and approval of detailed drawings at scales of 1:5, 1:10 and 1:20 showing details required of the: ridge, eaves, verge, dormers, entrance recess soffits, solar panels & brackets, balcony structures, balustrades, handrails, parapets & capping's, balcony recesses, window and door cills – jambs – heads , ground connections, wall plane changes, junctions at material changes, visible flashings, roof vents, electricity cupboards, waste enclosures, boiler and other flu placements.

Subject to these conditions, it is considered that the proposed development is acceptable in terms of design and appearance and would make a positive contribution to the character and appearance of the street scene and of this part of Rainham. The proposal would, therefore comply with Policies BNE1 and BNE6 of the Local Plan and Paragraphs 124 and 127 of the NPPF and no objection is therefore raised in terms of design and appearance.

Amenity

Occupier amenity

The proposal has been assessed against the DCLG's Nationally Described Space Standard (see table below), which requires a minimum GIA of 39 sq. m. for a single storey one bedroom/one person unit, 50 sq. m. for a one bedroom/two person unit, and 61 sq. m. for a two bedroom/three person unit. The Standard also specifies a minimum floor area of 7.5 sq. m. for a single bedroom and 11.5 sq. m. for a double or twin bedroom.

Having regard to the fact that this is a retirement complex and that the apartments are to be occupied by people of 60 years or over, it is likely that all apartments will be occupied by no more than two people. The second bedroom in the two bedroom units could well serve as a guest room and not be permanently occupied.

The proposed development makes generous provision in terms of flat sizes and bedroom sizes and would comply with the DCLG standards. In terms of overall internal floorspace and room size, so no objection is raised in this regard.

A large communal garden area measuring approx. 23m by approx. 46m would be provided to the rear, adjacent to the boundary to 24 High Street.

Neighbour Amenity

The site is adjoined on two sides, east and south, by the rear gardens of residential properties. To the east is the flank wall of 24 High Street which would be approx. 2.5m from the flank wall of the proposed building. The main windows serving this property are on the front and rear elevations, but there are two small windows on the side elevation which are secondary windows. The flank wall of the proposed building would be in approx. the same position as the flank wall of the existing bungalow. As the side windows are secondary windows, there would be no unacceptable loss of light to that property as a result of the proposed development.

As originally submitted there was potential for overlooking from the living room and kitchen windows to proposed flats 10 and 27 towards the neighbouring property at 24 High Street. However, the proposed scheme has been amended by re-positioning the kitchen windows from the side to the rear elevations and by providing obscure glazing to other windows, which are secondary.

There are no other properties that would be detrimentally impacted in terms of loss of light, privacy or outlook. The properties to the south have rear gardens approx. 35m deep and the proposed building would be approx. 8m from the boundary to those properties at its closest point.

In terms of noise and disturbance, the vehicular access, car park and main entrance to the building would be located on the western side adjacent to the car park serving Manor Farm. There would, therefore be no unacceptable additional noise and disturbance to neighbouring properties as a result of the proposed development.

The proposal is considered to be acceptable in terms of both occupier and neighbour amenity and no objection is raised in this regard under Policy BNE2 of the Local Plan and Paragraph 127f of the NPPF.

Highways

The key highway issues with regard to this proposal are traffic generation, access and parking. A Transport Statement was submitted with the application. In terms of its sustainability, the site is located approx. 250m from Rainham Shopping Centre, approx. 800m from Rainham Station and located on a bus route with bus stops located within 400m of the site in Maidstone Road, London Road and High Street. In addition to Rainham Shopping Centre being within walking distance, there are frequent bus services to Chatham, Gillingham and Hempstead Valley.

Traffic generation

It is submitted that the proposal would generate 79 two way vehicle movements per typical day (39 arrivals and 40 departures), which is not considered to be excessive and would not have an adverse impact on the local highway network. Furthermore, the net increase in traffic would be less, when the loss of the 4 existing units is taken into account. No objection is therefore raised in terms of traffic generation under Policy T1 of the Local Plan and Paragraph 102 of the NPPF.

Parking

Medway Council's adopted Vehicle Parking Standards require the provision of one space per unit plus one space per staff member (maxima) for sheltered accommodation. Cycle parking is to be determined on its individual merit. According to the submitted documents the only staff member would be a lodge manager who would be based in the office adjacent to the building's entrance. A maximum of 55 car parking spaces would, therefore be required in order to comply with the standard.

The submitted drawing shows 23 car parking spaces which equates to a ratio of 0.43 spaces per unit. It is submitted that this is in line with average parking provision at other units operated by the applicant. In considering the level of car parking provision, given the sustainability of the site in terms of its proximity to shopping facilities and public transport, the provision of nearby public car parks and the average age of the occupiers of the proposed units – 79/80 a lower level of parking provision would be acceptable. It should be noted that there are parking restrictions on Rainham High Street and on surrounding roads.

No objection is raised in terms of car parking under Policy T13 of the Local Plan and

paragraph 108 of the NPPF.

In addition to car parking, provision is made for the storage of 8 buggies and 2 secure cycle parking spaces.

Access

The vehicular and main pedestrian access to the proposed development would be located in the same position as the access to the existing bungalow at 4 High Street. This access would be approx. 30m long by approx. 4m wide at the back of the footpath, narrowing to approx. 3.5m wide into the site. There is an approx. 1m wide footpath adjacent to the proposed building. The access would have a gradient of 1:20. A secondary pedestrian access would be provided further east. The Transport Statement provides swept paths to demonstrate vehicles entering and exiting the site.

Paragraph 2.4 of the Transport Statement provides a Road Safety Appraisal showing road traffic accidents in the vicinity of the site during the period 2015 – 2017. However, the applicant has not provided a Road Safety Audit or provided any information why a single lane access is acceptable in this location. The swept paths show that a car turning left into the site would need most of the width of the access, and therefore vehicles may meet at the access point with possible sudden braking and/or reversing on the A2 creating a significant safety hazard. Furthermore, the access road is tight against a retaining wall that drivers may well be 'shy' of and therefore not drive hard against the side of the road.

The applicant has indicated that visibility splays of 43m x 2.4 x 43m in both directions can be achieved, which would meet the guidance set out in Manual for Streets. However, a 2m x 2m pedestrian visibility splay is needed for drivers emerging out of the access road. This is not shown on the submitted drawings and cannot be achieved. The visibility splay east bound is blocked due to a proposed retaining wall within the site and west bound by landscaping from the neighbouring site, which is outside the control of the applicant. Although an access already exists in this location, it currently serves one dwelling and it is considered that the intensification of the use of this access would result in an unacceptable safety hazard.

The matter was brought to the attention of the planning agent who was invited to discuss the issue with a view to amend the scheme to address the concerns. However, the agent responded by re-submitting the previous documents and stating that in his opinion the proposal met all highway requirements, and has subsequently lodged a non-determination appeal.

Under the circumstances, it is considered that the intensification of the proposed access and subsequent new internal road layout would result in an unacceptable safety hazard to vehicles and pedestrians, and an objection is raised in this regard under Policies T2 and T3 of the Local Plan and Paragraphs 108b, 109 and 110c of NPPF.

Other highway matters

It is noted that there are limited pedestrian crossings between the north and south sides of the A2, with one located approx. 50m to the west of the site, away from the town centre, and the other approx. 250m to the east, past Orchard Street. Whilst this is a potential concern, it is not considered that it is a significant issue as to warrant refusal of the application.

Trees

An Arboricultural Assessment and Tree Report has been submitted with the application. This identifies 23 individual trees (T1-T12, T14-T29, T32, T33 & T35) and 3 groups of trees (G13, G30 & G34). The majority of these trees are ornamental garden species or fruit trees and of poor quality (Category C). There is only one tree of good quality – a hawthorn located in the rear garden of the neighbouring property close to the site boundary. This tree (Category B) is shown to be retained. The only other trees to be retained are a plum tree (Category C) located in the rear garden of a property to the south and a group of fruit trees (Category C) along the southern boundary to the site adjoining the proposed car park. All other trees are shown to be removed.

The trees to be removed are of poor quality and are located in the rear gardens of the existing bungalows. As such they make no contribution to the appearance of the street scene and the wider locality. New planting is proposed as part of a robust landscaping scheme for the proposed development. No objection is therefore raised to the loss of these trees. Appropriate tree protection measures are shown for those trees which are to be retained and a condition is recommended to the effect that these measures are fully implemented during the carrying out of the development. Subject to this condition, no objection is raised in terms of the loss of the trees identified under Policy BNE43 of the Local Plan.

Noise and Air Quality

The site is located next to a busy main road and as such the development is liable to be at risk from high levels of road traffic noise. The proposed building would be set back approx. 9m from the back of the footpath and the noise impact would be felt predominantly by the units at the front. Due to this concern, it is recommended that in the event of planning permission being granted, a condition is imposed requiring the submission and approval of an acoustic assessment. Subject to such a condition, no objection is raised in terms of noise under Policy BNE2 of the Local Plan and Paragraph 182 of the NPPF.

The site is also located next to the High Street, Rainham Air Quality Action Area. In the event of planning permission being granted a condition is recommended requiring all gas fired boilers to meet the minimum standard, electric charging points and other measures to mitigate against the effects of the development on air quality. Subject to this condition, no objection is raised in terms of air quality under Policy BNE24 of the Local Plan and Paragraph 181 of the NPPF.

In the event of planning permission being granted it is recommended that a condition be imposed requiring the submission and approval of a Construction Environment Management Plan to minimise any impact on residential development from the construction phase.

Flood Risk

A Flood Risk Assessment has been submitted showing surface water discharge rates. These are considered to be acceptable. Subject to appropriate conditions, no objection is, therefore raised in terms of flood risk under Paragraph 165 of the NPPF.

Archaeology

When the development of the Premier Inn adjoining the site was undertaken archaeological remains were discovered. In the event of planning permission being granted, a condition is recommended requiring an archaeological watching brief to be agreed with the Local Planning Authority and to be applied during the carrying out of the development. Subject to this condition, no objection is raised under Policy BNE21 of the Local Plan and Paragraph 189 of the NPPF.

S106 matters

New residential development can create additional demand on local services, such as for health and refuse services. Policy S6 of the Local Plan says that conditions and/or legal agreements should be used to make provision for such needs.

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 into 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/contributions requested meet with these tests because they have been calculated based on the quantum and location of the proposal are directly related to the development.

The following contributions are sought:

Affordable Housing (see above)

A contribution of £225,000 towards the provision of off-site affordable housing, no objection is raised under Policy H3 of the Local Plan and Paragraph 63 of the NPPF.

NHS Property

A contribution of £33,320.70 based on a contribution of £617.05 x 54 dwellings to support the reconfiguration of the Rainham Healthy Living Centre to support new models for the provision of local care in accordance with paragraph 92 of the NPPF

Green Space Services

Applying the formula of £2,489.73 per dwelling as stated in the Developer Contribution Guide 2018 would result in a total contribution of £134,445.42. However, the Guide allows for adjustment to be made in respect of retirement flats and in this instance, no contributions are sought in respect of formal open space and play space. This has reduced the contribution sought to £23,660 to enhance facilities within the vicinity of the development - Holding Street, Cozenton Park, Rainham Recreation Ground, Berengrave Nature Reserve, Old Bloors Lane Allotment and Great Lines Heritage Park – footpath improvements phase 2.

Public Realm

A contribution of £13,230 towards public realm improvements in Rainham.

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.

Subject to the applicant entering into a Section 106 agreement to secure these contributions, no objection would be raised under Paragraphs 54, 63, 92, 96, 170, 175 and 176 of the NPPF and Policies S6, H3 and BNE35 of the Medway Local Plan 2003.

Although the applicant has indicated agreement in principle to pay these contributions, at the time of the preparation of this report, no Unilateral Undertaking has been submitted nor is a Section 106 agreement in place. In the absence of a Unilateral Undertaking/Section 106 agreement an objection is raised.

Local Finance Considerations

There are no local finance considerations raised by this application.

Conclusions and Reasons for recommendation that in the event of the Local Planning Authority being in a position to determine the application it would have been refused

In the event of the Local Planning Authority being in a position to determine the application, the principle of the proposed development would be considered to be acceptable and in accordance with Policies S1, H4 and H5 of the Local Plan 2003, and Paragraphs 59, 117 and 122 of the National Planning Policy Framework (NPPF).

Subject to appropriate conditions, no objection would be raised in terms of design and appearance, amenity, parking, loss of trees, noise, air quality, flood risk and archaeology, and the proposal would comply with Policies BNE1, BNE2, BNE21, BNE24, BNE43, T1 and T13 of the Local Plan and Paragraphs 102, 105, 124, 127, 165, 181, 182 and 189 of the NPPF.

However, the proposed access and internal road layout would result in an unacceptable safety hazard to vehicles and pedestrians, contrary to Policies T2 and T3 of the Local Plan and Paragraphs 108b, 109 and 110c of NPPF and in the event of the Local Planning Authority being in a position to determine the application, it would have been recommended for refusal.

In addition, in the absence of a Unilateral Undertaking/Section 106 agreement to secure appropriate developer contributions, the proposal would be contrary to Policies S6, H3 and BNE35 of the Medway Local Plan 2003 and Paragraphs 54, 63, 92, 96, 170, 175 and 176 of the NPPF and a second ground of refusal would have been added in this regard.

The application would normally be determined under delegated powers but is being referred to Committee for decision due to the extent of the representations received making comments contrary to the 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/>