

MC/21/0993

Date Received: 7 April 2021
Location: 22-32 Canterbury Street Gillingham
Medway ME7 5TX
Proposal: Demolition of existing building and redevelopment of site to provide mixed used development comprising of 250sqm of ground floor commercial floorspace with five 1-bedroom and nine 2-bedroom apartments over three floors above with associated parking and refuse/cycle store
Applicant: Selby Capital
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Ward: Gillingham South Ward
Case Officer: Tom Stubbs
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 August 2021.

Recommendation - Approval with Conditions

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

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

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

Drawing numbers 102-PL, 103-PL, 104-PL, 105-PL and 106-PL received on 7 April 2021.

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

- 3 No development shall take place until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of working, parking of operative's vehicles, deliveries to the site, noise, dust and lighting arising from the construction phase of the development 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 Policy BNE2 of the Medway Local Plan 2003.

- 4 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 in consultation with the Lead Local Flood Authority.

Those details shall include (if applicable):

- i. a timetable for its implementation (including phased implementation where applicable).
- ii. appropriate operational, maintenance and access requirements for each sustainable drainage component are adequately considered.
- iii. proposed arrangements for future adoption by any public body, statutory undertaker or management company.

The scheme shall be implemented as approved

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 169 of NPPF.

- 5 Prior to occupation of any part of the development herein approved, a signed verification report carried out by a qualified drainage engineer (or equivalent) must be submitted to and approved in writing 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 169 of the NPPF to ensure that suitable surface water drainage scheme is designed.

- 6 Notwithstanding the approved plans, 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.

- 7 No development shall take place above ground floor slab level until details of the provision of electric vehicle charging points (33% active and 66%passive) have been submitted to and approved in writing by the Local Planning Authority. Details shall include the location, charging type (power output and charging speed), associated infrastructure and timetable for installation. The development shall be implemented in accordance with the approved details and shall thereafter be maintained.

Reason: In the interests of sustainability in accordance with paragraph 112E of the NPPF.

- 8 Prior to the first occupation of the development herein approved, full details of both hard and soft landscape works (including planting plans, tree positions, plating build ups, support and tie specification, aeration and irrigation systems, written specifications including cultivation and other operations associated with tree and planting establishment, aftercare and maintenance, detail design of green roofs and terraces) and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. 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.

- 9 Prior to the first occupation of the development herein approved, a Landscape Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include long-term design objectives, management responsibilities and maintenance schedules for all hard and soft landscape areas (except for small, privately owned, domestic balconies) for a minimum period of five years and arrangements for implementation. The development shall thereafter be managed 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.

- 10 No part of the development shall be occupied until a Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Parking Management Plan shall contain details of how the parking spaces within the development are to be managed and preserved for use by future residents and shall contain details of how residents and their visitors will be deterred from parking on street their visitors and. The Parking Management Plan shall be implemented in accordance with the approved details prior to the first occupation of the development and shall thereafter be retained.

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

- 11 The development herein approved shall incorporate the sustainable technologies and renewable energy sources described in email to planning officer dated 27 July 2021. The development shall not be brought into use until a signed verification report has been submitted to and approved by the Local Planning Authority to confirm that the sustainable technologies and renewable energy sources have been implemented.

Reason: In the interest of climate change and sustainability in accordance with paragraph 154 of the NPPF.

- 12 The buildings herein approved shall not be occupied until the area shown on the submitted layout as vehicle parking space and secure cycle storage 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.

- 13 The buildings herein approved shall not be occupied until the window marked as privacy glass on drawings 102-PL, 103-PL and 104-PL has been fitted with obscure glass and apart from any top-hung light, that has a cill height of not less than 1.7 metres above the internal finished floor level of the room it serves, the window shall be non-opening. This window shall be retained thereafter.

Reason: To ensure the development does not prejudice conditions of amenity by reason of unneighbourly overlooking of adjoining property, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 14 The buildings herein approved shall not be occupied until the privacy balcony screens on drawings 102-PL, 103-PL and 104-PL are installed and the privacy screens shall be retained thereafter.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality and to protect future occupiers' amenities with regards to privacy, outlook and daylight, in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 15 If, during development, contamination not previously identified is found to be present at the site, no further development shall take place until a method statement has been submitted to and approved in writing by the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with. The development shall thereafter be implemented in accordance with the approved Method Statement.

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

- 16 The separating ceiling and floor between the second and third floors shall resist the transmission of airborne sound such that the weighted standardised level difference (DnT,W +Ctr) shall not be less than 50 decibels as measured and calculated in accordance with BS EN ISO 16283-1 2014.

Reason: To protect future occupiers amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

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

Proposal

This application seeks planning permission for the demolition of existing building and redevelopment of site to provide mixed used development comprising of 250sqm of ground floor commercial floorspace with five 1-bedroom and nine 2-bedroom apartments over three floors above with associated parking and refuse/cycle store.

The application would result in the demolition of the existing night club building and replacement with a contemporary four storey flat roof brick building. The building would be the width of the plot (approx. 20.6m) at three storey level for a depth of approx. 12.3m and height between approx. 8.8m and approx. 9.4m due to level changes. The fourth floor would be stepped back off the front elevation by approx. 2.3m at a width of

approx. 16.6m at four storey levels with a depth of approx. 14.4m and a height of approx. 12.5m. The fourth storey would continue to project a further 14.4m but at a reduced width of approx. 8.3m. The flats would be set back approx. 3.8m from the Theodore Place elevation at third floor level and a further step back of approx. 2.1m at fourth floor level.

The front elevation at ground floor would appear as two shop entrances and windows with a resident's entrance. There would also be a mixture of inset balconies at first and second floor with traditional balconies utilising the set back at third floor level.

To the rear the boundary would be set back approx. 1.2m to create a landscaped area. There would be bin store approx. 2m in height with a green roof and gate to create the boundary treatment. This would provide entrance to the undercroft parking area for 10 cars and 14 individual bike lockers, with further soft landscaping. There is a mixture of design and sized balconies to the rear elevation.

At first and second floor there would be three 2-bedroom flats and two 1-bedroom flats. While on the third floor there would be three 1-bedroom flats and one 2-bedroom flats.

Site Area/Density

Site Area: 0.08 hectares (0.197 acres)

Site Density: 175 dph (71.066 dpa)

Representations

The application has been advertised on site, in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties, NHS, Southern Water, Southern Gas, EDF Energy, Natural England and Kent Police have also been consulted.

Three letters of objection have been received raising the following concerns:

- Insufficient parking, there is an issue of illegal parking on footpath on Canterbury Street causing a hazard to pedestrians blocking entrance to the church car park opposite. The lack of parking would intensify the existing illegal parking.
- Requesting bollards extended along Canterbury Street to overcome the illegal parking issue if parking is not increased.

One letter of support has been received stating this application would benefit the continued rejuvenating of the town centre and surrounding area. By creating more attractive buildings in the area there is a hope this development would act as a catalyst for future investment in the high street, both retail and residential.

Southern Gas Networks responded with a plan describing the location of SGN assets

and indication of a low/medium/intermediate pressure gas mains near the site. Guidance notes about locating pipes onsite and safe digging practices are also provided. An informative will be added to any decision to bring this to the applicants' attention.

UK Power Networks provided a copy of their records which show the electrical lines and/or plant, and a fact sheet with information regarding the use of their plans and working around their equipment. An informative will be added to any decision to bring this to the applicants' attention.

Southern Water have provided records of their sewer records. The proposed development would lie over an existing public sewer. It might be possible to divert the sewer so long as this would not result in unacceptable loss of hydraulic capacity and works carried out at developers' expense. A condition is requested regarding diverting a sewer. A public sewer may also be crossing the site. They also indicate the need for an application to Southern Water for foul sewage disposal and connection to the water supply and condition for surface water runoff is required in accordance with SUDs principles. *These issues will be flagged as an informative.*

Kent Police have written in to encourage the applicants to incorporate secure by design as appropriate to limit crime opportunity and anti-social behaviour and points out advice for the scheme. *An informative will be added to any decision to bring this to the applicants' attention.*

Natural England have indicated about the potential impact of residential development on nearby Ramsar sites. SAMMS mitigation has been sought for this application.

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 2021 and are considered to conform.

Planning Appraisal

Principle

The application site lies within an urban area within the core retail area of Gillingham as defined by the Local Plan. The application seeks the change of use from the nightclub (sui generis) to commercial (Class E) at ground floor fronting Canterbury Street and residential above.

Policy R5 of the Local plan would support class A1, A2 and A3 uses (Use Class Order 1987 – now E(a), E(b) and E(c) under the Use Classes Order 2020) within core retail areas while Policy R12 encourages mixed uses which would contribute to the vitality

and viability of the centre. Policy H4 of the Local Plan states that residential development in the form of reuse of buildings no longer needed for non-residential purposes in such areas is acceptable providing that a clear improvement in the local environment will result. Paragraphs 119 and 120 of the NPPF also encourages mixed uses and the efficient uses of brownfield sites but seek to safeguard and improve the environment and ensuring safe and healthy living conditions. While paragraph 11 sets out the presumption of sustainable development which applies to Medway due to the Councils current 5-year land supply and the outcome of the Housing Delivery Test.

The proposed mixed use is therefore considered acceptable, retaining a ground floor commercial (class E) which is supported within the core retail area and would allow flexible uses encouraged by the Use Class Order 2020, while the provision of additional residential would assist the vitality and viability of the centre through increased demand for services.

Design

Paragraphs 126 and 130 of the NPPF emphasise the importance of good design and Policy BNE1 of the Local Plan states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area.

The development would front both Canterbury Street and Theodore Road. Canterbury Street is predominantly a 2-storey mixed use terraced properties, with some taller buildings, including the application site with its parapet design. There is also a four-storey building on the corner of the High Street. Theodore Place is mainly characterised by the access/gardens of Canterbury Street which is dominated by the existing large gable roof rear projection of night club measuring approx. 17.4m in width, and approx. 5.5m in height to the eaves and approx. 10m in height for the depth of the site. The opposite side is a terrace of two storey houses.

The development is considered to be of an appropriate design, size, scale and massing. The additional height has been carefully designed along the Canterbury Street facade with the fourth storey set back reducing potential dominance, while the three-storey element abutting the neighbouring properties would be only 1.4m higher than the existing parapet detailing and lower than the existing ridge height to reduce the impact of this extra massing. It is considered that the building steps of the boundaries at suitable intervals to reduce the dominance on the properties either side when viewed from the rear.

The development would be an improvement when viewed from Theodore Place compared to the brutal appearance of the existing property. The massing of the proposed building is considered acceptable with the four-storey height only approx. 1.8m taller than the existing ridge height and the flank elevations set back significantly from both the side and rear elevations to ensure it is not dominant when viewed from both the rear of the properties in Canterbury Street and the terraced properties at Theodore Place. The set back from Theodore Place also allows enhancements to the

street scene in the form of tree planting which would be in accordance with Paragraph 131 of the NPPF and green roofs of the single storey bin store.

The development, subject to conditions regarding the final landscaping and materials, is therefore considered to be acceptable in layout, size, scale and design. The proposal would be in accordance with Policies BNE1, BNE6 and H4 of the Local Plan and Paragraphs 126, 130 and 131 of the NPPF.

Amenity

There are two main amenity considerations, the impact on neighbouring occupiers in terms of sunlight, daylight, outlook and privacy, and the standard of amenity which would be experienced by future residents of the site itself. Policy BNE2 of the Local Plan and paragraph 130 of the NPPF relates to the protection of these amenities.

Neighbouring Amenity

With regards to outlook, 34 Canterbury Street is in commercial use at all floors and therefore this relationship with the proposed development is not considered to be detrimental. With regard to 16-20 Canterbury Street, the level of full width projection is no deeper than the first-floor rear projections to 16-20 and by nature of the stepped in design compared to the large dominant rear projection of the existing building, there would be an improved outlook. The outlook from Theodore Place is considered acceptable due to the distance and the size and scale of the proposal when compared against the impact of the existing bulky building. Therefore, it is not considered that there would be any significantly detrimental impact regards to outlook.

With regard to privacy, the application utilises directional windows and privacy screens to balconies to limit the overlooking and privacy to Canterbury Street rear habitable room windows and immediate rear privacy area. With regard to the properties in Theodore place the distance from window to window is considered to be sufficient at a minimum of 20m.

With regard to sunlight and daylight the applicant has provided a sunlight and daylight assessment in support of the application which assesses the impact on 2-12 Theodore Place and 3, 5, 7-11, 16-20, 34, 36, 38 and 40 canterbury street for impact on daylight and sunlight using 3d modelling. The BRE assessment uses a number of different elements to assess daylight. The Visual Sky Component (VSC) considers the ratio of sky. The direct sky illuminate falling on the outside of a window, No Skyline describes the distribution of daylight within rooms by calculating the area of the working plane which can receive a direct view of the sky. With regards to sunlight Annual Probable Sunlight Hours (APSH) is used to quantify the amount of sunlight available to a new development.

Paragraph 125 of the NPPF indicates when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to

daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

Under the BRE criteria a window may be adversely affected if the VSC measured at the centre of the window is less than 27% and less than 0.8 times its former value. Under No Skyline assessment a room may be adversely affected if, following development, the area within a room receiving direct skylight is less than 0.8 of its former value. With regards to APSH the impact is considered to be negative if it fails all three of the following tests:

- A - does the window receive less than 25% of the APSH, or less than 5% the APSH between 21 September and 25 March.
- B – does the assessed window received less than 0.8 times its former sunlight hours during either the whole year or winter period.
- C – Is the reduction of sunlight received over the whole of the year greater than 4% of the APSH.

The neighbouring properties have been assessed against the criteria above. With regards to VSC the assessment shows that all windows pass, providing greater values of 27% post development, or have a ratio of change that is 0.8 or above and therefore the impact of the development is negligible. Similarly, all of the rooms meet the no skyline assessment. With regards to ASPH the neighbour windows have been assessed to pass one of the three tests and therefore have a negligible impact on neighbouring properties.

The assessment also indicates the change in the sun on the ground for 16-20, 36 and 38 Canterbury Street. It indicates that the levels of rear gardens to be lit for 2 hours or more on 21 March which is considered acceptable by BRE and would not reduce these areas, while 16-20 Canterbury Street would have an improvement of 8%.

The sunlight and daylight report are considered to be acceptable and demonstrates there is no significantly detrimental impact on daylight and sunlight to neighbouring properties from the proposed size, scale and massing of the proposal.

With regard to noise, the scheme is likely to result in a benefit to the area from the loss of late-night noise and disturbance associated with the current night club use. However, it is considered there is potential disturbance from noise and dust as a result of construction activity and consequently a condition requiring a Construction Environmental Management Plan (CEMP) is recommended.

Occupier Amenity

With regard to the amenities of future occupants of the development itself, the proposed flats have been assessed with regard to the technical housing standards – nationally described space standard 2015 (the national standard).

All flats would exceed the requirements of the national standard for gross internal floor areas (GIA) for 1 bedroom 1 person flat (37sqm), 1 bedroom 2 person flat (50sqm), the 2-bedroom 3 person flats (61sqm), the 2-bedroom 4 person flats (70sqm) and room sizes. The Medway Housing Design Standards (MHDS) requires properties to have at least 5sqm additional private outdoor amenity space for flats. All flats have some outdoor private amenity space meeting this standard. All habitable rooms would have suitable outlook. Using a mixture of privacy screens and the directional windows there would be no detrimental impact on privacy for the future occupiers as well as neighbours.

The application has been supported by a Noise Impact Assessment with regards to road noise and is acceptable with the provision of double glazing and mechanical ventilation. Due to the layout of the second and third floors there is potential for noise transmission between the living areas and sleeping areas of adjoining properties. A suitably worded condition is recommended to ensure that noise transmission is kept to a minimum for the ceiling and floor between the second and third floors.

Subject to the recommended conditions above and additional conditions for the retention of the proposed obscure glazing and privacy screens, no objection is raised in terms of the amenities of both the future occupiers and neighbour amenities under Policies BNE2 and H4 of the Local Plan and paragraphs 125, 130 and 174 of the NPPF.

Highways

Concerns within representations have been raised with regard to existing parking issues in the area with illegal parking which it is contended would worsen with the proposed development with insufficient parking proposed. A Transport assessment has been submitted in support of the application.

The application proposes a new access onto Theodore Road and it is considered that this access with the proposed parking layout is acceptable and would not result in any material impact on highways safety or function.

Medway Council's Interim Residential Parking Standards require the provision of 1 space for a 1-bedroom dwelling and 1.5 spaces per dwelling for a 2-bedroom dwelling, plus 0.25 spaces per dwelling for visitor parking, making a requirement of 21.5 spaces for the proposed development. With regards to the commercial aspect, due to the existing lawful use with no parking provision, no additional parking to serve the commercial use would be required. The parking standards do allow for under provision in sustainable locations.

The application proposes 10 parking spaces for the residents. Given the location of the site in a highly sustainable location in the core retail area of Gillingham within close proximity to Gillingham train station, whilst also proposing 14 individual cycle storage units as an alternative sustainable transport options to cars. No objection would be raised in terms of impact to highway network, subject to a parking management plan

condition regarding how the car park is to be managed and to prevent overspill onto the public highway.

Paragraph 112E of the NPPF requires new development to provide electrical charging facilities and a suitably worded condition to secure 33% active and 66% passive is recommended.

Subject to the above-mentioned conditions and further conditions regarding the provision of both the proposed car parking and cycle storage, the proposal would not result in any detrimental increase in risk to highways and is considered to be acceptable in terms of Policies H4, T1, T2 T3, T4 and T13 of the Local Plan and paragraphs 111 and 112 of the NPPF.

Flooding/SUDS

The application is supported by a Drainage Strategy Technical, which proposes a geocellular storage unit onsite. The LPA consider this approach to be acceptable but further details will be required by condition. It is also recommended that rainwater harvesting, grey water recycling and water butts are used where practicable in order to provide additional means of surface water attenuation as well as reduced demand on potable water supplies.

Subject to suitably worded conditions regarding the submission of a suitable SUDs scheme (including details of maintenance) and a verification report the proposed development is in accordance with paragraphs 167 and 169 of the NPPF.

Contamination

Policy BNE23 of the Local Plan requires that land known to be or likely to be contaminated should be accompanied by detailed site examination and appropriate remedial measures to reduce or eliminate risk to human health and the wider environment be agreed.

A Phase 1 preliminary contamination report has been submitted with the application which concludes there is a low risk to human health and controlled waters. Subject to a suitably worded watching brief contamination condition no objection is raised to the proposal under Policy BNE23 of the Local Plan and paragraphs 174 and 183 of the NPPF.

Climate change and energy efficiency

The proposed development will be designed in accordance with the latest building regulations and in particular Part L (Energy Use) for new dwellings ensuring high levels of thermal insulation with low energy use fixtures, fittings and appliances.

All new windows are to be double-glazed which will significantly reduce noise and improve heat insulation. The windows and glazed doors to all habitable rooms ensure excellent levels of natural light reducing the need for artificial lighting and associated energy use.

The close proximity of amenities including public transport, public park, and shopping facilities from the proposed development mean the length of journey is minimal, promoting walking and making it not essential to own a car. Provision of secure bike storage for each flat in the development offers the opportunity for a sustainable transport solution.

The application has included a SuDs strategy. All hard standings will be self-draining and electrical car charging points will be provided. An appropriate condition to secure all the proposed sustainability and climate change measures is recommended. Subject to this the application is considered acceptable in accordance with paragraph 154 of the NPPF.

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 obligations proposed comply with these tests because they have been calculated based on the quantum and location of the development. The contributions have been partly reflected in a formulae-based approach. New residential development can create additional demand for local services. Policy S6 of the adopted Local Plan states conditions and/or legal agreements should be used to make provision for such needs.

The applicant submitted a Viability Assessment which has been considered by the Council's viability advisor. The advisor concludes that the scheme is unable to provide Section 106 requirements as set out in the Medway Guide to Developer Contributions and Obligations. Consequently, it is not considered justified to seek such financial contributions apart from the below bird mitigation which is exempt from viability issues.

The application is therefore considered in accordance with Policy S6 of the Local Plan and paragraphs 56, 57 and 58 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 £253.83 per dwelling 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 confirmed their acceptance to pay this tariff and are in the process of completing a unilateral undertaking to secure the payment. Consequently, subject to the completion of the unilateral the application is considered to be in accordance with paragraphs 180 and 181 of the NPPF and Policies S6 and BNE35 of the Local Plan.

Local Finance Considerations

There are no local finance considerations.

Conclusions and Reasons for Approval

The proposal is considered acceptable in terms of principle, design, amenity and highway aspects and with regard to all other material planning considerations. The proposal accords with the provisions of Policies R5, R12, S6, H4, BNE1, BNE2, BNE6, BNE23, BNE35, BNE37, T1, T2, T3, T4 and T13 of the Local Plan and paragraphs 11, 55, 57, 58, 111, 112, 119, 120, 125, 126, 130, 155, 167, 169, 174, 180, 181 and 183 of the NPPF. Accordingly, the application is recommended for approval subject to conditions and the completion of the section 106.

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 and members have called the application to consider due to the regeneration aspect of the scheme.

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/>