

MC/18/2553

Date Received: 29 August 2018

Location: White Road Community Centre White Road Chatham Kent

Proposal: Development of existing open space to provide 20 no. affordable dwellings, landscaping and associated car parking.

Applicant Mr Lewis Small

Ward: Chatham Central 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:
- Contribution of **£3,377.20** towards waste and recycling activities related to the development
 - Contribution of **£123,195.37** towards education and the provision of nursery, primary and secondary school places.
 - Contribution of **£1,528.40** towards youth services to support creative art sessions for young people in the local area for ages 8-19 and up to 25 for people with disabilities.
 - Contribution of **£4,792.20** towards bird disturbance mitigation measures
 - Contribution of **£12,341.00** towards the purchase of equipment and infrastructure for a new Healthy Living Centre in the Chatham Central locality.
 - Contribution of **£2484.00** towards the enhancement of open space facilities at Perry Street.
- 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:

Received on 14 December 2018:

WWA-1843-LSE-401 rev P02	Landscape sections (trellis on boundary fencing with school)
0400 rev P04	Proposed site sections (showing privacy retained for adjacent school)
WWA-1843-LL-101 rev P07	Landscape layout plan
WWA-1843-LL-102 rev P03	Landscape masterplan

Received on 19 November 2018

0102 Rev P02	Vehicle Tracking
0103 Rev P01	Access Visibility Splay
9001 Rev P01	Overlooking assessment sketch
9002 Rev P02	House 1 and 20 screens
WWA-1843-LL-301 Rev P03	Planting plan.
0200 Rev P03	Proposed Site Plan
0600 Rev P03	Proposed Site Elevations
3100 Rev P03	Terraced proposed elevations.
3102 Rev P03	Townhouse proposed elevations
WWA-1843-AL-702 Rev P04	Tree removal and protection plan.

Received on 30 August 2018:

PEV-XX-00-DR-A-0100 rev P02	Existing site plan
PEV-XX-00-DR-A-0100 rev P02	Site Location Plan
PEV-ZZ-ZZ-DR-A-1200 rev P02	Floor plans
PEV-XX-ZZ-DR-A-1202 rev P02	Floor plans
PEV-ZZ-ZZ-DR-A-4100 rev P02	Terrace section drawings

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

- 3 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 offsite receptor site in accordance with policies BNE37 and BNE39 of the Medway Local Plan 2003.

- 4 No development shall commence until all points detailed in Section 9 of the Geoenvironmental Assessment Report compiled by Merebrook (dated June 2018 reference GEA-21585b-18-246) submitted with this application, have been 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 part a.
- E. Prior to the first occupation of any of the dwellings hereby approved a Remediation Closure Report must be submitted to and approved in writing by the local planning authority, which details the remediation which has been undertaken at the site.

Reason: To ensure the site is free from contamination in accordance with policy BNE23 of the Medway Local Plan 2003.

- 5 Notwithstanding the submitted maintenance scheme for drainage, no development shall commence a scheme showing details of the disposal of surface water, based on sustainable drainage principles, including details of the design, phasing (where appropriate) implementation, maintenance and management of the surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. Those details shall include (if applicable):
 - I. A timetable for its implementation, and
 - II. A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To manage surface water during and post construction and for the lifetime of the development.

- 6 No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include details of: noise and vibration controls including screening/mitigation; hours of construction working; dust control measures including wheel cleaning/chassis cleaning facilities; site illumination including any cowls to be fitted to ensure that light spillage on sensitive areas is avoided. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan.

Reason: To protect the good living condition of neighbours during the construction phase of the development in accordance with policy BNE2 of the Medway Local Plan 2003.

- 7 No development shall commence beyond site clearance until details for the re provision of the play area for the community centre, together with details of the new play equipment, any shelters or structures, costings and a timescale for delivery of the agreed items, have been submitted to and agreed in writing with the Local Planning Authority. The provision of the agreed works shall be carried out in accordance with the agreed details and timetable.

Reason : To ensure the timely re provision of the community facilities to be removed to make way for the development, in accordance with policy BNE2 of the Medway Local Plan 2003.

- 8 No development shall commence beyond the delivery of the site until a drawing and details of the tree planting scheme within the adjacent school playing field, together with : an implementation and management plan for the trees; details of who will be responsible for the implementation, maintenance and management of the trees for a period of 5 years after planting; and a letter from the Phoenix Academy school agreeing all of these details, has been submitted to and agreed with the Local Planning Authority. The agreed tree planting scheme within the school grounds shall be carried out within a recognised planting season prior to the first occupation of any of the houses hereby approved.

Reason: To filter views from the new houses into the school field and create a buffer between the usable area of the field and the site boundary, in accordance with policy BNE2 of the Medway Local Plan 2003.

- 9 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.

- 10 No development shall take place above foundation/slab level until details of secure cycle storage have been submitted to and agreed in writing with the Local Planning Authority. The agreed storage shall be installed prior to the first occupation of the respective houses.

Reason : To allow for alternative forms of travel in accordance with policy T4 of the Medway Local Plan 2003.

- 11 Notwithstanding the landscape drawings WWA-1843-LL-101 rev P07 and WWA-1843-LL-102 rev P03, no development shall commence above foundation/slab level until full details of both hard and soft landscape works, have been submitted to and agreed in writing with the Local Planning Authority. 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, noting species, plant sizes and proposed numbers/densities where appropriate. The development shall be implemented in accordance with the approved details and any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

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

- 12 Prior to first occupation of any of the dwellings hereby 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.

Reason: This condition is sought in accordance with paragraph 163 of the NPPF to ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere.

- 13 Prior to first occupation of any of the dwellings hereby approved the trellis fencing to the rear of unit 9, 10 and 11 shall be erected in accordance with details shown on drawings WWA-1843-LSE-401 rev P02 and WWA-1843-LL-101 rev P07 (annotation says P08) and shall thereafter be maintained in accordance with the agreed details.

Reason : To filter views from the new houses into the nursery area of Greenvale School, in accordance with policy BNE2 of the Medway Local Plan 2003.

- 14 Prior to the first occupation of any of the dwellings hereby approved the provided the agreed drainage, final surfacing and marking out of spaces and other road markings of the access road and the parking area, shown on drawing WWA-1843-LL-101 rev P07 (annotation says P08), shall be completed. Thereafter the parking areas 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.

- 15 Prior to the first occupation of units 1 and 20, as shown on drawing WWA-1843-LL-102 rev P03 the screen shown on drawings 9002 rev P02 shall be installed and thereafter maintained as such on those dwellings.

Reason : To ensure privacy is maintained for adjacent dwellings in accordance with policy BNE2 of the Medway Local Plan 2003.

- 16 No development shall commence until details of how the development will enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. This will include clear ecological enhancement for breeding birds and bats and shall include provision of bat boxes, bird boxes and native planting. The approved details will be implemented in full prior to the first occupation of any of the dwellings hereby approved and retained as such thereafter.

Reason : To ensure biodiversity enhancement of the site is secured in accordance with policies BNE37 and BNE39 of the Medway Local Plan 2003.

- 17 The clearance of trees and scrub from the site shall only take place outside of bird nesting season, which runs 1st March and 31st August inclusive.

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

- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out within Schedule 2, Part 1, Class[es] A, B, C, D, E of that Order unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of visual and neighbouring amenity in accordance with Policies BNE1 and 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

Planning permission is sought for the erection of 20 terraced houses, in two blocks, together with a new access road, landscaping and car parking. The proposal also includes the re provision of play equipment for the White Road community centre. The provision of the houses is linked to planning application MC/18/2406 (115no. apartments at Whiffens Avenue car park, Chatham) as the dwellings are proposed to provide the affordable rented element of the affordable housing obligation for that development, in lieu of being provided on site.

The vehicle access to the site will be provided at the existing pedestrian access point to the community centre, from Keyes Avenue. The access road will then run along the southeastern boundary of the site, between the community centre and the rear of houses on Haig Avenue (excluding the alleyway). The proposed houses will be in two terraces of 10 houses, facing southwest, and with the rear boundary of their proposed gardens meeting the southwestern boundary of the school field (on a long term lease to The Phoenix Academy) and the Greenvale Primary School site. Between the houses and the rear of the community centre will be 23no. parking spaces with 2no. 'drop off/pick up' spaces for the community centre being provided in the access road.

Additionally there will be provided a new play area and equipment for the community centre and a scheme of fencing and tree planting within the adjacent school land.

Site Area/Density

Site Area: 0.62 hectares (1.53 acres)

Site Density: 19.68 dph (13.07 dpa)

Relevant Planning History

MC/18/2406 Whiffens Avenue Car Park, Whiffens Avenue, Chatham
Construction of 115 residential apartments together with landscaping and associated parking
Also on this agenda

MC/05/1492 Application under Regulation 3 of the Town and Country General Planning Regulations 1992 for construction of a 2.4 metres high steel palisade security fence and gates (Approved)

MC/03/1203 Application under Regulation 3 of the Town and Country General Planning Regulations 1992 for the installation of 2.4 metre high security gates and fencing (Approval)

MC/02/0083 Landscape improvements, including young people's shelter, play equipment, bike track, path improvements and planting (Approved)

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.

3 letters from 2 people have been received raising the following objections:

- Design is out of keeping with the surrounding area
- Cramming into the area
- Additional traffic and loss of on-street parking

- Insufficient parking being provided
- Loss of privacy to adjoining properties
- Layout does not reflect the local context and street pattern
- Loss of access to the rear of existing properties
- Loss of quiet green space/amenity area
- For neighbours – increased noise and pollution
- The site was acquired from Rochester City Council for community purposes and the proposal will result in a loss of a community area.

The **Environment Agency** have advised that the proposal is of low risk and they have no further comment.

The **Lead Local Flood Authority** advise that the site falls within an area designated as groundwater protection zone 3 and if the application is approved a condition will be required to ensure the groundwater is protected from contamination and that a suitably detailed drainage scheme is agreed with the LLFA.

Highways England advise that they have no objection.

Southern Water advise that a formal application is required to connect to the public sewer and the surface water drainage scheme should be based on SUDS principles.

Natural England advise that a bird mitigation obligation payment is required to mitigate the harm to the Thames and Medway SPA and Ramsar site(s) as a result of the increased pressure on the area from increased residential population within a 6km radius.

The **Kent County Council Ecology** officer no objection subject to conditions related to ecological mitigation and habitat management for reptiles, enhancement of biodiversity and works to trees and scrub outside of bird breeding season.

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 application is proposed to fulfil the 'affordable rented' element of the affordable housing obligation for the current planning application MC/18/2406 (Whiffens Avenue Car Park, Whiffens Avenue, Chatham - Construction of 115no. residential apartments together with landscaping and associated parking), in lieu of on-site provision at Whiffens Avenue.

Principle/Loss of Open Space

Local and National Policies are generally supportive of residential development in the urban area. Whilst the site is not an allocated housing site within policy H1 of the Local Plan, saved policy H4 of the Local Plan sets out that certain development will be permitted within the urban area, including residential development of land within existing residential areas providing that a clear improvement to the local environment will result. The impact on the local environment will be addressed below. The NPPF also advises that applications should be considered in the context of the presumption in favour of sustainable development. The thread through the NPPF is firstly for the delivery of sustainable development on brownfield sites in an appropriate use.

However, in this case it is noted that the site is currently an open space within the existing urban area, it is not an allocated site for housing and does not meet the definition of 'previously developed land' in the Annex 2 of the National Planning Policy Framework. 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. It therefore needs to be taken into account that the site is not 'previously developed land', although it is not in the rural area but is in the urban area, when balancing the matters in respect to this proposal.

Furthermore, the application site is identified as Protected Open Space within the Local Plan map, together with the school field to the rear of it. Policy L3 of the Local Plan states that development that would result in the loss of protected open space will not be permitted unless it is a small part of the site, to enhance sports and recreation facilities on the rest of the site, or alternative open space within the same catchment area is being provided.

In this case it is only the part of the open space that it proposed to be developed on, with the school field remaining undeveloped. The site is also an area that for some considerable time has been in a poor condition and suffers from anti-social behaviour. The site was not mentioned at all as part of the council's last PPG17 Open Space Provision Study.

No replacement open space is to be provided in lieu of the section of the open space area being lost under this proposal. However, a new play area and equipment is to be provided for the pre-school operating out of the community centre, replacing the very tired and uninviting existing play area, with a monetary figure of £20,000 being set aside in the development budget for delivery of this in negotiation with the pre-school. Furthermore a payment of £2484.00 is to be secured in the S106 towards enhancement of the Perry Street open space. Again, whilst the loss of the open space is contrary to current planning policy this loss needs to be balanced against the benefits of the proposal, which are discussed further in the report below.

Design

The Government attaches great importance to the design of the built environment. Good design is considered a key aspect of sustainable development and is indivisible from good planning. Section 12 of the NPPF concerns “Achieving well designed places”. Paragraph 127 is key to the achieving well designed places and Paragraph 130 of the NPPF directs that planning 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.’

In accordance with the NPPF, Local Plan Policy BNE1 'General Principles for Built Development' requires the design of development to be appropriate in relation to the character, appearance and functioning of the built and natural environment. Policy BNE6 of the Local Plan requires landscaping schemes to enhance the character of the locality.

In this case, the proposal would provide two terraces of 10no. two-storey houses of a contemporary design and appearance. The proposed houses are considered to assimilate well into the existing residential area in terms of their design and scale. The layout of the site is simple with a new access road, to one side of the Community Centre, giving access to the land and a car parking area is to be provided to the front of the proposed terraced housing. This layout provides some additional benefit to the Community Centre by the re provision of a newly arranged outdoor play area for the pre-school use that operates from the Centre and some dedicated drop off/pick up spaces for the Community Centre within the new access road. The existing public footpath running through the site between White Road to Haig Avenue is to be re provided within the proposed layout.

Overall no objection is raised to the design of the development or impact on the character of the area and the proposal is considered to be in accordance with saved policy BNE1 of the Medway Local Plan 2003 and the relevant parts of paragraph 127 of the NPPF.

Amenity

Paragraph 127 of the National Planning Policy Framework requires that development functions well over its lifetime and provides a high standard of amenity for existing users (neighbours), which is reflected in the requirements of policy BNE2 to protect the amenities of neighbours in terms of privacy, daylight, sunlight, noise, vibration, heat, smell, airborne emissions.

Future occupiers

The proposed houses each have an internal floor area of 94sqm and both the overall unit sizes and rooms sizes exceed the minimum size within the Government's Technical Housing Standards 2015. As such the proposed houses would provide a good level of internal space for the intended level of occupation. However, at 5m depth the rear garden space falls short of the minimum depth of garden prescribed within the Medway Housing

Design Standard (interim) 2011. In the revised layout drawings the houses have been pulled forward by about 0.5m to increase the garden area from the original scheme, but to bring them forward any further would not be possible due to the space needed for the parking and roadway and to allow for maneuvering, including for waste collection vehicles. The depth of the garden space is not ideal but it does allow for a private outdoor space for much needed housing.

Neighbours

In respect to neighbours' living conditions, the orientation and layout of the dwellings in relation to the neighbouring dwellings in White Road and Haig Avenue is such that the proposal will not result in a loss of daylight to neighbours' windows or a harmful extent or duration of overshadowing of neighbours' gardens. The proposed housing will not appear overbearing within the outlook from neighbours' property and, due to the use of a system of louvre screens at first floor level on proposed properties 1 and 20, no unacceptable form of overlooking will occur of neighbouring residential property.

In respect to the school field to the rear of the site, utilised by Phoenix Academy, and the school to the rear of the site, Greenvale Infant and Nursery School, there is the potential for overlooking from the proposed houses at close proximity.

In respect to the school field it has been agreed with the Phoenix Academy that the applicant/developer will carry out a row of tree planting along the edge of the field closest to the housing to filter views and create an offset of the active space within the field away from the shared boundary. An appropriate condition is recommended.

In respect to Greenvale School this matter has been discussed with the school and a 300mm high trellis can be added to the existing 2.4m high fencing to the rear of plots 9, 10 and 11, which are adjacent to the nursery element of Greenvale School. This has been discussed and agreed with Greenvale School and an appropriate condition is recommended.

In respect to the impact of construction, due to noise, dust etc, on neighbours' living conditions an appropriate condition is recommended to secure a construction and environment management plan (CEMP).

As such, subject to conditions, no objection is raised to the proposal under saved policy BNE2 of the Medway Local Plan 2003 and the relevant parts of paragraph 127 of the NPPF.

Highways/parking

Paragraph 127 of the National Planning Policy Framework requires that new development functions well within the area in which it is situated. Saved policy T2 of the Local Plan requires that, where new accesses are being formed to the highway, that the access is not detrimental to the safety of vehicle occupants, cyclists and pedestrians; or the access

can be improved to a standard acceptable to the Council as Highway Authority. Saved policy T3 requires that new pedestrian routes should closely follow pedestrians' preferred routes and should be designed to provide an attractive and safe pedestrian environment, and ensuring they are accessible by people with disabilities. Saved policy T13 relates to the council's adopted vehicle parking standards.

In this case the proposal would provide 23 parking spaces for 20no. two-bedroomed houses. Whilst this is a lesser parking provision than the interim parking standards the site is close to bus routes and some local amenities and, given also the lower parking requirements generally for affordable rented housing, the provision of one parking space per unit (including 2 being disability accessible) and three parking spaces for visitors is considered to be acceptable.

The new provision of drop-off/pick-up spaces for the community use within the access road are considered to be a betterment over the existing situation.

It is noted that no cycle parking spaces are proposed within the submission details but this can be secured by a planning condition to provide a storage unit within the garden for each dwelling.

The applicant has provided vision splay details for the access and tracking diagrams showing that a waste collection vehicle can enter and turn on the site and exit in a forward gear.

For pedestrians a footpath is to be provided from the Keyes Avenue entrance along the northern side of the access road (adjacent to the community centre) and across a pedestrian crossing point to meet with the realigned public footpath running between White Road and Haig Avenue.

Overall, subject to conditions no objection is raised in respect to matters of parking of highway safety and the proposal is considered to accord with policies T2, T3 and T13 of the Medway Local Plan 2003 and the relevant parts of paragraph 127 of the NPPF.

Contamination

Paragraphs 178 and 179 of the NPPF and Policy BNE23 of the Local Plan require that decisions should ensure that new development is appropriate for its location and takes account of the likely effects of pollution on health, living conditions and the natural environment. Policy BNE23 requires that proposals for development of land likely to be contaminated be accompanied by the findings of a site examination, which identifies contaminants. This is in accordance with the NPPF requirements to take the likely effects into account in decision making. It is also noted that the site is located within ground water protection zone 3, indicating a sensitivity to contamination.

In this case applicant has submitted a Phase 2 Environmental Investigation report and, subject to appropriate conditions to ensure that measures to further assess and then

remediate any found contamination, no objection is raised to the proposal under policies BNE23 of the Medway Local Plan or paragraphs 178 and 179 of the NPPF.

Flood Risk & Drainage

Paragraphs 155 to 160, 163 and 165 of the NPPF relate to flood risk and that new development should be both directed away from the areas at highest risk of flooding and should not increase flood risk elsewhere.

In this case, some details have been provided in respect to the use of infiltration techniques for surface water drainage but further infiltration and geotechnical testing is required. Furthermore the maintenance scheme proposed will need revision to be acceptable, particularly in relation to the ongoing maintenance of permeable paving and soakaways proposed for use on the site.

Subject to conditions it is considered that the site can comply with the requirements of the NPPF and no objection is raised in respect to flood risk and drainage matters.

Ecology

Policy BNE37 of the Local Plan 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. Consistent with statutory duties Policy BNE39 of the Local Plan 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 it is noted that all of the trees along the southeastern boundary of the site will be removed to allow for the redevelopment of the site. The landscaping and planting proposals allow for the planting of new trees within the community centre grounds and also within the proposed housing development site. The planting of a row of 10 trees within the adjacent school field is also proposed.

In relation to reptiles, a report titled 'Reptile survey and mitigation plan' has been submitted with the application which details that the translocation of reptiles from the site has already taken place to a new habitat for the reptiles at the northern side of Luton Recreation Ground, together with a payment having been made to the Parks and Recreation section of Medway Council for the management and maintenance of the habitat for a period of 10 years. However no details of the management and monitoring of the newly created area has been submitted and agreed as part of this application but can be the subject of a planning condition to ensure the new habitat establishes well for the protection and survival of the translocated reptile population.

The applicant has also submitted a report 'Ecological Assessment of Proposed Vegetation Removal'. This report has checked the trees for bat potential and concludes that no further survey work is required, which is agreed by the Kent County Council Ecologist. The shrubs and trees do have the potential for nesting birds and planning conditions can ensure these are protected in the development programme of works.

A further planning condition is required for a scheme of biodiversity enhancement measures, particularly given the clearance of a significant number of trees and shrubs from the site.

Subject to conditions it is considered that the proposal accords with policies BNE37 and BNE39 of the Medway Local Plan 2003 and paragraph 175 of the NPPF.

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 form part of the S106 obligations.

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 20 new dwellings, together with an access road, parking and gardens and the creation of a new play area for the community centre. 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 20 houses and the site area is about 0.62 hectares – both being below the indicative threshold for the development to require screening under Schedule 3 of the EIA regulations. The site is not within or very close to any 'sensitive areas'.

By virtue of the quantum of development and site area both being below the Schedule 2 threshold, and that the site is not within a close proximity to any 'sensitive area' it is concluded that the proposal is not EIA development and an Environmental Statement was not required to be submitted with the planning application.

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 into account if the obligation is:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

The 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 the viability assessment report has been submitted with the Whiffens Avenue application,

MC/18/2406, and addresses the viability of development across the two development sites. As reported in the MC/18/2406 committee report the viability assessment has been verified by an independent development consultant and the applicant accepts a profit of 15% on Gross Development Value [GDV] to enable the development to commence, which is a lower return than would be expected from a market developer. At 15% return on GDV for the combined sites the proposal is able to provide for the contributions set out below;

- Contribution of **£3461.00** towards waste and recycling activities related to the development
- Contribution of **£123,195.37** towards education and the provision of nursery, primary and secondary school places.
- Contribution of **£1,528.40** towards youth services to support creative art sessions for young people in the local area for ages 8-19 and up to 25 for people with disabilities.
- Contribution of **£28,239.40** towards bird disturbance mitigation measures
- Contribution of **£12,341.00** towards the purchase of equipment and infrastructure for a new Healthy Living Centre in the Chatham Central locality.
- Contribution of **£2484.00** towards the enhancement of open space facilities at Perry Street.

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.

However in this case the proposal constitutes the off-site, affordable rented element of the Affordable Housing obligation for the proposal at Whiffens Avenue car park (under planning application MC/18/2406), which is also on this agenda. Subject to all of the housing being secured as affordable rented housing within the S106 the proposal is considered to accord with policy H3 of the Medway Local Plan 2003.

Local Finance Considerations

There are no local finance considerations

Conclusions and Reasons for Approval

The proposed housing is to provide the affordable rented element of the affordable housing obligation for the application MC/18/2406 at Whiffens Avenue in Chatham, which is one of the key regeneration sites in Chatham. The principle for the redevelopment of

the Whiffens Avenue site, 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 at White Road community Centre is not without its challenges. The site is not classed as 'previously developed land' and is designated as protected open space within the Medway Local Plan 2003 as part of a larger designation. However, the site is in a somewhat derelict and unkempt state and socially can be a problematic space attracting anti-social behaviour. The garden sizes for the proposed development are modest and the closeness of the houses to the site boundaries requires a package of mitigation works in respect to overlooking, with the use of louvre screens at first floor level for houses 1 and 20 and the use of increased fencing heights and tree planting in relation to the schools sites to the rear of the application site.

The proposal will result in a betterment to the Community Centre, providing a more pleasant environment for the building, a high quality outdoor play space for the pre-school use and dedicated drop-off and pick-up parking spaces.

Overall the development is considered to be sympathetic to the character and appearance of the surrounding residential area and with 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 contamination, flood risk and surface water management, or highways safety.

It is therefore concluded that, the advantages of allowing the development, including in respect to the Whiffens Avenue car park regeneration development, are considered to outweigh any harm and the application is therefore recommended for approval.

The proposal is acceptable in accordance with Policies S1, S6, BNE1, BNE2, BNE3, BNE37, BNE39, H1, H4, T1, T2, T4 and T13 of the Medway Local Plan 2003 and paragraphs 8, 10, 11, 56, 96, 97, 109, 110, 117,18, 123, 124, 127, 163, 175, 170, 176, 178, 179, 180, 181 of the NPPF 2019.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the link to Whiffens avenue scheme and the significance of that proposal and importance to the Regeneration of the Chatham, and the need to consider the two applications together.

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/>