

MC/18/0715

Date Received: 5 March 2018
Location: 21-23 New Road, Chatham, ME4 4QJ
Proposal: Redevelopment of site to provide nineteen 1-bedroom flats, eleven 2-bedroom flats and two 3-bedroom flats with parking and bicycle provisions.
Applicant Agent: Mr Smith
Patrick Durr Associates
Mr Durr
St Cubys
Blind Lane
Goudhurst
TN17 1EL
Ward: Chatham Central & Brompton
Case Officer: Tom Stubbs
Contact Number: 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 15th January 2025.

Recommendation:

That a deed of variation be agreed to the S106 entered into as part of Planning Consent MC/18/0715 to remove requirement for the provision of affordable housing on site and secure a commuted sum of £214,500 to provide the affordable housing off site.

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

Proposal

The owner seeks a deed of variation to the approved section 106 agreement entered into in relation to the original planning approval MC/18/0715. The owners have been unable to find a registered provider to take on the approved affordable housing provision of eight flats (four 1 bedroom and four 2 bedroom) within in the approved scheme and are now proposing a commuted sum in lieu of the provision of affordable housing on site.

Relevant Planning History

MC/23/2044	Variation of condition 2 (approved drawings) to allow a minor material amendment to planning permission MC/18/0715 to enable revised floor layouts to allow the design to co-ordinate with all disciplines. Under consideration.
MC/23/2045	Variation of condition 4 (air quality) of planning permission MC/18/0715 - Redevelopment of site to provide nineteen 1-bedroom flats, eleven 2-bedroom flats and two 3-bedroom flats with parking and bicycle provision - to provide no EV

charging point.

Decision: Withdrawn by applicant on 16 October 2023.

- MC/23/2043 Details pursuant to condition 5 (SUDS) and 9 (Materials) on planning permission MC/18/0715 for Redevelopment of site to provide nineteen 1-bedroom flats, eleven 2-bedroom flats and two 3-bedroom flats with parking and bicycle provisions.
Decision: Conditions Discharged
Decided: 1 November 2023
- MC/21/3497 Application for a Lawful Development Certificate (proposed) for implementation of MC/18/0715 through material operations. The proposed demolition of (a) existing first floor single storey part of building, and (b) lift overrun located on the first floor.
Decision: Approved
Decided: 8 December 2021
- MC/20/0555 Details pursuant to condition number 5 (Sustainable Urban Drainage System) on planning permission MC/18/0715 for the redevelopment of site to provide nineteen 1-bedroom flats, eleven 2-bedroom flats and two 3-bedroom flats with parking and bicycle provisions.
Decision: Conditions Discharged
Decided: 11 March 2020
- MC/20/0396 Details pursuant to condition 4 (Air quality), 6 (Noise-transport) and 7 (Noise-commercial) on planning application MC/18/0715 for Redevelopment of site to provide nineteen 1-bedroom flats, eleven 2-bedroom flats and two 3-bedroom flats with parking and bicycle provisions.
Decision: Conditions discharged
Decided 13 September 2021
- MC/19/0747 Details pursuant to conditions 3 of planning permission MC/18/0715 Redevelopment of site to provide nineteen 1-bedroom flats, eleven 2-bedroom flats and two 3-bedroom flats with parking and bicycle provisions.
Decision: Conditions Discharged
Decided: 9 April 2019
- MC/19/0374 Details pursuant to conditions 9 - Materials and condition 10 - Design details of planning permission MC/18/0715 - Redevelopment of site to provide nineteen 1-bedroom flats, eleven 2-bedroom flats and two 3-bedroom flats with parking and bicycle provisions.
Decision: Conditions Discharged
Decided: 2 July 2019
- MC/18/0715 Redevelopment of site to provide nineteen 1-bedroom flats, eleven 2-bedroom flats and two 3-bedroom flats with parking

and bicycle provisions.
Decision: Approved with conditions and S106
Decided 23 December 2018

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 proposed deed of variation have been assessed against the National Planning Policy Framework 2024 (NPPF) and are generally considered to conform.

Background

Planning consent MC/18/0715 was granted on 23 December 2018 and it was confirmed that the consent had been commenced under the granted lawful development certificate MC/21/3497.

In addition to affordable housing the S106 agreement entered into as part of the 2018 application, secured approx. £103,715 worth of other contributions which would remain unaltered in this proposed deed of variation.

Planning Appraisal

The applicant has provided sufficient evidence that they have been unable to secure a registered provider for the four 1 bedroom and four 2 bedroom flats units to be provided as per the original consent and its associated S106 agreement.

An independent valuation, assessed by our viability consultant, has been undertaken to determine the commuted sum of £214,500 to be paid to the Council in lieu of the provision of the affordable housing provision. This would not result in any change to the other S106 contributions secured under the planning application.

Although the scheme would no longer provide affordable housing onsite, the application scheme would secure funding for offsite affordable housing secured by a deed of variation to the original section 106. Consequently, it is considered that the development would still be in accordance with Policies H3 of the Local Plan. In addition paragraph 64 of the new NPPF 2024 require affordable homes to be provided on site unless off site provision or an appropriate financial contribution in lieu can be robustly justified – which is can in this instance and therefore the proposed deed of variation accords with the new NPPF.

Conclusions and Reasons for Approval

Although the scheme would no longer provide affordable housing onsite, the application scheme would secure funding for offsite affordable housing secured by a deed of variation to the original S106 agreement. Consequently, it is considered that the development would still be in accordance with Policies H3 of the Local Plan and paragraph 64 of the new NPPF.

The deed of variation proposal is being referred to the Planning Committee for determination, as the original planning application for this site was determined by the Planning Committee.

Background Papers

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess1.medway.gov.uk/online-applications/>