

MC/18/0092

Date Received: 9 January 2018

Location: Unit 1 - 2 New Cut Industrial Centre New Cut Chatham ME4 6AD

Proposal: Demolition of existing buildings on site with the change of use from B2 (General Industrial) to C3 (dwellinghouses) and the construction of 7-storey building comprising 22no.1-bed and 13no 2-bed units with associated parking, amenity space, landscaping and refuse/cycle storage - Resubmission of MC/16/2827

Applicant Mr Folb

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Ward: River Ward

Case Officer: Hannah Gunner

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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 24th April 2019.

Recommendation – approval subject to:

A. A unilateral agreement being submitted to secure the SAMMS contribution and monitoring officers charge.

B. 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 15-573-001 rev A (received 10 January 2018), 15-573-002 rev I (received 28 March 2019), 15-573-010 rev H, 15-573-011 rev G, 15-573-017 rev E, 15-573-018 rev J, 15-573- 019 rev C, 15-573-020 rev D, 15-573-021 rev A (all received 27 February 2019)

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

- 3 No development above slab level shall take place until details and samples of all materials to be used externally (including bin store and cycle store) 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.

- 4 Prior to the first occupation of the approved development a scheme of both hard and soft landscape works, including for the proposed urban square, shall be submitted to and approved in writing by the local authority. These details shall include means of enclosure, all vehicle and pedestrian access and circulation areas; all paving and external hard surfacing; any seating and refuse receptacles. Soft landscape works shall include details of planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants and trees, noting species, sizes and proposed numbers/densities where appropriate. The development shall be implemented in accordance with the approved details in accordance with a timetable to be agreed as part of this submission 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.

- 5 Prior to the first occupation of the development herein approved, a landscape management plan, shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas and arrangements for implementation. The development shall thereafter be implemented in accordance with the approved details and thereafter maintained.

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

- 6 Prior to the installation of any external lighting (including for the pedestrian/cycle route through the archway onto New Cut) on the site, details of such lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include height, position, external appearance, any shielding, light intensity, colour, spillage (such as light contour or lux level plans showing the existing and proposed levels) and hours of use together with a report to demonstrate its effect on occupants and of how this effect has been minimised. Any external lighting shall be implemented in accordance with the approved details and thereafter maintained.

Reason: In order to limit the impact of the lighting on the residents and for pedestrian safety at night and with regard to Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 7 No part of the development shall be occupied until a Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Parking Management Plan shall contain details of how the parking spaces within the development are to be managed. The Parking Management Plan shall be implemented in accordance with the approved details prior to the first occupation of the development and shall thereafter be retained.

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

- 8 Residents of the flatted scheme hereby permitted (35 units within the site area set out in plan: Site Plan - Option 1 Rev H) shall not be entitled to apply for or acquire residents parking permits for on street parking in the area.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or prejudice the amenities of residents living in the area to accord with Policy BNE2 of the Medway Local Plan 2003

- 9 The dwellings shall not be occupied until details of secure private cycle parking provision in the form of individual lockers for have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be implemented in accordance with the approved prior to first occupation and shall thereafter be retained.

Reason: To ensure the provision and permanent retention of bicycle spaces in accordance with Policy T4 of the Medway Local Plan 2003.

- 10 Prior to any development above ground floor slab level details of the following mitigation measures shall be submitted to and approved in writing by the Local Planning Authority:

Details regarding Electric Vehicle rapid charge points

The approved electric charging points shall be provided prior to first occupation and thereafter be retained on site

Reason: In the interests of sustainability in accordance with paragraph 110E of NPPF 2018.

- 11 No flats herein approved shall be occupied until the area shown on the submitted layout as vehicle parking space 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.

Reason: Development without provision of adequate accommodation for the parking 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 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,
 - Archeological 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 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.

- 13 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 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.

- 14 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 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.

- 15 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 13, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 14, 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 14 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 14.

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.

- 16 Prior to the commencement of the development hereby permitted, a scheme for protecting the proposed development from noise that implements the measures described in the noise Technical Note reference 003 - Rev 00 dated 5 February 2019, shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or residential amenity as a result of the potential disturbance and in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 17 The separating wall between the bedrooms and other habitable rooms of units in separate occupation shall resist the transmission of airborne sound such that the weighted standardised level difference (DnT,W +Ctr) shall not be less than 50 decibels as measured and calculated in accordance with BS EN ISO 16283-1 2014.

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

- 18 Prior to the commencement of the development hereby permitted, an air quality mitigation scheme that implements the measures described in the air quality assessment reference 1700001355 dated 03 January 2018, shall be submitted to and approved in writing by the Local Planning Authority. All works, which form part of the approved scheme, shall be completed before any part of the development

is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or residential amenity as a result of the potential disturbance and in accordance with Policy BNE2 and BNE23 of the Medway Local Plan 2003.

- 19 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; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; parking of operative vehicles; deliveries to the site; dust control measures; lighting arising from the construction phase; 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, the countryside, wildlife and habitat and with regard to BNE2 of the Medway Local Plan 2003.

- 20 No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To comply with paragraph 109 of the National Planning Policy Framework.

- 21 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To comply with paragraph 109 of the National Planning Policy Framework.

- 22 The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewers, prior to the commencement 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 groundworks and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 23 Prior to commencement of development, a scheme showing details of the disposal of surface water, based on sustainable drainage principles, including details of the design, implementation, maintenance and management of the surface water drainage scheme must be submitted to and approved in writing by the Local Planning Authority.

Those details shall include (if applicable):

- i. a timetable for its implementation (including phased implementation where applicable)

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 165 of NPPF.

- 24 Prior to occupation, a Sustainable Drainage management and maintenance plan for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority 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: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 165 of NPPF.

- 25 Prior to occupation, 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 165 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.

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

Proposal

This application is for the demolition of existing buildings on site and the construction of a 7-storey building comprising 22 x 1-bed and 13 x 2-bed units with associated parking, amenity space, and landscaping and refuse/cycle storage

The building is to be located at the southern end of the site, toward the boundaries with the New Road flyover and the Tap'n'Tin Nightclub. On each of these sides, the building is set in by a minimum of 6.5m. Benjamin Rabbit Children's Nursery is located between 14.5m and 16m away to the west, the public car park is approximately 24m away to the north and the St John the Divine Grade II Listed Church is located 12m to the East/Northeast of the site.

The main entrance to the building is shown to be on the east elevation of the building in a central position which will have a shared amenity space in front of it. The path to the entrance will also lead to the cycle store which is shown to be located in the southern corner.

The proposed building will be 28.5m in length (approximately) x 13.5m in width. These measurements vary, due to the shape of the building but are the maximum dimensions. The height of the building will be approximately 21m. The New Road flyover is 9m from the ground level of the proposed building (including wall).

Parking is provided for 16 cars along the west boundary of the site along with a bin store in the northern corner. Vehicular access is to be from Waterfront Way with pedestrian links from Railway Street, through the archway on New Cut and also from Waterfront Way.

An 'Urban Square' is also proposed as part of this scheme which will be a usable area for the general public and not just for the residents. It is considered that this feature will also act as a benefit to the adjacent Grade II Listed church.

Site Area/Density

Site Area: 0.181 hectares (0.446 acres)

Site Density: 193 dph (79 dpa)

Relevant Planning History

MC/18/0093	Provision of pedestrian access from Railway Street and associated landscaping works at St Johns Church
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Decision: Approval with conditions
Date: 15/03/2018

MC/16/2827	Construction of a part five storey part six storey block comprising of fifteen 1-bedroomed and twenty seven 2-bedroomed apartments with associated parking, landscaping and refuse/cycle store Decision: Withdrawn
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Representations

The application has been advertised on site, in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties.

The Environment Agency, Kent Police, Historic England, Natural England and Southern Water have also been consulted.

8 letters have been received raising the following objections:

- There is limited parking in the surrounding roads to the site with increasing pressure for local residents who already pay for resident permits that don't guarantee them a parking place near to their homes. Will there be permits for the occupants of this site?
- Property overlooking children's play rooms and garden. The height of the proposed properties is not acceptable
- Nursery will lose daylight
- Demolition of buildings and work, will cause dust / dirt affecting children's health
Cars access - we would not want the properties using the private track leading to the setting due to the volume of traffic as this is a walkway for many families. This is a narrow single car track with cars coming from both New Road Avenue and from the roundabout, it is not sustainable with the volume of properties that are being proposed. This is also a significant fire hazard.
- Construction works and associated traffic/vehicles will cause massive disruption
- Avenue Business Centre should have been consulted – share boundary – were not consulted.
- A 6/7 storey development would overlook the extension to the Avenue Business Centre.
- Natural light will be reduced into the extended offices at the Avenue Business Centre.
- Concern that road at side of Avenue Business Centre will be used as a rat run by residents up on to New Road. This is one way (entrance only) and is not an exit for safety reasons.
- Design is not in keeping with the location (especially the church)
- There are too many flats (too dense)
- The Urban Square – is this for residents or public? Who will maintain?
- Application will have an impact on the parking spaces available for 17 New Rd Avenue (Avenue Business Centre)
- The application has an insufficient noise report
- If nuisance complaints are forthcoming to the Tap'n'Tin from future occupants the Council would not be in a position to do anything about it. (please note that this statement was made at the early design stages, prior to revised proposal)
- Access to the site is not within the applicant's ownership.
- Proposal undermines the heritage importance of the church

The **Environment Agency** have stated that they have no objection to the proposals subject to the imposition of conditions in relation to:

- 1) Remediation strategy for contamination
- 2) Verification report on completion
- 3) Contamination found during construction
- 4) No infiltration of surface water drainage into the ground
- 5) Foundation restrictions

Kent Police have required the applicant/agent to consult and seek advice from the local Designing Out Crime Officer (DOCO), Crime Prevention Design Advisor or a suitably qualified security specialist, albeit that it is clear that the applicant/agent has considered crime prevention and has attempted to apply the seven attributes of CPTED in their Design and Access Statement (DAS) and Planning Statement (pages 13 and 24). It is considered that consultation should consider the crime prevention issues for the proposed development, in particular:

1. Access control measures – a full audio visual access control system will be required.
2. Mail delivery – a through the wall system is preferred and strongly recommended if space allows. If mailboxes will be sited within the lobby area, an access controlled air lock would need to be created and there does not appear to be sufficient room for this. Without an internal air lock, the scheme would be unlikely to achieve SBD accreditation as the stair and lift cores would remain accessible, should this option be chosen for mail delivery.
3. No trades button should be installed
4. Footpaths into and out of the site.
5. Access control measures will also need to be installed on the internal door leading into the cycle store.
6. Defensible space should be incorporated to aid privacy and security for all ground floor bedroom windows.
7. Parking.

Southern Water do not object to the application but have requested a condition be placed on any permission relating to public sewer protection.

Natural England do not object to the application and have sent standard advice relating to biodiversity opportunities if considered to be in an appropriate location.

Historic England have no objection in principle to the site's redevelopment which is recognised to be capable of generating public benefits in the form of new housing as a contribution to the Councils need. Historic England believe this proposal causes a low level of harm to heritage significance. They acknowledge this impact can only be appreciated in views from Waterfront Way and that the building would almost certainly have no presence in views from Railway Street towards the church.

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

The redevelopment of the Pentagon Motors site at the New Cut Industrial Centre has been in discussion for a number of years. A pre-application request was first received in relation to this site in 2015 with an application being received in 2016 (MC/16/3837). Due to significant concerns in relation to design and impact the 2016 application was withdrawn and then later the current application submitted.

Since submission in 2018 there has been significant redesign and additional work that has been carried out in relation to the acoustics and noise. The current scheme, including winter gardens, reflects those re-designs and additional work and as a result the unit numbers have also been reduced from the original submission from 41 to 35.

Principle

The application site lies within the urban area as defined within the proposals plan accompanying the Medway Local Plan 2003.

Policy H4 of the Local Plan sets out certain development that will be permitted within the urban area including mixed commercial and residential uses in proximity to town centres. The impact on the local environment will be addressed below but in principle there is no overriding objection to the development with regard to this policy or to the more recent advice in the NPPF, including paragraph 10 which says that applications should be considered in the context of the presumption in favour of sustainable development. A key element of national housing policy is to minimise the loss of greenfield sites for residential use by making the best use of development opportunities within existing urban areas.

Paragraphs 7, 8 and 11 of the NPPF are relevant to the proposal in that there is a presumption in favour of sustainable residential development and support to deliver a wide choice of high quality homes. The proposal is in a sustainable location only 130m (approx.) from Chatham Railway Station and 260m (approx.) from Chatham bus station. Chatham Town Centre is within a 200m walk. The NPPF supports the delivery of a wide choice and mix of high quality homes to meet the needs of different groups in the community. The proposal would contribute to the vitality and viability of the area.

The proposal is for high density housing close to the town centre, public transport and local facilities. In these locations low density housing will not be permitted in accordance

with Policy H5 of the Local Plan. The NPPF and NPPG's encourage higher densities around nodes of public transport such as bus and railway stations.

The proposed development site is located in an area earmarked for redevelopment as part of Medway's long-standing regeneration programme as identified in the Chatham Centre and Waterfront Development Framework 2004 and the Chatham Centre and Waterfront Development Brief 2008. This site sits within the 'Station Gateway' area of this document.

The purpose of the Chatham Centre and Waterfront Development Brief is to provide guidance for developers and landowners and to inform planning decisions on new development within the masterplan areas. It sets out the regeneration aspirations for Chatham. This includes making Chatham a City Centre for Medway which has its own powerful and distinct identity.

The Station Gateway aspect of this brief discusses the need/aspiration of creating a new pedestrian link running parallel to Railway Street. This route would be key to improving connections between this area, the waterfront and the town centre.

The redevelopment of the site for residential purposes is accepted in principle in accordance with Policy S1, S5, H4 and H5 of the Local Plan, Chatham Centre and Waterfront Development Framework 2004 and the Chatham Centre and Waterfront Development Brief 2008, as well as Paragraphs 10, 11, 12, 117 and 118 of the NPPF.

Design and Landscaping

One of the key factors in relation to the acceptability of a scheme here is that of design. The location of this proposal is considered to be prominent in the town centre and is also adjacent to a Grade II Listed church. The importance of this site in relation to the wider Chatham regeneration is also considered to be significant.

The design rationale that has been influential is the need to keep the proposal simple and functional with a strong emphasis on good detailing, including use of materials. As well as this, design has also had to take account of the constraints that are in existence on site. Specifically, these include:

- The physical barriers encountered here including the proximity of adjacent and significant buildings and the drain that runs through the site.
- Poor pedestrian permeability through the site. Currently the site does not integrate with the surrounding area and the transport links but it is felt that there is a possibility of enhancing pedestrian permeability quite considerably.
- The fact that this area is a car dominated area. The need to promote public transport links and ensure good pedestrian permeability are re-enforced by this constraint.

- The amount of hard surfacing and lack of green space/open space that is in the immediate area.
- The fact that this site has been an industrial site within the town centre which has up until now had a lack of identity. The single storey shed style buildings that were on site (prior to demolition) were industrial in nature and did not enhance or form part of the character of the town centre itself.

The re-designs now result in a site plan that shows shared amenity spaces, private amenity spaces, parking for 16 vehicles, an urban square and various tree and shrub planting (in suitable locations). Overall this scheme provides a green buffer between the back of the properties on Railway Street (with the inclusion of a shared amenity space) as well as providing an 'Urban Square' for the public to utilise to the north of the building. This integrates with the pedestrian access from Railway Street (between no.20 and St Johns church) and also has a more suitable relationship with the church itself as it provides a public open space which is considered to appropriately frame the building. The 'Urban Square' is to be a hard surfaced area with tree planting throughout. The detailing of this in terms of materials is not finalised at this stage, however an appropriate condition is recommended that will also address tree planting. The impact on the church is detailed later in the Heritage Impact section.

The site plan demonstrates how a cycle store and refuse storage/collection area can be accommodated. It is considered that the location of these 'outbuildings' is appropriate and neither would result in visually intrusive additions to the overall development. The design of these structures has been kept simple and are not considered to be out of character or detrimental to the overall scheme. They are proposed as flat roof, single storey structures, modest in size and height that will be built in a material to be agreed at a later date and an appropriate condition is recommended.

In terms of the design of the block itself, the redesigns now result in a 7 storey block that is predominantly brick with a recessed darker brick on the ground floor and a cladding feature on the top two storeys. Whilst these are the 'dominant' building materials there is also a significant amount of glazing shown throughout all elevations in the form of windows and winter gardens.

A winter garden – or sky garden, as some call it – is a glass box that is all about providing an extension to the living space in new-build apartments. It's the modern take on a covered balcony. Not only does this create a versatile space within these flats, but it is also an essential design solution in overcoming noise concerns in relation to New Road and The Tap'n'Tin. This is set out in more detail within the Amenity and Noise section.

The overall design, with the introduction of balconies and winter gardens and the variation in materials is considered to be innovative and modern but still appropriate in the context of the area. The modern block will be comparable in height to the adjacent church spire and the impact on this Grade II Listed building is assessed below. The building will be visible from approaches from various directions (including Maidstone Road and New

Road) but the scale in terms of a town centre residential unit is considered to be acceptable.

Landscaping here is to be limited as it is a brownfield site in a town centre location. The shared and private amenity spaces do however allow for areas of green space to be introduced on the site. Appropriate conditions are recommended regarding hard and soft landscaping along with details on the tree planting and any other planting that is to be incorporated within the site (including the car parking area). As part of this a maintenance plan will also be required.

The scheme is considered to comply with Policy BNE1 of the Local Plan and Paragraphs 124, 127, 128 and 131 of the NPPF 2019.

Heritage Impact

The site is not within a Conservation Area, there are no statutorily listed structures around the immediate site other than the Grade II* listed Church of St. John the Divine. St. John the Divine is a Commissioners/Waterloo Church. The church is in the Italianate style, with a rectangular plan, constructed of Kent rag stone. Aesthetically the church has simple detailing, which accords with the architectural methods of Commissioners churches which were mostly cheap and utilitarian.

Aesthetically important details of the church are its solid form and bulk and its rock-faced ashlar fabric. Italianate churches generally demonstrate significant architectural detailing, with churches often possessing taller towers; this example of Italianate church architecture is therefore not considered to be of great aesthetic significance to the exterior of the building. Although currently closed, the church possesses communal value, as the Diocese of Rochester intends to renovate the church and re-open for community use. The building, although relatively modern in architectural terms, reflects a period of history whereby a large number of churches were constructed following a period of upheaval in Europe.

The proposed development would be visible from part of Chatham New Road Conservation Area and from a small section of the New Road Rochester Conservation Area.

The setting of the church must be assessed against relevant policies where special regard should be made to the desirability of preserving the “building or its setting, or any features of special architectural or historic interest which it possesses.” There is a very detailed heritage statement that has been submitted that describes the history and context of the site which has been well researched.

The church was constructed and located within very close proximity to a number of buildings to the north, with very little space allocated as its own “private” land. Historic Evidence shows that the church did benefit from a number of open spaces to its perimeter, in addition to a good number of trees being in its proximity, which all made a positive

contribution to its setting. Currently, it is set within a very constrained environment, with very little landscaping or any other positive elements that benefit the building; its previous grass verge to Railway Street has also been reduced, due to the widening of this road in conjunction with other road development in Chatham.

The wider setting of the site includes some larger buildings to the west on New Road Chatham which because of the level change between the road and land to its rear are close to 4 storeys at the rear. Owing to the way in which the site and its immediate environs developed in the later 19th century, the church has retained its prominence in the street, especially in views from Waterfront Way but also in views along Railway Street. Although the tower of the church can be viewed from a number of locations throughout Chatham, the most important views are those from Waterfront Way and from the top of the pedestrianised section of Railway Street, in front of the church, where it is possible to fully appreciate the solid nature and full form of the building.

It is considered that this proposal causes some minimal harm to the setting of the churches heritage significance but, ultimately has benefits noted below. The NPPF advises LPAs to take into account the following points when drawing up strategies for the conservation and enjoyment of the historic environment:

- The desirability of sustaining and enhancing the significance of heritage assets and preserving them in a viable use consistent with their conservation. The proposals will conserve the heritage asset these being the aesthetically important details of its solid form and bulk and its rock-faced ashlar fabric. In addition, by way of the proposed landscaping, there will be interaction with the church, turning this area into a desirable destination with its new use and also nearby adjacent public realm landscaping works and road widening development.
- The wider social, cultural, economic and environmental benefits that the conservation of the historic environment can bring. Although currently closed, the church possesses communal value, as the Diocese of Rochester intends to renovate the church and re-open for community use thus providing public benefits and securing the site for its optimum viable use.
- The desirability of new development in making a positive contribution to local character and distinctiveness. The sites redevelopment is capable of generating public benefits with its proximity to the church in the form of new housing.
- Opportunities to draw on the contribution made by the historic environment to the character of a place.

It is acknowledged that the new development (with the right materials) will have a positive impact when compared to the run down garages (now demolished).

The impact therefore on the adjacent church is considered acceptable and is the proposal is compliant with Policy BNE18 of the Local Plan and Paragraphs 189, 190 and 192 of the NPPF 2019.

Amenity and noise

A fundamental issue when looking at the acceptability of this scheme is the impact of the existing surroundings on the future occupiers of these units. The Tap'n'Tin nightclub is in close proximity to the proposal on the east boundary and on at least 2 nights of the week it opens until 4am. Part of the initial concerns with this scheme have solely related to the fact that the late nights at the club would result in unacceptable noise levels within the proposed units resulting in poor quality of living.

With regard to the noise issues, significant amounts of work have been done to overcome these concerns, which includes 4 redesigns of the proposal. The current scheme with winter gardens has been evaluated and a Noise Technical Note has been produced. This has been assessed and is considered to address the Councils initial concerns. It is recommended that conditions requiring the implementation of the proposed mitigation measures within the technical note be included and that that some enhanced levels of air borne sound insulation is also provided internally.

It is also necessary to take into account the impact that this proposal will have on neighbouring properties.

It is not considered that there are any residential properties to be impacted by this proposal however there are businesses within the vicinity that have expressed concerns in relation to the potential loss of light and outlook.

Avenue Business Centre (to the west of the application site) is located approximately 35m away and, given the orientation of the buildings, will not suffer significant loss of daylight. It is noted that these are not habitable buildings (only businesses) and many of the parts of the buildings that are impacted are extensions to the original building themselves.

The adjacent children's nursery has commented on the issue of overlooking into the nursery and potential loss of privacy. The impact on the nursery is slightly different as this is a children's facility so privacy is an issue. The flats that are proposed will be some 16m from the flank wall of the nursery. It is appreciated that there are to be balconies facing this flank wall which has windows in it, however the nursery only operates in the day until 6:30pm and the amount of 'overlooking' will be limited. Due to the large number of windows within the nursery the size of each window is limited and the ability to view into these windows is substantially restricted. In general terms the impact is considered acceptable and would not warrant refusal on loss of privacy or overlooking to the nursery.

The flats themselves that are proposed are all 1 and 2 bed units. These are located over 7 floors with 5 units per floor.

	1 bed/2 person units	Bedroom sizes	2 bed/3 person units	Bedroom sizes
Ground floor	4 x 50m ²	All above 11.5m ²	1 x 61m ²	All doubles above 11.5m ² , Singles above 7.5m ²
Floors 1-6	3 x 50m ²	All above 11.5m ²	2 x 61m ²	All doubles above 11.5m ² , Singles above 7.5m ²

As can be seen from the above table, all of the units satisfy the National Housing Standards in terms of overall size and minimum bedroom spaces. It is therefore considered that with regard to the standard of housing being achieved these are good sized units, all of which have access to an outdoor space and also a winter garden.

There are some design issues relating to the internal layouts, with bedrooms adjacent to living spaces of other units. This issue has not been designed out fully as yet and a higher level of airborne sound insulation will be required for the separating walls/ceilings/ floors of the affected units. An appropriate condition is therefore recommended.

All occupants not only have balconies and winter gardens but also have access to the 'Urban Square' proposed as part of this development and the semi-private amenity area by the entrance doors as well as being located approximately 150m walk away from Victoria Gardens on New Road.

Given that the amenities of the future occupants is considered satisfactory by way of both unit sizes and noise impacts from neighbours; that there are no residential in close proximity to be impacted; and the adjacent businesses are distanced sufficiently from the proposal, the application is considered to comply with Policy BNE2 of the Local Plan and Paragraphs 85, 117 and 118 of the NPPF 2019.

Contamination and Air Quality

The previous use of this site was a car repairs centre/garage. It is therefore considered that the use may have led to there being issues of contamination. A preliminary Geoenvironmental and Geotechnical Report by TEC Consulting (Ref. 1607017.001.01) dated August 2016 was submitted. The report concluded that there were potential contamination issues and recommended further investigation. An appropriate condition is recommended.

The development itself is unlikely to have a significant impact upon the existing Central Medway AQMA, due to the limited number of parking spaces provided. In accordance

with the Medway Air Quality Planning Guidance the following standard air quality mitigation measures are proposed and secured via an appropriate condition:

- Installation of low NOx Boilers
- Installation of 2 electric vehicle charging points

Highways

Access - The vehicle access would be via a side road coming off the roundabout at Waterfront Way. It is noted that it appears that the applicant does not own the strip of land that connects the development site to the public highway and therefore there could potentially be some civil matters that would need to be agreed by the applicant and the land owner, however the access proposed would be acceptable. With regard to refuge collection, the applicant has provide tracking for a refuge truck which demonstrates that the truck can enter and exit the public highway in a forward gear and therefore no objection would be raise.

Trip Generation - In order to assess the movements associated with the existing and proposed land uses, the Transport Statement has used TRICS to establish the trip generation. The changes in vehicle movements is negligible from the existing and proposed use. The increase of vehicles would not have a severe impact on the highway network.

Parking - The proposal has been considered in the light of the level of proposed parking provision, the access and egress in relation to the existing access arrangement and highway and pedestrian safety generally. Due to the location of the site in close proximity to the town centre and railway station, which permits a reduction to the Council's minimum parking standards with good bus links from this site to the wider Medway area, no objection would be raised. Visitors could utilise the public car park north of the site. Notwithstanding this, a condition is recommended to outline how the car park would be managed, as well as confirming that residents would not be permitted to apply for parking permits.

Electric charging points - The applicant has made no reference to electric charging points but given the size of the development, there is a requirement for 3 points and an appropriate condition is recommended.

The proposal would not result in any detrimental increase in risk to highways or pedestrian safety and is considered to be acceptable in terms of Policies T1, T2 and T13 of the Medway Local Plan 2003 and paragraphs 102, 103, 109 and 110 of the NPPF. The proposal has the provision of secure cycle storage in accordance with policy T4 of the Local Plan

Drainage

The site is situated close to but outside of an area considered to be at high risk surface water flooding in accordance with the Environment Agency updated Flood Map for Surface Water. Development at this site represents an opportunity to reduce the burden on the existing sewer system and reduce the risk of surface water flooding to the surrounding area.

Paragraph 079 of Flood and Coastal Change states that when considering major development, sustainable drainage systems (SuDs) should be provided unless demonstrated to be inappropriate.

Paragraph 80 presents a hierarchy of drainage options to follow with aim being to discharge surface runoff as high up the hierarchy as possible. This is also reiterated within Part H of the Building Regulations. The options are:

- 1 Into the ground.
- 2 To a surface body.
- 3 To a surface water sewer, highway drain, or another drainage system.
- 4 To a combined sewer.

Such measures which may be appropriate at this site include water butts, permeable paving, filter strips and soakaways. Other measures include rainwater harvesting and grey water recycling which also have the benefit of reducing potable water demand. At a more basic level, increasing permeable land via the provision of landscaped open space would also provide a benefit.

These measures would also maximise other benefits associated with the use of SuDs and fulfil other planning objectives such as increased biodiversity, landscaping and enhanced amenity.

Affordable Housing

This proposed development is to be 100% private ownership. Whilst this is not compliant with the Councils affordable housing policies it is considered that in this location it would be a positive way to inject money into the town centre, giving opportunity for people to get on the property ladder whilst also ensuring that the scheme itself is cared for and maintained to a high standard.

The viability report that has been undertaken has identified that there is no provision for any financial contribution. Substantial constraints in and around the site have restricted the number of units and the height that the development can achieve. It has also impacted on the build costs as it is necessary to incorporate greater measures to deal with the noise mitigation concerns (winter gardens). It is not financially viable to provide affordable rented units on this site either. Due to this being the case, the applicants have come forward with a private ownership scheme.

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 this is to be secured through a unilateral agreement. No objection is therefore raised under Paragraphs 175 and 176 of the NPPF and Policies S6 and BNE35 of the Local Plan.

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 have been calculated based on the quantum and location of the development.

The applicant has submitted a Viability Assessment as part of this application seeking to provide below the policy compliant developer contributions set out in the Medway Council Guide to Developer Contributions and Obligations 2018. This sets the average developer contribution per dwelling as £12,401.20. The Viability Assessment shows that the development is unviable in all scenarios where full developer contributions are applied.

No affordable housing is being provided due to this result (not being viable) and the viability has been further eroded since the original application due to build cost increases associated with revised design and layout to incorporate the additional acoustic mitigation.

The Viability Assessment has been verified by the independent Development Consultant.

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Local Finance Considerations

None relevant here

Conclusions and Reasons for Approval

The application site is considered to be part of the regeneration of a key area within Medway for which the principle of redevelopment to accommodate a residential development is supported in the Chatham Centre and Waterfront Development Framework 2004 and the Chatham Centre and Waterfront Development Brief 2008.

The proposed block of 35 flats in this location within Chatham Town Centre is considered to be acceptable in terms of the design solution that now overcomes initial concerns relating to the proximity to the night club (Tap'n'Tin). The development is considered modern and contemporary and is sympathetic to the character and appearance of the surrounding area. The units are all of a suitable size and all have sufficient balconies and amenity spaces for this town centre location as well as being in close proximity to public open space. The impact of the building on the adjacent heritage asset (St John the Divine Grade II Listed Church) is also considered to be acceptable.

The proposed development would not have a detrimental impact on neighbouring amenity of neighbouring or future occupiers in terms of daylight, sunlight, outlook and privacy. The proposed development would also not have a detrimental impact on archaeology, contamination, flood risk and surface water management, air quality, noise or highways safety.

Subject to the imposition in a number of conditions (set out within the report above) the proposal is considered to comply with Policies S1, S5, S6, BNE1, BNE2, BNE18, BNE35, H4, H5, T1, T2, T4 and T13 of the Medway Local Plan 2003 and also paragraphs 10, 11, 12, 85, 102, 103, 109, 110, 117, 118, 124, 127, 128, 129, 131, 132, 134, 175, 176, 189, 190 and 192 of the National Planning Policy Framework 2019.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the number of objections received.

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/>