

**MC/21/1703**

Date Received: 7 June 2021  
Location: Land Adjacent To Balancing Pond St Andrews Park  
Halling Kent  
Proposal: Variation of condition 12 (affordable provision) on planning permission MC/19/0994 to allow for a change in the percentage of affordable units to be provided on site from 50 units (56%) to 22 units (25%)  
Applicant Agent: Mr Andrew Mackness  
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Ward: Cuxton And Halling Ward  
Case Officer: Hannah Gunner  
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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 13th October 2021.**

**Recommendation - Approval with Conditions**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of the planning permission ref: MC/19/0994, that date being 12 May 2020.

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

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

Received 12 April 2019:

18-0595 Dwg 1 of 2  
18.093 -001 Rev A  
18.093 -002 Rev A

18.093 -003 Rev A  
18.093 -004 Rev A  
18.093 -007 Rev A  
18.093 -008 Rev A  
18.093 -009 Rev A  
18.093 -010 Rev A

Received 14 February 2020:

18.093 -011 Rev A

Received 20 March 2020:

18.093 -005 Rev B  
18.093 -006 Rev B

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

- 3 No development above slab level shall take place until details 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.

- 4 No development above foundation level shall take place until full details of all hard and soft landscaping, boundary treatment and any artefacts to be located within external areas have been submitted to and approved in writing by the Local Planning Authority.

Hard landscaping works shall include all decking, paving and external hard surfacing material. Minor artefacts and structures shall include seating, refuse receptacles, planters, tree grilles and any other decorative feature(s).

Soft landscape works shall include details of planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment and aftercare, schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following first occupation of the buildings or completion of the development, whichever is the earlier. 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, unless the Authority gives written consent to any variation.

The boundary treatment details shall include a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are first occupied and shall thereafter be retained. The development shall be carried out in accordance with the approved details.

Reason: Pursuant to condition 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality and afford residents good levels of amenity in accordance with policies BNE1, BNE2 and BNE6 of the Medway Local Plan 2003.

- 5 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas including the roof garden, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The landscape management plan shall be carried out as approved.

Reason: Pursuant to condition 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 6 No development above foundation level shall take place until details of all external lighting has been submitted to and approved in writing by the Local Planning Authority. The details of the lighting shall include design, the exact position, light intensity and spillage and be illustrated on the associated landscaping plans for that phase or sub phase.

The design plan should also include a plan for biodiversity that will:

- Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around important routes used to forage and commute;
- Show where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb bat activity.

The lighting shall be installed in accordance with the approved details prior to the first occupation of any part of the development to which it relates. The approved lighting shall be retained in accordance with the approved details.

Reason: To ensure a satisfactory external appearance and biodiversity sensitivity and to ensure the provision of lighting does not result in glare or light overspill to surrounding properties in accordance with Policies BNE2 and BNE5 of the Medway Local Plan 2003.

- 7 Prior to first occupation of the development hereby approved, details of how the development will enhance biodiversity shall be submitted to, and approved in writing by, the local planning authority. This will include the implementation of recommendations in section 6 within the Preliminary Ecological Appraisal (Greenspace Ecological Solutions December 2018). The approved details will be implemented prior to first occupation or in accordance with an implementation plan agreed as part of the submission pursuant to this condition and thereafter retained.

Reason: To ensure a satisfactory development that is in alignment with paragraph 180 of the NPPF.

- 8 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:

a timetable for its implementation, and  
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.

No surface water drainage infiltration into the ground is permitted.

Reason: To manage the risks of flooding pre and post construction and for the lifetime of the development and to ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 180 of the NPPF.

- 9 Prior to any part of the permitted development being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reasons To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

- 10 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reasons: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 180 of the NPPF. The design of SuDS appropriate to this location, in conjunction with the wider agreed site strategy is acceptable .

- 11 Prior to the first occupation of the development a mechanism demonstrating how 22 units will be delivered as affordable housing (50:50 split shared ownership and affordable rent) shall be submitted to and approved in writing by the Local Planning Authority. The affordable homes shall be delivered as approved and thereafter maintained as such.

Reason: To ensure provision of affordable homes on site in accordance with Policy H3 of the Medway Local Plan 2003.

- 12 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 operatives vehicles, deliveries to the site, noise, dust and lighting and the effect on wildlife and habitats 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 Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 13 No dwelling and/or building shall be occupied until details of secure private cycle parking provision in the form of individual lockers for have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be implemented in accordance with the approved details before any dwelling and/or building is occupied and shall thereafter be retained.

Reason: To ensure the provision and permanent retention of bicycle spaces in accordance with Policy T4 of the Medway Local Plan 2003.

- 14 No development shall take place above ground floor slab level until details of the provision of 3 electric vehicle charging points 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 111E of the NPPF.

- 15 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 their visitors as well as retail customers. 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.

- 16 No part of the development shall be occupied until the refuse storage and collection areas for both the extra care unit and the retail unit have been completed in accordance with dwg no: 18.093 -005 Rev B, 18.093 -006 Rev B - received 20 March 2020 and a waste management plan has been submitted to and approved in writing by the Local Planning Authority.

Reason: to ensure satisfactory refuse storage and collection facilities are provided in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 17 No part of the development shall be occupied until the area shown on the submitted layout as vehicle parking space/garaging has been provided, surfaced and drained in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. 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/ garaging.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking and to accord with Policy T13 of the Medway Local Plan 2003.

- 18 The retail unit hereby permitted shall only operate between the hours of 06:00 to 22:00 Mondays to Sundays inclusive of Sundays and 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.

- 19 No servicing or deliveries to the retail unit shall take place on the premises between the hours 18:00 to 06:00 Mondays to Saturdays inclusive and shall not take place on Sundays and 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.

- 20 The development shall be carried out in compliance with the details approved pursuant to conditions 9, (Phase 2 Site Investigation Report) of planning application MC/19/0994 and approved under ref MC/21/1532.

Reason: To ensure the development is carried out in accordance with the approved condition details, and in compliance with paragraphs 180 and 181 of the NPPF.

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

## **Proposal**

This application is for the variation of condition 12 (affordable provision) on planning permission MC/19/0994 to allow for a change in the percentage of affordable units to be provided on site from 50 units (56%) to 22 units (25%). The permission was subject to conditions.

Condition 12 currently reads:

Prior to the first occupation of the development a mechanism demonstrating how 50 units will be delivered as affordable housing (50:50 split shared ownership and affordable rent) shall be submitted to and approved in writing by the Local Planning Authority. The affordable homes shall be delivered as approved and thereafter maintained as such.

Reason: To ensure provision of affordable homes on site in accordance with Policy H3 of the Medway Local Plan 2003.

It is proposed to vary the wording to read:

*Prior to the first occupation of the development a mechanism demonstrating how 22 units will be delivered as affordable housing (50:50 split shared ownership and affordable rent) shall be submitted to and approved in writing by the Local Planning Authority. The affordable homes shall be delivered as approved and thereafter maintained as such.*

## Relevant Planning History

**MC/21/1532** Details pursuant to condition 9 (Phase 2 Site Investigation Report) on planning application MC/19/0994 for the construction of an extra care facility comprising of thirty six 1-bedroom and fifty two 2-bedroom apartments with communal facilities including restaurant, offices and a separate retail unit (Class A1) with associated landscaping, access, parking and infrastructure

**Decision** Condition Discharged

**Date** 19 July 2021

**MC/19/0994** Construction of an extra care facility comprising of thirty-six 1-bedroom and fifty-two 2-bedroom apartments with communal facilities including restaurant, offices and a separate retail unit (Class A1) with associated landscaping, access, parking and infrastructure

**Decision** Approved with Conditions

**Date** 12 May 2020

## Representations

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

**Six** letters have been received raising the following objections:

- Reducing the number of affordable homes is not acceptable
- This is all about profit
- Medway needs affordable provision
- There is a lack of affordable homes in this area
- This will put pressure on temporary housing
- It is difficult for young people to get on the property ladder – this is a betrayal to young people.

**Dickens' Country Protection Society** have commented stating that in their view, Condition 12 as originally drafted is reasonable.

## 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**

### *Background*

The original application for the Extra Care facility was approved in May 2020. During the application process, discussion was had in relation to the provision of affordable housing on site. The Council requested for 25% affordable that is required through policy, however at the time the application was being processed the applicant stated their desire to provide 50 of the 88 units to be affordable (at a split of 50/50 shared ownership and affordable rent). Consequently, a condition was imposed for this provision to be secured with provision for any amendment to be secured under a S73 application.

### *Assessment*

The reason for the 56% affordable housing is as a desire of the applicants which exceeds the policy requirement currently set at 25% provision. Consequently, in line with policy a 25% provision would equate to 22 (of the 88) units.

Amending the condition to ensure that the development provides 25% affordable units is acceptable as this would ensure that the development would be policy compliant.

It should be noted that some of the objections that have been received fail to consider the reduction will still ensure a 25% affordable provision which is for Extra Care facilities only and not for residential accommodation for young first-time buyers as indicated in the letters received. The proposal would ensure policy compliant affordable provision of extra care accommodation.

The proposed change of affordable housing provision has been considered by the Council's Housing Enabling team and has advised that the amendment is within the Council's requirement and can be accepted.

### *Amenity*

The proposal raises no new amenity concerns that have not previously been considered.

### *Highway*

The proposal raises no new highway or parking consideration.

### *Local Finance Considerations*

Not relevant to this application.

## **Conclusions and Reasons**

The proposal to amend the affordable housing provision is considered acceptable and would ensure that the required level of affordable homes is provided within the development and policy compliant. The proposal complies with Policy H3 of the Medway Local Plan 2003 and paragraphs 60, 62 and 65 of the NPPF.

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

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### **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/>