

MC/11/0001

Date Received: 31 December, 2010

Location: Mid Kent College Site, Horsted Centre, Maidstone Road,  
Chatham, ME5 9UQ

Proposal: Outline application for residential (up to 336) dwellings and  
employment/service facilities, including commercial  
office/residential building (2500 sqm), and including full  
application for Phase 1 (except for the appearance of block A -  
sub-phase 1A) for 154 dwellings, A1 retail and D1 community  
development, new highway accesses to Maidstone Road and  
Horsted Way, public open space and ancillary works

Applicant: Countryside Properties

Agent: CgMs Limited Morley House 26 Holborn Viaduct London EC1A  
2AT

Ward Rochester South & Horsted

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 30 March, 2011.**

**Recommendation - Approval with Conditions Subject to S106**

- A) The applicant entering into a legal agreement under the terms of Section 106 to secure:
- i) Public Transport Improvements = £15,000
  - ii) Safer Routes to School Initiative = £13,000
  - iii) Controlled Pedestrian Crossing = £50,000
  - iv) Gyratory System Preliminary Works = £20,000
  - v) Gyratory System Improvements = £180,000
  - vi) Formal Sports Provision = £423,522
  - vii) A contribution towards formal play provision / off site play provision requirements generated by the development, which cannot be met on site.
  - viii) Metropolitan Park = £42,108.15

ix) NHS Medway = £157,699.15

x) Education = £159,577.60

xi) The provision of 25% affordable housing of the total number of units proposed on site (subject to viability in Phase 2)

B) And the following conditions: -

(as amended by drawings received on 8 March 2011)

- 1 Approval of the details of the layout, scale and appearance of the buildings, the means of access thereto and the landscaping (hereinafter called "the reserved matters for phase 2") (on drawing A227\_PL005) shall be obtained from the Local Planning Authority in writing before any development is commenced within this phase of the development of the site.

Reason: To accord with the terms of the submitted application and to ensure that these details are satisfactory

- 2 Approval of the details of the appearance of the buildings (hereinafter called "the reserved matters for phase 1a") (on drawing A227- PL005) shall be obtained from the Local Planning Authority in writing before any development is commenced within this phase of the development of the site.

Reason: To accord with the terms of the submitted application and to ensure that these details are satisfactory

- 3 Plans and particulars of the reserved matters for phase 2 and 1A referred to in Conditions 1 and 2 above shall be submitted in writing to the Local Planning Authority for approval. Such applications for approval shall be made to the Authority before the expiration of three years from the date of this permission and the reserved matters for phase 2 and the reserved matters for phase 1A shall be carried out as approved.

Reason: To comply with Section 92(2) of the Town and Country Planning Act 1990.

- 4 The development to which this permission relates must be begun no later than the expiration of 2 years from the final approval of the reserved matters for either phase 2 or phase 1A or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

- 5 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 conditions 6 to 9 have 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 9 has been complied with in relation to that contamination.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety.

- 6 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,
- archeological 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: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety.

- 7 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: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety.

- 8 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 (referred to in PPS23 as a validation 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 occupation of the development.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety.

- 9 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 6, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 7, 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 7 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 8.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety.

- 10 No development shall commence on any phase or sub-phase until details and samples of all materials to be used externally within that phase or sub-phase have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out 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.

- 11 No development shall commence on any phase or sub-phase until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected within that phase or sub-phase. The boundary treatment shall be completed before the buildings within that phase or sub-phase are occupied and shall thereafter be retained. Development shall be carried out 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.

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out within Classes A - H of Part 1 and Class A of Part 2 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of amenity, in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 13 No development shall commence within any phase or sub-phase until a scheme for protecting the proposed development within that phase or sub-phase from transport related noise, has been submitted to 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. Where the internal noise levels (LAeq,T) will exceed 30dB in bedrooms and 35dB in living rooms with windows open, the scheme shall incorporate appropriate acoustically screened mechanical ventilation. The scheme shall include details of acoustic protection sufficient to ensure amenity/garden noise levels of less than 55dB (LAeq,T). 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: To safeguard conditions of amenity in accordance with policy BNE3 of the Medway Local Plan 2003.

- 14 No development shall commence within any phase or sub-phase details of the proposed means of foul and surface water sewerage disposal relating to that phase or sub-phase have been submitted to and approved in writing by the Local Planning Authority and the development within that phase and sub-phase shall be carried out in accordance with these approved details and maintained thereafter.

Reason: To safeguard conditions of groundwater.

- 15 No development shall commence until details of water infrastructure plans have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be implemented in accordance with the approved scheme and maintained thereafter.

Reason: To safeguard conditions of amenity

- 16 No development shall commence on any phase or sub-phase until a construction code of practice that describes measures to control noise and dust impacts arising from the construction phase of that particular phase or sub-phase of the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plans and maintained thereafter.

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

- 17 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 in accordance with policy BNE21 of the Medway Local Plan 2003.

- 18 Within 6 months of commencement of any phase or sub-phase of the development a Parking Management Strategy, detailing the allocation of parking spaces to individual dwellings and other uses and the provision of unallocated parking spaces for general use within that phase or sub-phase, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: to ensure an efficient and flexible parking arrangement that minimises overspill parking within the development, in the interests of highway and pedestrian safety in accordance with policy T13 of the Medway Local Plan 2003.

- 19 No development shall commence on any phase or sub-phase until details of cycle parking facilities for that phase or sub-phase have been submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall thereafter be implemented in accordance with the approved details prior to first occupation of the relevant phase or sub-phase of the development and maintained thereafter.

Reason: In provide secure cycle parking in accordance with policy T4 of the Medway Local Plan 2003.

- 20 No development shall commence until measures to be undertaken to the protect the public water supply have been submitted to and approved in writing by the local planning authority. The development shall be carried out

in accordance with the approved details and maintained thereafter.

Reason: To safeguard the public water supply.

- 21 Prior to first occupation of the development, details of the closure of existing vehicle crossings on Horsted Way, not required to facilitate access to the development, including reinstatement of full height kerbs and the provision of new sections of footway to tie in with the existing footway, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained thereafter.

Reason: In the interests of pedestrian movement in accordance with policy T3 of the Medway Local Plan 2003.

- 22 No development shall commence on any phase or sub-phase until details of any highway infrastructure within that phase or sub-phase including signing, road markings and street furniture have been submitted to and approved in writing by the Local Planning Authority prior to installation. All highway infrastructure shall thereafter be installed in accordance with the approved details and thereafter maintained.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with policy T1 of the Medway Local Plan 2003.

- 23 No development shall commence on any phase or sub-phase until details of a lighting scheme for that phase or sub-phase have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed prior to first occupation of any dwelling on the relevant phase or sub-phase and be made available for use in accordance with the approved details and maintained thereafter.

Reason: To safeguard conditions of amenity within the scheme of development permitted in accordance with Policy BNE5 of the Medway Local Plan 2003.

- 24 Prior to the commencement of phase 1 of the development details of a domestic sprinkler system to be installed in plots 105, 106 and 107 herein approved shall be submitted to and approved in writing by the Local Planning Authority. The approved sprinkler system shall be installed prior to first occupation of any of the dwellings and shall thereafter be maintained.

Reason: To safeguard conditions of amenity

- 25 No development shall take place on any phase or sub-phase until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping (hard and soft) and boundary treatment for that phase or sub-phase to include both the application site and the strip of land between the northern boundary and the perimeter ditch of Fort Horsted. All

planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or completion of the development, whichever is the earlier. Any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Authority gives written consent to any variation.

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

- 26 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, including the land between the northern boundary and the perimeter ditch, other than small, privately owned, domestic gardens, shall be submitted to the Local Planning Authority for approval in writing prior to the occupation of each phase or sub-phase of the development. The landscape management plan shall be carried out as approved.

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

- 27 No development shall commence on any phase or sub-phase until details of the 'Local Area Play' (LAPS) and Local Equipped Area Play (LEAPS) for that relevant phase or sub-phase submitted to and approved in writing by the Local Planning Authority. These details shall include the location of any play equipment to be installed in these areas and a management programme for the maintenance and upkeep of these spaces. The development shall be carried out in accordance with the approved details and maintained as such.

Reason: In the interests of amenity in accordance with policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 28 None of the buildings hereby permitted shall be occupied until underground ducts have been installed by the developer to enable telephone, electricity and communal television services to be connected to any premises within the site without recourse to the erection of distribution poles and overhead lines and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking and re-enacting that Order), no distribution pole or overhead line shall be erected within the area except with the express written consent of the Local Planning Authority.

Reason: To ensure all services are provided underground in the interest of visual amenity of the area in accordance with policy BNE1 of the Medway Local Plan 2003.

- 29 No development shall commence on any phase or sub-phase until details of the gating to the alleys, including their design and management (which will details who holds keys and has responsibility for then) for the relevant phase or sub-phase have been submitted to and approved in writing by the Local Planning Authority. The approved scheme of gating shall be implemented prior to first occupation of the relevant units and shall thereafter be maintained.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety.

- 30 Prior to the first occupation of each individual building within a phase or sub-phase of the development hereby permitted details of the refuse storage arrangements for that building, including provision for the storage of recyclable materials, shall be submitted to and approved in writing by the Local Planning Authority. Except with the prior written approval of the Local Planning Authority, no building within a phase or sub-phase shall be occupied until the approved refuse storage arrangements for that building are in place and all approved storage arrangements shall thereafter be retained.

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

- 31 No development shall commence until a scheme of CCTV to monitor development has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and retained thereafter.

Reason: To safeguard conditions of amenity

- 32 No development shall commence until details of a watching brief for the presence of bats and a dawn and dusk survey have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained.

Reason: In the interests of ecology in accordance with policy BNE37 of the Medway Local Plan 2003.

- 33 No development shall commence on any phase or sub-phase until details of existing and proposed site levels including cross sections through the site of that phase or sub-phase 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 maintained thereafter.

Reason: In the interests of visual amenity in accordance with policy BNE1 of the Medway Local Plan 2003.

- 34 Within six months of first occupation of any phase or sub-phase of the

development hereby permitted, a revised and updated Travel Plan for that particular phase or sub phase shall be submitted to the Local Planning Authority for approval. The updated Travel Plan shall include, as a minimum, details of:

- The first on-site Travel Survey
- The appointed Travel Plan Coordinator
- The 'Green Travel' promotional pack
- The implementation of measures to reduce car use, contained within the Travel Plan submitted with the planning application
- Details of a car club to be established on the site providing at least 1 car for 5 years after first occupation
- A programme for monitoring and reviewing the Travel Plan

The updated Travel Plan shall thereafter be implemented for the life of the development in accordance with the approved details.

Reason: to ensure a sustainable development that accords with Policy T14 of the Medway Local Plan 2003.

- 35 The community use (D1) hereby permitted shall only operate between the hours of 09:00 to 21:00 Mondays to Fridays inclusive and between the hours of 09:00 to 22:00 on Saturdays and 09:00 to 22:00 on Sundays and, Bank Holidays.

Reason: To regulate and control the permitted development in the interests of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 36 The retail use (A1) hereby permitted shall only operate between the hours of 07:00 to 21:00 Mondays to Saturdays inclusive and between the hours of 09:00 to 20:00 on Sundays and, Bank Holidays.

Reason: To regulate and control the permitted development in the interests of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 37 The details submitted in pursuance of Condition 1 for phase 2 shall show land reserved for parking or garaging in accordance with the adopted Parking Standards. None of the buildings shall be occupied until this area has been provided, surfaced and drained in accordance with the approved details. Thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to the reserved vehicle parking area.

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 Policy T13 of the Medway Local Plan 2003.

- 38 The residential and commercial development hereby approved shall not be

occupied, until the area shown on the submitted layout as vehicle parking space and garaging 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 1995 (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 and garaging.

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 Policy T13 of the Medway Local Plan 2003.

- 39 All dwellings within the development shall achieve a minimum of Code Level 3 of the Code for Sustainable Homes (or an equivalent rating in any subsequent replacing standard that has been agreed in writing by the Local Planning Authority). Prior to the commencement of any phase or sub-phase of the development, the Code for Sustainable Homes registration number and a design stage certificate confirming the code level that will be achieved for dwellings within the relevant phase or sub-phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless any variation has been approved in writing by the Local Planning Authority.

Reason: To safeguard conditions of amenity within the scheme of development permitted and to promote the development of sustainable forms of development.

- 40 All non-residential buildings within the development shall achieve a minimum rating of "Very Good" against the BREEAM Industrial, Offices or Retail Assessment as applicable (or an equivalent rating in any subsequent replacing standard that has been agreed in writing by the Local Planning Authority). Prior to the commencement of any phase or sub-phase of the development hereby permitted that contains non-residential buildings, a design stage certificate confirming the rating that will be achieved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless any variation has been approved in writing by the Local Planning Authority.

Reason: To safeguard conditions of amenity within the scheme of development permitted and to promote the development of sustainable forms of development.

- 41 The details submitted in pursuance to Condition 1 for phase 2 of the development hereby permitted shall include a proposal for a B1 commercial unit unless otherwise agreed in writing by the Local Planning Authority.

Reason: To allow the development of the site to respond to market conditions.

42 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no windows or similar openings shall be constructed in the buildings other than as hereby approved without the prior written approval of the Local Planning Authority

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy of adjoining property, in accordance with Policy BNE2 of the Medway Local Plan 2003.

**For the reasons for this recommendation for approval please see Planning appraisal section and conclusions at the end of this report.**

### **Proposal**

The application is a hybrid application for a mixed-use development. The overall quantum of development would result in up to 336 residential units (including an extra care scheme), retail unit (A1), community use (D1) and B1 office building (2,500sqm) together with new highway accesses to Maidstone Road and Horsted Way, public open space and ancillary works.

The application has been submitted with a phasing plan.

Phase 1 of the development has been submitted as a full application and includes the provision of 113 dwellings consisting of 12 x 2-bed houses, 52 x 3-bed houses, 41 x 4-bed houses, 2 x 1-bed apartments and 6 x 2-bed apartments. This portion of the site is broadly located in the eastern segment.

Phase 1A consists of 28 x 1 bed and 12 x 2 bed extra care units together with a retail unit and community use and has been submitted in outline form but with only appearance reserved for future consideration.

Finally phase 2 is shown to consist of 54 x one bed apartments and 129 x 2 bed apartments and a B1 office building and has been submitted in outline form with all matters reserved for future consideration.

All buildings across the site would either be 2 / 2.5-storey and indicative drawings have been provided for the outline sections of the development. The streets have been designed as shared surfaces to provide pedestrian friendly streets with parking and landscaping designed in. Parking provision on site would be provided in either garages, allocated within courtyards or unallocated surface parking. There are 506 spaces provided for the residential portion of the site with further parking provided for the retail, extra care units, community use and B1 office building.

The site includes various areas of landscaping including the provision and enhancement of a section of land to the south of the site as an ecology area that would be open to the public. Landscaping has also been proposed within the development with various green fingers reaching into the development from the public open space to the east. Open space provision has also been included in the

form of 2 local areas of play and 1 locally equipped areas of play.

During the course of the application revised plans have been submitted removing plot 43 from the scheme and the relocation of the pumping station, previously shown in the southeastern corner, to this position. Plots 44 to 47 have been slightly repositioned.

### **Site Area/Density**

Site area: 8.17 hectares (20.19 acres)  
Site density: 41.25 dph (16.69 dpa)

### **Relevant Planning History**

MC/09/0630	Outline application for up to 450 dwellings, B1 commercial, A1 retail and D1 community development, with full application in relation to Phase 1 of the above mentioned development for 76 dwellings, new highway access onto Maidstone Road and Horsted Way, public open space and ancillary works. Under Consideration
MC2005/0229	Outline application for mixed residential, commercial (Class B1), retail (Class A1) and community (Class D1) development. Members Resolution to Approve subject to S106 19 October 2005
MC2004/1694	Outline application for residential development. Withdrawn

### **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. The Environment Agency, Kent Wildlife Trust, Natural England, Kent Police, EDF Energy, Southern Gas Networks, Southern Water, English Heritage, NHS Medway, Rainham, Gillingham & Chatham Amenity Society, KCC Ecology and KCC Archaeology have also been consulted.

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

- Contrary to the local plan
- Out of keeping with the character of the area
- Southern access point would be dangerous
- Development would harm the setting of the scheduled ancient monument
- Apartment blocks out of keeping visually in the area
- Intrusion into the Area of Local Landscape Importance
- Commercial Units are not viable and not appropriate for the area
- Density is too high
- Noise

- Insufficient parking
- Pedestrian safety on shared routes
- Lack of pedestrian crossings
- Road safety and speed issues on the A229 and A230
- Future residents would be subject to high levels of noise from arterial routes
- Loss of privacy to 32 Horsted Way
- Need larger family units rather than smaller properties
- No doctors surgery provided on site
- No provision made for schools in the area
- Need more public open space
- Design of properties out of keeping visually and have the potential for conversions into 3-storey.
- Few trees proposed on site
- Impacts on ecology, flora and fauna
- Insufficient affordable provision in Phase 2
- Airport would cause noise impacts to future residents
- Proposed areas of open space could attract anti-social behaviour

All other matters raised not listed above are non-material

**Cllr Clarke** raised concerns with the application specifically the following points: -

- Southern access to the site would impact highway safety
- Impact on the scheduled ancient monument
- Apartment blocks are out of keeping visually and no market in Medway
- Intrusion into the Area of Local Landscape Importance
- Commercial Units are not viable and there is an existing surplus
- Density of the scheme increased since consultation
- Noise impacts for future residents through traffic noise
- Parking insufficient on site
- Pedestrian safety fears on site
- Safety issues with arterial routes
- Inadequate capacity for water / drainage in area

**Rochester Airport & Rochester Airport Consultative Committee** have raised objection to the application due to the reliance on the construction of phase 2 as a means of mitigating the noise impacts from the airport on residents living in phase 1 of the development. Due to the timescales associated with the phases it is felt that the absence of phase 2 when phase 1 is occupied would impact on the amenities enjoyed by future residents of phase 1. Various comments also made on the noise report including the times at which the survey was undertaken.

**The Friends of Horsted Valley** raise objection to the application raising the following points: -

- Commercial building out of keeping with the area
- Building would take place on part of the Area of Local Landscape

Importance

- Proposed compensatory habitat would not provide suitable conditions for wildlife to live
- Boundary hedge needs to be retained
- Construction of child's play area would destroy existing wildlife area
- Contributions should be paid to enhance the Horsted Valley and old Horsted Farmhouse

**Natural England** has no comments to make on the application

**KCC Archaeology** raises no objections subject to a condition

**Kent Fire & Rescue** has commented that the fire tender routes do not appear to be continuous around the site; certain plots are in excess of the 45-metre travel distance and plans for phase 2 are insufficient to assess the scheme.

**Southern Water** has raised no objections subject to a condition and informatives.

**Environment Agency** has raised no objections subject to conditions.

**English Heritage** raises some concerns regarding the impact of the development but encourage a balance view to be taken. Conditions have also been recommended.

**Kent Police** have assessed the application from crime prevention through environmental design perspective and raise no significant objections. The following comments and observations have been made: -

- Too much permeability on site
- Full assessment of traffic due to existing problems with the gyratory
- Lack of natural surveillance of greenspaces, LEAPS and LAPS
- Consultations should be carried out regarding the design of the open space to suit users
- CCTV to be installed around retail / community / extra care block
- Recesses on the retail / extra care building could leading to concealed offenders
- Lighting scheme required
- Some accesses should be gated
- Blocks with communal entrances should have remote release door opening with audio / visual link
- Flat blocks should have secure ground floor lobby for metres.
- Secure bin stores needed
- Recommendations made regarding thickness of glazing
- Security measures need to be considered for undercroft parking for phase 2.

## **Development Plan Policies**

The Development plan for the area comprises the South East Plan 2009 and the Medway Local Plan 2003.

## **Planning Appraisal**

### *Background*

The previous applications submitted for the re-development of the site are detailed in the planning history above. Consideration should be given to MC2005/0229 that members resolved to approve 19 October 2005 subject to the completion of the S106 agreement. At the time of writing this report the agreement has yet to be signed and so the decision has not been issued.

### *Principles of Development*

The application site is primarily located within the urban boundary of Chatham and apart from the southeastern corner is considered previously developed land. The overall site is not subject to any specific allocation in the Medway Local Plan 2003 but the southeastern corner does lie within the Horsted Valley Area of Local Landscape Importance (ALLI). The development would be residential led with up to 336 dwellings located on site but would also be complemented by a mix of other uses including extra care (C2), retail (A1), community (D1) and commercial office (B1).

The site has been vacant since 2009 when Mid Kent College relocated to its new campus in the Lower Lines. As such the higher education facility has been reprovided and no objection is raised to its loss. National guidance and local policy support residential development within existing settlement boundaries and in sustainable locations in favour over countryside sites. Policy H4 states residential development will be permitted consisting of 'the use of vacant or derelict land or the change of use or redevelopment of existing buildings no longer required for residential use.' It is acknowledged that a portion of the development would be located in the ALLI and this will be discussed in the design section below. The proposal includes the provision of a mix of uses on site. The extra care facility would complement the general residential development, with the retail unit and community centre also serving the existing and future local population. The site is considered to be in a sustainable location due to its proximity to shops and bus routes and the mix of uses proposed would help serve the needs of the future community.

The development also proposes a B1 office building however the proposal has been submitted to show this space as flexible, i.e. either B1 or residential. This flexibility is due to the applicants concerns regarding the market conditions at the current time and potential difficulties envisaged with the delivery of the building as commercial unit. Medway currently suffers from an abundant stock of unfit commercial office units and whilst the demand exists it is acknowledged that current stock is vacant or performing poorly in terms of leases and rent yields. Due to the sites excellent location close to transport links, the innovation centre and Rochester Airport it is felt that a commercial development on site would complement those existing businesses

and help form a business hub in Medway.

Responsible development that will truly add to the sustainable mix and long term prosperity of a place must include an element of good quality workspace that will assist a mix of professional businesses. As such it is appropriate to ensure this building is delivered as an office (B1) unit and the application in terms of indicative layout and infrastructure contributions has been assessed on this basis. However it is difficult to predict market conditions and whilst B1 space is needed currently in the longer term it is considered necessary to provide some flexibility to be able to respond appropriately to market conditions in the future. This element of the development would fall under Phase 2 of the scheme and so is being assessed in outline form only at the current time. A condition is recommended to assess the proposed use when any reserved matters application is submitted.

The density of the entire development would equate to around 41 dwellings per hectare however, the site layout shows a marked difference in the density across the site. Phase 1 tends to be a lower density development with the higher density apartments indicatively shown for phase 2 but consideration should also be given to the considerable sections of landscaping proposed on site. As such it seems appropriate to use the 41 dwellings per hectare figure as this a reflection of conditions across the whole site. Overall the development is considered to be an efficient use of land but the appropriateness of density should also be examined from a site layout / design perspective.

Accordingly the application is considered acceptable with regards broad principle and density and the provisions of policy H5 of the South East Plan 2009 and policy H4 of the Medway Local Plan 2003.

### *Street Scene and Design*

The application site is a key site in Chatham because of its location at the top of Maidstone Road as a gateway to the Town and immediately adjacent to the Fort Horsted and at the crest of a ridge overlooking the open Horsted Valley to the east - an important landscape feature. The prominence of the site demands a site-specific design of the highest order. Fortunately this has been recognised in the design concept used in the proposal, which is site specific.

The site would be mainly seen from Maidstone Road / Horsted Way and whilst this element of the proposal would fall under Phase 2 of the scheme the indicative plans show large apartment blocks, 2.5 storeys in height, would address Maidstone Road / Horsted Way providing an appropriately urban frontage to this large space. They would be set back to preserve the mature trees that currently exist along this frontage. The layout, scale and design of these apartments would be subject to later consideration but the indicative details are considered appropriate in this context. The detailed element of this application relates to the smaller scale houses that predominate on the sloping area of the site adjacent to Fort Horsted and the Area of Local Landscape Importance of the Horsted Valley. This smaller scale development would provide a more sensitive relationship of the development with the valley and in views from the fort.

The layout is well organised into a clear hierarchy of 'streets', 'lanes' and 'courts'. There are several routes into, across and through the site linking to existing public rights of way and open spaces to the south and east of the site from the main road access points. The careful design and orientation of the buildings allows opportunities for passive surveillance throughout the development. There is variation in the means of providing parking and this includes its integration into the architecture to minimise impact on the street scene. Shared surfaces would use high quality materials and be designed to accommodate both amenity use and parking.

Public squares are created at the junction of the housing and flatted components of the scheme. This helps the two types of housing relate to each other and provides an identifiable centre to the scheme. The community hall and retail space are also located here. Whilst the application reserves consideration of the appearance of the retail, community and extra care elements detailed proposals have been submitted for the dwellings. A highly specific architectural concept has been developed for the housing component of the site which consists of houses grouped together to form small clusters of buildings akin, it is argued in the design and access statement, to small scale farmsteads or villages found in rural Kent. The architecture of the individual building is also highly specific. This is a modern day interpretation of Kentish vernacular.

The south eastern corner of the site is located within the Horsted Valley Area Local Landscape Importance (ALLI's) and is protected in the Local Plan as a finger of open space extending from the A229 (at Rochester Airport) to Luton; it is valued as an open space close to a large open area; it defines urban areas and the identities of separate communities; it provides a green backdrop to the SE side of the valley which is generally built-up (Wayfield Estate); it provides an open setting to Fort Horsted and Luton Scheduled Ancient Monuments. ALLI's also provide general functions as green lungs and buffers, as green corridors, as edge or 'fringe' land, needing protection from the pressures of urban sprawl and as wildlife habitats and corridors.

The area covered by the Horsted Valley ALLI narrows markedly as it approaches the A229 and this is largely on account of the existing development at the Mid Kent College site. As a general principle further erosion of this open valuable open space, particularly at this narrow point, should be resisted. All of the above functions support this principle, particularly in relation to the role of this land as a green buffer and the need for protection from urban sprawl and the separation and protection of identity of urban neighbourhoods. However the proposal includes 'Fingers' of landscape extending from the open space of the ALLI into the site. Revised plans have been submitted during the course of the application relocating the pumping station and omitting one dwelling to further strengthen the finger concept and extending the open space into the site.

As part of the consideration of the application the South East Regional Design Panel assessed the proposal. The panel was supportive of the scheme noting the improvement from a previous application submitted. Overall the scheme was felt to respond well to the varying surroundings of the college site with house types that would be interesting and original without being fussy.

Overall, the scheme works well. This would be a contemporary development that succeeds in interpreting traditional building elements and details in a manner that is sensitive to its context. The courtyard house types relate well to both to the shared spaces around the houses and views to the landscape beyond. The expression of large roof forms and rich architectural language should create a strong village character. Tree planting, building height and density are used to support the concept of a 'sequence of spatial experiences'.

Accordingly the application would be appropriate within its areas and no objections are raised with regards the provisions of policy BE1 of the South East Plan 2009 and policies BNE1, BNE6 and BNE34 of the Medway Local Plan 2003.

#### *Relationship with Scheduled Ancient Monument*

The application site is located to the south of Fort Horsted, which is a scheduled monument reflecting its national significance. This designated heritage asset is a late 19th century fort and one of only three that now survive from the system of land fortifications built then to defend the dockyard. It is amongst the last substantial fixed fortifications built in the United Kingdom and thus it stands at the end of a historic tradition that can be traced back to the medieval castles. The fort itself is not subject to the application but the proposed works are situated in the former field of fire for the fort and thus they are clearly within the setting of the designated asset and have the potential to change the ability to understand the significance of the fort in terms of its nature and purpose. In PPS5 policy HE10 provides advice to be applied in such circumstances.

During the course of the application two wire line drawings have been submitted illustrating the appearance of the development when viewed from the ramparts of Fort Horsted. Drawing A227 PL041 is a wire frame representation of the proposed new houses as seen from the apex of the fort. Although a part of the site is at present open space English Heritage are satisfied from this drawing that the houses would not significantly detract from the commanding views that can be obtained from this location. The roofs of the houses would be visible but as their site is lower and moving away from the rampart it is considered that these would not prevent an appreciation of the long views that explain why the fort is situated here.

Drawing A227 PL040 is another wire frame representation of the proposed development but this time from a location on the western rampart. From this location the new houses would be more visible in views out from the fort particularly when one takes into account the need for works to manage the tree and bush cover that at present provides some screening. The housing would have a more unified appearance than the present college but by bringing these closer to the ditch edge they inevitably have a greater presence in close up views from off the rampart and looking down towards the deep ditch. Whilst this is regrettable it is considered that the level of harm created by the proposal is not so substantial that it would be grounds for a refusal but under the advice of PPS5.

During the course of the application discussions have taken place with the developer and English Heritage regarding the management of the buffer zone between the fort and the proposed development. Some of the trees on the shared boundary are at

present over mature and thus they threaten the stability of the ditch walls of the scheduled fort. Their removal would reduce the screening effect that they now provide and a replacement form of planting will be required. It would also be necessary to agree the boundary treatment of rear gardens that back onto the fort and to restrict by removal of development rights what future owners might do in such areas and conditions are recommended to control this.

Accordingly no objections are raised with regards the impact of the development on the setting of the scheduled ancient monument and the provisions of policies BE6 of the South East Plan 2009 and policy BNE21 of the Medway Local Plan 2003.

### *Amenity Considerations*

The site is bounded to the south and east by open space, to the west by Maidstone Road / Horsted Way and to the north by Fort Horsted (a business centre). The closest properties to the development would be those located to the northwest on Maidstone Road and comments have been received regarding the impact of the development on the amenities of the occupiers of these dwellings. However due to the presence of open space opposite the application site and as the closest property (32 Horsted Way) is set back from the street edge it is considered there would not be any detrimental impacts in terms of loss of outlook, light or privacy to dwellings.

Accordingly the application is considered acceptable with regards residential amenity and the provisions of policy BNE2 of the Medway Local Plan 2003.

### *Noise*

An environmental noise impact assessment dated January 2011 has been submitted in support of the application. Noise measurements were undertaken at various points around the site to determine the noise environment. The assessment has been based on both measured and predicted noise levels at the site and has considered noise from road traffic and activities at Rochester Airport. The acoustic appraisal demonstrates that the western boundary of the site is within noise exposure categories (NEC) B and C and that the rest of the site falls within NEC A.

Policy BNE3 of the Medway Local Plan 2003 deals with noise issues. The Policy states that where noise levels fall within category C, the development will not be permitted unless either (a) the site is allocated for residential development or (b) there are no alternative quieter sites available. Where noise levels fall within category B, the applicant should demonstrate that adequate mitigation measures are included in the proposal to reduce noise to a satisfactory level or, where appropriate, conditions will be imposed to ensure such mitigation measures. Where noise levels are within category A, noise need not be considered as a determining factor.

The application is for hybrid planning permission and an indicative masterplan for the whole site has been included along with a detailed layout for phase 1. The assessment recommends that mitigation in the form of standard thermal double glazing with enhanced glazing to some plots and an alternative form of ventilation for properties along the western boundary be provided to achieve adequate internal noise levels. The report also recommends that no garden areas face the highway to

ensure that acceptable external noise levels are achieved. It is considered that dwellings exposed to levels within NEC B and NEC C be provided with acoustically screened mechanical ventilation and a condition is recommended to control this.

The drawings show that an area of the site is allocated for a potential B1 commercial use. The indicative plans show this area would be partly separated from the proposed residential element of the development and it is considered that any noise issues associated with this aspect would be dealt with at detailed stage. The development also includes an area comprising of A1 and D1 uses in the centre of the residential development. In order to ensure that the operation of these units does not adversely affect the aural amenity of the residential dwellings conditions are recommended to control the hours of use for both the A1 and D1 units.

Accordingly the application is considered acceptable with regards noise issues and the provisions of policy BNE3 of the Medway Local Plan 2003.

### *Air Quality*

An air quality assessment dated January 2011 has been submitted in support of the application. The assessment has assessed the air quality for the location of the development and has focused on the traffic related pollutants nitrogen dioxide (NO<sub>2</sub>) and particulates (PM<sub>10</sub>). Current and future concentrations indicate that the annual mean concentrations are below the 40µg/m<sup>3</sup> National Air Quality Objectives (NAQO).

The assessment has identified that the construction phase would generate temporary adverse dust impacts, at nearby residential properties. The assessment suggests that a construction method statement that uses the methodology within current best practice guidance is adopted to reduce the risk of dust nuisance to these properties and a condition is recommended to control this.

The development is not predicted to generate significant additional vehicle movements on the local road network. In fact the transport assessment indicates that traffic flows with the development will be lower than those associated with the occupation of the college and therefore the operation of the development will have a minimal impact on local air quality.

Accordingly the application is considered acceptable with regards air quality issues and the provisions of policy BNE24 of the Medway Local Plan 2003.

### *Highways*

The principle of the redevelopment of the Horsted College site has been established with the 2005 planning application for 414 units, which had a resolution to grant approval subject to legal agreements being finalised. With regards to the current 2011 application, the outline application is for 337 residential units comprising a mix of 93 one-bed apartments, 130 two-bed apartments, 10 two-bed houses, 53 three-bed houses and 41 four-bed houses. Phase One of the scheme consists of 154 residential units. In addition to this 200m<sup>2</sup> of retail and 166m<sup>2</sup> of community use will

also be provided, and either 1680m<sup>2</sup> of B1 office space or an additional 19 flats in substitution for the B1 office space. This is a less intensive development than the 2005 application, with 96 less units and a lower level of commercial and community use. The principle of development was therefore established at this time and is a material consideration when determining this application.

The proposed development is predicted to generate a marginally lower level of traffic than the 2005 application. The current masterplan would generate an estimated 96 fewer trips in the AM peak and 88 fewer in the PM peak than the previous application scheme. The current masterplan would generate around 200 two-way trips in each peak. This is also lower than the level of traffic that was previously generated by the College, although the traffic patterns are likely to be very different. The Phase One element of the scheme would generate around 100 two-way trips in each peak.

There have been concerns raised regarding the effect of redeveloping the site and how the Horsted Gyratory junction operates. The developer has accepted the need for improvements at the gyratory. There was a known accident record at the junction, which has improved since the College has closed. There were 6 slight accidents recorded at this junction in the past 3 years and 13 slight accidents in the past 5 years. (The College closed in 2009). In terms of addressing the concerns raised about the operation of the gyratory, and any potential safety issues, the existing consent has established the principle of redevelopment of this site in this way and a contribution has been secured to fund improvements that may be considered appropriate after an initial study has been completed. Early studies have shown that the scope of junction improvements required would cost up to around £200,000 and it has been agreed that this will be secured via a Section 106 agreement as detailed below.

The development provides parking in accordance with Medway Council's Interim residential parking standards for residential developments. 506 parking spaces are provided to serve the 277 residential units proposed. This includes the 0.25 per unit visitor provision, which equates to 69 spaces. Parking for the other uses on the site is provided in accordance with maximum standards, 99 spaces are provided to serve the extra care, retail, commercial and community uses. The applicant has adequately demonstrated how the parking provision on site can be provided in accordance with the Council's parking standards and therefore no objection is raised in this regard, subject to a condition requiring the submission of a Car parking Management Strategy. To ensure the satisfactory delivery of parking and its long term management to ensure it is available and used appropriately.

The detailed Phase 1 application incorporates means of access and this is proposed via the existing college entrance off Maidstone Road in addition to a new secondary access approximately 150m to the south. An existing access serving the College close to the main site access will be closed off as part of this application. As part of the application a Stage 1 Safety Audit has been undertaken in order to assess the road safety implications of the scheme, Medway Council's road safety team has checked this and on this basis no objection is raised. A Grampian condition is required to extend the existing splitter island on Horsted Way to prevent 'U' turns and ensure the secondary access is for Left In and Left Out movements only.

Three bus stops are located within close proximity to the site providing access to a range of bus services and areas of Medway and Maidstone. It is considered appropriate for the developer to contribute towards upgrading the existing public transport infrastructure from which future occupiers would travel from in order to increase the appeal of public transport services to and from the site. The developer is expected to fund the upgrade of the two bus stops on Horsted Way (southbound and northbound) and the bus stop on the other side of the gyratory heading towards City Way and this is a requirement of the proposed Section 106 heads of terms. The redevelopment of the Horsted College site for residential and commercial / community uses is likely to see an increase in the use of these bus stops.

The site is located approximately 3 km from Chatham centre and the railway station, and this is within the recognised distance for cycle trips to work or leisure trips by bike. Recent improvements have been made to the footways along Horsted Way to the north of site between Ridgeway and the site access. These include widening the footway to 3.0m to facilitate the route for cyclists traveling in to Chatham. This has provided a vastly improved pedestrian environment and it the contribution towards the gyratory improvements should enable this level of provision along the site frontage.

NCR17 passes the site along the A229 Maidstone Road linking the site with Maidstone to the south and Rochester to the north, the section running past the college is a traffic-free route. Cycle routes here exist in the form of off-road facilities usually a shared or segregated pedestrian/cyclist footway. The site would incorporate cycle parking stores to encourage trips to and from the site by this mode. A total of 66 cycle parking spaces would be provided for the whole development, with 32 spaces provided as part of Phase One (in accordance with Medway Council's parking standards) and a condition is recommended to secure this.

The internal layout of the development is considered for Phase 1 and 1a, which contains all the proposed roads and shared space areas of the scheme. Aside from the main route into the site and this access road through the site, the majority of the internal access roads have a 'shared space' principle proposed. A 'Twenty's Plenty' sign will be located at the main vehicular entrance into the development. The shared space concept is expected to improve safety on the roads, through the design of the internal streets. The general arrangement of the public realm and the buildings are utilised to reduce driver speeds by limiting long straight stretches of street and to force drivers to drive cautiously through the development. Pedestrians, cyclists and vehicles all share them same space, with right of way being deliberately unclear.

The development proposes a single access through route with three streets adjoining this. The streets vary between 6.0m when there are parking spaces on both sides of the road and the manoeuvring room is required to 4.0m at the majority of internal routes, with further narrowing over short sections (no less than 3.8m) to maintain low traffic speeds. The use of flat kerbs and angular street geometry, together with on-street parking designed into the layout, will also serve to keep traffic speeds below 20mph. Vehicle tracking has been submitted to demonstrate that Medway Council's large refuse vehicles can be accommodated within the development, without allowing their requirements to dominate the layout.

A Travel Plan for the development has been submitted with the application; its principal aim is to reduce the number of car journeys to and from the site, particularly by single occupancy car use. This initial Travel Plan sets out objectives and targets for the plan, including the commitment to appointing a Travel Plan Coordinator in addition to secure cycle parking, a car sharing database, a website containing up to date sustainable transport maps and routes, and Green Travel Promotional packs for new residents. Once the site is fully occupied this Travel Plan will need to be updated to take account of the residents travel patterns and modes of transport. A condition is sought to secure this review within 6 months of first occupation, which will enable on-site travel surveys to be carried out.

Accordingly the application is considered acceptable with regards the impact on the highway, pedestrian safety and parking and the provisions of policy T4 of the South East Plan 2009 and policies T1, T2, T3, T4 and T13 of the Medway Local Plan 2003.

### *Contaminated Land*

A Desk Study and Ground Investigation Report undertaken by GEA Geotechnical and Environmental Associates dated 15 June 2007 (report reference: J07154) have been submitted. The report includes a desktop study and a limited site investigation. The desktop study includes a site history, site walkover, information on the geology and hydrogeology at the site. The intrusive investigation, which has been undertaken at the site, has involved the excavation of 10 boreholes at the site. Soil samples have been taken and tested for an appropriate suite of contaminants. The report states that 'the contamination testing has not revealed any normalised upper bound concentrations in-excess of the respective 'residential with plant uptake' Generic Guideline Values'.

The report, which has been submitted, is acceptable. However, once the buildings have been demolished an additional site investigation will need to be undertaken. The site investigation should also focus on areas where science laboratories and boiler houses have been located. A conceptual site model should also be produced for the site.

Accordingly, subject to the imposition of appropriate conditions, the application is considered acceptable with regards contaminated land issues and the provisions of policy BNE23 of the Medway Local Plan 2003.

### *Ecology*

Under the Natural Environment and Rural Communities Act (2006), "*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.*" In order to comply with this 'Biodiversity Duty', planning decisions must ensure that they adequately consider the potential impacts of a proposed development on protected species.

A bat report has been undertaken and submitted with the application. The report states that all trees, which are suitable for bats, are to be retained within the development and this would be covered in a landscaping condition. Further

conditions are also recommended regarding a dusk and dawn survey to be undertaken prior to demolition and that a watching brief is undertaken during demolition.

Lighting can be detrimental to roosting, foraging and commuting bats and a condition is recommended to ensure a lighting strategy is submitted and agreed. The submission document state 1/3 of the hedgerows would be removed during the proposed development works but they will be replanted with native species. The hedgerows must retain connectivity across the site and it is recommended this detail be examined as part of a landscape and management plan condition.

Accordingly the application is considered acceptable with regards ecological issues and the provisions of policy BNE37 of the Medway Local Plan 2003.

### *Archaeology*

The application site lies adjacent to Fort Horsted that is designated as a Scheduled Monument and in an area of archaeological potential, particularly for remains of Roman and medieval date. The application is accompanied by an archaeological desk-based assessment by CgMs consulting which provides a reasonable account of the archaeological potential of the site.

The application site lies in an area of archaeological importance relating to the line of the Roman road between Rochester and Maidstone, which follows the western boundary of the present site. The site is also believed to be the approximate location of the medieval manor of Horsted, which is most likely to have lain in the vicinity of the former Horsted Farm.

The site lies adjacent to the Scheduled Monument of Fort Horsted, which adjoins the proposed development site to the north/north-east. Fort Horsted was constructed from the in the late nineteenth century as part of a system of defence to protect the dockyard at Chatham from landward attack. The fort was the largest of the Chatham 'ring forts', which were built in a half-ring two miles outside Chatham. The ring forts consisted of seven forts in an arc from Twydall, east of Gillingham to Borstal, south of Rochester. Passing anticlockwise they were Woodlands Redoubt, Grange Redoubt, Fort Darland, Fort Luton, Fort Horsted, Fort Bridgewood and Fort Borstal.

Built over a period of 25 years, they demonstrate some of the radical changes taking place in British Land Fortress doctrine. The Forts at Chatham illustrate the evolution of these changes from fixed gun positions to mobile forces that could operate in open country and were innovatory in the use of concrete in their structures. Improvements in gunnery saw them out of date by their completion and only three now survive in a complete or near complete state (Forts Borstal, Horsted and Luton). They represent the last major work of traditional fortifications in the country and are of national, if not international, importance.

In broad terms the level of archaeological potential suggested for the site in the archaeological desk-based assessment is agreed. As noted in the study the site would have lain in an organised agricultural landscape from the later prehistoric period onwards. Although there is little known archaeology on the site there is a potential for unknown archaeological remains from the later prehistoric period

onwards and in particular for the Romano-British and medieval periods.

The desk-based assessment provides some consideration of the past and potential impacts at the site although this is not considered in much detail. The desk-based assessment suggests that the archaeological potential of the site can be dealt with through an appropriately worded planning condition requiring a programme of archaeological work and this approach is supported. At this stage it is envisaged that such a programme would initially comprise the archaeological evaluation of the site through trial trenching. The results of this would inform the need for further archaeological mitigation, which could include detailed archaeological excavation.

Accordingly the application is considered acceptable with regards archaeological and the provisions of policy BNE21 of the Medway Local Plan 2003.

### *Building for Life*

Building for Life is the national standard for well-designed homes and neighbourhoods. It has been developed by Design for Homes, CABE and the Home Builders Federation and provides a method of assessing new housing developments against twenty criteria that embody a vision of functional, attractive and sustainable housing. At Cabinet on 19 October 2010, members were advised that it is proposed that the score derived from the Building for Life assessment tool will be used as a basis for judging the quality of submissions for residential planning permission in Medway.

This proposal has been formally assessed and received a Building for Life score of 16.0 out of 20 (where: **Very good** - 16/20 or more, **Good** - 14/20 to 15.5/20, **Average** - 10/20 to 13.5/20, **Poor** - 9.5/20 or less).

The 20 criteria are organised under 4 themes. A breakdown of the score and brief summary of the assessment is provided below.

Environment and Community	3.5
Character	4.5
Streets, parking and pedestrianisation	5.0
Design and Construction	3.0
	16.0

**Environment and community:** The development will provide children's play areas and a community facility and small retail unit located off the 'village square'. It is located close to bus stops but the submission documents do not provide information on travel times to town centre facilities or schools. The mix of accommodation and tenure is dictated by current market conditions so cannot meet local aspirations for homes for first time buyers or for affordable accommodation in tenures such as shared ownership. However a range of house sizes is proposed in phase 1.

**Character:** There is strong evidence to indicate that this will be a contemporary development that succeeds in interpreting traditional building elements and details in a manner that is sensitive to its context. The courtyard house typologies aim to

create a unique relationship both to the shared spaces around the houses and views to the landscape beyond. The expression of large roof forms and rich architectural language should create a strong village character. Tree planting, building height and density are used to support the concept of a 'sequence of spatial experiences'.

**Streets, parking and pedestrianisation:** Good permeability, legibility and accessibility is supported by a layout organised around a clear hierarchy a hierarchy of 'streets', 'lanes' and 'courts' defining the public realm sequence. There are several routes into, across and through the site linking to existing public rights of way and open spaces to the south and east of the site from the main road access points. The careful design and orientation of the buildings allows opportunities for passive surveillance throughout the development. There is variation in the means of providing parking and this includes its integration into the architecture to minimise impact on the street scene. Shared surfaces will use high quality materials and be designed to accommodate both amenity use and parking.

**Design and construction:** The proposed landscape design is illustrative and may require some modification prior to submission of details. A management company with the ongoing involvement of the developer will undertake landscape maintenance. The buildings exhibit architectural quality through the careful consideration given to detailed design of proposed materials and finishes and the composition of elevations. The scheme is detailed in accordance with the option to provide Lifetime Homes if required and internal walls are all lightweight partitions. Scope to extend rather than adapt/convert the houses is limited. There is no evidence that the development will use advances in construction or technology to enhance its performance, quality, and attractiveness and the specification of building performance will be led only by the statutory minima at the time of construction (i.e. phase 1 will be built to Code 3).

### *S106 Matters*

New residential development can create additional demand for local services, such as educational facilities. Policy S6 of the adopted Local Plan states conditions and/or legal agreements should be used to make provision for such needs.

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 in to account if the obligation is;

- (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development; and
  - (c) fairly and reasonably related in scale and kind to the development. The obligations proposed comply with these tests because they are necessary, acceptable and are fairly and reasonably related in scale and kind.
- A contribution of £15,000 towards improvements to public transport – including provision of raised kerbs at stops to improve access for people with mobility difficulties.

- A contribution of £50,000 towards improvements to crossing facilities in the immediate vicinity of the site.
- Contribution of £13,000 to safer routes to school initiatives.
- Contribution of £200,000 towards improvements to the gyratory at the junction of the site access with Maidstone Road. This would be staggered so that the applicant pays £20,000 as a preliminary contribution to enable the Council to undertake an improvement feasibility study and the following £180,000 when the Council defines the appropriate scheme.
- A contribution of £423,522 toward formal sports provision in the area
- A contribution towards formal play provision / off site play provision requirements generated by the development, which cannot be met on site.
- A contribution of £42,108.15 towards the Great Lines Heritage Park
- A contribution of £157,699.15 towards healthcare in the area
- A contribution of £58,975 towards waste & recycling resulting from the development
- A contribution of £159,577.60 towards primary education provision in the area

The applicant has confirmed they consider the financial requests acceptable. As such if the application was deemed acceptable these would be a requirement for the applicant to enter into a Section 106 to secure the provision of financial contributions. Accordingly no objection is raised to the proposal under Policy S6 of the Medway Local Plan 2003.

#### *Affordable Housing*

The affordable housing provision on phase 1 of the development would be provided within the extra care units (phase 1A). This would equate to 25% of the development and be in accordance with policy. The affordable housing provision for phase 2 of the development would be examined at reserved matters stage. Due to financial viability concerns with the development the provision of affordable housing in phase 2 would be subject to viability assessments at a later stage. Accordingly no objection is raised under the provision of policy H3 of the Medway Local Plan 2003.

## **Conclusions and Reasons for Recommendation**

The development would provide a residential led mixed-use development on a previously developed site within the urban boundary of Chatham. The former Mid Kent College has now been relocated and with a previous members resolution to approve a mixed-use scheme on site the principle of development is considered acceptable. The proposed includes properties of a high design quality with areas of public realm, soft landscaping and public open space to provide an attractive setting. Whilst indicative details have been provided for phase 2 of the development this portion of the application is in outline form only and so would be subject to a future reserved matters application. Overall the impacts on the highway, residential amenity and the scheduled ancient monument are considered acceptable. Accordingly the scheme is considered in accordance with the adopted development plan particularly policies BE1, BE6, H5 and T4 of the South East Plan 2009 and policies BNE1, BNE2, BNE3, BNE5, BNE23, H4, T1, T2 and T13 of the Medway Local Plan 2003.

This application would normally fall to be determined under officer's delegated powers, but is being reported for Members' consideration due to the number of letters of representation received expressing a view contrary to the officers' recommendation.

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## **Background Papers**

The relevant background papers relating to this planning application comprises: the application and all supporting documentation submitted therewith; and items identified in any Relevant History and Information section and Representatives section within the report.

Any information referred to is available for inspection in the Planning Offices of the Council at Gun Wharf, Dock Road, Chatham.