

MC/23/0161

Date Received: 23 January 2023
Location: Aburound House Woodlands Road
Gillingham Medway
Proposal: Demolition of existing single storey building and construction of two blocks comprising of 18 apartments with associated parking, landscaping and refuse and cycle storage.
Applicant Medway Council - HRA Housing Services
Rebecca Wilcox
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Ward: Twydall Ward
Case Officer: Nick Roberts
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 19th April 2023.

Recommendation - Approved Subject to:

- A) Receipt of comments from KCC Biodiversity raising no objections to the proposal and delegated authority being given to the Head of Planning to impose any subsequent conditions requested by KCC.
- B) The submission of a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 to secure:
 - i) £4,410 to assist with development of public realm improvements to Gillingham Town Centre.
 - ii) £3,339.90 to improve equipment and facilities at Twydall Library.
 - iii) £3499.56 for the provision, improvement and promotion of waste and recycling services to cover the impact of the development.
 - iv) £4923.90 to support the creation of a new swimming gala timing system and improved facility for club and community users at Medway Park.
 - v) £3,705.66 towards enhancement and/or expansion of community facilities

which will serve the new residents of the development.

vi) £4,965.84 towards Designated Habitats Mitigation.

C) The imposition of 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 23 January 2023

02596_0210_P2 - Proposed Site Sections 1

02596_0211_P2 - Proposed Site Sections 2

Received 3 February 2023

02596_0300_P3 - Proposed Elevations North/East

02596_0301_P2 - Proposed Elevations South/West

02596_0302_P2 - Proposed Elevations North/South

02596_0303_P2 - Proposed Elevations East/West

Received 13 March 2023

02596_0110_P2 - Proposed Block Plan

02596_0112_P5 - Proposed Site Plan

02596_0130_P4 - Proposed Floor Plans Block A

02596_0132_P4 - Proposed Floor Plans Block B

14905-AH-80 REV C - Vehicle Swept Path

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

3 No development shall take place until a Construction Environmental Management Plan (CEMP) 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.

Reason: To ensure the development does not prejudice neighbouring amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 4 No development shall take place until an acoustic assessment has been undertaken to determine the impact of noise from transport related sources and shall be made in accordance with BS8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. The results of the assessment and details of a scheme of acoustic protection shall be submitted and approved in writing by the Local Planning Authority. The scheme shall include details of acoustic protection sufficient to ensure internal noise levels (LAeq,T) no greater than 30dB in bedrooms and 35dB in living rooms with windows closed and a maximum noise level (LAm_{ax}) of no more than 45dB(A) with windows closed. Where the internal noise levels will be exceeded with windows open, the scheme shall incorporate appropriate acoustically screened mechanical ventilation. All works, which form part of the approved scheme, shall be completed before first occupation of any part of the development and shall thereafter be maintained in accordance with the approved details.

Reason: To ensure the development does not prejudice occupier amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 5 No development shall take place until a scheme based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include (where applicable):
 - i. Details of the design of the scheme (in conjunction with the landscaping plan where applicable).
 - ii. A timetable for its implementation (including phased implementation).
 - iii. Operational maintenance and management plan including access requirements for each sustainable drainage component.
 - iv. Proposed arrangements for future adoption by any public body, statutory undertaker or management company.

The development shall be undertaken in accordance with the agreed scheme.

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 169 of National Planning Policy Framework 2021.

- 6 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) is submitted to and agreed 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.

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

The development shall be undertaken in accordance with the agreed details.

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

- 7 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until condition 8 has been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the Local Planning Authority until condition 10 has been complied with in relation to that contamination.

Reason: Required prior to 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 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 prior to 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.

- 9 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 prior to 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.

- 10 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 8, 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 8 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 9.

Reason: Required prior to 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.

- 11 Notwithstanding the Arboricultural Impact Assessment and Method Statement (ref: J20641_P2_Arb, dated March 2023) and Tree Protection Plan J20641_P2_Arb_TPP no development shall take place until a revised arboricultural impact assessment and arboricultural method statement, including new tree protection plan has been submitted to and approved in writing by the Local Planning Authority. The revised documents shall include details of the location of service cabling for EV charging points and lighting, the location of pipework for SUDs and proposed surface water sewers, as well as details of the full extent of repairs/alterations to the site access, and details of the cellular confinement system for the parking area that lies within the root protection area of Tree T2. The tree protection plan and method statement should also incorporate the measures that will be put in place to protect retained tree T3 during the

construction phase including any pruning that may be required to allow access for high sided construction vehicles, as well as details of the temporary ground protection for parts of the root protection area for tree T2 that fall outside the existing tree protection fencing. The tree protection measures shall thereafter remain in place throughout the construction phase and the development shall be implemented in accordance with the details once approved.

Reason: Required prior to commencement of development to ensure no irreversible detrimental harm to the existing tree and in accordance with Policy BNE43 of the Medway Local Plan 2003.

- 12 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.

- 13 No development shall take place above ground floor slab level until details of 18 Electric Vehicle charging points have been submitted to and approved in writing by the Local Planning Authority. Details shall include the location, charging type (power output and charging speed), associated infrastructure and timetable for installation. The development shall be implemented in accordance with the approved details and shall thereafter be maintained in working order.

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

- 14 No development above slab level shall take place, until details of the directional windows serving the bedrooms of flats 6 and 9 located on the first and second floor of the south facing elevation of Block B as shown on drawing number 02596_0132 REV P4 received 13 March 2023 have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to first occupation of flats 6 and 9 and shall thereafter be retained.

Reason: To ensure the amenity of the properties on Beatty Avenue is protected in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 15 The windows located on both the first and second floors of the south facing elevation of Block B which serve the stairwell landings and the secondary and tertiary windows to the open plan kitchen/dining/living areas of flats 4, 6, 7 and 9 as shown on drawing number 02596_0132 REV P4 received 13 March 2023 shall be fitted with obscure glass and apart from any top-hung light, that has a cill height

of not less than 1.7 metres above the internal finished floor level of the room it serves, shall be non-opening. This work shall be completed before the associated flat is first occupied and shall be retained thereafter.

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

- 16 Prior to the first occupation of any dwelling herein approved (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 and 169 of the National Planning Policy Framework 2021 to ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere.

- 17 No part of the development shall be occupied until a plan indicating the positions, design, materials and type of boundary treatments to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed 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.

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

19 Prior to the first occupation of the development herein approved, full details of a hard and soft landscape scheme shall be submitted to and approved in writing by the Local Planning Authority, to 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), tree grilles, minor artefacts, and structures (seating, refuse receptacles and raised planters). 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 and raised planters), 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. 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.

20 Prior to the installation of any external lighting on the site, details of such lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include height, position, external appearance, any shielding, light intensity, colour, spillage (such as light contour or lux level plans showing the existing and proposed levels) and hours of use (including an overlay of the proposed lighting onto the site landscaping plans), nearby residential properties. Any external lighting shall be implemented in accordance with the approved details and thereafter retained.

Reason: In order to limit the impact of the lighting on the nearby residents and with regard to Policy BNE2 of the Medway Local Plan 2003.

- 21 Notwithstanding the submitted drawings, and prior to the first occupation of any of the flats herein approved, details of cycle 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 occupation of the first flat within the development and thereafter 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 storage facilities.

Reason: All new residential development requires provision of adequate accommodation for cycle and storage to accord with Policies BNE1 and T4 of the Medway Local Plan 2003.

- 22 Notwithstanding the submitted drawings, and prior to the occupation of any of the flats herein approved, details of refuse storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The refuse storage facilities shall be implemented in accordance with the approved details prior to the first occupation of any flat and thereafter 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 the refuse storage facilities.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 23 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the design and access statement, by HMY, ref; 02596_8012, dated November 2022. 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.

- 24 No part of the development shall be occupied until a Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Parking Management Plan shall contain details of how the 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 any flat and shall thereafter be retained.

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

- 25 No part of the development shall be occupied until details of the visibility splays and highways improvement works at the junction with Woodlands Road have been submitted to and approved in writing by the Local Planning Authority. The approved splays shall be provided prior to first occupation of the development and the splays shall thereafter be retained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level.

Reason: In the interests of highway safety and in compliance with Policy T2 of Medway Local Plan 2003.

- 26 No drainage systems including infiltration of surface water drainage into the ground is permitted 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 development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 174 of the National Planning Policy Framework.

- 27 The flats/dwellings 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.

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

Proposal

This application seeks planning permission for the construction of two three storey apartment blocks comprising of a total of 18 dwellings, split equally between the two blocks (nine flats in each block) with associated parking, landscaping, refuse and cycle storage. The vehicle access point will be via the existing access from Woodlands Road.

Due to the shape of the site the apartment blocks would be positioned adjacent to the western boundary parallel to Woodlands Road to allow for site permeability and parking

to the rear. Block A as shown on the submitted drawings would be approx. 10.4m in height, approx. 20.5m in length and approx. 15.5m in width and Block B would be approx. 10.4m in height, approx. 20.6m in length and approx. 15.2m in width. Internally each block would have three flats on each floor, and the proposed mix across the two blocks would consist of 2 x 1 bed, 2 person flats and 16 x 2 bed, 3 person flats.

Externally a light/buff coloured brick is proposed, with horizontal bands of soldier course brickwork interspersed between a reconstituted stone band at the first and second floor levels. Full height powder coated aluminium openings are also proposed to the main living areas. Where smaller openings are required, panels of brickwork detailing will be used to infill to the side and below, involving projecting header details and stacked soldier coursing. Photovoltaic panels are also proposed on the roof of both blocks.

Parking is located to the rear of the site and provides 24 parking spaces including 2 accessible spaces positioned near to the apartment blocks. 18 spaces will be provided with electric vehicle charging points.

Site Area/Density

Site Area: 0.25 hectares (0.62 acres)

Site Density: 72 dph (17 dpa)

Relevant Planning History

No previous site history.

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties. EDF Energy, The Environment Agency, KCC Archaeology, KCC Biodiversity, Kent Police, Natural England, Southern Gas Networks and Southern Water Services have also been consulted.

One neutral letter of representation has been received. The contents of the letter related to the temporary fencing and weeds along the southern boundary adjacent to the steps between Woodlands Road and Beatty Avenue.

The **Environment Agency** have advised that they have no objection to the proposal subject to conditions with respect to contamination and surface water drainage.

KCC Biodiversity advised that they required additional information from the applicant prior to determination with respect to bat emergence surveys, reptiles surveys and ongoing management for badger activity. The applicant subsequently provided additional ecological surveys for Bats and Reptiles from July 2021, as well as a Reptile Mitigation Strategy dated March 2023. Following re-consultation with KCC Biodiversity, and due to the fact that the Bat and Reptile Surveys are 2 years old they have advised that further

information is required in the form of an Ecological Impact Assessment (EclA) to determine whether the 2021 surveys are still valid. In addition, they have also requested further information with respect to the reptile translocation. Following the submission of an additional Ecological Assessment dated March 2023 KCC have been reconsulted and their comments are awaited.

Kent Police have welcomed further discussions with the applicant about site specific designing out crime approaches and have provided general advice with respect to lighting, boundary treatments, natural surveillance, general security and other approaches that could be implemented within the development to reduce crime, fear of crime, ASB and nuisance.

Natural England raise no objection subject to securing appropriate mitigation for recreational pressure impacts on habitat sites.

Southern Water Services have advised that they require a formal application to be made for a connection to the public foul sewer and they have also provided general advice with respect to SuDS and their future adoption. In addition, and in the event that a sewer is found to be crossing the site, an investigation of the sewer will be required to ascertain ownership.

The **MP for Gillingham and Rainham, Rehman Chishti**, has written supporting the proposal on the basis that it would provide social housing and it would also result in the development of a brownfield site.

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 (the NPPF) and are considered to conform.

Planning Appraisal

Principle

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

The NPPF seeks to pursue sustainable development, in a positive way through a presumption in favour of sustainable development, unless the policies within the NPPF provide clear reasons for refusing development, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits (paragraph 11). Paragraph 60 of the NPPF also seeks to significantly boost the supply of housing by bringing forward a variety of land to meet specific housing requirements. In addition,

paragraph 119 of the NPPF states that planning policies and decisions should promote the effective use of land in meeting the need for homes and other uses, and strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land. Furthermore, paragraph 120 of the NPPF gives substantial weight to the value of using suitable brownfield land within settlements for homes.

The site is within the urban area as defined on the proposal maps to the Local Plan. As a site located within the urban area, the principle of the proposed development would comply with the development strategy as set out in the Local Plan, which directs development to brownfield sites. Policy H4 of the Local Plan also states that residential development consisting of the use of vacant or derelict land will be permitted providing that a clear improvement in the local environment will result. Policy H5 of the Local Plan also supports high density housing along routes capable of being well served by public transport and which are close to local facilities.

In view of the above, and subject to a further assessment of design, amenity, contamination, noise, air quality, ecology and highway considerations the principle of the proposal is therefore acceptable and in accordance with Policies S1 and S2 of the Local Plan and Paragraphs 11, 60, 119 and 120 of the NPPF.

Design and Landscape

Policy BNE1 of the Local Plan states that the design of development should be appropriate in relation to the character, appearance and functioning of the built and natural environment by amongst other matters being satisfactory in terms of scale, mass, proportion, details, and materials. Paragraphs 126 and 130 of the NPPF also emphasise the importance of good design.

The application site is located on the east side of Woodlands Road. The site was formerly occupied and leased to a charity and includes a single storey building which is still in situ. Adjoining the site to the north are single storey commercial buildings one of which is occupied by Age UK. Immediately bordering the site to the east there are sports pitches used by the Will Adams Centre, with the gardens of the residential properties of Beatty Avenue abutting the sites southern boundary. To the west on the opposite side of Woodlands Road there is Woodlands Family Practice, Rookery Playing Fields and a two storey block of maisonette flats.

With the exception of the doctor's surgery opposite and the cluster of commercial buildings to the north, the surrounding area is characterised of predominantly two storey terraced and semi-detached houses and maisonettes, built in the 1930's. More recent houses built in the 1960's fill in the gaps in the street scene along Woodlands Road, but these are very similar in terms of design and materiality. The houses to the south (Beatty Avenue) are constructed from yellow London stock brick with the properties to the West on the opposite side of Woodlands Road constructed from red brick. As you travel down Woodlands Road heading north there is a sense of repetition in terms of built form, albeit

the design of the majority of the properties in the immediate surrounding area are typical of their era and not necessarily visually attractive as a result of good architecture. Nonetheless, they are functional, well-presented and reflect local character.

The proposed development would consist of two three storey apartment blocks positioned adjacent to the western boundary addressing Woodlands Road with a parking court behind. In this regard, and given the nature of the surrounding area, the height of the apartment blocks would be a departure from the surrounding built environment. However, that does not automatically render the development unacceptable in planning terms. Although the buildings would sit at three storeys, they would be set down in the site and at a lower land level. Therefore, when viewed in context with Beatty Avenue in the backdrop would sit below the ridge line of these properties. In addition, the blocks have been purposely designed with flat roofs to limit their impact and have been placed as far apart as possible to allow for a green landscaped central spine between the buildings. The positioning and angle of the blocks also allows for tree planting on the corners and centrally to partially screen the development and echo the former tree line. The orientation and gap between the blocks also helps to reduce their impact and the potential overbearing nature on Woodlands Road and the Medical Centre opposite. Whilst it is accepted that the blocks would inevitably make a strong statement, they would add to the variety of the street scene on Woodlands Road and allow an arrangement of street presence and site permeability.

Paragraph 130(b) of the NPPF states that decisions should ensure that developments are visually attractive as a result of good architecture. The apartment blocks have been designed to have a horizontal emphasis which helps to reduce their perceived impact on the streetscene. This is achieved with horizontal bands of soldier course brickwork interspersed with constituted stone band at floor levels. A light/buff coloured brick has also been selected which reflects the materials used on the properties on Beatty Avenue and also further reduces the impact that a darker red or brown brick would have. Full height openings that span between the bandings have also been used to create a rhythm and structure to the facades and allow for double doors with Juliet balconies opening inwards to the main living spaces. Where smaller openings are required, panels of brickwork detailing will be used to infill to the side and below, involving projecting header details and stacked soldier coursing to provide additional variety. It is considered that the proposed external materials would add variation to the street scene and result in a development that is visually attractive as a result of good architecture. Furthermore, the addition of structured tree planting and low level shrub planting will soften the appearance of the scheme overtime and also provide defensible space. Further details of the proposed external materials and landscape strategy including a landscape management plan would be secured as a condition of the approval.

The proposal would also accommodate off street parking to the rear. Whilst from a design perspective this does result in a large area within the site dedicated to parking, it would be largely screened from the street scene by the placement of the apartment blocks and would also be softened by the addition of soft landscaping. Therefore, the proposed development and its arrangement would not appear out of character within its immediate

surroundings. Overall, and on balance it is considered that the buildings would make a positive contribution to the character and appearance of the street scene, and subject to the aforementioned conditions above would be acceptable.

In view of the above, the proposed development is considered acceptable with regards to Policy BNE1 and H4 of the Local Plan and paragraph 126 and 130 of the NPPF.

Amenity

There are two main amenity considerations, firstly the impact of the proposed dwellings on neighbours and secondly the living conditions which would be created for potential occupants of the development itself. Policy BNE2 of the Local Plan and paragraph 130 of the NPPF relates to the protection of these amenities.

Neighbouring Residential Amenity

Due to the siting and scale of the proposed development, and its orientation in relation to adjacent residential properties, the main impact from this proposal will be on the occupiers of those residential properties on Beatty Avenue. In respect to Block A there would be a separation distance of approx. 25m between the south facing elevation of this block and the rear boundaries of the properties on Beatty Avenue. Although this elevation would contain habitable windows which would allow views towards the residential properties to the south, at approx. 25m the intervening distance between Block A and Beatty Avenue would be considered adequate to maintain privacy. In addition, the adjacent properties to the north are in non-residential use and as such there are no concerns in this regard.

In respect to Block B, and due to its siting and orientation within the site, this block would be located a lot closer to the rear gardens of the residential properties on Beatty Avenue. At its closest point the south facing elevation would be approx. 5m from the boundary of the properties on Beatty Avenue extending to approx. 8.7m where the building steps in. With respect to outlook, whilst the proposed development would clearly have a visual presence when seen from the rear gardens and properties on Beatty Avenue, the site sections on the submitted drawing (drawing no; 02596 0303 Rev P2) demonstrate that the properties on Beatty Avenue sit approx. 2m higher than the application site and finished floor level of Block B. This in effect reduces the visual prominence of Block B as rather than looking at a three storey building it would be perceived as a 2-2.5 storey building when viewed from the rear gardens of the properties on Beatty Avenue. In addition, the rear gardens measure approx. 18m in depth, which when also calculating the distance between the site boundary and south facing elevation of Block B equates to a separation distance of approx. 23m. In addition, a light/buff coloured brick is proposed, as is landscaping along the southern boundary which will soften the appearance of the block overtime. Therefore, on balance, and when taking all of the above matters into consideration, it is not considered that the relationship between Block B and the residential properties on Beatty Avenue (mainly 7- 15) would result in an unacceptable loss of outlook or overbearing impact as to warrant refusal of the application.

With regards to overlooking, although there are habitable windows located within the southern elevation of block B which would allow direct views into the rear gardens of the properties on Beatty Avenue, the secondary windows to the main living areas to the flats on the first and second floor can be obscure glazed as they would benefit from alternative outlook from the main patio doors serving the Juliet balconies. Similarly, the windows serving the stairwells can also be obscure glazed to protect neighbouring amenity in terms of overlooking and can be secured by condition. Whilst there would also be windows serving two bedrooms (one on the first floor and one on the second floor) which for reasons relating to outlook and future occupier amenity cannot be obscure glazed, an oriel/directional type window solution is proposed which would restrict views and thus prevent direct overlooking into the neighbouring gardens of the properties on Beatty Avenue. This would strike an acceptable balance between protecting neighbouring amenity and allowing acceptable outlook and daylight for the future occupiers of these flats. Further details of the proposed window solution will be requested as a condition of the approval.

Furthermore, the distance between the principal elevation of Block B and the principal elevations of the residential properties on the western side of Woodlands Roads is such that the proposal will not have a detrimental impact in terms of loss of outlook, privacy, sunlight or daylight on the occupiers of the maisonettes opposite. Moreover, and by virtue of the orientation of the blocks, and the location of neighbouring gardens, the proposal will not have a detrimental impact with respect to overshadowing.

Whilst the development would inevitably have some impact on the neighbouring properties to the south, as previously there was only a single storey building on the site, this impact is not considered to be significantly detrimental that would outweigh the benefits of the redevelopment of this site as further detailed within the planning balance section towards the end of this report.

Amenity of Future Occupiers

The proposed new dwellings have been considered against the Technical housing standards - nationally described space standard dated March 2015 (the national standard). Below is a table showing the proposed floorspace for each dwelling based on the number of bedrooms and number of bedspaces in comparison to the Technical Housing Standards Nationally Described Space Standard.

| Block A | Number of bedrooms and bed spaces | National Standard (m ²) | Proposed (m ²) |
|---------|-----------------------------------|-------------------------------------|----------------------------|
| Flat 1 | 2 Bed 3 Person (M4) | 61 | 71 |
| Flat 2 | 2 Bed 3 Person | 61 | 70 |
| Flat 3 | 1 Bed 2 Person | 50 | 59 |
| Flat 4 | 2 Bed 3 Person | 61 | 71 |
| Flat 5 | 2 Bed 3 Person | 61 | 70 |
| Flat 6 | 2 Bed 3 Person | 61 | 70.4 |
| Flat 7 | 2 Bed 3 Person | 61 | 71 |

| | | | |
|--------|----------------|----|------|
| Flat 8 | 2 Bed 3 Person | 61 | 70 |
| Flat 9 | 2 Bed 3 Person | 61 | 70.4 |

| Block B | Number of bedrooms and bed spaces | National Standard (m ²) | Proposed (m ²) |
|---------|-----------------------------------|-------------------------------------|----------------------------|
| Flat 1 | 2 Bed 3 Person (M4) | 61 | 71 |
| Flat 2 | 1 Bed 2 Person | 50 | 59 |
| Flat 3 | 2 Bed 3 Person | 61 | 70 |
| Flat 4 | 2 Bed 3 Person | 61 | 71 |
| Flat 5 | 2 Bed 3 Person | 61 | 70 |
| Flat 6 | 2 Bed 3 Person | 61 | 70.4 |
| Flat 7 | 2 Bed 3 Person | 61 | 71 |
| Flat 8 | 2 Bed 3 Person | 61 | 70 |
| Flat 9 | 2 Bed 3 Person | 61 | 70.4 |

The table demonstrates that the proposed flats would exceed the requirements of the national standard. In addition, the bedrooms would also meet the national standards area and width requirements and all habitable rooms would be provided with suitable outlook.

As guidance, the Medway Housing Standards (interim) November 2011 (MHDS) also states flats should have access to 5m² of private outdoor space in the form of a patio, terrace or balcony. Where it is not suitable to provide balconies, patios or terraces, amenity needs should be met with an internal space of the same size. In the absence of any outdoor amenity space all of the flats provide a surplus internal GIA in excess of 8-9 m², in addition to the floor space requirements specified in the national standard. Furthermore, the site is located in a highly accessible location and within easy walking distance to public open space, including Rookery playing fields which is directly opposite the site. In view of the above the proposal is therefore in accordance with Policies BNE2 and H4 of the Local Plan and paragraph 130 of the NPPF.

A secure refuse storage area is also proposed to be located within the car park to the rear of Block B. It is considered that the area proposed would be sufficient to provide adequate refuse storage for future occupants subject to a condition to secure further details of its design.

Noise and Air Quality

The site is adjacent to a relatively busy road, which could expose the development to high levels of road traffic noise. As such, and if planning permission is granted, it is recommended that a planning condition is attached requiring the submission of an acoustic assessment to determine the impact of noise from transport related sources. The assessment will need to be made in accordance with BS8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings, and include details of acoustic protection sufficient to ensure internal noise levels (LAeq,T) no greater than 30dB in bedrooms and 35dB in living rooms with windows closed and a maximum noise level (L_{Amax}) of no more than 45dB(A) with windows closed. Where the internal noise levels will be exceeded with

windows open, the scheme would need to incorporate appropriate acoustically screened mechanical ventilation.

Due to the proximity of neighbouring properties and the potential for nuisances to be caused during the construction phase a Construction Environment Management Plan will be required and can be secured as a condition of the approval. Subject to the conditions as set out above no objection is raised with regards to Policy BNE2 and BNE24 of the Local Plan and paragraphs 174, 185 and 186 of the NPPF.

Contamination

The application has been submitted with a Ground Investigation Report (ref; 14905AX, dated June 2021). The report includes a desk top study and a site investigation. The desk top study includes a site history, site walkover, and information on the geology and hydrogeology at the site. A conceptual site model has also been developed. The desk top study recommends that a site investigation is undertaken to support the conceptual site model. The intrusive investigation has involved the excavation of 8 boreholes across the site where soil samples were taken and tested for an appropriate suite of contaminants. Elevated levels of lead and benzo(a) pyrene were detected at the site. Remediation will be required at the site, however the applicant will need to re look at the remediation proposed in the report, as the current proposal is for a flatted development with no private garden areas (just communal open spaces), however the report has been produced based on the assumption that private gardens would be provided. This can be addressed if planning permission is granted.

Therefore, and subject to conditions requiring the submission of a remediation strategy to deal with the potential risks associated with any contamination, and a further condition with respect to surface water drainage, no objection is raised in regard to Policy BNE23 of the Local Plan and paragraphs 183 and 184 of the NPPF.

Highways

Policy T1 of the Local Plan states that when assessing the highways impact of development, proposals need to ensure that the highway network has existing capacity to cater for the increase in traffic generation and that the development will not significantly add to the risk of road traffic accidents. Policy T2 of the Local Plan states that where proposals involve the intensification of an existing access, they must not be detrimental to the safety of vehicle occupants, cyclists and pedestrians. Policy T3 of the Local Plan also requires development proposals to provide a safe and accessible pedestrian environment and Policies T4 and T13 of the Local Plan state that cycle and vehicle parking should be provided in accordance with the adopted standard.

In addition, paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Moreover, paragraph 105 of the NPPF recognises that significant development should be

focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

Access

The site is currently accessed via a vehicle crossover from Woodlands Road which is shared with Age UK Medway. In terms of access, the proposal would utilise the existing access onto Woodlands Road which would involve some highway improvement works. The existing access would measure approx. 4.6 metres in width at its narrowest point, which is sufficient to allow for two way vehicle movements as demonstrated on drawing number 02596_0112 Rev P5. The access should also be able to achieve satisfactory visibility splays for approaching vehicles and pedestrians, further details of which will be secured by condition. In this regard, it is not considered that any material impact on highway safety or function would result from the proposed access.

Pedestrian access will be provided centrally within the site between the two apartment blocks from Woodlands Road. Due to the difference in land levels between the site and existing footpath level access will need to be achieved via a ramp from Woodlands Road, in addition to sets of steps that will be provided either side of the landscape frontage. Once on Woodlands Road pedestrian footways are provided on both sides of the road which are of a good standard and are subject to street lighting. A zebra crossing is also located immediately to the north of the site, which facilitates pedestrian connectivity across to the east and west.

Parking

The proposal would provide a total of 24 parking spaces, including 2 accessible spaces. In accordance with the Councils parking standards a development of this size would be expected to provide a total of 26 parking spaces plus 4 visitor parking spaces. However, the standards do allow for a reduction if the development is within an urban area that has good links to sustainable transport and where day-to-day facilities are within easy walking distance. In this regard there is a bus stop located directly adjacent to the site with links to Maidstone and Chatham on a frequent basis, and there are local amenities including Woodlands Family Practice and Rookery playing fields opposite, and the Academy of Woodlands School, Will Adams Academy and Woodlands Sports Centre to the north of the site. In addition, there is a parade of shops on Sturdee Avenue which includes a Tesco Express, a pharmacy, a hairdressers and café all of which are within a 5 minute walk.

A review of publicly available Census car ownership data shows that the cumulative level of car ownership within the Gillingham and Watling Wards when taken as an average equates to 1.03 per dwelling; based on the size and tenure of the proposed dwellings, it is estimated that the development would therefore generate a demand for 19 spaces. In addition, car ownership levels are influenced by dwelling size, type and tenure, and although now somewhat dated, previous Communities and Local Government (DCLG) Residential Car Parking Research methodology has established

that households occupying rented accommodation have fewer cars than owner-occupied households in dwellings of a similar size and type. The research also emphasises the role of location in relation to local services and public transport on rates of car ownership. Although this census data dates to 2011 as comparable data from the 2021 census is not yet available, and the trend for car ownership has likely increased in the last 12 years, on the basis that the proposal would provide at least one parking space per dwelling with an additional 6 visitor spaces, and when taking into account the mix and tenure of the dwellings, and the fact that the site is in a sustainable location with good links to public transport and within walking distance to local amenities, on balance the parking provision provided is considered acceptable, and no objection is raised in respect of Policy T13 of the Local Plan subject to a condition requiring the submission of a parking management plan, detailing how parking will be managed on site.

It should be noted that the NPPF has put sustainable development as a central core and paragraph 112E of the NPPF outlines that development should provide electric charging facilities. The applicant has confirmed that 18 spaces will be provided with electric vehicle charging points which would amount to 1 electric vehicle charging point per dwelling. The above provision would be considered acceptable, and a suitably worded condition is recommended.

With regard to cycle storage, although limited details have been provided, there is sufficient capacity to accommodate such provision, further details of which can be secured by condition.

Traffic Impact

It is not considered that the additional dwellings and vehicle movements associated with their future occupation would materially impact the highway function and therefore no objection would be raised.

In view of the above, and with the aforementioned conditions with respect to EV charging points, cycle storage and a parking management plan no objection is raised under Policies T1, T2, T3, T4 and T13 of the Local Plan and paragraph 103, 111, 112 and 130 of the NPPF.

Flood Risk

The application has been submitted with a Drainage Strategy Report (ref; 14905AE, dated November 2022). The site lies within Flood Zone 1 according to the Environment Agency mapping and therefore has a low probability of river or sea flooding. The drainage strategy states that the site will contain one surface water drainage catchment which will take surface water from the parking areas, hardstanding and roofs of the apartment blocks. There would then be localised pipe systems which drain into a central grate soakaway within the car park. Foul drainage would be connected to the adjacent public drainage system on Woodlands Road.

The surface water drainage system has been designed to accommodate the 100yr + 40% climate change storm event and infiltration testing has been undertaken on the site at two different locations. Further infiltration testing is also suggested and can be submitted pursuant to the drainage conditions. In this regard infiltration testing should be carried out in accordance with BRE 365. Therefore, and subject to conditions requiring further information with respect to sustainable drainage principles, a construction surface water management plan and a drainage verification report no objection is raised in regard to Policy CF13 of the Local Plan and paragraph 167 of the NPPF.

Trees

An Arboricultural Impact Assessment and Method Statement (ref; J20641_P2_Arb, dated March 2023) has been submitted with the application.

The trees on and adjacent to the application site vary in terms of condition and the amenity value that they provide. The first character group includes the medium sized, middle-aged trees found growing on the site's boundaries. In the main, the trees in this character group are in a good condition and bring a sense of maturity. The second character group includes the smaller, young trees found growing across the site. In the main, the trees in this character group are in a good condition but due to their size are of limited amenity value.

The following trees and groups of trees will be removed to enable the proposed development; T1 to enable the construction of the car park, part of G2 to enable the construction of the apartment building and G3 and G4 to enable landscaping of the site's frontage. These trees or group of trees were identified as category C1 within the tree survey indicating they are those of low quality and value, currently in adequate condition to remain until new planting could be established (a minimum of 10 years is suggested), or young trees with a stem diameter below 150mm. In addition, none of these trees are subject to a TPO, and the site is not within a Conservation Area either.

Although the proposal would therefore result in the loss of some lower quality trees the development of the site would provide an opportunity to plant new trees as part of a landscape scheme which could increase the age range, quality, and species diversity of the trees in the local area. As part of any permission conditions would be imposed requiring the submission of a landscaping scheme for the site as well as a landscape management plan to ensure this is secured and managed. Furthermore, and given the condition of the trees on the site there is no reason why the arboricultural effect cannot be positively balanced against the overall benefits of the scheme, which are significant given that this would deliver social housing, and as mentioned above new planting could be secured as part of the redevelopment through planning conditions. Consequently, there is no objection to the loss of these trees.

The Tree Survey Report states that retained tree T2 located along the sites eastern boundary will be affected by the demolition of the existing building on the edge of the Root

Protection Area (RPA) and also through the construction of the new car park. Within the Arboricultural Method Statement, it states that prior to the demolition phase, all tree protection measures will be installed as specified on the accompanying Tree Protection Plan and the demolition of the building that is on the edge of the RPA of T2 will be carried out using a top down, pull back method with any machinery used stood outside of the RPA. In addition, the construction of the new hard surfaces that are within the RPA of T2 will incorporate the principles set out in Arboricultural Advisory and Information Service guidance note APN12 and utilise a cellular confinement system, such as cell web, as a sub base. Further details of which will be requested by condition.

Whilst the tree report also refers to underground services, and the need to ensure that any damage to the RPA of retained trees is minimised when excavating trenches, as the location of services are not yet known a condition will be imposed to secure further details of the arboricultural method statement to safeguard any retained tree that would be affected. In addition, a condition will also be imposed in relation to the measures that will be implemented on site to protect tree T3 during construction, as this is directly adjacent to the existing site access and the Tree Protection Plan submitted alongside the survey does not propose any tree protection for this tree. This would also need to include details of the pruning works necessary to allow access for larger construction vehicles. In addition to this, there does not appear to be any temporary ground protection for parts of the root protection area for tree T2 that fall outside the tree protection fencing. A condition will therefore be imposed requiring the submission of a new tree protection plan and method statement which includes further details of this.

In summary, and subject to the above mentioned conditions the proposal is considered acceptable including with regard to Policy BNE43 of the Local Plan and the advice set out in paragraphs 131 and 174 of the NPPF.

Ecology

The applicant has submitted a Preliminary Ecological Appraisal (PEA) (ref; J20641_P2, dated February 2023) with the application. Within the PEA it refers to a preliminary appraisal that was originally conducted in 2019. A separate PEA was then carried out in May 2021 with the recommended Bat Survey (Ref; 5840-LLB-RP-EC-0004, dated July 2021) and Reptile Surveys (Ref; 5840-LLB-RP-EC-0003, dated July 2021) taking place in the same year. No bats were recorded roosting in the building, but a population of slow worms on site were recorded.

The PEA (ref; J20641_P2, dated February 2023) that has been submitted with the application identified that due to lack of management, further suitable habitat for reptiles had developed. The report also recommended bat and reptile surveys, indicating that the ecologist was not aware of the 2021 bat and reptile surveys. In light of this it was recommended that the ecologist who undertook the 2023 PEA reviewed the 2021 bat and reptile surveys as well as the conclusions of the PEA against this information to justify if the results from the 2021 surveys are still valid or whether further survey work will need to be undertaken.

The applicant has subsequently submitted a further Ecological Assessment (ref; J20641_P3, dated 29 March 2023), which includes further information regarding previous and current habitat survey work and includes a mitigation strategy for protected species. This Assessment has been passed to KCC Biodiversity and is subject to further comment.

A Reptile Mitigation Strategy (ref; 5840-LLB-RP-EC-0006-S4-P01, dated 15 March 2023) has also been provided, with a reptile receptor site at Riverside Country Park (1.5km from the proposed development site) identified for use as part of the translocation of reptiles from this site. Improvement works on the receptor site have taken place since 2021 to increase the area of suitable reptile habitat in preparation for the translocation of slow worms. As this receptor site will also be used to support reptiles from the Lennoxwood site further details of the population of slow worms at Lennoxwood has also been provided to KCC so they can agree that the receptor site can support both populations. This is subject to further comment and agreement from KCC.

Climate Change and Energy Efficiency

The Planning Agent has incorporated a section on climate change within the Design and Access Statement which can be summarised as follows:

- Aspirations for the development are to meet and exceed the baseline standards in respect to Approved Document L Volume 1: Dwellings, with regards to energy efficiency.
- Approved Document L sets the current baseline for air permeability at 10.0 m³/(h.m²) at 50 Pa, it is anticipated that this scheme shall meet 5.0 m³/(h.m²) at 50 Pa, improving air tightness and heat loss.
- Dwellings shall be specified to have 100% energy efficient LED luminaries throughout, including adaptive dusk to dawn external lighting.
- Gas fired combination-boilers, typically Combi 30kW boiler, are specified in combination with thermostatic radiator valves and a central programmer with a minimum energy efficiency rating of 89%.
- Photovoltaic panels will be installed on the roof of both blocks.
- Water usage shall be minimised by specification of efficient taps, dual flush toilets and low water use appliances.
- Secure external bike storage is provided with space for one bicycle per dwelling. One electric vehicle charging point per dwelling will also be provided.
- Materials will be selected for robustness and longevity, with a minimal requirement for ongoing maintenance and care by landlord and tenants.
- All construction on site will be managed in an environmentally responsible manner in terms of resource use, storage, waste management, and potential sources of nuisance or pollution.
- Extract fans to the bathroom and kitchens will be energy efficient and compliant; bathroom fans will be SELV models, and 230V fans to kitchens. They will be fitted with humidity controls to minimise operational time.

- Surface water drainage will be by SUDS principles with porous paving and soakaways.

Further details of these measures which will be requested as a condition of the approval in accordance with paragraph 154 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 £275.88 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. This tariff should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation).

These strategic SAMMS mitigation measures are being delivered through Bird Wise North Kent, which is the brand name of the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) Board, and the mitigation measures have been informed by 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. Further information regarding the work being undertaken is available at The Bird Wise website which can be found at <https://northkent.birdwise.org.uk/about/>.

The applicants have agreed to pay this tariff should a resolution to approve be agreed. No objection is therefore raised under Policies S6 and BNE35 of the Local Plan and paragraphs 180 and 181 of the NPPF, on the basis that this contribution can be secured via a Unilateral Undertaking if a resolution to approve the application is made.

A decision from the Court of Justice of the European Union detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive. Given the need for the application to contribute to the North Kent SAMMS, there is a need for an appropriate assessment to be carried out as part of this application. This is included as a separate assessment form.

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.

Paragraph 58 of the NPPF states that it is for the applicant to demonstrate whether circumstances justify the need for a viability assessment at the application stage. In this case a viability assessment report has been produced, which addresses the viability of development across the application site. The viability assessment has been verified by an independent development consultant who concludes that the development is only a viable scheme if it contains 18 affordable homes and £20,000 of S106 contributions. The following contributions have been requested in accordance with Medway Council's Developer Contributions Guide 2021 which would exceed the £20,000 of S106 contributions that can be provided.

- vii) £4,410 to assist with development of public realm improvements to Gillingham Town Centre.
- viii) £51,599.52 to enhance open space facilities within the vicinity of the development.
- ix) £3,339.90 to improve equipment and facilities at Twydall Library.
- x) £3499.56 for the provision, improvement and promotion of waste and recycling services to cover the impact of the development.
- xi) £33,936.64 toward mitigating the impact of the additional pupils.
 - Nursery - £6,760.54
 - Primary - £11,589.49
 - Secondary - £15,224.03
 - Sixth Form - £362.58
- xii) £4923.90 to support the creation of a new swimming gala timing system and improved facility for club and community users at Medway Park.
- xiii) £12,788.28 to support the creation of additional capacity in Primary Care premises as a result of the increase in housing and resulting patient registrations.
- xiv) £3,705.66 towards enhancement and/or expansion of community facilities which will serve the new residents of the development.
- xv) £4,965.84 towards Designated Habitats Mitigation.

There is an existing open space opposite the site and there are significant unspent contributions already set aside for primary care.

If the contribution requests for open space, primary care and education are set aside, then the development could meet in full the requests for public realm, twydall library, waste and recycling, Medway Park and community facilities.

Presumption in Favour of Sustainable development and the Overall Planning Balance (Having Regard to the Council's Position on its Five Year Land Supply).

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

The Council cannot demonstrate a five-year supply of housing land sought by paragraph 74 of the NPPF. There is therefore a significant need for new housing in the Medway area, including affordable housing and as the development proposed would create new housing, the presumption in favour of sustainable development as set out in Paragraph 11(d) of the NPPF is engaged. Paragraph 11(d)(ii) applies which states that:

- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Footnote 8 of the NPPF states that 11(d) also includes for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. As of January 2021, the Council had only delivered 67% of its target number of dwellings in the preceding 3 years (Medway Housing Delivery Test Action Plan, July 2022).

In assessing the proposed development against the policies in the NPPF as a whole, as well as relevant Local Plan policies, the NPPF indicates that there are three dimensions to sustainable development: economic, social and environmental. It is, therefore, appropriate to balance the assessment of the development as set out above, against the Local Plan policies and policies in the NPPF in these terms and unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits, of doing so, planning permission should be granted.

Social

The NPPF confirms that social objective is: “to support, strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided

to meet the needs of present and future generations and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future need and support communities, health, social and cultural wellbeing”.

The development would be located in the urban area on land not already allocated for housing which would deliver much needed social housing. In view of the shortfall in housing supply and demand for social housing, it is considered that significant weight can be attached to the social benefits arising from the proposal.

Economic

Given the urban location and surrounding services and employment opportunities, new residents will generate more demand for local services and facilities, and this would contribute to boosting the local economy in the surrounding area. The scheme would also bring short term benefits to the economy during construction. These economic benefits carry some positive weight in the balance.

The planning obligations set out in the s106 include a range of financial contributions to make the proposal acceptable. These financial contributions are intended to mitigate the effects of the development and render it acceptable in planning terms. Whilst the development would provide additional council tax income this would be used to mitigate for and deliver necessary services and infrastructure for the residents and would, therefore, be a neutral effect.

Environmental

The NPPF seeks to protect and enhance our natural, built and historic environment; including making effective use of land, improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The site is within walking distance of local services which would be sufficient to meet most of the day to day needs of the residents, which in turn could reduce car dependency. These are key objectives of the NPPF and would carry moderate weight. Moreover, the location and reuse of this brownfield site would also preserve other more sensitive sites elsewhere including greenfield sites.

Whilst the development would have some impact on some of the neighbouring properties on Beatty Avenue, this impact is not considered to be significantly detrimental that would outweigh the benefits of the redevelopment of this site. Taking all the above factors into consideration the benefits of the proposal would significantly and demonstrably outweigh any harm caused when considered against the NPPF as a whole.

Local Finance Considerations

None relevant.

Conclusions and reasons for Approval

It is considered that the scale, mass and design of the proposal would respect the character of the existing streetscene and there would be no detrimental impact on the amenities of future occupiers, neighbouring residential amenities or highways safety. The application is therefore in accordance with Policies S1, S2, S6, BNE1, BNE2, BNE23, BNE24, BNE35, BNE37, BNE39, H4, H5, CF13, T1, T2, T3, T4 and T13 of the Local Plan, the advice set out in paragraphs 11, 60, 105, 111, 112, 119, 120, 126, 130, 167, 174, 179, 180, 181, 183, 184, 185 and 186 of the NPPF.

The application would normally be determined under delegated powers but is being referred for Committee determination as the applicant for this proposal is Medway Council Housing Department and the proposal for viability reasons cannot provide a policy compliant S106.

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/>