

MC/18/2406

Date Received: 13 August 2018

Location: Whiffens Avenue Car Park Whiffens Avenue Chatham Kent

Proposal: Construction of 115no. residential apartments together with landscaping and associated parking

Applicant Lewis Small

Agent Mr Lewis Small
Innovation Centre Medway
Maidstone Road
Chatham
Kent
ME5 9FD

Ward: River Ward

Case Officer: Wendy Simpson

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 29th May 2019.

Recommendation - Approval Subject to:

- A. The applicant entering into an agreement under Section 106 of the Town and Country Planning Act to secure:
- Provision of 20no. 2-bedroomed affordable rented accommodation off-site at White Road Community Centre
 - Provision of 9no. on-site shared-ownership units (2no. x 1-bed, 7no. x 2-bed)
 - Contribution of **£157,740.70** towards education and the provision of nursery, primary and secondary school places.
 - Contribution of **£31,947.00** towards local heritage in the form of survey work, repairs and improved visitor access to the underground sump

- Contribution of **£257,687.06** towards the restoration, improvement and enhancement of the Town Hall Gardens open space.
- Contribution of **£28,631.90** towards footpath improvements (phase 2) at Great Lines Heritage Park
- Contribution of **£70,960.75** for the NHS to support the purchase of equipment and infrastructure for a new Healthy Living Centre in the Chatham Central locality.
- Contribution of **£30,380** towards public realm enabling work to improve the end of Military Road/Brook, creating a path at the end to the taxi rank, to facilitate the closure of the pedestrian underpass and thereby improve connectivity of the development with the town centre
- Contribution of **£19,418.90** towards waste and recycling activities related to the development
- Contribution of **£3,516.00** towards signage and information for Public Rights of Way network accessed from the development site
- Contribution of **£6,000** towards the improvement of bus infrastructure at the Chatham Bus Exchange to help encourage residents to utilise the bus service.
- Contribution of **£27,555.15** towards bird disturbance mitigation measures

B. And the following conditions:-

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

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

8 April 2019:

006 rev E - Lower Ground Floor (with cycle parking)/Ground floor

5 April 2019:

ExA_1833_120 rev B - Proposed Illustrative Tree Clearance Plan

ExA_1833_602 rev B - Site Edge Detail (southern)

ExA_1833_604 rev C - Terraces Detail

ExA_1833_101 rev I - General [planting] Arrangement Plan

ExA_1833_110 rev G - Illustrative [landscaping] Masterplan
ExA_1833_130 rev C - Lighting Strategy
ExA_1833_301 rev C - Levels Plan
ExA_1833_501 rev B - Frontage boundary treatment
ExA_1833_601 rev A - Paving Details (permeable areas)
ExA_1833_701 rev A - Typical Tree Pit detail
ExA_1833_702 rev A - Wildflower and Turf Bed details
ExA_1833_703 rev A - Hedge and Shrub Planting Beds

29 March 2019:

CGI - view 4

004 rev C - Site Layout and Lower Ground Floor
(without cycle parking)
005 rev D - Site Layout and ground floor plan
007 rev D - First and Second Floor Plans
008 rev D - Third and Fourth Floor Plans
009 rev E - Fifth and Sixth Floor Plans
010 rev E - Seventh and Eighth Floor Plans
012 rev D - Front Elevation
013 rev D - Rear Elevation
014 rev D - Proposed Sections

13 August 2018:

18.005 rev 001 (Site Location Plan)

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

- 3 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority. The development shall be carried out only in accordance with the agreed programme.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

- 4 No development shall take place until details of the foundation design and any other proposals involving below ground excavation have been submitted to and approved by the Local Planning Authority, in consultation with Kent County Council Archaeologists. Development shall only be carried out in accordance with the approved details.

Reason : To ensure that due regard is had to the preservation in situ of important archaeological remains

- 5 No development shall commence until all points detailed in Section 9 (Preliminary remediation strategy) of the Geo-environmental Assessment Report compiled by Merebrook (dated June 2018 reference GEA-21585A-18-245) submitted with this application, shall be implemented. This includes the following key points:
- A. Prior to commencement of any works, a Remediation Strategy, Implementation Plan and Verification Plan should be submitted to and approved by the LPA.
 - B. Following completion of the measures identified in the Approved Remediation Strategy, 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 commencement of the development.
 - C. 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 and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority.
 - D. Following completion of the measures identified in the Approved Remediation Strategy, a Verification Report providing details of the data that will be collected in order to demonstrate that the remediation works 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 2.
 - E. A Remediation Closure Report should be submitted to the local planning authority for approval which details the remediation which has been undertaken at the site.

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.

- 6 No development shall commence until 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; parking of operatives vehicles, deliveries to the site; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust and air quality control measures in accordance with the Institute of Air Quality Management

(IAQM) Guidance on the Assessment of Dust from Demolition and Construction, 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.

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.

- 7 All gas fired boilers installed in the dwellings hereby approved shall meet a minimum standard of <40mgNO_x/kWh.

Reason: To ensure air quality standards are not detrimentally impacted by the development in accordance with policy BNE24 of the Medway Local Plan 2003.

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A) The separating walls between the bedrooms and the living/dining/kitchen rooms of apartments under 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.

B) The separating partition between bedrooms and living rooms of residential 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.

C) The separating ceiling and floor between a plant room and any residential dwelling shall resist the transmission of airborne sound such that the weighted standardised level difference (DnT,W +Ctr) shall not be less than 55 decibels as measured and calculated in accordance with BS EN ISO 16283-1 2014.

Reason: In the interests of residential amenity and to accord with Policy BNE2 of the Medway Local Plan 2003.

- 9 Prior to the first occupation of any of the dwellings herein approved all of the car parking spaces within the lower ground floor level parking area shall be fitted each with a 3.6kW electric vehicle charging unit. The charging units shall be maintained in place and in good working order thereafter.

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

- 10 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.

- 11 Notwithstanding submitted details, no development shall commence above foundation/slab level until the following building details have been submitted to and agreed in writing with the Local Planning Authority:

- continuous annotated wall / roof sections at 1:20 (1:10 if necessary) and related to annotated part elevations of the same scale coordinated with material / component samples;
- supplementary details of eaves, verge, dormers, brick bonding & joint types, mortar colours, scheme colourways, entrance recess soffits, 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, boiler and other flu placements at a scale of 1:5 and coordinated with material / component sample panels / component assemblies.

Reason : To ensure the good appearance of the building within the setting of a Scheduled Monument to accord with policies BNE1 and BNE20 of the Medway Local Plan 2003.

- 12 No development shall commence until sections through the site showing the building in relation to the site to its southwestern, northwestern and southeastern sides, including land levels and external treatments across the site, has been submitted to and agreed in writing with the Local Planning Authority. The development shall be built in accordance with the agreed details.

Reason : Reason : To ensure the good appearance of the building within the setting of a Scheduled Monument to accord with policies BNE1 and BNE20 of the Medway Local Plan 2003.

- 13 Notwithstanding the submitted hard and soft landscape details, no development shall commence above ground floor slab/foundation level, until 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. Soft landscape details shall include planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and

proposed numbers/densities where appropriate; tree pit details including species, size, root treatment and means of support; implementation programme. All planting, seeding and turfing comprised in the approved scheme of landscaping, shall be implemented in accordance with the timetable approved as part of the approval to this condition and maintained in accordance with the agreed management and maintenance plan under condition 14.

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

- 14 Prior to the first occupation of any dwelling 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 for a minimum period of five years and arrangements for implementation. The development shall thereafter be implemented in accordance with the approved details.

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

- 15 No development shall commence above foundation/slab level until details of the creation of pedestrian and cycle paths in the east to west arm of Whiffens Avenue, shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be completed prior to the first occupation of any of the dwellings herein approved and shall be maintained as such thereafter.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with Policy T1 of the Medway Local Plan 2003.

- 16 Any tree and/or shrub planted pursuant to condition 13 and being removed or severely damaged; dying or becoming seriously diseased within 5 years of planting shall be replaced with a tree or shrub of a similar size and species unless approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 17 Notwithstanding the details contained in Reptile Survey and Mitigation Plan, Version 3 dated July 2018, within one month of the date of this planning decision a Habitat Management and Monitoring Plan (HMMP) for the reptile receptor site shall be submitted to, and be approved in writing by, the local planning authority. The content of the HMMP shall include the following:

- A. Description and evaluation of features to be managed.
- B. Aims and objectives of management.
- C. Prescriptions for management actions.
- D. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- E. Details of the body or organisation responsible for implementation of the plan.
- F. Ongoing monitoring and remedial measures.
- G. Details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the HMMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To ensure the successful translocation of reptiles from the site to an off-site receptor site in accordance with policies BNE37 and BNE39 of the Medway Local Plan 2003.

- 18 No development shall commence above foundation/slab level until details showing how the development will enhance biodiversity within the site and the adjacent area to be cleared of trees, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the recommendations outlined in section 4.2.2 of the submitted Extended Phase 1 Habitat Survey, dated March 2016. The approved details shall be installed prior to the first occupation of any of the units herein approved.

Reason: To incorporate biodiversity improvement in and around the development in accordance with paragraph 175 of the NPPF 2019.

- 19 The clearance of trees and vegetation on the escarpment to the rear of the site, as shown on drawing ExA_1833_120 rev B, shall take place outside of bird nesting season, which runs 1st March and 31st August inclusive and clearance shall only take place with the presence of an ecologist to address any wildlife issues that arise during clearance.

Reason: To protect nesting birds from harm with the removal of habitat in accordance with policy BNE39 of the Medway Local Plan 2003.

- 20 Prior to the first occupation of any of the dwellings herein approved, a copy of a legal agreement between the Fort Amherst Trust and Medway Council, agreeing details for the maintenance and management of the cleared escarpment to rear of

the site, in accordance with drawing ExA_1833_120 rev B, including agreement that Medway Council commits to undertaking the maintenance and management details in perpetuity, shall be submitted to and agreed in writing with the Local Planning Authority. The agreed maintenance and management regime shall commence as soon as clearance of the trees and vegetation in the area commences.

Reason: To reduce harm to the setting of a Scheduled Monument by the development in accordance with policies BNE20 of the Medway Local Plan 2003.

- 21 No works to trees T2 and T3, as identified on drawing CCL10049/TCP rev 1 within the document 'BS5837 Arboricultural Report' (Crown Consultants, dated 25th July 2018), shall take place until a method statement for the tree works, taking into account the potential for bats and nesting birds, has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the:

- A. Purpose and objectives for the proposed works;
- B. Working method, including timings, necessary to achieve stated objectives, including aerial inspections and dawn return surveys (as appropriate);
- C. Extent and location of proposed works shown on appropriate scale plans;
- D. Persons responsible for implementing works, including times during tree works when specialist ecologists need to be present on site to undertake / oversee works.

The works shall be carried out in accordance with the approved details.

Reason: To protect adjacent sensitive habitat areas and protected species in accordance with policies BNE37 and BNE39 of the Medway Local Plan 2003.

- 22 Notwithstanding drawing ExA_1833_130 rev C, no development shall commence above foundation/slab level until details of an external lighting scheme which takes account of the Bat Conservation Trust guidance has been submitted to and agreed in writing with the Local Planning Authority. Details of the lighting scheme include the position and location of lights, details of lighting strength, details of any light guards or shields and light spill. Prior to the first occupation of any of the dwellings herein approved the lighting scheme shall be installed in accordance with the agreed details and maintained as such thereafter.

Reason: In order to reduce light pollution and protect adjacent sensitive habitat areas in accordance with policies BNE37 and BNE39 of the Medway Local Plan 2003.

- 23 No development shall commence until 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 have been submitted to and approved in writing by the Local Planning Authority. The details shall include (if applicable):

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

- 24 Prior to the first occupation of any of the dwellings herein approved 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 in condition 23.

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.

- 25 Prior to the first occupation of any of the dwellings herein approved full details of the interpretation board and public seating to be installed outside of the entrance to the site, as shown on drawing ExA_1833_101 rev I, shall be submitted to and agreed in writing with the Local Planning Authority. The details of the interpretation board shall include exact location, dimensions, materials, text, graphics, colours. The approved details shall be installed prior to the first occupation of the any of the dwellings herein approved.

Reason: To ensure a satisfactory visual appearance and to ensure the development makes a positive contribution to local character and distinctiveness.

- 26 No development shall commence above foundation level until details of the refuse store shown on drawings ExA_8833_101 rev I and ExA_1833_110 rev G, has been submitted to and approved in writing by the Local Planning Authority. The refuse store shall be implemented in accordance with the approved details prior to any dwelling herein approved being occupied and thereafter maintained.

Reason: All new residential development requires provision of adequate accommodation for cycle and refuse storage to accord with Policies BNE2 of the Medway Local Plan 2003.

- 27 No dwelling herein approved shall not be occupied until the area shown on drawing 006 rev E as vehicle parking space (motor vehicles and cycles) 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 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.

- 28 No part of the development hereby approved shall be occupied until a Car Parking/Servicing Management Plan, has been submitted to and agreed in writing by the Local Planning Authority. The submitted details shall include the operational arrangements for residential and commercial vehicles, space sharing arrangements, disabled parking, car club arrangements, Parking Management Strategy review arrangements and a price review/increase strategy in relation to any paid visitor permit scheme for the site and removal of entitlement for residents of Whiffens Avenue development to apply for street parking permits. The development herein approved shall operate in accordance with the approved plan.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency outside of the site and to accord with policies BNE2, T13 and T2 of the Medway Local Plan 2003.

- 29 Prior to the first occupation of any of the units herein approved a revised Travel Plan encouraging sustainable forms of transport shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details of the Travel Plan.

Reason: To encourage sustainable forms of transport in accordance with Policy T14 of the Medway Local Plan 2003.

- 30 No development shall commence above ground floor slab/foundation level until details of an amended Traffic Regulation Order, for the closing off of the east to west arm of Whiffens Avenue to motorised traffic, has been submitted and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details prior to the first occupation of any part of the development herein approved.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with Policy T1 of the Medway Local Plan 2003.

- 31 No development shall commence above foundation/slab level until details for the provision of two car club parking spaces have been submitted to and agreed in writing with the Local Planning Authority. Details of the operational arrangement for the car club shall be provided with the Car Parking/Servicing Management Plan

submitted under condition X. The development shall provide the agreed car club spaces prior to the first occupation of any of the units hereby agreed and manage them thereafter in accordance with the Car Parking/ Servicing Management Plan submitted under condition 28.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency outside of the site and to accord with policies BNE2 and T13 of the Medway Local Plan 2003.

- 32 Notwithstanding site layout drawings ExA_1833_101 rev I and ExA_1833_110 rev G the vehicle access to the site shall be increased in width to a minimum width of 5m, in addition to the separate pedestrian access.

Reason: To ensure suitable access to the site in accordance with policy BNE2 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

The proposal seeks full planning permission for the re-development of an existing car park to construct a single building of eight storeys in height, plus lower ground floor parking basement, to provide 115no residential apartments (35no one- bedroomed and 80no. two-bedroomed), including 9no. Shared-ownership units (1no. 1-bedroomed and 7no. two-bedroomed) along with landscaping and other associated works.

The building measures approximately 90.7m width by 24m high with eight storeys plus a lower ground floor parking level. The ground floor to sixth floor levels are made up by a series of blocks, linked by recessed areas along the frontage. The blocks are framed by banded brickwork and also utilise extensive areas of glazing, balconies and detail 'corbelled' brickwork detailing in key locations. The recessed areas between the blocks utilise enclosed balconies and white render. The seventh floor level is inset from the elevations of the floors below and forms a 'castellated' top to the building with rooftop gardens. The external cladding for the seventh floor apartments are to be agreed.

Parking is to be provided at basement level with 90no. Dedicated parking spaces being provided for the 115no. Units. Cycle parking is also to be provided at basement level and a scheme of hard and soft landscaping.

The proposal also includes a number of mitigation and enhancement works in the area immediately surrounding the site, including a package of improvement works to the Town Hall Gardens, the closing of the public highway (Whiffens Avenue) to motorised traffic, between the site and Town Hall Gardens, and its resurfacing to provide dedicated cycleway and footpath. In addition is proposed the clearance of trees on the upper level

of the escarpment to the rear of the site and from the end of Whiffens Avenue up to Fort Amherst, together with the ongoing maintenance of this cleared area.

The site falls within the defined urban area of Chatham and is currently a car park. Historically the site was a military burial ground. To its northern side is the Fort Amherst Scheduled Monument. To its western side is the residential building 'The Eye' and some small detached buildings. To its south is a public car park and the Town Hall Gardens open space and to its western side is the Great Lines heritage park.

The site is located outside of any flood zone, as specified on the Environment Agency Flood Map, but is close to the flood zone 3 that runs along The Brook to the south of the site.

The proposal must be considered alongside an application submitted at White Road Community Centre, Chatham, under reference MC/18/2553, also on this agenda. It is proposed to locate the affordable rented housing for the Whiffens car park proposal off site at the White Road Community Centre site whilst shared ownership units will be retained on site.

Site Area/Density

Site Area: 0.56 hectares (2.47 acres)

Site Density: 205.36dph (46.569 dpa)

Relevant Planning History

MC/18/2553	White Road Community Centre, Chatham Development of existing open space to provide 20No. Affordable dwellings, landscaping and associated car parking.
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Representations

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

Historic England, KCC Archaeology, Natural England, KCC Biodiversity, Southern Water, Medway Fire Services, Kent Police, Southern Gas Networks, National Grid, NHS Medway, Environment Agency have also been consulted.

The **Brook Theatre** advise that they have concerns in respect to the drainage in the area, concerns about the impact of the construction period on their activities and the build up of traffic that occurs on Whiffens Avenue waiting to exit the junction with The Brook.

Southern Gas advise they have no objections or comments.

KCC Biodiversity advised that further bat survey work is required in respect to two trees that are now to remain on the escarpment but be 'monolithed', additional information needs to be provided in respect to the reptile translocation from the site, biodiversity enhancement and the clearance of scrub and nesting birds. They advise these matters can be the subject of planning conditions.

Historic England objected to the original proposal but have withdrawn their objection on the revised proposal subject only to securing a package of heritage gains, most critically the clearance of the trees from the escarpment to the rear of the site, as proposed, and its management and maintenance in a cleared state in perpetuity. Without this being achieved they are minded that the clearance works would not hold much weight under paragraph 196 of the NPPF. They are minded that a condition to secure the clearance of the trees prior to occupation is applied and then a further condition related to ongoing maintenance, both elements being secured by a legal agreement to ensure these are carried out and maintained in perpetuity.

KCC Archaeology originally objected to the proposal but following further archaeological investigation, including trenching, and evaluation they have withdrawn their objection subject to the use of conditions related to the agreement and implementation of a programme of archaeological work and details of foundation design and other underground excavation being agreed.

UK Power Networks advise that they have no objections or comments.

The Fort Amherst Trust – Objected to the original proposal for the site in respect to the impact on the setting of the fort, the threat to archaeology, obstruction of views of the fort from below. They have not responded to consultation on the revised application but have been in discussion with the applicant in respect to the clearance of trees on the escarpment and have advised that *'the Trust is happy to agree with the proposed clearance of trees and vegetation on the slopes above your proposed development. However, we would like to be consulted in respect to each stage of the actual work. This agreement is given without prejudice in respect to the submissions made by the Trust in respect of the original planning application'*.

The **Lead Local Flood Authority** No objection subject to conditions.

Kent Police advise that it is not apparent that proposal has been designed in accordance with the Kent 'Design for Crime Prevention' 2013 and requests that the applicant make contact to discuss secure by design aspects of the proposal.

8 letters have been received raising the following objections:

- During The Brook Theatre events the car park is well used and these will not be able to park
- There is already insufficient parking in Chatham
- Insufficient public parking in Chatham means that businesses will suffer

- The road network is at capacity and the additional traffic from the development will make the traffic flow worse and current public transport provision is not adequate as a suitable alternative to car travel;
- Existing traffic relying on the use to Whiffens Avenue to join the wider road network is a nightmare and the proposal will exacerbate this;
- Only 11 out of the 125 flats are social housing - how does this help social housing;
- Traffic light timing at the Whiffens Avenue junction with Dock Road only lets a few cars out at a time and the timing needs to be changed

1 of the above letters does also comment that the car park is underused and can be a magnet for antisocial behaviour.

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

This site is identified for residential redevelopment in the Chatham Centre and Waterfront Development Framework (2004) and the Chatham Centre and Waterfront Development Brief (2008).

The current application has been submitted by Medway Development Company (MDC) on behalf of Medway Council. The proposal has been subject to amendment during the course of the application, most particularly taken into account comments from Historic England in respect to the impact of development on the views to and from Fort Amherst to the rear of the site, which is a Scheduled Monument, and the field of fire of the Chatham Lines (also known as Brompton Lines).

Principle

The proposal is for the re-development of an existing car park to construct a single residential block, eight storeys in height, plus basement parking level, to provide 115 residential apartments, along with associated landscaping and other works.

The site is currently a car park within the existing urban area and is not an allocated site within the local plan. The site does not meet the definition of 'previously developed land' in the Annex 2 of the National Planning Policy Framework but 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. Whilst the application site is not 'previously developed land' neither is it 'greenfield land' as it is a large tarmac surfaced car park adjacent to the town centre.

Furthermore, the site has been earmarked for redevelopment as part of Medway's long-standing regeneration programme as identified within the Chatham Centre and Waterfront Development Framework (2004) and the Chatham Centre and Waterfront Development Brief (2008).

Local and National Policies are generally supportive of residential development in the urban area. And whilst the site is not an allocated housing site within policy H1 of the Local Plan, Policy H4 of the 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.

In this case, the site is in a sustainable location very close to Chatham Town Centre, Chatham bus station and within a reasonable walking distance to Chatham train station. 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 NPPF also supports the delivery of a wide choice and mix of high quality homes to meet the needs of different groups in the community, and it is noted that the full 25% affordable housing obligation will be provided in this proposal. It is also considered that the proposal would contribute to the vitality and viability of the area by bringing additional regular footfall into the Town Centre throughout the day and evening.

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 Development Brief proposes a diverse mix of uses to create a dynamic and vibrant Town Centre and Waterfront. It is considered that the submitted planning application would meet the aspirations of the Development Brief.

The Chatham Centre and Waterfront Framework provides the context for future investment within the area and is seen as the cornerstone of a transformation that should see Chatham reach its full potential at the heart of Medway. The aim of the Framework is

to guide planning and investment decisions for both the public sector and developers across Chatham Centre and Waterfront. The Development Framework promotes residential development on the application site which will introduce a new community and support activity in the Chatham centre area throughout the day and during the evening. It is considered that the submitted planning application would meet the aspirations of the Development Framework.

The redevelopment of the site for residential purposes is accepted in principle in accordance with Policy 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.

Impact on the character and appearance of the area

The site is located in a prominent position against the tree covered lower slope of the Fort Amherst escarpment, which forms part of the outward defensive slope of the 'field of fire'. The site falls within the defined urban area of Chatham, close to the River Medway, Chatham town centre, Pentagon Shopping Centre, bus station and the train station. The site is abutting a Site of Nature Conservation Interest/Local Nature Reserve to its eastern side, is in close proximity to and relationship with the Fort Amherst Scheduled Monument and defences, is close to the Brompton Lines conservation area to its east. Other than where the site is linked to Whiffens Road the site is surrounded by protected open space in the form of Town Hall Gardens, Great Lines Heritage Park and the Fort Amherst escarpment. The Brook Theatre is a listed building close to the site and the impact on heritage assets is discussed in the report below.

The site is located close to Chatham Town Centre, where the scale, massing, height and design of the buildings is mixed with a diverse character and significant scale at times, with Mountbatten House and the Pentagon Shopping Centre dominating the closest part of the Core Retail Area to the site and buildings along The Brook being of significant scale and presence. To the north of the application site is the residential building 'The Eye' which is of a more contemporary appearance than much of the brutalist design and red brick clearly visible in the closer parts of Chatham.

This development has the potential to significantly impact on the character and appearance of the area as well as significantly contributing to the vitality and viability of the core retail area and the town centre as a whole, which will aid in the regeneration of Chatham and create jobs in the local area. It is anticipated that the development would also increase footfall and business in the town centre.

Paragraph 85 of the NPPF states that planning policies and decisions should support the role that town centres play at the heart of communities, by taking a positive approach to their growth, management and adaption. It goes on to say that their long term vitality and viability should be promoted through a suitable mix of uses that reflect their distinctive character. Paragraph 127 of the NPPF seeks developments that are sympathetic to local character and history, including the surrounding built environment and landscape setting,

while not preventing or discouraging appropriate innovation or change (such as increased densities).

The proposed development will contribute towards a significant change to the character and appearance of this area, together with other regeneration projects such as Chatham Waterfront, as well as enhancement and improvement to the existing historic environment such as Town Hall Gardens and Fort Amherst through a well-considered package of remedial works.

The proposal is considered to contribute positively to the regeneration of the Chatham town centre area and the vitality and viability of the area. The development would be in accordance with Policies S1, S5, BNE1 of the Medway Local Plan 2003 and the relevant parts of paragraphs 85, 110, 122, 127, 130, 185 of the NPPF.

Impact on heritage assets

The development of the site has the potential to impact upon a number of nearby heritage assets including Fort Amherst and the Chatham Lines, the Brompton Lines Conservation Area. Although the site is relatively flat, it is elevated significantly above The Brook as the land rises dramatically to the east towards Fort Amherst and the Great Lines Heritage Park. The site is highly visible from these locations. A series of verified views have assessed the impact on these assets.

Policy BNE12 of the Local Plan states that special attention needs to be paid to the preservation and enhancement of the character and appearance of Conservation Areas. Policy BNE18 states that development which would adversely affect the setting of a listed building will not be permitted. Policy BNE20 states that development affecting Scheduled Ancient Monuments will not be permitted if it would be detrimental to their setting.

A detailed Heritage Statement and verified views have been submitted as part of this application. The impact of the proposal on the Conservation Area, listed buildings and Schedule Ancient Monument has been tested in a series of views that were agreed by the Local Planning Authority and Historic England, including views in combination with the Chatham Waterfront development, and are considered sufficient to assess the impact of the development.

The assessment from the viewpoints noted above found a number of key attributes and that the topography is of particular relevance, underpinning the historical significance of the defences, creating juxtaposition between the high ground of the Lines and the river below. There is a clear and observable and visual relationship between the two, where by the defences oversaw and protected the former yards, wharves, piers and river below.

Notable features found within the viewpoints include the wooded ridgeline backdrop, Fort Amherst and the Chatham Lines, and the rising landform from the river level. The visible ridgeline is noted to be sculpted and defined by the fortifications of Fort Amherst. The brick revetments of Belvedere Battery are clearly visible at its highest point before the line

of the fortifications drops down to its left in this view to be terminated visually by the chalk cliff beneath Cornwallis Battery. Chatham (Brompton) Lines themselves are a Scheduled Monument and lies within the Brompton Lines Conservation Area. The Brompton Lines themselves are on the 'Heritage at Risk' register and are described as being in a 'poor condition' with significant areas of the Fort remaining derelict, with Heritage Lottery Fund grant now starting to conserve most of these unrepaired areas.

The proposed apartment building is towards the south-eastern end of the application site and will leave intact views of the existing earthworks from the Old Town Hall on Dock Road/The Brook.

Furthermore the sloped escarpment up to Fort Amherst is covered in tree growth, which currently obscures the character and setting of Fort Amherst. The proposal will include a partial clearance of trees from the site escarpment, along the upper part and from the end of Whiffens Avenue up to the Fort, together with a long-term management plan to maintain the cleared area, which will better reveal the fortifications within key view points from below and across from higher ground in the wider area.

The archaeological value of the site is also key in the consideration of heritage matters as the site was formerly used as a military burial ground, which is discussed further in the report below.

Historic England have been heavily involved in the redesign of the development on the site and in their recent representation discourse on a number of key matters in their considerations of the development. They consider that the architectural style is more robust than the original scheme and draws on the influence of brick forms found throughout the fort with a grid system expressed in brick across the principal elevation. They are minded that the design approach is more successful in the revised location and reinforces local character and distinctiveness as advocated by Paragraph 192 (c) of the NPPF.

Of greater importance in historic environment terms, Historic England consider that the latest proposal reduces the presence of the building in key long views of Fort Amherst and its environs, which include the undeveloped Great Lines Park (formally the field of fire for the fort and the Chatham Lines to its north) and in views out from the fort.

On the whole, Historic England consider that the verified views submitted of the current scheme illustrate that the building would no longer, in most views, break the green ridge which forms a distinctive part of the setting to the fort, though it would still be a significant presence in some long views (e.g. views 9 and 11). There are still some harmful impacts to heritage significance, which arise from the prominence of the building in key views of the scheduled fort and Brompton Lines conservation area. However, overall the revised scheme has reduced the level of harm within the setting of the scheduled monument and also then proposes a package of heritage gain by removing a significant amount of trees from the escarpment so that the historic form of the fort can be appreciated. Historic England consider this scheme of tree removal to be a significant heritage gain but only if

this is secured in perpetuity via a maintenance plan and an enforceable undertaking setting how this will be funded and who will carry out the maintenance. Without securing the long-term maintenance of the cleared area Historic England would not consider this to be a lasting heritage gain to be taken into account in the consideration of the proposal.

The applicant has been in discussion with Fort Amherst Trust, who are owners of the escarpment land proposed to be cleared, in part, of trees and vegetation. The management regime proposed to the Trust by the applicant was that “the clearance would be undertaken over a period of time which avoids the bird nesting season. Following clearance, and in order to maintain the escarpment, they would commit to cut the escarpment area 2 times a year to a height no greater than 200mm which from long distances would maintain its formal appearance. The applicant also advises that Medway Council commit to the maintenance of the slope in perpetuity. The board of the Fort Amherst Trust advise that they agree with the proposed clearance of trees and vegetation and maintenance as proposed.

Therefore, whilst harm will result to the setting of an ancient monument, it is considered that the critical and long-held importance of the redevelopment of the site as part of the scheme for the regeneration of the Chatham town centre area justifies the much reduced level of harm that will occur. Furthermore the package of heritage gains to be secured as part of this development will benefit the heritage asset going forward. It is also concluded that the proposal will not result in any substantial harm to the archaeological interests of the site (discussed below) or the conservation area in which it is located. As such the development would be in accordance with Policies BNE12, BNE18 and BNE20 of the Medway Local Plan 2003 and paragraphs 127, 189, 192, 194, 195, 196 and 200 of the NPPF.

Archaeology

Policy BNE21 of the Medway Local Plan 2003 states that development affecting potentially important archaeological remains will not be permitted.

The application site is located on the site of a former military burial ground dating from the mid-nineteenth century and there is potential for a number of burials being present. Burials had been cleared from the site in the 1960s, when the current car park was created, however it was unclear how extensive or thorough any clearance might have been and in turn how many burials might still be present. Therefore, an Archaeological Evaluation report has been submitted following a scheme of trial trenching on the site.

The results of the evaluation show that the formation of the car-park in the 1960s involved significant ground truncation which would have resulted in the removal of a significant number of burials. Nevertheless, the evaluation trenching encountered at least one (possibly two) graves and it is likely that further burials will survive, particularly in the south-west part of the site, where truncation appears to be more limited.

As such, pre-commencement planning conditions are required for the agreement of foundation designs and a programme of archaeological works to be carried out.

Subject to the imposition of conditions for below ground excavation, remediation, above ground archaeology and historical interpretation the development would be in accordance with Policy BNE21 of the Medway Local Plan 2003 and paragraph 196 of the NPPF.

Design

The NPPF attaches great importance to the design of the built environment. Paragraph 124 advises that good design is a key aspect of sustainable development, creates better places to live and work and helps make development acceptable to communities. Paragraph 127 advises that decisions should ensure that developments function well and add to the overall quality of the area for its lifetime, is visually attractive as a result of good architecture, layout and landscaping, being sympathetic to local character and history and establishes or maintain a strong sense of place. Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Policy BNE1 of the Local Plan is a general, criteria based policy for all development. It seeks appropriate design in relation to the character, appearance and functioning of the built and natural environment.

The Council's design aspirations for the area are set out in Chatham Town Centre and Waterfront Development Framework 2004 and Chatham Town Centre and Waterfront Development Brief. Chatham Waterfront seeks a significant intervention within Chatham through the provision of much needed residential accommodation that acts as a catalyst for further regeneration.

The scheme is for a single block of eight storeys height, plus basement parking, set to the rear of the plot and against the backdrop of the escarpment which forms the outer defences of Fort Amherst.

The scale and location of the block within the site has been carefully considered, principally being informed by feedback from Historic England on the original proposal, and in order to address concern of the overall height of the building and the need to preserve views towards Fort Amherst. The height and length of the building has been addressed and the block relocated within the plot to the south eastern side and preserving the view up to Fort Amherst as a continuation of Whiffens Avenue, which will then further be improved by the clearance of some of the trees on the escarpment.

The building no longer curves, as the original building did, but has been developed to articulate verticality and create depth to the front façade with the use of the brick-framed blocks, framing balconies and large areas of glazing, linked together by generous recessed areas of enclosed balconies with white render, which also serves to break up the overall mass of the building. The castellated form of the top floor is not easily read

when viewed from below but will be apparent when viewed from the Chatham Lines and Fort Amherst. The external cladding for this element is still to be agreed.

Following redesign it is considered that the design approach is successful in this location and reinforces both local character and distinctiveness and would be in accordance with Policies BNE1 of the Medway Local Plan 2003 and the relevant parts of paragraph 127 of the NPPF.

Tall Buildings Policy

From middle range viewpoints the proposed development will be seen both within the context of 'The Eye' in Barrier Road, which is 7 storeys high, sizeable buildings in The Brook, the Pentagon Shopping Centre and Mountbatten House and also the five blocks recently granted planning permission on Chatham Waterfront.

The Building Height Policy for Medway 2006 (SPD) sets out criteria for the determination of applications for tall buildings, which are specified as those between 6 and 20 storeys in height. The policy states that it is essential that higher buildings contribute positively to the overall townscape and landscape and do not detract from their surroundings and should respect and enhance an area's identity, especially where proposals may affect key listed buildings (and Ancient Monuments), including their foregrounds and backdrops. The policy assessment acknowledges the area's historic character, explaining that a proposed development for higher buildings in this location must consider the impact upon the outstanding historical landmark of Fort Amherst and the unique green backdrop of the Great Lines would need careful analysis. Special consideration is also needed in relation to different views out from Fort Amherst and the Building Height Policy states that taller buildings will be considered if they are in the right place and of the highest architectural quality.

In this case the building now proposed has been reduced in height from a maximum of 10 storeys to 8 storeys, with the top floor recessed, and the block has been moved in a southeastern direction within the site to preserve views to and from Fort Amherst.

As such the building will not break through the distinct skyline created by the escarpment to the rear within most views and the height and massing of the proposal has been tested against a series of views to ensure the buildings has limited impact on heritage assets. This is discussed further in the 'heritage' section of this report.

Paragraph 122 of the NPPF supports development that makes efficient use of land and paragraph 123 states that where there is an existing or anticipated shortfall of land for meeting housing need, decisions should avoid homes being built at low densities particularly in town centres and locations that are well served by public transport.

It is considered that the height, scale and massing of the proposed building meets the ambitions of Medway's Building Height Policy and as such no objection is raised in regard

to the height and mass the building within this area or in respect to matters of its impact on the historic character of the area and landmark buildings and features.

Amenity

The development has been assessed with regard to the Medway Housing Design Standards (interim) November 2011 and the Government's Technical Housing Standards 2015 and meets these standards and as such the objectives of Policy BNE2 of the Medway Local Plan 2003.

The proposal will comprise the erection of 115no. one and two bedroom flats. The room sizes are all in accordance with the Government's Technical Housing Standards 2015. Private amenity areas and individual balconies have been provided in accordance with Medway standards. In addition to this some of the units benefit from the use of roof gardens.

The organisational arrangement of the units and the internal arrangement within each apartment is such that living accommodation and balconies are positioned at the front of the building with sleeping accommodation to the rear, closest to the embankment. This approach to the internal arrangements provides staircase cores to the rear of the building with internal layouts that maximise the opportunity for long distance views from living spaces and sunlight to living spaces.

The proposed development is considered acceptable in terms of the impact on the amenity of the future occupiers of the proposed dwellings in terms of daylight, sunlight, outlook and privacy.

In respect to neighbours' amenities the proposed block would be a significant distance from its closest residential neighbours' in 'The Eye' and the Victorian building between 'The Eye' and the adjacent public car park. Due to the distances involved no harm would occur to neighbours' amenities in respect to loss of daylight, outlook, privacy or overshadowing.

In addition, a package of improvement works are proposed to the Town Hall Gardens to the front of the site which is immediately available to future residents of the development for recreational purposes.

As such, no objection to the proposal is raised in respect to amenities and the application accords with Policy BNE2 of the Medway Local Plan 2003 and the relevant parts of paragraph 127 of the NPPF.

Noise, Air Quality, Contamination

Policy BNE3 of the Local Plan sets out noise exposure categories for new dwellings. Policy BNE24 of the local plan relates to air quality. Paragraphs 127, 170 and 180 of the NPPF seek a good amenity for current and future occupiers, and take account of matters likely effects of pollution, and noise in relation to new development.

In this case the main environmental protection issues associated with the development are air quality, noise and the potential for contamination to be present on the site due to current/former uses.

With respect to air quality, the proposed redevelopment is predicted to result in a net reduction in vehicle trips to the site and as such a reduction in vehicle emissions can be associated with a reduction in trips and the proposal is unlikely to result in a negative impact upon air quality. Following a review of the Medway Air Quality Planning Guidance 2016, it is considered that whilst an air quality assessment and emissions mitigation statement will not be required, standard air quality mitigation should be provided as the development meets the criterion for a major development within the policy. As such, a condition should be attached to any grant of planning permission to ensure all gas fired boilers to meet a minimum standard of <40mgNOx/kWh and each dedicated parking space be fitted with a slow charge electric vehicle charging point.

Furthermore, the agreement of a Construction Environmental Management Plan will ensure that mitigation measures in respect to dust from demolition and construction, as well as to control noise and working hours for the duration of the construction, are suitably managed for neighbouring properties. An appropriate condition is recommended.

In respect to noise, the development site is located a reasonable distance from The Brook and Dock Road and benefits from substantial screening provided by the buildings between the site and these roads. There are no other significant sources of noise close to the development site.

It is noted the proposed internal layout of the building does result in some potential noise issues where there are occasionally (in the layout) bedrooms sharing party walls with living/kitchen/dining areas of adjacent apartments in separate occupation and bedroom accommodation stacked on living accommodation of the floor below. An appropriate condition is recommended.

Subject to the imposition of conditions the development would be in accordance with Policy BNE3 and BNE24 of the Medway Local Plan 2003 and paragraph 127, 170, 180 and 181 of the NPPF.

Contamination

Policy BNE23 of the Medway Local Plan 2003 relates to contamination and paragraphs 127, 170, 178, 179 and 180 of the NPPF seek a good amenity for current and future occupiers, and take account of contamination in relation to new development.

A Geo-environmental Assessment has been submitted as part of this application. The report concludes that there is some contamination on the site. The report includes remediation proposals based on the investigation results which includes clean cover in

landscaped areas. Conditions can be attached to the permission to ensure the required remediation is carried out in line with the preliminary proposals.

Taking into account the investigative works carried out, it is recommended that any planning approval be subject to conditions in relation to detailed work required prior to commencement of development, which is contained within the Merebrook Phase 2 Geo-environmental Assessment Report submitted with the application.

Subject to suitably worded conditions, the proposed development is considered acceptable in terms of its impact on human health and watercourses in terms of contamination and as such is in accordance with Policy BNE23 of the Local Plan and paragraph 170, 178, 179 and 180 of the NPPF.

Highways

Paragraph 103 of the NPPF seeks development located in sustainable locations, limiting the need to travel and offering choice of transport modes to reduce congestion and emission and improve air quality and public health. National Policy also promotes the use of walking and cycle over private car. Paragraph 109 of the NPPF states that development should only be refused on highways grounds if there is an unacceptable impact on highways safety. Whilst it is considered that the development would result in an impact on the network, it is not considered to result in a severe impact that would be sufficient to warrant refusal of the application.

The proposed development would result in the loss of pay & display car parking, however it is noted that Medway's Councils own parking survey data demonstrates parking demand in the Town Centre can be accommodated even with the loss of capacity that would result from the redevelopment of the Whiffens Car Park. It is considered that the majority of these cars would divert to the car parks nearby.

The site is situated close to the River Medway and Chatham bus station and not far from Chatham train station. The development proposes 90 allocated car parking spaces for residents with 1:1 cycle spaces within the secure undercroft parking area. The proposed car parking ratio is 0.6 spaces per unit, excluding visitor parking as the site is adjacent to public car parking. Within the parking area, 9 electric vehicle charging points are proposed but a condition is recommended to ensure all dedicated parking spaces had slow charge electric vehicle charging points.

The development would utilise the existing exit/large vehicle access from Whiffens Avenue. The width of this would need to be increased to improve the functionality of the access and an appropriate condition is recommended.

The site is close to Chatham Bus Station and the Town Centre, with the train station nearby, and as such this is a highly sustainable location. There are many opportunities for sustainable travel in this very urban location, reducing the need and demand for private vehicle movements. By reducing parking on the site, densities can be increased in this

highly sustainable location and thereby opportunities for sustainable travel can be maximised.

A Transport Statement has been submitted as part of this application which conclude that an under provision of parking spaces would be acceptable in this location. Spaces will be allocated with occupiers opting to have or not have an allocated parking space. The provision of a car club, will ensure that residents can have access to a vehicle when needed. This is common in such town centre high density sites close to transport nodes, services and facilities. No car club spaces are shown in the proposal and will not be able to be provided within the undercroft as this will be gated. However, there are opportunities to provide car club spaces close to the access to the site, on Medway Council land, and as such the provision of two car club spaces can be secured by a planning condition.

Paragraph 103 of the NPPF seeks development located in sustainable locations, limiting the need to travel and offering choice of transport modes to reduce congestion and emission and improve air quality and public health. National Policy also promotes the use of walking and cycle over private car. The provision of secure cycle storage on a 1:1 basis can be secured by planning condition.

In relation to the impact on the wider highway network, it is accepted that the level of trips generated during the peak hours would not result in a severe impact to the highway network and the proposal will not result in any detrimental increase in risk to highways or pedestrian safety.

Subject to suitably worded planning conditions the proposal is considered to be in accordance with Policies T1, T2, T4 and T13 of the Medway Local Plan 2003 and paragraphs 102, 103, 109 and 110 of the NPPF.

Ecology

Saved Policy BNE37 states that development will not be permitted unless: there is an overriding need for the development that outweighs the importance of these wildlife resources; and the development is designed to minimise the loss; and appropriate compensatory measures are provided. Saved Policy BNE38 is concerned with the provision of wildlife habitats in new developments that link into wider wildlife networks. Consistent with statutory duties Saved Policy BNE39 states that "Development will not be permitted if statutorily protected species and/or their habitats will be harmed" and requires conditions or obligations to be attached to permissions to "ensure that protected species and/or their habitats are safely guarded and maintained". NPPF Paragraph 175 states that 'the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible.'

In this case the applicant has submitted a desktop ecology report, bat potential information and reptile survey and an addendum to the ecology report.

The key ecological matter in relation to the proposal relates to the removal of trees on the escarpment behind and the translocation of reptiles from the site, which has already taken place.

Whilst overall the ecological matters are considered to have been suitably considered, and if necessary the subject of planning conditions, there are some matters that remain to be concluded.

Under this proposal a large area of trees and scrubs (approx. 0.3ha) is proposed for clearance from the escarpment to the rear of the site, with further areas identified as potentially requiring removal.

With respect to bats, access constraints meant that the presence of trees with opportunities for roosting bats could not be ruled out. Five of the trees on the escarpment to the rear are considered to have the potential for bat roosting and whilst these trees are no longer to be removed to allow for the revised building footprint two of the trees, T2 and T3, were originally identified as needing removal for safety reasons in relation to the development. The applicant has now confirmed that trees T2 and T3 are to remain and their intention is to monolith the tree under supervision of an ecologist, which entails the removal, potentially (subject to the location of any bat roosts) of the trees' entire canopy and branches and retaining the trees as monoliths. There are biodiversity advantages to the tree remaining in this form to its removal in addition to any immediate bat roosting potential. Given the inaccessible nature of the area a condition is recommended to require that appropriate level of bat survey prior to the works taking place. An appropriate planning condition is also recommended for any external lighting scheme to minimise any potential disturbance to roosting bats.

In respect to scrub removal a watching brief approach is proposed to vegetation removal, which is considered to be reasonable, given the constraints to survey as currently the vegetation is impenetrable. Ideally breeding bird surveys would be carried out prior to the clearance of scrub, to allow a better understanding of the potential breeding bird assemblage. However, a precautionary approach to vegetation removal is proposed, to avoid times when birds are likely to be nesting in the scrub and trees and with an ecologist present to rescue wildlife that is uncovered. To progress on this basis it would be critical that these measures must be strictly adhered to and a condition securing the implementation of this vegetation clearance method is recommended.

Furthermore, no information is provided in respect to compensation for the loss of opportunities for nesting birds following the extensive tree and scrub clearance. The tree and scrub clearance presents an opportunity to create wildlife habitat that should be considered within the mitigation/compensation proposals. It needs also to be established if there will be public access to this cleared area (from Fort Amherst) as this would reduce such opportunities. A co-ordinate approach to mitigation and compensation proposals needs to be established with Fort Amherst and implemented by the developer with the agreement of Fort Amherst, who will then need to agree to maintain the measures as part

of the management of the cleared site. This can form part of the planning condition for this cleared area.

In relation to reptile translocation the applicant advises that this work has already taken place. This is not good practice as it has not allowed an appropriate level of regard to the ecological impacts in the determination of the application and within the supplied *Reptile Survey and Mitigation Plan* there are uncertainties regarding the enhancement and provision of habitat on the off-site receptor area. Therefore a planning condition is recommended to provide a summary report of the reptile translocation together with details of the reptile mitigation and securing that the reptile receptor site is retained as suitable habitat thereafter.

Subject to suitably worded planning conditions no objection is raised in respect to ecology matters under saved policies BNE37, BNE38 and BNE39 and the provisions of the NPPF including paragraph 175 in particular.

Flood risk

Paragraph 163 of the NPPF states that when determining planning applications Local Planning Authorities should ensure that flood risk is increased elsewhere. Paragraph 79 of National Planning Policy Guidance *Flood and Coastal Change* states that when considering major development, sustainable drainage systems (SuDs) should be provided unless demonstrated to be inappropriate.

The site falls outside of any Flood Zone, as identified on the Environment Agency maps, but is in close proximity to Flood Zone 3 which runs along The Brook, to the west of the site at the bottom of Whiffens Avenue.

The applicant has submitted a drainage strategy document which is considered to demonstrate that a suitable drainage scheme can be designed for the development that would ensure compliance with the above national guidance. Appropriate conditions are recommended.

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 (paragraph 56 NPPF).

The NPPF says that it is for the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at application stage. In this case a viability assessment report has been produced which addresses the viability of

development across the application site and the linked development site at White Road Community Centre (planning application MC/18/2553). The viability assessment has been verified by an independent development consultant. For the two development the applicant accepts a profit of 15% on Gross Development Value [GDV] to enable the development to commence, which is a significantly lower return than would be expected from a market developer for development to commence. At a 15% return on GDV for the combined sites, the proposal is able to provide for the contributions set out below.

- Contribution of £157,740.70 towards education and the provision of nursery, primary and secondary school places.
- Contribution of £32,969.35 towards local heritage in the form of survey work, repairs and improved visitor access to the underground sump
- Contribution of £257,687.06 towards the restoration, improvement and enhancement of the Town Hall Gardens open space.
- Contribution of £28,631.90 towards footpath improvements (phase 2) at Great Lines Heritage Park
- Contribution of £72,721.40 for the NHS to support the purchase of equipment and infrastructure for a new Healthy Living Centre in the Chatham Central locality.
- Contribution of £30,380 towards public realm enabling work to improve the end of Military Road/Brook, creating a path at the end to the taxi rank, to facilitate the closure of the pedestrian underpass and thereby improve connectivity of the development with the town centre
- Contribution of £8,788.30 towards youth services to support young people to access skills improvement in the Chatham area
- Contribution of £19,418.90 towards waste and recycling activities related to the development
- Contribution of £3,516.00 towards signage and information for Public Rights of Way network accessed from the development site
- Contribution of £6,000 towards the improvement of bus infrastructure at the Chatham Bus Exchange to help encourage residents to utilise the bus service.
- Contribution of £27,555.15 towards bird disturbance mitigation measures

The applicants have confirmed the above contributions are acceptable and on this basis no objections are raised with regards policy S6 of the Medway Local Plan 2003 or paragraph 56 of the NPPF.

Affordable Housing

Policy H3 of the Medway Local Plan sets out the proportion of affordable housing required in schemes for residential developments. Within the urban area, developments which include 25 or more dwellings or where there the site is 1 hectare or more. The Council's target is to seek 25% of homes to be affordable homes on any site meeting the Council's size thresholds. The Council seeks a tenure mix of 60% affordable rented and 40% intermediate affordable housing (of which shared ownership is the preferred option).

In this case the proposal is to provide 9no. shared-ownership units (2no. 1-bedroomed and 7no. two-bedroomed) on the site and 20no. off-site 2-bedroomed affordable rented houses at White Road Community Centre, Chatham, under planning application reference MC/18/2553, which provides 25% affordable housing.

Subject to the approval of the White Road Community Centre application and securing the delivery of the affordable housing within the S106 the proposal is considered to accord with policy H3 of the Medway Local Plan 2003.

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 will be covered as part of the above S106 agreement. No objection is therefore raised under Paragraphs 175 and 176 of the NPPF and Policies S6 and BNE35 of the Local Plan.

Appropriate Assessment

Due to the location of the site within 6km of the Medway Estuary & Marshes SPA and Ramsar Site/ Thames Estuary & Marshes SPA and Ramsar Site the proposal needs to be considered by the competent authority under Appropriate Assessment under Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017.

In this case, subject to the payment of the Bird Mitigation strategic tariff, (agreed by the applicant but would need to form part of a S106) the Council concluded that with mitigation, the development would have no adverse effect on the integrity of the European protected site(s).

Consultation has been undertaken with Natural England following Appropriate Assessment who advise agreement of the Council's assessment.

Screening

The application is considered under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 (as amended by the 2015 Regulations) (the EIA Regulations) for a request for a screening opinion as to whether an Environmental Impact Assessment is necessary for 115 new dwellings, together with an access road, parking. No separate application for screening has been submitted.

The proposed development constitutes type 10b development (urban development projects) under Schedule 2 of the EIA regulations 2017. The threshold to indicate when a development may need to be assessed against the selection criteria set out in Schedule 3 to the Regulations advise that, in relation to housing developments, the development includes more than 150 dwellings or the overall area of the development exceeds 5 hectares.

In this case the application is for 115 houses and the site area is about 0.56 hectares – both being below the indicative threshold for the development to require screening under Schedule 3 of the EIA regulations. However the site is very close to a Scheduled Monument, which is classified as a 'sensitive area'. If the application site were within a 'sensitive area' then the requirement for screening would be mandatory.

In this case however, by virtue of : the quantum of development and site area both being below the Schedule 2 threshold; that the site is not within any 'sensitive area'; and that the development of the proposal has been in close working with Historic England, it is concluded that the proposal is not EIA development and an Environmental Statement was not required to be submitted with the planning application nor has been requested subsequently.

Local Finance Considerations

There are no local finance considerations

Conclusions and Reasons for Approval

The application site is a key regeneration sites in Medway for which the principle of redevelopment to accommodate a residential development was established in the Chatham Centre and Waterfront Development Framework 2004 and the Chatham Centre and Waterfront Development Brief 2008.

The proposed development has a modern, contemporary design with the form broken-up by the use of brick-framed blocks and recessed links that articulates verticality and creates depth to the building. The castellated form of the top floor is not easily read when viewed from below but will be apparent when viewed form the Chatham Lines and Fort Amherst. It is considered to be sympathetic to the character and appearance of the surrounding area and does not cause significant harm to the setting of the Conservation Area and heritage assets, including Fort Amherst which is a Scheduled Monument. The scale and location of the building for retains key views to Fort Amherst which will further be improved by the removal of tree covering on the escarpment to the rear of the site.

Subject to the recommended planning conditions the proposed development would not have a detrimental impact on neighbouring amenity of current 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.

The proposal is acceptable in accordance with Policies S1, S5, S6, BNE1, BNE2, BNE3, BNE12, BNE18, BNE20, BNE21, BNE24, BNE35, BNE36, BNE37, BNE38, BNE39, H1, H4, H5, T1, T2, T4 and T13 of the Medway Local Plan 2003 and paragraphs 8, 10, 11, 56, 85, 102, 103, 109, 110, 117, 118, 123, 124, 125, 127, 130, 163, 175, 170, 176, 178, 179, 180, 181, 185, 189, 192, 194, 195, 196, 200 of the NPPF 2019.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the significance of the proposal and importance to the Regeneration of the area and due to the extent of representations received expressing a view 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/>