

MC/20/1632

Date Received: 7 July 2020
Location: 419 Walderslade Road Walderslade
Chatham Medway
Proposal: Construction of 18 flats comprising 9 x 1-bed units and 9 x 2-bed units over five storeys with associated car parking and bin stores.
Applicant LSL Developments Ltd
Mr Lawrence Killick
Agent Urban Surveying & Design LTD
Mr Matthew Beasley
22 Church Street
St. Peters
Broadstairs
CT10 2TT
Ward: Walderslade 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 9th March 2022.

Recommendation - Approved Subject to S106

A. Subject to the applicant entering into a legal agreement under the terms of Section 106 of the Town and Country Planning Act 1990 to secure:

- i. £46,829.34 green space contribution. Split £44,487.87 towards improvements to the local area and £2,341.47 towards the Great Lines Heritage Park.
- ii. 11,606.22 towards health improvements in Gillingham South and Medway
- iii. £1,437.48 towards youth provision in Chatham for young people between 8-19.
- iv. £3,031.20 towards library improvements at Walderslade Village Library.
- v. £3,363.12 towards community facilities within the vicinity of the site.
- vi. Meeting the Council's costs.

B. And the following conditions: -

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

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

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

Received 31 January 2022:

0002.PL101 Rev C	Site Plan
0002.PL102 Rev C	Ground and First Floor Plans
0002.PL103 Rev B	Second and Third Floor Plans
0002.PL104 Rev B	Fourth and Roof Plans
0002.PL106 Rev C	Front & Rear Elevations
0002.PL107 Rev B	Section A-A

Received 9 February 2022:

0002.PL105 Rev E Flank Elevations

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

- 3 No development shall take place, including site clearance, until a precautionary mitigation strategy for protected/priority species has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved mitigation strategy and retained thereafter.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on protected species and in accordance with Policies BNE37, BNE38 and BNE39 Medway Local Plan 2003.

- 4 No development shall take place until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of working, noise, dust and lighting arising from the construction phase of the development 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 with regard to Policy BNE2 of the Medway Local Plan 2003.

- 5 No development shall take place until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) has been submitted to and approved in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction period.

The approved CSWMP shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:

- i. Temporary drainage systems.
- ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses.
- iii. Measures for managing any on or offsite flood risk

Reason: Required prior to commencement of development to manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 167 of the National Planning Policy Framework 2021.

- 6 No development other than demolition and archaeological works 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. Details should be submitted in conjunction with the site Landscape Plan, and shall include (if applicable):
- i. a timetable and construction method statement 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.

Reason: Required prior to commencement of development to manage surface water post construction and for the lifetime of the development as outlined at Paragraph 167 of the National Planning Policy Framework 2021.

- 7 Notwithstanding the approved plans, no development above ground floor 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.

- 8 No development shall take place above ground floor slab level until details of the provision of 3 electric vehicle charging points has 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 in working order.

Reason: In the interests of sustainability in accordance with paragraph 112e of the National Planning Policy Framework 2021.

- 9 The development shall not be occupied until the existing bungalow at 421 Walderslade Road has been demolished.

Reason: To safeguard conditions of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 10 The development shall not be occupied until full details of a hard and soft landscape scheme, including ecological enhancements has been submitted to and approved in writing by the Local Planning Authority. Details shall include:

i. Plans and information providing details of existing and proposed finished ground levels, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, all paving and external hard surfacing, lighting and services (including drainage). Soft landscape works, including details of planting plans, tree positions, planting build ups, written specifications (including cultivation and other operations associated with grass, tree and planting establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes, root treatments and proposed numbers/densities where appropriate.

ii. Details for the design and specification of tree planting to enable healthy establishment at maturity. Information should provide details for the planting environment (including within hard landscape, raised planters, any podium decks and green roofs), calculated soil volume, tree support and tie specification, guards and grilles, aeration and irrigation systems, soil build-up information (avoiding the use of tree sand), tree cell systems (to street tree planting environments).

iii. Detailed information should be provided for the design and specification of any green roofs, terraces and podium decks. Including drainage and soil build up, planting plans & plant schedules, the treatment for any tree planting (including tree pit details and tree supports), all paving and hard surfacing, minor artefacts and structures.

iv. Detailed information for the design and specification of any green wall and climbing systems, including planting selection, specification and details of irrigation systems.

v. Details of the ecological enhancements to be provided such as bird/bat boxes and native planting.

vi. A timetable for implementation.

The development shall be implemented in accordance with the approved details and timetable 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.

- 11 The development shall not be occupied until a Landscape Management Plan has been 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, including any play space, communal courtyard(s), and any green roofs for a minimum period of five years and arrangements for implementation. The document shall also include an appendix incorporating product specification sheets for all street furniture and play equipment, covering installation and maintenance requirements. 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.

- 12 The development shall not be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be implemented in accordance with the approved details before any flat is occupied and shall thereafter be retained.

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.

- 13 The development shall not 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 on-site parking provision is to be managed. The Parking Management Plan shall be implemented in accordance with the approved details prior to the first occupation of the residential unit and shall thereafter be retained.

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

- 14 Prior to occupation (or within an agreed implementation schedule) 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 agreed surface water system has been constructed as per the agreed scheme and plans. The report shall include details and locations of critical drainage infrastructure (such as inlets, outlets and control structures) including as built drawings, and an operation and maintenance manual for the unadopted parts of the scheme as constructed.

Reason: To ensure that a suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk on site or elsewhere in accordance with paragraph 167 of the National Planning Policy Framework 2021.

- 15 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within section 6.1 of the Design and Access Statement Rev A. The development shall not be occupied until a verification report prepared by a suitably qualified professional has been submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been implemented.

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 154 of the National Planning Policy Framework 2021.

- 16 The development shall not be occupied until the area shown on the submitted layout as cycle storage and vehicle parking space has been provided, surfaced and drained in accordance with details 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.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking and in accordance with Policies T4 and T13 of the Medway Local Plan 2003.

- 17 The separating ceilings between all floors, and the walls between residential dwellings 2 & 3, 6 & 7 and 13 & 14, 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 safeguard conditions of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

Proposal

This application seeks planning permission for the construction of 18 flats comprising 9 x 1-bed units and 9 x 2-bed units over five storeys with associated car parking and bin stores.

The application site is on a steep hill and the proposals seek to excavate approx. 26.5m into the site with depth of excavation varying from between 10cm to 4m. The proposed five storey flat roof building would have the ground floor forming undercroft parking. A smaller single storey flat roof projection serving the bin store, cycle store and plant room is also proposed. The flat block building would be set back approx. 6.8m from the front of the site measuring approx. 7.3m in width, approx. 15.8m in maximum depth and approx. 7.2m in height at the front and due to land levels approx. 2.9m in height to the rear.

The proposals show a landscaped strip of land between the footpath to the front of the site and the parking area for 4 visitor parking spaces, there would then be a wall and an access gate with 23 further spaces behind for residents. Further landscaped areas are proposed to the side and rear of the building.

The first floor would consist of 3 x 1-bed flats and 1 x 2-bed flat. The second floor would consist of 3 x 1-bed flats and 3 x 2-bed flats. The third floor would consist of 3 x 1 bed flats and 2 x 2-bed flats, and the fourth floor would consist of 3 x 2-bed flats. Each flat would include a hallway, open plan kitchen/diner/lounge, bathroom and either a balcony or roof terrace.

Site Area/Density

Site Area: 0.12 hectares (0.30 acres)

Site Density: 150 dph (60 dpa)

Relevant Planning History

Application site

MC/16/0207	Construction of new 32 bed nursing care home with associated landscaping and parking. Retrospective change of use from commercial warehouse (Class B8) to vehicle servicing and repair shop (Class B2) Decision: Approval with Conditions Decided: 21 November 2018
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421 Walderslade Road

MC/21/2834	Prior Notification under Schedule 2 Part 11 Class B of the Town and Country Planning (General Permitted
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Development) (England) Order 2015 (as amended) for the demolition of bungalow

Decision: Undetermined and therefore prior approval granted through time

Representations

The application has been advertised on site, in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties. Natural England, NHS, Southern Water, Rochester Airport Ltd, Southern Gas, EDF Energy, Environment Agency and KCC Biodiversity have also been consulted.

Four letters of objection have been received raising the following concerns which are planning considerations:

- Overdevelopment of the site.
- Overlooking neighbouring properties and neighbour dentist.
- Highway safety concerns for vehicles and pedestrians due to location of access within close proximity to the adjacent Walderslade Village junction.
- Road is already subject to flooding issues and the proposed development would add to this.
- Over stretched healthcare provision and schools.

A petition against the development has also been received signed by 44 people from approx. 20 addresses.

Natural England have written to provide no comments and provided details of standing advice.

Southern Gas Networks responded with a plan describing the location of SGN assets and guidance notes about locating pipes onsite and safe digging practices. An informative will be added to any decision to bring this to the applicant's 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 applicant's attention.

Southern Water have provided records of their sewer records. There is possibly a sewer 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. They also indicated the site is in a source protection area and the Environment Agency should be consulted. An informative will be added to any decision to bring this to the applicant's attention.

KCC Biodiversity originally responded in 2020 that although there is no supporting information regarding ecology there is a potential for protective species being breeding birds and hedgehogs. Due to the breeding bird season and hibernation periods for hedgehogs a precautionary mitigation strategy condition would be required. A condition to secure Ecological Enhancements would also be required which could include bird and bat boxes and native planting within the final landscaping scheme.

KCC Biodiversity have responded to the amended scheme that the site has grown more vegetation and could also include reptiles, however due to the size of the site a precautionary mitigation approach is still considered acceptable. There is a concern that securing a biodiversity is going to be difficult and request native landscape only and multiple swift bricks.

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 site has previously benefited from planning permission for a 32-bedroom care home on site under MC/16/0207, but this application has now lapsed. This approval was of a building of a similar 5 storeys in height however this application seeks a more contemporary design and the building set further back.

Principle

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

The application site lies within an urban mixed commercial and residential area in Chatham. Policy H4 of the Local Plan states that residential development in the form of infilling in such areas is acceptable providing that a clear improvement in the local environment will result. Paragraphs 11, 60, 69, 119 and 120 of the NPPF also encourage effective use of land, windfall sites, and the presumption in favour of sustainable development when a five-year land supply cannot be demonstrated.

If not met, then a consideration regarding the presumption of sustainable development is required due to the Council not currently have a five-year land supply. As of the 2020-21 Housing Delivery Test, the Council has only delivered 55% of its target number of dwellings in the preceding 3 years.

The principle of residential development in a mixed commercial and residential area is considered acceptable, subject to the compliance with the detailed matters which are set out in the assessment below.

Design

Paragraphs 126, 130 and 131 of the NPPF emphasises the importance of good design and seeks to secure tree lined streets. 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.

By virtue of its siting, the proposed block of flats would be visible from Walderslade Road and neighbouring properties. The surrounding properties are in a mix of commercial and residential use. The bungalow previously on site has already been removed.

The proposed development is much larger than the existing properties extending further back into the site, however it is considered to be appropriate for the size and scale for this large plot and the proposed excavation prevents the five-storey nature of the development from dominating the neighbouring adjacent properties to the rear. The development would appear as two stories given that will be at a lower level. The building would also be set back from the road frontage at a similar distance to 417 Walderslade Road to assist with its appearance within the street scene and provide appropriately sized landscaped areas, including tree planting, to soften the development. Full landscaping details have not been provided and if the application were considered for approval, a condition to secure the final landscaping scheme and maintenance plan would be required.

No objection is raised either the contemporary design or from the proposed layout however if recommended for approval a condition requiring details of materials would be required.

Subject to the above conditions, the development is considered acceptable in terms of layout, size, scale, and design and would be not detrimental to the character of the area. The proposal would be in accordance with Policies BNE1 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

By virtue of the size and scale of the proposed building; level of excavation and topography of the site; the distance from neighbouring properties, and the relationship of their habitable room windows to the proposed development; 417 Walderslade Road being a Dental Surgery and the orientation of the site and the path of the sun; it is considered that there would not be any detrimental loss of neighbouring amenity with regards to outlook, daylight or overshadowing of the adjoining properties.

Concerns have been raised regarding the loss of privacy within consultation responses. With regards to the properties within Rush Close to the rear of the site, due their distance to the proposal of approx. 19m, excavation and topography of the site and the arrangement of windows within the proposed development, there would be no detrimental impact in terms of overlooking between properties to the rear in Rush Close dwellings. Due to the existing low boundary treatment to the rear of garden of 10 Rush Close and balustrade boundary treatment to the raised rear garden of 9 Rush Close there would be overlooking of these gardens from the rear amenity space and balconies of the proposed development. However due to the topography of the area these gardens already mutually overlook each other, with 9 and 8 Rush Close being able to look into the lower garden of 10 Rush Close and vice versa. The overlooking is not considered to be significantly detrimental and would have existed at garden level when the application site was in active residential use.

There would be overlooking of the neighbouring dental surgery (417 Walderslade Road) but as a non-residential property there would be no objection raised. It is also acknowledged that the existing bungalow at 421 would suffer from detrimental impact from overlooking, however this property is also within the applicant's ownership and has prior approval secured for its demolition. The applicants have agreed for a condition to be imposed if recommended for approval for the bungalow to be demolished prior to occupation of the proposed development. There are concerns that due to the number of habitable room windows within the proposed flank elevation this could prejudice any redevelopment of the neighbouring site. However, in considering guidance and previous appeal cases it was not considered that this would have sufficient weight to justify a refusal on this basis and would be difficult to defend at appeal. Therefore, any redevelopment of 421 Walderslade Road will need to be designed to overcome the possible issues of privacy and overlooking caused by this application.

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) should be included if planning permission is granted.

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 2 person flat (50sqm), the 2-bedroom 3 person flats (61sqm), the 3-bedroom 4 person flats (74sqm) and individual bedroom sizes. The Medway Housing Design Standards (MHDS) requires properties to have at least 5sqm additional private outdoor amenity space for flats which is achieved. Furthermore, all habitable rooms would have suitable outlook. Due to the proposed layout, there is potential for noise transmission between living area of one flat and sleeping rooms of adjoining flats and therefore a condition to secure suitable separations to resist the transmission of airborne sound would be required.

Subject to the suggested conditions, 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 130 and 174 of the NPPF.

Highways

Concerns have been raised within consultation responses regarding highway safety for both pedestrians and vehicles due to the proposed access and relationship to the existing junction to Walderslade Village.

The parking standard would require 27 parking spaces. 4 visitor spaces would be located to the front and the remaining 23 spaces behind a sliding vehicle access gate. It is also proposed that three of the parking spaces would have electric charging points and a condition would be required for details of charging points if recommended for approval. The floor plans also show a two-tier cycle storage for 18 bikes which is considered acceptable. Should the proposal be approved it is recommended that a parking management strategy be provided secured by condition and a further condition secure the provision of the cycle storage.

In terms of impact on the road network, due to development being modest in size in terms of the number of flats, the positioning of the access and with key amenities within close proximity, it is not considered a severe impact on the highway system would result.

Subject to the abovementioned conditions the proposal would not result in any detrimental increase in risk to highway safety and is considered to be acceptable in terms of Policies H4, T1, T2, T3, T4 and T13 of the Local Plan and paragraphs 104, 105, 110(b), 111 and 112(e) of the NPPF.

Flooding/SUDS

Concerns were raised in consultation responses regarding flooding. The application is supported by a Drainage Impact and Flood Risk Assessment (ref: T-2021-022) which confirms that site is located within flood zone 1 of the Environment Agency flood map and has a low probability of flooding.

The SuDs proposal for this development would be in the form of Geo-cellular tanks as attenuation which will connect to the existing surface water sewer located on Walderslade Road and the discharge rate is to be set at 2l/s. Although the Council lead by the Local Lead Flood Authority is unable to set discharge rates or make comment as to whether the receiving system has the capacity to receive agreed discharge rates unless already established as part of a Surface Water Management Plan, in the absence of which, discharge rates will be set at levels to satisfy National non statutory Technical Standards for Sustainable Drainage. Confirmation from Southern Water should be obtained.

During the detailed design stage calculation of each aspect of the surface water system should be submitted to the LLFA to ensure that the system is suitable. The Flood Estimation Handbook (FEH) should be used for the design storms and runoff, as opposed to FSR. MicroDrainage outputs (or other industry appropriate software) should be provided for the critical duration for a 2-year, 30 year and 1 in 100 year + 40% intensity climate change scenarios.

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

Ecology

No ecology information has been submitted in support of this application; however, the site has potential for breeding birds (which are protected during breeding season), reptiles and hedgehogs (protected by the NERC Act) on site. As breeding bird season is between 1 March and 31 August and hedgehogs would be hibernating between October to March/April a precautionary mitigation strategy for these protective species would be needed to be secured by condition. In accordance with paragraph 180 of the NPPF a further condition would be required to ensure ecological enhancements which could include bird and bat boxes and the planting of native species with the landscaping.

Subject to the suggested condition no objection is raised regarding Policy BNE37 of the Local Plan and paragraph 180 of the NPPF.

Climate change and energy efficiency

The applicant has provided a list of energy efficiency mitigation measures within the design and access statement. These include fabric first approach, high levels of insulation and air tightness, use of passive solar gain, thermal mass, mechanical ventilation, use of zero carbon technology, energy efficiency lighting, efficient internal and external water use. The use of most appropriate low or zero carbon technologies to help reduce running costs such as PV panels and air source heat pumps if viable or suitable. The application would also provide electric charging points and sustainable transport options with a cycle rack for occupiers.

If the application were considered for approval a verification condition to ensure that these measures have been provided prior to occupation would be required in accordance with paragraph 154 of the NPPF.

Bird Mitigation

As the application site falls outside the 6km of the North Kent Marshes SPA/Ramsar Sites, the proposed development is unlikely 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. Consequently, no mitigation would be required in these circumstances and the application is considered acceptable under Policy BNE35 of the Local Plan and paragraphs 180 and 181 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 are necessary to make the development acceptable in planning terms, they are directly related to the development and are fair and reasonable in scale and kind. The following contributions are sought:

Greenspace Services

A contribution of £46,829.34 based on a contribution of £2,601.63 per dwelling. The contribution would be split so that £44,487.87 would go towards improvements to the local area and £2,341.47 towards the Great Lines Heritage Park.

Health

A contribution of £11,606.22 towards the foundation and development of the Medway South Primary Care Networks including the supporting infrastructure, IT, training and equipment based on a contribution of £644.79 per dwelling.

Youth Provision

A contribution of £1,437.48 based on a contribution of £79.86 per dwelling towards programme delivery for young people (ages 8-19 and up to 25 for people with disabilities) in the Chatham area.

Libraries

A contribution of £3,031.20 towards equipment and facilities at Walderslade Village Library based on a contribution of £168.84 per dwelling.

Community Facilities

A contribution of £3,363.12 towards community facilities within the vicinity of the site based on a contribution of £186.84 per dwelling.

Other matters

It is noted within the representations that a concern was raised about there being no information about the structural integrity of the houses in Rush Close from the level of excavation. This is not a planning consideration.

Further concerns were raised about the impact on an already stretched healthcare system and schools in the area. The application secures s106 contribution to assist with healthcare provision to offset the development. With regards to schools due to the number of two-bedroom flats proposed, the application did not qualify for a schools s106 contribution.

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 S6, H4, BNE1, BNE2, BNE37, T1, T2, T3, T4 and T13 of the Local Plan and paragraphs 11, 57, 58, 60, 69, 104, 105, 100, 11, 112, 119, 120, 126, 130, 131, 154, 167, 169, 180 and 181 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.

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/>

