

MC/18/2406

Date Received: 13 August 2018

Location: Whiffens Avenue Car Park Whiffens Avenue Chatham Medway

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

Applicant Medway Development Company Ltd.,
Lewis Small

Agent Medway Development Company Ltd.
Mr Lewis Small Innovation Centre Medway
Maidstone Road
Chatham
ME5 9FD
Kent

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 18th December 2019.

Recommendation - Approval with Conditions

- 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:

5 April 2019:

ExA_1833_120 rev B	Proposed Illustrative Tree Clearance Plan (awaiting update)
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 (awaiting update)
ExA_1833_110 rev G	Illustrative [landscaping] Masterplan (awaiting update)
ExA_1833_130 rev C	Lighting Strategy (awaiting update)
ExA_1833_301 rev C	Levels Plan (awaiting update)
ExA_1833_501 rev B	Frontage boundary treatment (awaiting update)
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

13 August 2018:

18.005 rev 001 (Site Location Plan)

25 October 2019:

006 rev F	Site Layout and Lower Ground Floor
005 rev G	Site Layout and ground floor plan
007 rev E	First and Second Floor Plans
008 rev E	Third and Fourth Floor Plans
009 rev F	Fifth and Sixth Floor Plans
010 rev F	Seventh and Eighth Floor Plans
012 rev E	Front Elevation
013 rev E	Rear Elevation
014 rev F	Proposed Sections

4 December 2019:

014 rev G Section drawing

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.

- 8 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 10no. of the car parking spaces within the site shall be fitted each with a minimum of a 7kW charger 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 south-western, north-western and south-eastern 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: 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 to be agreed 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.

Reasons: 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, but not exclusively, 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 The clearance of trees and vegetation on the escarpment to the rear of the site, as shown on the drawing xx (Tree Clearance Plan awaiting update), 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 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 the submitted drawings 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, and 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 drawing xx (Illustrative [landscaping] Masterplan awaiting update), 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 xx (Illustrative [landscaping] Masterplan awaiting update) 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/Service Management Plan submitted under condition 28. 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/Service 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 drawing xx (Illustrative [landscaping] Masterplan awaiting update) 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.

- 33 No development shall commence above ground floor slab/foundation level, until details of measures to provide defensible space for ground floor units facing onto public areas have been submitted to and agreed in writing with the Local Planning Authority. The agreed measures shall be implemented prior to the first occupation of the relevant units.

Reason: To ensure an acceptable residential amenity for ground floor units in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 34 No development shall commence above ground floor slab/foundation level, until details of the construction and finish of the retaining wall on the western boundary and the fence on top of the retaining wall have been submitted to and agreed in writing with the Local Planning Authority. The agreed measures shall be implemented prior to the first occupation of any of the units.

Reason: To ensure a satisfactory external appearance in accordance with Policies BNE1 and BNE6 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

Further to the Planning Committee's decision to approve this application on 29th May 2019, subject to a S106 agreement and conditions, the applicant proposes to revise the scheme and seeks Planning Committee's approval of these amendments prior to the issuing of the decision.

The reason for the proposed revisions to the agreed scheme is to bring the development into budget, following tendering of the agreed scheme. The proposed changes are not to the form or external appearance of the building but involve:

- The deletion of the lower ground level parking area
- Excavation further into the escarpment to the rear of the building
- Removal of wildlife planting area and soft planting area to the north-western side of the building
- Creation of a surface level parking area to the rear and north-western side of the building
- Installation of Number plate Recognition Technology for vehicle access for parking
- Unallocated parking on the site with 10% Electric Vehicle charging points

The original planning description for the proposal was:

“Construction of 115no. residential apartments together with landscaping and associated parking.”

This description remains unchanged under this revised submission consideration.

The documents submitted to support this proposed revision are:

- Revised drawings;
- Additional Heritage Statement;
- Schedule of Archaeological Investigation;
- Supplementary viability letter;
- Supplementary ecology letter;
- Supplementary transport letter.

The applicant is not seeking amendment to any of the previously agreed s106 obligations.

It should be noted that whilst the main drawings have been revised the special subject drawings are still in the process of being updated by the applicant.

Representations

The revised application has been advertised 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.

Additional comments have been provide as follows:

Brook Theatre no further comments received.

Southern Gas no further comments received.

Historic England advise that the greatest change, in historic environment terms, is a proposal to excavate more of the escarpment at the rear of the site. This causes an additional level of harm as further evidence of the sculpted escarpment, designed by Engineers to restrict access to the Fort above, would be lost which we think is regrettable. We also note that it is possible this excavation may remove evidence of the former boundary to the military cemetery which we believe survives partly in situ subsumed by later plant growth. It is also possible this area could contain further burials and this would need to be checked. If this additional excavation goes ahead it may be an opportunity to establish what the natural slope of the escarpment might have been i.e. to what extent was this altered by the military engineers to enhance their defences. We defer to KCC Archaeologists who are best placed to advise on how best this might be recorded.

KCC Archaeology advise that the previously submitted and agreed scheme of investigation is sufficient to cover issues raised recently by Historic England.

UK Power Networks no further comments received.

The Fort Amherst Trust no further comments received.

The **Lead Local Flood Authority** advise they have no objection subject to conditions.

Kent Police no further comments received.

Kent Fire Service did not comment on the original application but advise on the revised submission that the means of access is satisfactory.

No additional letters from neighbours have been received.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2019 and are considered to conform.

Planning Appraisal

Principle

The principle of the development remains unchanged under the revised scheme.

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.

Design/Landscaping/Heritage

The design of the building remains unchanged other than the rear elevation of the building now meets the ground at ground floor level, due to the deletion of the lower ground floor parking level, and the ground floor accommodation now faces directly onto the rear car park. Some defensible space is required to the rear of windows that now face onto the car park level to improve security and privacy. This can be achieved by planning condition.

The main changes affect the external area surrounding the building.

Under the approved scheme, to the north-western side of the building is a traffic circulation area, a significant wildlife planting area and soft landscaping beds against the flank of the building, so the building does not rise out of hardsurface. Under the proposed revisions almost the whole area to the north-western side of the building is to become hardsurfaced. This is an expansive area and the hardsurface needs to be broken up with planting areas to prevent a very sterile and oppressive environment and to soften the area where the building and ground meet. The applicant is in agreement and these landscaping changes can be secured by planning condition.

The new parking area to the rear of the building will require the escarpment in the rear part of the site to be excavated and a retaining wall being constructed to retain the escarpment. At the north-western end of the site there is no need for a retaining wall but moving south the wall will grow in height to a maximum height of 3m. On top of the wall is proposed to be a perimeter fence to stop falls from the top of the wall. The final details of the wall and fencing will need to be agreed by planning condition.

All of the existing vegetation and young trees on that part of the escarpment are to be removed and the escarpment within the site being reprofiled to meet the new retaining wall. No details have been provided to date in relation to the finish of the reprofiled slope but this slope needs to be the subject of a comprehensive replanting as wildlife habitat. Agreement of the replanting of this space and its implementation can be agreed by planning condition.

Historic England consider that the excavation of the escarpment is regrettable as it causes an additional level of harm the sculpted escarpment which was designed by Engineers to restrict access to the fort above. It may also remove evidence of the former boundary to the military cemetery which is believed survives partly in situ subsumed by later plant growth. The area could also contain further burials.

On balance however Historic England advise that if the excavation works are required to make the development viable, and that development would not commence without the amendments to the scheme, then the additional level of harm could be justified, subject to

additional archaeological investigation in accordance with any additional requirements from the KCC Archaeologist.

On balance, subject to any additional conditions no objection is raised to the proposed amendments in terms of design, landscaping and Heritage.

Ecology

The applicant has submitted a supplementary ecology letter outlining that the excavated area would result in the removal of additional low-level scrub and young tree growth. It does not address the removal of the approved wildlife planting area and soft planting beds to the north-western side of the building but the applicant has subsequently agreed to review the landscaping to the side of the building and only some of the planting area is likely to be removed. This is the subject of a planning condition.

In the previous consideration the key ecological matter related to the removal of a large area of trees and scrub (approx. 0.3ha) on the escarpment behind the site and the translocation of reptiles from the site. The translocation of the reptiles has taken place and is considered to be completed, with the agreement of the Kent County Council Ecologist.

At this time comments have not yet been received back from the KCC Ecologist but it is considered at officer level that the replanting of the reprofiled escarpment needs to be replanted with high value wildlife planting and as much planting as can be accommodated needs to be reintroduced into the new parking area to the north-western side of the building. Other mitigation and enhancement measures may also need to be agreed. These revisions all need to be agreed with the KCC Ecologist and can be controlled by planning condition.

On balance, subject to the agreement of KCC Ecologist and additional conditions detailed above no objection is raised to the proposed amendments in terms of design.

Highways

The amendment proposal would retain the same parking provision of 90 parking spaces but in a different arrangement, following the deletion of the lower ground floor parking level from the scheme. The escarpment to the rear of the building is to be excavated and some planting beds reduced/rearranged to the north-western side of the building to allow for all surface level parking.

In respect to cycle parking an area is shown on the revised plan at the south-eastern end of the building which is remote and a long distance from most of the access doors for flats. It is also shown tucked around the corner of the building and with no natural surveillance. As shown the cycle parking is not suitable but a revised provision can be achieved by planning condition and is agreed in principle by the applicant.

The approved scheme was to utilise an allocated parking regime and as such was required to provide 100% Electric Vehicle Parking to comply with current guidance. This amendment proposes the use of a Number Plate Recognition technology for gaining access to the site in combination with unallocated parking on the site. Unallocated parking requires only a 10% provision of Electric Vehicle parking spaces to comply with current guidance. This can be controlled by planning condition.

In respect to waste vehicles needing to enter the site they will use a pre-programmed key fob. For other deliveries – supermarket deliveries, dot-com deliveries etc., a stopping area is to be provided to the front of the gates, at the end of the spur-road that is to be stopped up.

Subject to suitably worded planning conditions no objection is raised to highways or parking matters.

Viability and Obligations

The original submission was supported by a viability assessment which was verified by an independent development consultant. The applicant was accepting a profit of 15% on Gross Development Value [GDV] to enable the development to commence. This GDV is a significantly lower return than would be expected from a market developer for development to commence. At a 15% return on GDV the proposal was able to provide for the contributions previously agreed, which includes a full affordable housing provision, with shared ownership housing within the block at Whiffens Avenue and affordable rented housing to be provided to the rear of the White Road community centre, Chatham (under planning permission MC/19/2553)

The applicant's viability letter, supplied with the revised scheme, advises that these changes *'will enable up to deliver the scheme in accordance with the budget identified in the viability analysis including the S106 contributions agreed whilst maintaining the overall quality of the scheme.'*

On this basis no objections are raised with regards policy S6 of the Medway Local Plan 2003 or paragraph 56 of the NPPF.

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.

Subject to carefully worded planning conditions the amended scheme will retain the high quality and design of the original scheme, 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 amendments do not impact on previously considered matters in relation to amenity, contamination, flood risk, 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 is being referred for Committee determination as the original planning proposal was considered at planning committee on 29th May 2019.

For information the conditions amended are conditions 2, 9, 13, 18, 20, 22, 26, 27, and 32 and Conditions 33 and 34 are new conditions

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/>