

MC/21/2272

Date Received: 30 July 2021
Location: Land North Of Queen Street Chatham
Medway ME4 4LU
Proposal: Construction of a block comprising of forty-five 1 and 2-bedroom
apartments with associated access, parking and landscaping -
demolition of existing dwellings
Applicant: Medway Development Company
Agent: DHA
Emma Hawkes DHA (Eclipse House)
Eclipse Park
Sittingbourne Road
Maidstone
ME14 3EN
Ward: River Ward
Case Officer: Karen Cronin
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 1st June 2022.

Recommendation - Approval subject to:

A. The applicant entering into an agreement under Section 106 of the Town and Country Planning Act to secure:

- Provision of 100% affordable housing for the adjacent Creval site
- Contribution of £11,422.35 towards bird disturbance mitigation measures

B. And the following conditions:

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

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

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

Drawing numbers:

Topographical Survey	10810B 17
Site Location Plan A3	8008-P1001
Site Location Plan A1	8008-P1002
Site Block Plan	8008-P1003 Rev A
Ground Floor Plan	8008-P1100 Rev A
First Floor Plan	8008-P1101
Second Floor Plan	8008-P1102
Third Floor Plan	8008-P1103
Fourth Floor Plan	8008-P1104
Fifth Floor Plan	8008-P1105 Rev A
Ground Floor Strategies	8008-P1110
Apartment Types	8008-P1115 Rev A
Proposed Roof Plan	8008-P1150 Rev A
Proposed South West Elevation	8008-P1201
Proposed North East Elevation	8008-P1202
Proposed South East Elevation	8008-P1203
Proposed North West Elevation	8008-P1204
Proposed Site Section A-A	8008-P1210
Longitudinal Section	8008-P1212
Longitudinal Section	8008-P1213
Cross Section	8008-P1214
Proposed External Materials	8008-P1220
Detailed Typical Elevation	8008-P1222

received 30th July 2021

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

- 3 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

- 4 No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: hours of construction working; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents, business, road users and users of public transport and with regard to Policies BNE2 and T1 of the Medway Local Plan 2003.

- 5 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include:

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

(ii) an assessment of the potential risks to:

human health

property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.

adjoining land,

groundwaters and surface waters,

ecological systems,

archaeological sites and ancient monuments;

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

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

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

- 6 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site

will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

- 7 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works. Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority prior to the bringing into use of the development.

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

- 8 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 5, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 6, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition 6 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 7.

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.

- 9 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 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: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 167 of NPPF.

- 10 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: This condition is sought in accordance with paragraph 167 of the NPPF to ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere.

- 11 No development shall commence 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) is submitted to and agreed in writing by the local planning authority in consultation with the LLFA. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

The approved CSWMP and 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: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 167 of NPPF.

- 12 No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework.

- 13 Piling using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed residential development does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework.

- 14 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.

- 15 No development shall take place above slab level until full height detailed elevations, sections and details through external walls, balconies, courtyards, terraces & setbacks and coordinated with the full size material samples & assemblies have been submitted to and approved in writing by the Local Planning Authority.

These drawings and models shall include, but are not limited to, ridge, eaves, verge, brick/material bonding & joint types, mortar & filler colours, scheme colourways, entrance recess soffits, solar panels & brackets, balcony structures, balustrades, handrails, parapets & capping's, balcony recesses, window and door sills - jambs - heads , ground connections, wall plane changes, junctions at material changes, visible flashings, roof vents, electricity cupboards, waste enclosures, boiler and other flue placements. windows, eaves, verges, lintels, sills, balconies, entrances and all other architectural detailing requested by the Local Planning Authority at the time. Details are to be submitted using a combination of

3D models, plan, section, mood boards, physical models and component assemblies.

Reason: To ensure that the appearance of the development is satisfactory for a scheme of exemplary quality and without prejudice to conditions of visual amenity in the locality and the Conservation Area, and in accordance with Policies BNE1 and BNE14 of the Medway Local Plan 2003.

- 16 No development above slab level shall take place until full details of both hard and soft landscape works, any artefacts to be located within amenity space and a timetable for implementation have been submitted to and approved in writing by the Local Planning Authority. These details shall include but not limited to existing and proposed levels, hard-work material specifications/layout, street furniture/accessories (e.g. seating, tree pits, tree grilles etc.), roof garden details, detailed planting plans & planting specifications, tree pit details (including soil build-up, tree cells, supports & accessories), green roof planting plans and planting/substrate construction details. 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.

- 17 Prior to the first occupation of any dwelling herein approved, a landscape management plan, shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas for a minimum period of five years and arrangements for implementation. The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 18 No development above slab level shall take place until an air quality mitigation scheme has been submitted to and approved in writing by the Local Planning Authority. The mitigation scheme shall include full details of the provision of electric vehicle charging points as per the requirements of the Medway Air Quality Planning Guidance. The development shall be implemented, and thereafter maintain, in accordance with the approved plans.

Reason: Reasons: In order to address issues of air quality and in accordance with Policy BNE24 of the Medway Local Plan 2003 and Paragraph 181 of the National Planning Policy Framework 2019.

- 19 No development above slab level shall take place until a scheme for protecting the proposed development from noise that implements the measures described in the noise assessment reference P1441/01 dated 6th April 2021, is submitted and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: In the interests of residential amenity and to accord with Policy BNE2 of the Medway Local Plan 2003

- 20 The separating partition between the living rooms and bedrooms of units in separate occupation shall resist the transmission of airborne sound such that the weighted standardised level difference (DnT,W +Ctr) shall not be less than 50 decibels as measured and calculated in accordance with BS EN ISO 16283-1 2014.

Reason: In the interests of residential amenity and to accord with Policy BNE2 of the Medway Local Plan 2003

- 21 Notwithstanding the Climate Change Statement dated August 2021, no development above slab level shall take place until measures to address energy efficiency and climate change have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and prior to first occupation a verification report prepared by a suitably qualified professional shall be submitted to the Local Planning Authority confirming that all the agreed measures for that block have been undertaken and will thereafter be maintained on site.

Reason: In the interests of sustainability and to positively address concerns regarding Climate Change in accordance with the NPPF.

- 22 Prior to any development above ground floor slab level details of the following mitigation measures shall be submitted to and approved in writing by the Local Planning Authority:

- 10 Electric Vehicle charge points

The approved details shall be provided prior to first occupation of any part of the development and shall thereafter be maintained

Reason: In the interests of sustainability in accordance with paragraph 110E of NPPF 2021

- 23 The units herein approved shall not be occupied until the area shown on the submitted layout as vehicle parking space 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.

- 24 Prior to first occupation of any of the units details of cycle and refuse storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The cycle storage facilities shall be implemented in accordance with the approved details prior to the first occupation of any of the approved units and hereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown for cycle and refuse storage facilities.

Reason: All new residential development requires provision of adequate accommodation for cycle and refuse storage to accord with Policies BNE1 and T4 of the Medway Local Plan

- 25 Prior to first occupation of the development a Parking Management Plan shall be 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 and how residents and their visitors will be prevented from parking on street. The Parking Management Plan shall be implemented in accordance with the approved details prior to the first occupation of the residential units and shall thereafter be retained.

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

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

Proposal

The proposal is for the construction of 1 5 Storey apartment block to provide 45 residential apartments with associated access, parking and landscaping. The application includes

demolition of the existing terraced, 2 storey dwellings currently on site in MHS ownership. The proposal will provide a mix of 19 No. one and 26 No. two bedroom units plus 20 parking spaces.

This site will provide the affordable housing for the adjacent site on Land Bounded by The Brook, Queen Street, Chatham granted approval for 179 apartments subject to s106 agreement by planning committee on 31st March 2021 under reference MC/20/2782. Whilst this is a separate planning application, the proposal has been designed to relate to the adjacent site in siting, scale, massing and elevation design, effectively forming a fifth apartment block in the scheme.

The buildings are located in a prominent position, fronting The Brook, the main arterial road through Chatham. The site is also bounded by Queen Street to the southeast, Cross Street to the northeast and residential dwellings on King Street to the northwest. The site is set against the backdrop of the Great Lines. There has been a significant amount of new development on Cross Street in recent years.

The site falls within the defined urban area of Chatham, opposite Chatham town centre, close to the Pentagon Shopping Centre, bus station, River Medway and train station. The site lies to the east of The Brook, the main arterial road through Chatham, in an area of mixed commercial and residential use. The site is close to numerous heritage assets, including Chatham Lines Scheduled Ancient Monument and grade I listed Naval War Memorial and falls just outside Brompton Lines Conservation Area.

Site Area/Density

Site Area: 0.18 hectares (0.44 acres)

Site Density: 250 dph (558 dpa)

Relevant Planning History

ME/94/0808 Demolition of existing buildings and construction of fifteen 2 bedroomed houses
Approved with conditions
28th February 2006

Adjacent linked development

MC/20/2782 Proposed development of 179 apartments on existing public car park site in 4No. blocks, with ancillary leisure facilities, associated car parking and landscaping (including 40 No. parking spaces retained for public use).
Approved with conditions and S106
21 February 2022

MC/20/0222 Proposed development of 229 apartments on existing public car park site in 4No. blocks, with ancillary leisure facilities, associated car

parking and landscaping (including 100 No. parking spaces retained for public use.

Withdrawn by applicant

17th November 2020

MC/09/2626

Outline application for a mixed-use scheme comprising of residential and retail (Classes A1 and A2) development with ancillary parking.

Approval with conditions

21st April 2010

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.

Highways England, Historic England, Environment Agency, Natural England, Lead Local Flood Authority, NHS, EDF Energy, Southern Water, Southern Gas Networks, Kent Police, Medway Fire Service, KCC Ecology and KCC Archaeology have also been consulted.

No letters of objection have been received from members of the public.

1 letter of support has been received from an occupant on the site.

The **Environment Agency** raise no objection subject to conditions related to contamination, surface water infiltration and piling.

Natural England advise that the site is within 6km of the coastal Special Protection Area and Ramsar site and will result in a net increase in residential accommodation that may result in impacts from increased recreational disturbance, as such an appropriate assessment is required and a financial contribution towards mitigation.

Kent Police has supplied a list of points to ensure compliance with Crime Prevention Through Environmental Design and Secured by Design. They encourage a dialogue with the developer about site specific designing out crime.

Historic England does not object to this application on heritage grounds and concludes that it is capable of meeting NPPF requirements set out in paragraphs 190 and 194. Recommend conditions relating to the finer construction detail, materiality and landscape details.

KCC Archaeology advise that the development has the potential to impact a range of heritage assets, including the Brompton Lines Conservation Area, the townscape character of Chatham, the setting of the Grade I listed Chatham Naval War Memorial and undesignated buried archaeological remains, including but not limited to the remains of

civilian settlement of seventeenth century date onwards and burials of Romano-British date. Recommend condition relating to a programme of archaeological work.

Lead Local Flood Authority raise no objection subject to conditions relating to disposal of surface water, verification report and construction surface water management plan.

Southern Water advise that the proposed development will lie over an existing public foul sewer. If the applicant is proposing to divert the foul sewer and public surface water culverted sewer this needs to be agreed and approved by Southern Water before implementation. The letter sets out the clearance that is required from all water mains and sewers from various types of development and guidance on foul and surface water disposal and SuDS.

Network reinforcement may be required as a result of the development. Condition suggested. Southern Water require a formal application for a connection to the public sewer. Informative suggested.

Development Plan

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

Planning Appraisal

Background

This site represents a regeneration opportunity in Medway as identified in the Chatham Town Centre Masterplan 2019.

A planning application was submitted for the adjacent site under reference MC/20/2782. This proposal will provide the affordable housing for that adjacent site and as such these sites will need to be linked by s106 agreement.

Whilst this is a separate planning application, the proposal has been designed to relate to the adjacent site in siting, scale, massing and elevation design, effectively forming a fifth apartment block in the scheme.

The proposal has been subject to pre-application discussion and Member Presentation and changes have been made to the final scheme submitted based on the comments received.

Principle

The proposal is for a new residential development consisting of a 5-storey apartment block to provide 45 new homes consisting of 19 no. 1 bedroom flats and 26 No. 2 bedroom flats and 20 residential parking spaces to provide affordable housing for the adjacent site.

Policy S1 of the Local Plan sets out the development strategy for the plan area. It states that the development strategy is to prioritise re-investment in the urban fabric, which will include the redevelopment and recycling of under-used and derelict land within the urban area. It further states that the focus will be on a number of areas including the Medway riverside areas and Chatham.

The application site falls just outside Chatham Town Centre and the area allocated on the proposals map of the Local Plan to which Policy S5 relates. Policy S5 seeks to develop Chatham Town Centre as the major, multi-use 'city' centre for Medway. This site has the potential to have a positive impact on Chatham Town Centre and as such any scheme in this location should seek to contribute to the vitality and viability of the area.

Policy H4 of the Local Plan sets out certain development that will be permitted within the urban area including the use of vacant or derelict land or the redevelopment of existing residential areas and infilling in such areas (providing that a clear improvement in the local environment will result). The impact on the local environment will be addressed below but in principle there is no overriding objection to the redevelopment of this site for residential purposes with regard to this policy or to the more recent advice in the NPPF, including paragraph 10 which says that applications should be considered in the context of the presumption in favour of sustainable development. A key element of national housing policy is to minimise the loss of greenfield sites for residential use by making the best use of development opportunities within existing urban areas.

The site is in the existing urban area and on land that is accepted as a brownfield site. Local and National Policies are generally supportive of residential development in the urban area and the re-use of previously developed land. Paragraph 119 of the NPPF seeks to make as much use as possible of previously developed or 'brownfield' land. Paragraph 120 of the NPPF gives substantial weight to the value of using suitable brownfield land within settlements for homes.

The proposal is for high density housing close to the town centre, public transport and local facilities. In these locations low density housing will not be permitted in accordance with Policy H5 of the Local Plan. The NPPF and NPPG's encourage higher densities around nodes of public transport such as bus and railway stations.

The NPPF has a presumption in favour of sustainable development so that development that is sustainable can be approved without delay. The proposal is in a sustainable location opposite Chatham Town Centre, close to Chatham bus station and train station. The NPPF supports the delivery of a wide choice and mix of high-quality homes to meet the needs of different groups in the community.

This site represents a regeneration opportunity in Medway as identified in the Chatham Town Centre Masterplan 2019. This document provides the strategic direction for Chatham and sets out high level guidance to provide a framework for development proposals and planning decisions to help achieve the ambitions for Chatham in a comprehensive way. Bold regeneration at the heart of the town centre will set a new direction for its future, creating an attractive destination for residents, workers and visitors. The key aims for The Brook area are regeneration with public realm improvements including street tree planting and SuDS and improved connections between the High Street and Great Lines heritage park. This site is earmarked for residential development.

The redevelopment of the site for residential purposes is accepted in principle in accordance with Policy S1, S5, H4, H5 and R12 of the Local Plan, Chatham Centre and Waterfront Development Framework 2004 and the Chatham Centre and Waterfront Development Brief 2008, as well as Paragraphs 10, 11, 12, 119 and 120 of the NPPF.

Impact on the character and appearance of the area

The site is located in a prominent position on The Brook, opposite Chatham town centre, within the defined urban area of Chatham, close to the River Medway, Pentagon Shopping Centre, bus station and train station. The site lies on the east of The Brook, in an area of mixed residential and commercial use. The site falls just outside Brompton Lines Conservation Area, close to the Scheduled Ancient Monuments of Chatham Lines and Brompton Lines. These Monuments are connected to Fort Amherst and the fortification of Chatham. There are several listed buildings close to the site, including the Ragged School and Brook Theatre. This impact on heritage assets is set out in detail below.

The site is located opposite Chatham Town Centre, where the scale, massing, height and design of the buildings is mixed with a diverse character, however the area is predominantly 2 – 3 storey buildings, in retail use. This side of The Brook is predominantly residential use with a mix of two storey terraced houses and flat blocks. Mountbatten House dominates this part of the Chatham town centre with the brutalist design and red brick clearly visible from the surrounding area.

This development has the potential to impact on the character and appearance of the area as well as the vitality and viability of the core retail area and the town centre as a whole. No commercial use is proposed within this development so it will not be taking away from the retail offer on the High Street. It is intended to create an enhanced public realm along The Brook along with the adjacent site. It is anticipated that the development would also increase footfall and business in the town centre, which will aid in the regeneration of Chatham.

Paragraph 86 of the NPPF states that planning policies and decisions should support the role that town centres play at the heart of communities, by taking a positive approach to their growth, management and adaption. It goes on to say that their long-term vitality and viability should be promoted through a suitable mix of uses that reflect their distinctive

character. Paragraph 130 of the NPPF seeks developments that are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

The proposal is considered to contribute positively to the regeneration of Chatham town centre area and the vitality and viability of the area. The development would be in accordance with Policies S1, S5, BNE1 and R12 of the Medway Local Plan 2003 and paragraphs 86, 110, 112, 124, 126, 130, 131, 187, 194 and 197 of the NPPF.

Impact on heritage assets

The development of the site has the potential to impact upon a number of nearby heritage assets including Brompton Lines Conservation Area and grade I listed Chatham Naval War Memorial, as well as listed buildings in the vicinity of the site. Although the site is on relatively flat, low ground the topography of the land rises dramatically to the east towards Great Lines Heritage Park and the Naval War Memorial and the site is highly visible from these locations. A series of verified views have assessed the impact on these assets.

Policy BNE12 of the Local Plan states that special attention needs to be paid to the preservation and enhancement of the character and appearance of Conservation Areas. Policy BNE18 states that development which would adversely affect the setting of a listed building will not be permitted. Policy BNE20 states that development affecting Scheduled Ancient Monuments will not be permitted if it would be detrimental to their setting.

A detailed Heritage Statement and verified views have been submitted as part of this application. The impact of the proposal on the Conservation Area, listed buildings and Schedule Ancient Monument has been tested in a series of views that were agreed by the Local Planning Authority and Historic England and are considered sufficient to assess the impact of the development.

The key heritage assets affected by the proposal are the Brompton Lines Conservation Area and grade I listed Naval War Memorial, which form the backdrop to the site in views from within Chatham. The Naval War Memorial sits prominently atop the escarpment and is highly visible in most directions because of the topography of the land. It is significant as one of only three war memorials commissioned by The Imperial (now Commonwealth) War Graves Commission. It is considered a focal point in the townscape. It also offers panoramic views across Medway. Brompton Lines Conservation Area is based around the Chatham Lines, a key component of which is the fortification's great field of fire. The southern edge is a steep escarpment which forms a distinctive green backdrop.

The assessment of these views concludes that when considering development within the zone between The Brook and Brompton Lines Conservation Area there is a clear historic constraint on the height. These have informed the current proposals for the site and should also guide any future development proposals in this area.

The scheme has been developed from an understanding of the significance of the designated heritage assets in the vicinity of the application site, with a particular focus on long range views which better reveal the assets' significance and has been specifically designed and orientated in such a way to respect these assets while maximising the development on the site which is part of a wider regeneration project within Chatham.

It is considered that the proposed development, while comprehensive and resulting in a change within the setting of the identified heritage assets, will not result in any harm to their significance or an ability to appreciate their significance. As such, the proposed development is found to be in accordance with the requirements of the Planning (Listed Building and Conservation Area) Act 1990 and national and local planning policy and guidance.

Paragraph 201 of the NPPF states that where a proposed development will lead to substantial harm (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Although it is noted that the proposal will potentially affect a number of heritage assets, it is not considered that this proposal will result in significant harm to these designated heritage assets. The wider setting of a number of heritage assets already includes varied built form, as such the proposal is not incongruous in this densely developed urban area. The proposal has a high quality, modern design which will sit comfortably alongside the historic fabric of the surrounding area.

The redevelopment of the site presents an important opportunity to enhance the historic townscape, as well as provide social and economic benefits. It is accepted that there is a long-standing ambition for redevelopment of the site. Consideration of the proposed development needs to be made with regards to their height, mass, design and overall impact that they have on the area on a sensitive area of Chatham.

The proposal is considered to contribute positively to the regeneration of the Chatham town centre area and to the overall need for housing without significant impact on heritage assets. The development would be in accordance with Policies BNE12, BNE18 and BNE20 of the Medway Local Plan 2003 and paragraphs 194, 195, 197, 199, 201 and 202 of the NPPF.

Archaeology

The application site is located close to a number of heritage assets and there is potential for buried archaeological remains at the site. An Archaeological Desk Based Assessment has been submitted as part of this application which aims to establish the archaeological potential of the proposed development site.

There is potential for the site to contain features and find of archaeological interest due to early prehistoric activity and later prehistoric settlement activity dating to the 17th, 18th,

19th and 20th centuries. Therefore, it is possible that further archaeological works may be required.

Policy BNE21 of the Medway Local Plan 2003 states that development affecting potentially important archaeological remains will not be permitted. The presence, location and significance of any buried archaeological remains within the site cannot currently be confirmed, however small-scale site investigations have not revealed any archaeological evidence. There is a need for further investigations on site.

Given the close proximity of the site to the Chatham Lines, Chatham town centre, the River Medway and numerous heritage assets means care will need to be taken during the demolition and construction phases of the development to ensure that the any archaeological remains are protected, and this may shape the layout of the site if anything is found. Subject to the imposition of a condition for a programme of further archaeological work before commencement of the development, the development would be in accordance with Policy BNE21 of the Medway Local Plan 2003 and paragraph 194, 199 and 205 of the NPPF.

Design

The scheme is design led and has evolved through the pre-application and Design Review process. The massing has been carefully considered to minimise the impact on the Naval War Memorial, Brompton Lines Conservation Area, adjoining residential properties and the wider setting of The Brook and Chatham town centre whilst maximising the development potential of the site.

The NPPF attaches great importance to the design of the built environment. Paragraph 124 advises that good design is a key aspect of sustainable development, creates better places to live and work and helps make development acceptable to communities. Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Policy BNE1 of the Local Plan is a general, criteria-based policy for all development. It seeks appropriate design in relation to the character, appearance and functioning of the built and natural environment.

The Council's design aspirations for the area are set out in Chatham Town Centre and Waterfront Development Framework 2004 and Chatham Town Centre and Waterfront Development Brief. The proposal would form a significant intervention within Chatham through the provision of much needed residential accommodation that acts as a catalyst for further regeneration.

Height, scale and massing

The proposed development consists of one 5 storey block which should be read alongside the development proposed on the adjacent site for four modern, taller buildings, up to 8 storeys. The scale and massing of buildings in the surrounding are in mixed but

predominantly 2-3 storeys in height. Both Mountbatten House and Anchorage House are over 10 storeys high with Mountbatten House in particular dominating the skyline. The Eye in Barrier Road is 7 storeys high but appears higher due to the topography of the land and is also clearly visible in the surrounding area. The building has been designed to relate to and form part of the development approved on the adjacent site. At 5 storeys it will be the lower of the 5 blocks. As a whole the blocks have been designed to integrate well within the context of the site and minimise the impact on heritage assets and adjoining residential dwellings.

The Building Height Policy for Medway 2006 (SPD) sets out criteria for the determination of applications for tall buildings, which are specified as those between 6 and 20 stores in height. The Policy document also goes on to provide specific guidance on appropriate locations for taller buildings in accordance with sites identified through the Medway Waterfront Renaissance Strategy, a framework that set out the ambitions for the regeneration programme and identified appropriate sites for potential redevelopment.

The proposed development site is assessed in the Building Heights Policy document as The Brook and Upper High Street as an area that can accommodate modest high townscape buildings with mixed use at ground floor level. The assessment also acknowledges the area's historic character, explaining that a proposed development for higher buildings in this location must be integrated with minimal effect on the green backdrop of the Great Lines. Special consideration is also needed in relation to different views from the Great Lines into the Town Centre.

Tall buildings by their nature are assertive and dominant. The Building Height Policy states that taller buildings will be considered if they are in the right place and of the highest architectural quality, where they could have a role in acting as landmarks that forge a new and exciting image for Medway's regeneration sites, and which deliver more sustainable working and living environments.

The site is located against the backdrop of Brompton Lines Conservation Area and the Naval War Memorial. The height of all 5 blocks has been tested in a series of verified views and will retain the green backdrop of Brompton Lines and ensure views of the Naval War Memorial are protected. It is also located close to Mountbatten House, which is 13 storeys. The proposal would be 5 storeys lower than Mountbatten House. It is considered that the proposed development would be dominant within the street scene of The Brook but remain subservient in the wider skyline. The height of the buildings would not appear incongruous in its setting.

Paragraph 122 of the NPPF supports development that makes efficient use of land and paragraph 123 states that where there is an existing or anticipated shortfall of land for meeting housing need decisions should avoid homes being built at low densities particularly in town centres and locations that are well served by public transport.

The development has been designed to reflect and feel part of the scheme approved on the adjacent site where the overall mass of the buildings are broken up with recessed

windows and balconies incorporated into the building frontages. In addition to breaking up the façade, this movement in the elevations provides additional visual interest. Set backs in the upper stories reduces the impact of the roof heights and design also provides interest and draws attention from some of the less attractive buildings in the vicinity of the site. The design approach creates a modern and contemporary feel whilst drawing on the architectural style and materials used in surrounding buildings whilst standing out as a modern design to create an interesting and dynamic street scene.

The scheme also proposes significant improvements to public realm and landscaping. The development produces a strong civic presence along The Brook. This part of the development is very important to achieve the Council's aspirations to create a tree lined boulevard along The Brook. The buildings have been set back to allow significant landscaping along the frontage.

A material schedule has been provided to give an idea of the materials to be used on site and material samples and further details will need to be controlled by condition to ensure a satisfactory external appearance to the development.

The proposal is considered to have a high quality, contemporary design and as such the development would be in accordance with Policy BNE1 of the Medway Local Plan 2003 and paragraphs 124, 127, 128 and 130 of the NPPF.

Amenity

The development has been assessed with regard to the Medway Housing Design Standards (interim) November 2011 and the Government's Technical Housing Standards 2015 and meets these standards and as such the objectives of Policy BNE2 of the Medway Local Plan 2003.

The proposal will comprise the erection of 45 one- and two-bedroom flats. The room sizes are all in accordance with the Government's Technical Housing Standards 2015. Private amenity areas and individual balconies have been provided in accordance with Medway standards.

The proposal is for a five-storey apartment block adjacent to two storey dwellings, which has the potential to affect neighbouring properties in terms of overlooking privacy, daylight and sunlight. A daylight and sunlight assessment has been provided as part of this application.

The proposed development is considered acceptable in terms of the impact on the amenity of the future occupiers of the proposed dwellings in terms of daylight, sunlight, outlook and privacy and as such the application accords with Policy BNE2 of the Medway Local Plan 2003 and paragraph 17 of the NPPF.

Noise

The main source of noise to the site is from the main arterial road, The Brook, to the west of the site. An acoustic assessment has been submitted as part of this application. The acoustic assessment is acceptable and has demonstrated that acceptable internal noise levels are likely to be achieved with standard glazing with a performance value of at least 25dB to attenuate road traffic sound on all facades except the one overlooking The Brook where an increased glazing performance of 32dB will be required. Alternative ventilation will be required for all habitable rooms. Further details can be covered by a condition on any permission.

It will be necessary to impose conditions for a scheme of noise protection measures in accordance with the measures set out in the acoustic assessment and separating partitions between bedrooms and living spaces.

Due to the proximity to neighbouring properties and businesses a construction environmental management plan should be attached to the permission to control noise, dust and working hours for the duration of the construction.

Subject to the imposition of conditions the development would be in accordance with Policy BNE2 of the Medway Local Plan 2003 and paragraph 174 and 185 of the NPPF.

Air Quality

The site falls just outside the Central Medway Air Quality Management Area, which has been declared for exceedances of the NO₂ annual mean objective since June 2010. An air quality assessment has been submitted as part of this application. The air quality assessment is acceptable and has demonstrated that pollutant concentrations are predicted to meet the air quality objectives and have a negligible impact on local air quality.

The development is going to incorporate air source heat pumps and backup direct electric heating, as well as electric charging points that can be considered as air quality mitigation. It is recommended that a condition be imposed to secure the submission of an air quality mitigation scheme in accordance with the Medway Air Quality Planning Guidance.

Subject to the imposition of condition the development would be in accordance with Policy BNE24 of the Medway Local Plan 2003 and paragraph 174 and 186 of the NPPF.

Highways

The site is situated opposite Chatham town centre, close to Chatham bus station and train station. The development proposes 20 car parking spaces for residents, in a predominantly under-croft car park.

The development would have one vehicular access entering and exiting the site directly into the under-croft car parking from Queen Street, a one-way street. The car park exit onto Queen Street leads to a left turn only onto The Brook.

The site is opposite the Town Centre, close to the bus station and train station, and as such this is a highly sustainable location. A Transport Assessment has been submitted as part of this application which concludes that an under provision of parking spaces would be acceptable in this location. This is common in such town centre high density sites close to transport nodes, services and facilities.

There are many opportunities for sustainable travel in this very urban location, reducing the need and demand for private vehicle movements. By reducing parking on the site, densities can be increased in this highly sustainable location and thereby opportunities for sustainable travel can be maximised.

It is noted that in order to make the best use of previously developed land, and consequentially reduce the requirement for new housing to be built on greenfield land, it is necessary to increase densities which necessarily requires a relaxing of parking provision which accounts for significant proportion of land take on any site.

Also increasing densities on complex brownfield sites, such as this, increases the value of the land and thereby makes them more viable and deliverable, directly contributing towards achieving Medway Council's regeneration objectives.

There are also substantial Control Parking Zones within the local vicinity that would prevent overspill onto residential roads. It is recommended that a condition is attached to the application requiring a parking management plan that includes preventing prospective residents applying for residential parking permits and the potential to allocated parking spaces to prevent pressure on parking spaces prior to the first occupation of the development

Paragraph 103 of the NPPF seeks development located in sustainable locations, limiting the need to travel and offering choice of transport modes to reduce congestion and emission and improve air quality and public health. National Policy also promotes the use of walking and cycle over private car.

The proposal has been considered in the light of the level of proposed parking provision, the access and egress in relation to the existing access arrangement and highway and pedestrian safety generally. No objection to the principle of this development have been raised in the light of this highway consideration, especially due to the location of the site in close proximity to the town centre, bus station and railway station, which permits a reduction to the Council's minimum parking standards. Paragraph 109 of the NPPF states that development should only be refused on highways grounds if there is an unacceptable impact on highways safety. Whilst it is considered that the development would result in an impact on the network, it is not considered to result in a severe impact that would be sufficient to warrant refusal of the application.

The proposal will not result in any detrimental increase in risk to highways or pedestrian safety and is considered to be acceptable in terms of Policies T1, T2 and T13 of the Medway Local Plan 2003 and paragraphs 102, 103, 109 and 110 of the NPPF. The proposal has the provision of secure cycle storage on a 1:1 basis in accordance with policy T4 of the Local Plan.

Contamination

A geo-environmental assessment has been submitted as part of this application. The report concludes that there is a low to medium risk and that a phase 2 intrusive investigation should be carried out due to the potential for contamination on the proposed site. It is recommended that conditions relating to site investigation and remediation be imposed to ensure there is no harm to human health or ground water.

The proposed development is considered acceptable in terms of its impact on human health and watercourses in terms of contamination and as such is in accordance with Policy BNE23 of the Local Plan and paragraph 183, 184 and 185 of the NPPF.

Flood risk

The majority of the site lies within flood zone 1 but the front of the site falls within flood zone level 2 and 3 on the Environment Agency flood map and as such a flood risk assessment has been submitted as part of this application. The flood risk assessment identified a low risk of flooding. There is no residential accommodation on the ground floor. The surface water runoff will be managed through sustainable means and wastewater from the site will outfall to the existing public foul water sewer.

The Lead Local Flood Authority have suggested a condition relating to disposal of surface water and verification report to confirm that the sustainable drainage system has been constructed in accordance with the agreed scheme, as well as a construction surface water management plan detailing how surface water and storm water will be managed on site during construction.

Subject to the imposition of conditions and carrying out appropriate management of surface water, ground water and foul water storage and disposal the development would be in accordance with Policy CF13 of the Medway Local Plan 2003 and paragraphs 167 and 169 of the NPPF.

Climate Change and Energy Efficiency

The NPPF identifies that good design “is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities” (paragraph 126). Paragraph 134 in particular refers to great weight being given to outstanding or innovative designs which promote high levels of sustainability.

In planning for climate change, plans should take a proactive approach to mitigate and adapt to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures; in line with the objectives of the Climate Change Act 2008. In order to support this, paragraph 154 of the Framework states that new development should be planned for in ways that:

- a) Avoid increased vulnerability to the range of impacts arising from climate change; and
- b) Can help to reduce greenhouse gas emissions, such as through its location, orientation and design.

All new buildings constructed in the UK must be designed and built to meet or better the requirements of Building Regulations Part L1a (2013) through the adoption of enhanced energy efficiency measures. The Government carried out consultation on changes to Part L (conservation of fuel and power) and Part F (ventilation) of the Building Regulations between October 2019 and February 2020 as part of introducing a Future Homes Standard for new build homes to be future-proofed with low carbon heating and world-leading levels of energy efficiency.

The applicants have submitted a climate change statement (August 2021) which sets out the following:

- All electric system supplemented by air source heat pumps
- All lighting of low voltage design
- Compliance with current building regulations
- Electric car charging points
- Additional tree planting
- Encouragement for recycling of refuse
- Sustainable town centre location
- Air quality mitigation
- Cycle storage
- Suds

An appropriate condition is recommended to secure more detailed information on measures to address climate change as well as the submission of a verification report to demonstrate compliance with agreed measures.

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. Policy S6 of the adopted Local Plan states conditions and/or legal agreements should be used to make provision for such needs.

The applicant has submitted a viability assessment as part of this application seeking to provide below the policy compliant developer contributions set out in the Medway Council Guide to Developer Contributions and Obligations 2018. This sets the average developer contribution per dwelling as £13,136.99. The viability assessment shows the development is unviable in all scenarios where full developer contributions are applied due to it being for the provision of 100% affordable housing. The viability assessment has been verified by our independent development consultant. The development can only provide for the contributions set out below.

- Provision of 100% affordable housing for the adjacent Creval site
- Contribution of £11,422.35 towards bird disturbance mitigation measures

The applicants have confirmed the above contributions are acceptable and on this basis no objections are raised with regards policy S6 of the Medway Local Plan 2003 and paragraphs 34, 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 (excluding legal and monitoring officer's costs, which separately total £550) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. The strategic measures are in the process of being developed but are likely to be in accordance with the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM) produced by Footprint Ecology in July 2014. The interim tariff stated above should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation), in anticipation of:

- An administrative body being identified to manage the strategic tariff collected by the local authorities.
- A memorandum of understanding or legal agreement between the local authorities and administrative body to underpin the strategic approach.

- Ensure that a delivery mechanism for the agreed SAMM measures is secured and the SAMM strategy is being implemented from the first occupation of the dwellings, proportionate to the level of the housing development.

The applicants have agreed to pay this tariff, and this will be covered as part of the above S106 agreement. No objection is therefore raised under Paragraph 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 application site is an important regeneration site in Medway for which the principle of redevelopment to accommodate a residential development was established in previous applications and the Chatham Centre and Waterfront Development Framework 2004, the Chatham Centre and Waterfront Development Brief 2008 and the Chatham Town Centre masterplan 2018.

The proposed development has a modern, contemporary design that is sympathetic to the character and appearance of the surrounding area, links with the approved development on the adjacent site and does not cause significant harm to the setting of the Conservation Area and heritage assets, including Chatham Naval War Memorial. The proposal would result in an attractive residential development on the site. In addition, the benefits of the delivery of high quality residential accommodation must be considered as an advantage to Medway and the long term aims of the regeneration of Chatham taking into account that the proposal will increase local activity benefiting the vitality and viability of the centre and also enabling increased appreciation of a number of surrounding built heritage assets.

The proposed development would not have a detrimental impact on neighbouring amenity of current or future occupiers in terms of daylight, sunlight, outlook and privacy. The proposed development would also not have a detrimental impact on archaeology, contamination, flood risk and surface water management, air quality, noise or highways safety.

The proposal is acceptable in accordance with Policies S1, S5, S6, BNE1, BNE2, BNE12, BNE18, BNE20, BNE21, BNE23, BNE24, BNE35, H3, H4, H5, R12, T1, T2, T3, T4, T13 and CF13 of the Medway Local Plan 2003 and paragraphs 10, 11, 12, 17, 85, 102, 103, 109, 110, 117, 118, 122, 123, 124, 125, 127, 128, 130, 149, 155, 163, 165, 170, 175, 176, 178, 179, 180, 181, 184, 185, 189, 192, 195, 196 and 200 of the NPPF

The application would normally be determined under delegated powers but is being referred for Committee determination due to its link with the adjacent development that was determined by Planning Committee.

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/>