

MC/18/2331

Date Received: 6 August 2018

Location: 13-17 Church Street Chatham Medway ME4 4BT

Proposal: Outline application with some matters reserved (appearance and landscaping) for demolition of existing buildings and construction of a part six/part seven storey building and a part four/part five-storey building to accommodate three retail units at ground floor level and twenty-one residential flats on the upper levels

Applicant Fastgrow Investments Limited,
Mr Huseyin

Agent Edwards Planning Consultancy
Mr Gary Edwards 83 Clock House Road
Beckenham
BR3 4JU

Ward: River Ward

Case Officer: Doug Coleman

Contact Number: 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 21st August 2019.

Recommendation - Approved Subject to:

A: The applicant entering into a Section 106 agreement to secure the following:

- i) A contribution of £12,958.05 to be spent on access improvements to any of the following GP surgeries within one mile of the proposed development:
 - College Health, Boots, the Pentagon;
 - Bryant Street Surgery;
 - Kings Family Practice, Magpie Hall Road;
 - Halfway Surgery, New Road.
- ii) An open space contribution of £52,284.33 to enhance open space facilities

in the vicinity of the development including The Paddock, as well as Great Lines Heritage Park (access improvement works from Chatham to Fort Amherst.

- iii) A contribution of £5,834 to be used to improve the interpretation at the Old Brook Pumping Station which will include replacing or updating the current information boards.
- iv) A contribution of £1,604 to be used to fund computer training programme for young people in Chatham, helping them to enhance their skills and interests in computing. This type of programming is vital to the youth community as it helps with their personal and social development.
- v) A contribution of £5,031.81 towards appropriate mitigation measures within Special Protection Areas (bird contribution).
- vi) To pay the costs of the removal and possible replacement of the street tree on Church Street.

B: The following conditions:

- 1 Approval of the details of the appearance of the buildings and the landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To accord with the terms of the submitted application and to ensure that these details are satisfactory.

- 2 Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted in writing to the Local Planning Authority for approval. Such application for approval shall be made to the Authority before the expiration of three years from the date of this permission and the reserved matters shall be carried out in accordance with the approved details.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

- 3 The development to which this permission relates must be begun no later than the expiration of 2 years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

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

Site Location Plan and drawing numbers 15/8950/DWG/132, 15/8950/DWG/100/A, 15/8950/DWG/101/B, 15/8950/DWG/102/B, 15/8950/DWG/103/B,

15/8950/DWG/104/B, 15/8950/DWG/105/B, 15/8950/DWG/120/B and 15/8950/DWG/121B received on 20 August 2018; and drawing numbers 15/8950/DWG/107C and 15/8950/DWG/108A received on 29 July 2019.

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

- 5 No development including any demolition, shall take place until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of working, noise, dust and lighting arising from the construction phase of the development and site contact details in case of complaints has been submitted to and approved in writing by the Local Planning Authority. The construction works shall be undertaken in accordance with this approved 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.

- 6 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not take place until Conditions 6 to 8 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the Local Planning Authority until Condition 9 has been complied with in relation to that contamination.

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.

- 7 No development shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
- adjoining land
- groundwaters and surface waters
- ecological systems
- archaeological sites and ancient monuments

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

- 8 No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared and submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

- 9 No development shall take place (other than development required to enable the remediation process to be implemented) until the approved remediation scheme has been carried out in accordance with its terms. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority prior to the bringing into use of the development.

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

- 10 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 6 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 7 which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out in Condition 7 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 8.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 11 No development shall take place until an acoustic assessment has been undertaken to determine the impact of noise from transport related sources and shall be made in accordance with BS8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. The results of the assessment and details of a scheme of acoustic protection shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of acoustic protection sufficient to ensure internal noise levels (LAeq,T) no greater than 30dB in bedrooms and 35dB in living rooms with windows closed and a maximum noise level (LAm_{ax}) of no more than 45dB(A) with windows closed. Where the internal noise levels will be exceeded with windows open, the scheme shall incorporate appropriate acoustically screened mechanical ventilation. The scheme shall include details of acoustic protection sufficient to ensure amenity/garden noise levels of not more than 55dB (LAeq,T). All works, which form part of the approved scheme, shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: Required before the development is commence to ensure that conditions of amenity of the future occupiers of the proposed development are safeguarded and in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 12 No part of the residential part of the development hereby permitted shall be occupied until details of a clean air ventilation system (which provides both passive and rapid ventilation) necessary to ensure an appropriate level of air quality within units 1, 12 and 13 in the development have been submitted to and approved in writing by the Local Planning Authority. All works, which form part of the approved system, shall be completed before any part of the residential development is occupied and shall thereafter be maintained in accordance with the approved details

Reason: To ensure that conditions of amenity of the future occupiers of the proposed development are safeguarded and in accordance with Policy BNE24 of the Medway Local Plan 2003.

- 13 The separating walls between bedrooms and the living, dining and kitchen areas of adjacent unrelated residential units 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.

The separating ceiling and floor between the ground and first floors shall resist the transmission of airborne sound such that the weighted standardised level different (DnT,w +Ctr) shall not be less than 60 decibels as measured and calculated in accordance with BS EN ISO 16283-1 2014.

Reason: In the interests of the amenities of the occupiers of the proposed flats and in accordance with Policy BNE2 of the Medway Local Plan 2003

- 14 The ground floor retail units hereby permitted shall only operate between the hours of 07:00 to 20:00 Mondays to Saturdays inclusive and between the hours of 10:00 to 18:00 on Sundays and, Public Holidays.

Reason: To regulate and control the permitted development in the interests of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 15 No commercial goods shall be loaded, unloaded, stored or otherwise handled and no vehicles shall arrive or depart, within the application outside the hours 07:00 to 19:00 Monday to Friday, 08:00 to 18:00 Saturday or at any time on Sunday or Public Holidays.

Reason: To ensure that the development does not prejudice the amenities of neighbouring property in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 16 Prior to the first occupation of any part of the development hereby permitted the refuse/recycling storage arrangements shown on approved drawing numbers

15/8950/DWG/132 and 15/8950/DWG/100/A shall be provided on site and all approved storage arrangements shall thereafter be retained.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 17 No development shall take place until a scheme showing details of the disposal of surface water, based on sustainable drainage principles, including details of the design, 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:

i. a timetable for its implementation, and

ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: Required before commencement of the development in order to manage surface water during and post construction and for the lifetime of the development in accordance with Paragraph 163 of the NPPF.

- 18 No development above slab level shall take place until measures to minimise the risk of crime, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and shall thereafter be retained.

Reason: In the interests of security, crime prevention and community safety and in accordance with Paragraph 91 of the NPPF.

- 19 No part of the residential development shall be occupied until the cycle storage facility shown on drawing numbers 15/8950/DWG/132 and 15/8950/DWG/100/A have been provided on site. The cycle storage facility shall thereafter be retained.

Reason: Development without provision of adequate cycle parking would reduce the sustainability of the proposed development and in accordance with Policy T13 of the Medway Local Plan 2003.

- 20 All gas fired boilers installed within the development shall meet a minimum standard of <40mgNO_x/kWh.

Reason: In the interest of improving air quality and in accordance with Policy BNE24 of the Medway Local Plan 2003 and Paragraph 181 of the NPPF.

- 21 The development hereby permitted shall not be occupied until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.

Reason: In granting this permission, the Council is aware of the sustainable location of the development and in other to ensure that the development does not result in additional strain on existing street parking subject to permits and to comply with Policies T1 and T13 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 application is in outline form with some matters (appearance and landscaping) reserved for future consideration. The proposal seeks to demolish the existing buildings on the site, retaining the building at no. 11, and to construct two buildings, comprising a total of three retail units on the ground floor and 21 residential flats on the upper floors.

Building A would be triangular, six storeys high and located at the southern end of the site. The building would comprise the following:

- Ground floor: a retail unit with a gross floor area of approx. 71 sq. m. with an entrance to the walkway separating the two buildings, together with refuse storage areas for the flats and retail units, a cycle store and entrance to the flats on the Best Street frontage.
- First floor: two 1-bedroom/two person flats.
- Second floor: two 1-bedroom/two person flats.
- Third floor: two 1-bedroom/two person flats.
- Fourth floor: two 1-bedroom/two person flats.
- Fifth floor: two 1-bedroom/two person flats.

A communal terraced area would be provided on the roof of Block A.

Building B would be irregular in shape part four/part five storeys high and located at the northern end of the site. The building would comprise the following:

- Ground floor: two retail units (approx. 130 sq. m. and approx. 43 sq. m. respectively). The larger unit would have frontages to Church Street and to the walkway between the buildings. The smaller unit would also have access to the

walkway. The entrance to the flats would be located on the ground floor.

- First floor: one 1-bedroom/two person flat and two 1-bedroom/one person flats.
- Second floor: one 1-bedroom/two person flat and two 1-bedroom/one person flats.
- Third floor: one 1-bedroom/two person flat and two 1-bedroom/one person flats.
- Fourth floor: one 2-bedroom/three person flat and one 1-bedroom/one person flat.

A communal amenity area would be provided to the rear of Block B, with a secure cycle store and refuse storage facility for the flats, and a separate refuse storage facility for the retail units.

Site Area/Density

Site Area: 0.066 hectare (0.163 acre)
Site Density: 381 dph (128 dpa)

Relevant Planning History

MC/16/4304	Demolition of existing buildings and construction of a part five/part six storey building to accommodate retail premises at ground floor level and 21 residential flats on the upper levels Approved 26 May 2017
MC/13/1609	Construction of part 1st & 2nd floor extension to flat above retail premises. Approved With Conditions 04 February 2014
MC/08/0029	Change of use of first floor from residential to Tattoo Studio (sui generis). Approved with Conditions 29 February 2008
ME/85/941	Use of premises as dry cleaning business on ground floor with residential above. Approved with Conditions 30 January 1986

Representations

The application has been advertised on site and in the press as a major development and by individual neighbour notification to the owner/occupiers of neighbouring properties and to all who commented on the previous application. Kent Police Crime Prevention Design Adviser, Southern Water, EDF Energy, Southern Gas Networks, NHS, Rochester Airport and Rochester Airport Consultative Committee have also been consulted.

Six letters have been received raising the following objections:

- There is no provision for parking which will create problems as the occupiers of the proposed flats will need cars. If the development goes ahead, residents parking

permits should not be issued.

- If 10% of residents have special needs they will need parking.
- Provision needs to be made for electric vehicles.
- Provision needs to be made for trade vehicles.
- Poor planning for removal of domestic and commercial waste.

Southern Water has written attaching a plan of the sewer records showing the approximate position of a public surface water culvert crossing the site. Further advice is contained in the letter regarding the location of the development in relation Southern Water's infrastructure.

Natural England has written stating that the net increase in residential accommodation will impact on the Special Protection Areas and Ramsar Sites and may result in increased recreational disturbance. Subject to the appropriate financial contribution, NE is satisfied that this impact will be mitigated. However, this may need to be formally checked via an appropriate assessment in accordance with the Conservation of Habitat and Species Regulations 2017.

Kent Police have written noting that this is a revised scheme for a previously approved application and that the applicant/agent has considered crime prevention in the design and access statement. However, there has been no communication from the applicant/agent and there are issues to be addressed at the detailed stage. A condition/informative is recommended in this regard.

Southern Gas Networks have written with a plan showing their pipes in the area.

UK Power Networks have written with a plan showing their equipment at the site

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 a re-submission of application MC/16/4304 which was considered by the Planning Committee on 15 February 2017 and was approved on 26 May 2017 following the completion of a Section 106 agreement.

A public sewer crosses the site and it was proposed to divert this sewer. However, it has subsequently been found that the cost of diverting the sewer, together with Section 106

contributions would make the scheme unviable. The scheme has, therefore been re-designed to avoid diverting the sewer.

Principle

Paragraphs 117 and 122 of the NPPF and Policies S1 and S5 of the Local Plan supports the redevelopment and use of under used land, particularly for mixed use schemes in or close to the town centre of Chatham

The application site is located within and on the edge of the defined Core Area of the Chatham Town Centre, as identified on the Proposals Map to the Local Plan and in this regard Policies R1, R2 and R12 apply. These policies support retail development in this area and mixed use development of an appropriate scale which incorporates high design standards thus contributing to the vitality and viability of the centre. Further support can be found at paragraph 85f which states that Local Planning Authorities should recognise that residential development can play an important role in ensuring the vitality of centres.

Paragraph 59 of the NPPF 2019 seeks to boost the supply of homes by bringing forward a variety of land that meets the needs of groups with specific housing requirements and Policy H4 of the Local Plan supports the principle of residential development in urban area, mixed commercial and residential uses in proximity to town centres, and the use of upper floors above commercial premises. Policy H5 of the Local Plan contains a presumption in favour of higher density development in or close to town centres.

The Chatham Centre and Waterfront Development Brief (adopted August 2008) is also relevant to this application. This Brief identifies the site as being suitable for retail use. There is no specific reference to residential in respect of this site, but the Brief supports mixed uses, including residential, within the area, identified as 'The Brook'.

The site and surrounding area comprises of a mixture of commercial and residential uses on the High Street and surrounding streets, service or tertiary sector uses. The majority of the buildings in the immediate locality are varied in height and architectural style. The varied mixed of styles of buildings both in the town centre and surrounding streets adds to the eclectic mix that contribute, in their own way, to the historic character and appearance of the town centre.

In respect of the application site, the site comprises of a terrace block of two/three storey buildings and a single storey detached building to the south in addition to single storey workshop buildings to the south-east of the site. The existing buildings on the site are in a poor state and, given their position and appearance, appear disjointed to the rest of the commercial buildings to the east on the High Street. Given the prominent position of the site, on the edge of the centre, its current state does little to contribute to the visual amenity of this locality. As such, the demolition of the buildings, in light of the proposed development, would be acceptable subject to design and all other matters to be considered.

Church Street is primarily retail, with other uses above and is an important pedestrian link between the town centre and the predominantly residential area south of New Road. In land use terms, the provision of a mixed use development on the site would be in accordance with the Local Plan, Development Brief and NPPF. The provision of a retail use on the ground floor would ensure that the vitality and viability of this part of the town centre is maintained.

The provision of residential units on the upper floors would support the Council's housing supply by providing much needed housing in a sustainable location. The proposal would also increase the footfall and bring trade to the area as such economically regenerating the area whilst enhancing the vitality and viability of the Chatham Town Centre. In addition, the development of sites like this in the town centre supports much needed regeneration for such areas and reduces pressure on, and the need to develop sites in the countryside. In this regard, the proposed development would be in accordance with Policies S1, S5, R1, R2, R12, H4 and H5 of the Local Plan, the Development Brief and Paragraphs 59, 85, 117 and 122 of the NPPF. As such, it is considered that the proposed development is acceptable in principle and in land use terms subject to all other material considerations in this report.

Design and appearance

This application relates to a broadly triangular shaped plot of land located on Church Street. The site has a frontage onto Church Street, on the west, and backs onto public areas adjacent to Best Street on the east and south. The site accommodates buildings ranging from one to three storeys in height comprising of ground floor commercial units (with frontages onto Church Street) and a mechanical workshop/yard to the rear, and residential uses on the upper floors. The land to the south and east side is open and is used for car repairs and car sales associated with the mechanical workshop/yard. The site has a return frontage to Best Street where there is a paved area of public space with trees and planters.

The previous scheme was for a predominantly six storey building in this prominent location, on the corner of Church Street, and Best Street, falling away to five and four storeys to the north and east. The current proposal essentially follows the same concept with a six storey building (Block A) on the corner of Church Street and Best Street, falling away to five storeys to the east. Block B to the north would be five storeys to the east, falling to four storeys on the Church Street frontage to the west.

The previous scheme was curved on the south-west corner with a conical feature. The proposed buildings by contrast are more geometric and angular in design with a roof feature containing a stairway to the terrace.

The application is in outline form with layout, scale and access to be considered but appearance reserved for future consideration. Therefore, the overall bulk of the building falls to be considered, but detailing such as materials and windows would be considered at a later stage.

This is a prominent site on a main through route and therefore it is important that any development is well designed and makes a positive contribution to the character and appearance of this part of Chatham. Furthermore, with other sites in the vicinity potentially coming forward for development, what is built on this site could serve as a benchmark in terms of design.

The applicant has produced contextual drawings showing how the bulk and scale would relate to other development in the vicinity. These show the variety of building heights including the two/three storey older buildings close to the proposed development, together with nearby taller buildings – the five/six storey flat blocks on the opposite side of Best Street: Gala Bingo Hall; NCP car park, Rhode Street; and Go Outdoors, The Brook.

These drawings show that whilst the proposed buildings would be prominent on the corner of Church Street and Best Street, they would blend in with the bulk and scale of the surrounding development and with the area generally.

The proposal has been assessed in the context of the forthcoming Chatham Town Centre Masterplan. Although this document has not been adopted it is nevertheless necessary to consider the impact of the proposed development. Having assessed the model for the proposed development against the model for the Masterplan, it is considered that a six storey building would not be out of character or conflict with the concept of the Masterplan in terms of scale and mass. As originally submitted, the drawings showed a lift shaft which would project onto the roofspace, effectively extending the height to seven storeys. The applicant has, however, removed the top of the lift shaft, as it is accepted that a lift could be installed without the need for an addition to the roof, and thereby keeping the height of the development to six storeys

As this is an outline application, the detailed design can be considered at the reserved matters stage.

It is, therefore, considered that the proposed building would make a positive contribution to the character and appearance of the area and in this regard would comply with the provisions of Policy BNE1 of the Local Plan and Paragraphs 124 and 127 of the NPPF.

Amenity

Occupier Amenity

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

The proposal has been assessed against this standard and it was found that the flats would comply in terms of overall internal floorspace and room size, so no objection is raised in this regard.

The submitted drawings show a communal garden area measuring approx. 11m by 11m to the north of Block B and to the rear of the buildings at nos. 5 - 9 (odd) Church Street. This area would be provided and maintained for the residential occupants of the development and would comprise a lawn, cycle store and refuse storage area for the flats. A separate refuse storage area for the retail units would be provided elsewhere.

A communal terrace for Block A will be provided on the roof. A cycle store, together with refuse storage areas for both the retail unit and the flats would be provided on the ground floor.

Having regard to the above considerations, the proposal is considered to be acceptable in terms of the amenities of the occupiers of the proposed flats and accordingly no objection is raised in this regard under Policy BNE2 of the Local Plan and Paragraph 127f of the NPPF.

Neighbour Amenity

The neighbouring properties to the north, all appear to be in commercial use and the area to the back of these properties is generally open and unobstructed in terms of its views and outlook. The previously approved building, by reason of its height, would have resulted in some overshadowing to the back of these properties, although it was stepped to minimise the impact to these properties.

Block B, would project slightly further than the previously approved building. At ground floor level it would project the full length of the rear garden to 9 Church Street. However, the upper floors would only project to the rear of 11 Church Street, which is a single storey building in retail use. No objection is, therefore raised in terms of loss of light to neighbouring properties.

Windows are proposed on the north elevation facing towards the rear of properties in High Street. However, these properties would be approx. 21m away at ground floor level and approx. 30m away at upper floor levels. Other windows on the east elevation of Block B would face towards Union Street.

There would be no impact on any nearby properties from Block A.

As such, the proposed development is considered to be acceptable in terms of its relationship to neighbouring properties and no objection is, therefore, raised in terms of neighbour amenity under Policy BNE2 of the Local Plan and Paragraph 17 of the NPPF.

Highways

No on-site parking is proposed to serve the proposed development. However, in view of the site's town centre location, close to shops and public transport facilities, a reduction in the parking requirement would be acceptable. There is no on-street parking in the immediate vicinity but there is a public car park nearby. Concerns have been raised, that if the development were to be approved, occupiers of the proposed flats would subsequently seek to obtain parking permits thereby impact on existing permit holders. A condition, is therefore recommended to the effect that residents of the proposed development will not be entitled to a residents parking permit. Subject to this condition, no objection is raised in terms of parking under Policy T13 of the Local Plan and Paragraph 105 of the NPPF.

It is considered that the additional traffic generated by the proposed development would not be excessive and would not have an adverse impact on the highway network. No objection is, therefore raised in this regard under Policy T1 of the Local Plan and Paragraph 102 of the NPPF.

Trees

There are no trees on the application site. There is, however, a 'street tree' adjacent the site on Church Street which overhangs the existing building. In the event of planning permission being granted and the development proceeding, it would be impractical to retain this tree. As the tree is on public highway and not on the application site, the applicant would be required to contact the Council's Highway Authority to secure the removal of this tree and its possible replacement. This would be secured by inclusion of a clause within a Section 106 Agreement. Subject to this clause, no objection is raised in terms of the loss of this tree under Policy BNE43 of the Local Plan.

Contamination

A Phase 1 Desk Study, which was submitted with the previous application, has been submitted with the current application. This study recommends an intrusive investigation. Due to previous land uses and the site being situated over a major aquifer and SPZ 3, appropriate conditions are recommended to address any issues of potential contamination. Subject to these conditions, no objection is raised under Policy BNE23 of the Local Plan and Paragraph 178 of the NPPF.

Noise

An Environmental Noise Survey & Assessment, which again was submitted with the previous application, has been re-submitted with the current application. The noise survey results underpinning the assessment are still valid as little has changed in the area since the report was produced in 2016. However, because of the revised designs, which include a central walkway between the two blocks, the recommendations of the report cannot be relied upon in terms of mitigation. This can be addressed by a condition

requiring the submission and approval of a revised acoustic assessment which covers the current scheme and any changes that occur during the detailed design stage.

The internal layout shows bedrooms and living room/kitchen/dining areas have been stacked vertically, and some bedrooms are located next to the living/kitchen/dining areas of adjacent units. This presents potential problems in terms of internal noise transfer, requiring an enhanced level of airborne sound insulation above the minimum required by the Building Regulations. In addition, retail space is to be provided on the ground floor and internal noise transfer could be an issue for occupants of the first floor flats. Enhanced airborne sound insulation will, therefore, be required to protect residential amenity. Conditions are recommended to address this and also to restrictions on opening hours and hours for servicing/deliveries. Subject to these conditions, no objection is raised in terms of noise under Policy BNE2 of the Local Plan and Paragraph 180 of the NPPF.

Air Quality

The site layout indicates that the eastern corner of Block B would be within the exceedance area for the Central Medway Air Quality Management Area (AQMA) and air quality would, therefore be an issue.

The ground floor retail units are not relevant sensitive receptors, and only exposure at the first floor level and above needs to be considered. Where exceedance of the relevant air quality objectives is likely then mitigation in the form of a clean air ventilation will be required. It is recommend that the first floor units close to the road (1, 12 and 13) are provided with a clean air ventilation system. Because air quality is likely to improve with increasing distance and height away from the road a clean air ventilation system will not be required for other residential units, though there is still likely to be a requirement for mechanical ventilation to be provided if windows need to be kept closed to deal with high external noise levels. The clean air ventilation system can be achieved by providing inline pollutant filtration, or by drawing in cleaner supply air from a point further away from the road. An appropriate condition is recommended to secure these measures.

The Medway Air Quality Planning Guidance (April 2016) also requires certain standard mitigation measures to be provided where developments are located in or close to an AQMA. In the case of this development no parking is to be provided, so electric vehicle charging points will not be required. However low NOx boilers should be installed, and this can be secured by a condition.

Having regard to the above consideration, subject to these conditions, no objection is raised in terms of Air Quality under Policy BNE24 of the Local Plan and Paragraph 181 of the NPPF.

S106 matters

New residential development can create additional demand on local services, such as for

health and refuse services. Policy S6 of the Local Plan says that conditions and/or legal agreements should be used to make provision for such needs.

The Community Infrastructure Levy Regulations 2010 provide that in relation to any decision on whether or not to grant planning permission to be made after 6 April 2010, a planning obligation (a s106 agreement) may only be taken into account if the obligation is (a) necessary to make the development acceptable in planning terms;(b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. The obligations/contributions requested meet with these tests because they have been calculated based on the quantum and location of the proposal are directly related to the development.

The following contributions are sought:

NHS Property

£12,958.05 based on a contribution of £617 per dwelling. The contribution would be spent on access improvements to any of the following GP surgeries within one mile of the proposed development:

- College Health, Boots, the Pentagon;
- Bryant Street Surgery;
- Kings Family Practice, Magpie Hall Road;
- Halfway Surgery, New Road.

Green space Services

£52,284.33 based on a contribution of £2,489.73 per dwelling. The contribution would be spent on improvements to The Paddock and Great Lines Heritage Park (access improvements from Chatham to Fort Amherst and would be in accordance with paragraphs 97 and 185 of the NPPF.

Youth Provision

£1,604.82 based on a contribution of £76.42 per dwelling. The contribution would be spent on a computer training programme for young people in Chatham, helping them to enhance their skills and interest in computing. This type of programme is vital to the youth community as it helps with their personal and social development and supports mental health.

Heritage and Museums

£5,834 based on a contribution of £277.80 per dwelling. The contribution would be used to improvements interpretation at the Old Brook Pumping Station.

Children's Services

The previous scheme comprised 10 x one bedroom and 11 x two bedroom units and contributions were sought in respect of the 11 x one bedroom units. The current proposal is for 20 x one bedroom units and 1 x two bedroom units and no contribution are sought in this instance.

Bird Mitigation

As the application site is within 6km of the North Kent Marshes SPA/Ramsar Sites, the proposed development is likely to have a significant effect, either alone or in-combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest. Natural England has advised that an appropriate tariff of £239.61 per dwelling (excluding legal and monitoring officer's costs, which separately total £550) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. The strategic measures are in the process of being developed, but are likely to be in accordance with the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM) produced by Footprint Ecology in July 2014. The interim tariff stated above should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation), in anticipation of:

- An administrative body being identified to manage the strategic tariff collected by the local authorities;
- A memorandum of understanding or legal agreement between the local authorities and administrative body to underpin the strategic approach;
- Ensure that a delivery mechanism for the agreed SAMM measures is secured and the SAMM strategy is being implemented from the first occupation of the dwellings, proportionate to the level of the housing development.

Subject to the applicant entering into a Section 106 agreement to secure these contributions, no objection is raised under Paragraphs 97, 170, 175, 176 and 185 of the NPPF and Policies S6 and BNE35 of the Local Plan.

Local Finance Considerations

There are no local finance considerations raised by this application.

Conclusions and Reasons for Approval

The principle of the proposed development is considered to be acceptable and in accordance with Policies S1, S5, R1, R2, R12, H4 and H5 of the Medway Local Plan 2003, the Chatham Centre and Waterfront Development Brief and Paragraphs 59, 85, 117 and 122 of the National Planning Policy Framework (NPPF). The proposal is

acceptable, subject to appropriate conditions, in terms of design and appearance, amenity, highways, trees, contamination, noise, air quality and developer contributions, and would comply with the provisions of Policies S6, BNE1, BNE2, BNE23, BNE24, BNE35, BNE39, BNE43, T1 and T13 of the Medway Local Plan 2003 and Paragraphs 102, 105, 124, 127, 170, 175, 176, 178, 180 and 181 of the NPPF. The application is therefore recommended for approval.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the number of representations received expressing a view contrary to officer's 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/>