

1 MC2004/2030

Date Received: 25 October 2004

Location: Land east of London/Dover Railway line between the railway bridge crossing The Medway and Doust Way, excluding 7-28 Castle View Business Park, Acorn Shipyard, and the PB Group premises, and partly Fronting Corporation Street, Rochester

Proposal: Outline application for planning permission comprising up to: 170,000 sqm of residential floorspace providing up to 2,000 units (Use Class C3); 7,800 sqm of retail and food and drink floorspace (Use Class A1,A2, A3, A4 and A5); 12,000 sqm of business floorspace (Use Class B1); 3,600 sqm of live work floorspace (Use Class Sui Generis), 19,000 sqm of hotel floorspace (Use Class C1); together with associated 9,000 sqm of community facilities (Use Class D1) including a new Primary school. Associated open space, landscaping, infrastructure and parking, including a market site and a multi-storey car and coach park of up to 15,500 sqm (providing between 400-430 car parking spaces and 18 coach parking spaces).

Applicant: South East England Development Agency and Medway Council C/o the Agent

Agent: EDAW 1A Lonsdale Square London N1 1EN

Ward: River and Rochester West

1 Recommendation

Approval to application MC2004/2030, as amended by the “Addendum to the Environmental Statement” (October 2004) and the volume of “Further Information” (May 2005) submitted in support of the Environmental Impact Assessment and the Supplementary Report to the August 2004 Transport Assessment (May 2005) and subject to:

- A) Referral to the First Secretary of State under the provisions of Circular 07/99 Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999 as a departure from Policies W7 and W9 of the Kent Waste Local Plan 1998.
- B) The applicant entering into a Section 106 Agreement to secure the following:

- i. Affordable Housing - 25% of the total number of residential units to be provided within the development to be affordable with delivery to be proportionate and to coincide with each phase of the market housing.
- ii. Transport/Highways
 - a) Introduction of controlled parking measures to prevent commuter car parking within the application site.
 - b) Improvements to local bus services. The applicant to fund a demand responsive service between the hours of 19.00 to 23.00 for residents and occupiers of the development, with the service being provided no later than the completion of the 200th dwelling within the development and then being operated for five years following the completion of the through road through the application site.
 - c) A contribution of £95,000 to the safer routes to school project.
 - d) A contribution of £100,000 to improve off site local accessibility for pedestrians and cyclists
 - e) A contribution of £5,000 to improve cycle parking at Rochester and Strood railway stations.
 - f) A contribution of £100,000 to improve off-site bus stop infrastructure serving the site
 - g) The applicant to enter into an agreement or agreements under the provisions of Section 278 of the Highways Act for off-site highway works at the junctions between:
 - 1. Star Hill and New Road (Rochester).
 - 2. Corporation Street and Blue Boar Lane.
 - 3. High Street Rochester and Dost Way.
 - 4. High Street Rochester, Furrells Road and Bardell Terrace.

The abovementioned junction improvements being designed and implemented at the applicants' own cost.

- h) To implement private car usage reduction measures and travel plans for both the non residential and residential development to include as a minimum:
 - 1. Discounts for the purchase of bus season tickets as follows:
 - i. for residents a minimum discount of 50% for each new resident up to a maximum of four per household for a total period of not less than three months from first occupation of every dwelling; and
 - ii. for employees a minimum discount of 25% for all employees.
 - 2. The operation of an on-site intranet to provide real time travel information.
 - 3. The operation of a car club for at least an 18 month pilot period, with an operational review of the pilot scheme being undertaken 12 months after its commencement.
 - 4. The establishment of a car share scheme.
 - 5. The employment of a travel plan co-ordinator.
- iii. Education – The provision on-site of a primary school to a specification to be agreed with the Council, that is to be owned by the Local

Education Authority, and a financial contribution to the provision of secondary facilities off-site. The combined cost of providing the on-site primary school and the contribution to the provision of off-site secondary school facilities shall not exceed £3.5 million

- iv. Health – The provision of doctors’ surgery on-site capable of accommodating a minimum of three general practitioners at anyone time.
- v. Community Facilities - The provision of community facilities on site.
- vi. Formal Sports Provision - A contribution of £847,044 for the provision of off-site formal sports facilities.
- vii. Local Labour – A scheme to encourage the use of local labour.
- viii. Construction – A scheme to promote the use of best practice construction methods.
- ix. Live-work units – A scheme establishing the balance between working and living accommodation within individual live-work units.
- x. Environment and Ecology – The development and implementation of an ecological and environmental management plan for areas of nature conservation value, including any newly created habitat, which shall include details for the long term maintenance and management of the areas of nature conservation value within the application site.
- xi. Riverside Walk – The development and implementation of a long term maintenance plan for the riverside walk.
- xii. Direct Pedestrian Link between the application site and Rochester Railway Station – The applicant to use reasonable endeavours to make provision for a direct pedestrian link between the application site and Rochester Railway Station.

C) The following conditions:

Time Limits

- 1 The development hereby permitted shall not commence later than whichever is the later of the following dates:-
 - (i) 5 years from the date of the outline planning permission, or
 - (ii) 2 years from the date of the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- 2 Application for approval of the reserved matters stated in condition 3 shall be made not later than 10 years after the date of this outline planning permission.

- 3 Approval of the details of siting, design, external appearance and the landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
- 4 Applications for the approval of reserved matters in relation to design and external appearance for any part of the site must include the following details:-
 - (a) Details in plan, section and elevation at a scale of not less than 1:20 of the typical articulation of the different building types, including details of any cladding, lintels, fenestration and balconies;
 - (b) Details in plan, section and elevation at a scale not less than 1:20 of the ground floor elevations of the different building types within the development;
 - (c) Details in plan, section and elevation at a scale not less than 1:20 of the ground floor entrances to the different building types within the development.
 - (d) Details in plan and section at a scale not less than 1:20 of any front gardens between the building frontages and the adjoining footway, including details of any bin stores and carports,

Environment Statement/Masterplan

- 5 The development shall be undertaken in accordance with the access arrangements hereby approved and in substantial accordance with the broad land use and structural landscaping details, illustrated in the indicative masterplan (Drawing 005) submitted in support of the application, and the details contained within the Environmental Impact Assessment accompanying the planning application or in accordance with any written approval or modification agreed by the Local Planning Authority during any subsequent masterplan reviews.
- 6 Masterplan reviews shall be submitted to the Local Planning Authority for written approval no later than 2 months preceding each annual anniversary of the date of this permission or at such greater frequencies that may be reasonably requested by the Local Planning Authority until the substantial completion of the development. The development shall thereafter be implemented in accordance with the provisions of the approved masterplan.
- 7 Development phase plans for each of the five phases as identified on the indicative phasing plan, Drawing Number 006, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development within the relevant phase. Each of the development phase plans shall address the following and form the basis of the subsequent submissions for the approval of reserved matters or other detailed submissions for each phase or sub-phase, subject to any modifications agreed in writing by the Local Planning Authority:

- i) the mix of uses of sub phases of development within the phase;
- ii) a scheme to provide a balanced mix of housing (including details of affordable housing provision) by size, density and type and a programme for its development;
- iii) the road network and alignment (including road layout and hierarchy and measures for speed restraint), footway and cycleway networks including links to any other phases or sub phases, signing and lighting;
- iv) proposed landscaping, including any advanced planting, and the phasing for such planting with the landscape masterplan; and
- v) Car parking strategy.

Open space/Landscaping

8 Prior to any submission to the Local Planning Authority of any development phase plan pursuant to the requirements of Condition 6, a landscape and open space masterplan for the entire application site shall be submitted to and approved in writing by the Local Planning Authority. The landscape and open space master plan shall address the following:

- i) the overall hard and soft landscape framework for the development;
- ii) the typical landscaping treatment for the primary highway network within the application site as a whole;
- iii) typical landscaping treatment for the housing areas within the application site as a whole, the school site and other use areas within the application site as a whole;
- iv) details of the riverwalk, including the hard and soft landscaping treatment for this facility;
- v) typical landscaping treatments for any open space areas;
- vi) typical hard and soft landscaping treatments for the market square; and
- vii) the strategy for the provision of public open spaces, play spaces and amenity areas.

The approved landscape and open space masterplan shall be used to inform the subsequent submission of details in these respects within each phase or sub-phase of the development.

9 Prior to the commencement of development in any phase or sub-phase of the development hereby permitted full details of both hard and soft landscape works relevant to that phase or sub-phase shall be submitted to and approved in writing by the Local Planning Authority. These details shall include existing and proposed finished ground levels; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing; minor artefacts and structures (external furniture, play equipment and refuse storage). Soft landscape works shall include planting plans, written

specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and implementation programme.

- 10 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.
- 11 Any tree and/or shrub planted pursuant to condition 9 and being removed or severely damaged, dying or becoming seriously diseased within 5 years of planting shall be replaced with a tree or shrub of similar size and species to that originally required to be planted.
- 12 Development within any phase and/or sub-phase shall not be commenced until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens has been submitted to and approved in writing by the Planning Authority. The landscape management plan shall be carried out as approved.

School/Health/Community Facilities

- 13 No part of the development hereby permitted shall be commenced until a school development plan for the primary school to be provided within the application site has been submitted to and approved in writing by the Local Planning Authority. The school development plan should address the content of the school, the location of school facilities, including playing fields and other play areas, car parking, landscaping and the timetable for the provision of the school and should form the basis of the subsequent submissions for the approval of reserved matters or other detailed submissions for the school, subject to any modifications agreed in writing with the Local Planning Authority.
- 14 Prior to the occupation of the 300th dwelling, details of a building for community use shall be submitted for the approval of the Local Planning Authority. The submitted details shall include the location, design, external materials, car parking arrangements, associated landscaping and the timetable for the provision of the community building. The community building shall be constructed in accordance with the approved details.
- 15 Prior to the occupation of the 300th dwelling, details of a building for the provision of health care facilities shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the location, design, external materials, car parking arrangements, associated landscaping and the timetable for the

provision of the health care facilities building. The health care facilities building shall be constructed in accordance with the approved details.

- 16 The all weather sports pitch to be provided within the grounds of the primary school shall be made available for general community use at times when this facility is not required to be used for purposes in association with the operation of the primary school, in accordance with a scheme of details to be submitted to and approved in writing by the Local Planning Authority prior to the first use of the all weather sports pitch. Thereafter the all weather sports pitch shall be made available for school and community usage in accordance with the provisions of the approved scheme of details.

Design Codes/Materials/Appearance

- 17 The development shall not be commenced until Design Codes have been submitted to and approved in writing by the Local Planning Authority. The design codes shall include details of street widths, block heights and lengths, corners, ground floor frontages and parking arrangements for each phase or sub phase of the development. All reserved matters applications submitted pursuant to this permission shall include statements of conformity with the relevant approved Design Code.
- 18 Before any works on the external faces of individual buildings are begun, details and samples of materials to be used on all external faces of individual buildings shall be submitted to and approved in writing by the Local Planning Authority. The buildings shall be constructed in accordance with the approved details, unless any variations are otherwise first approved in writing by the Local Planning Authority.
- 19 Prior to the commencement of development in any phase or sub-phase of the development hereby permitted details and samples, where appropriate, of all paving and external hard surfaces, boundary walls, railings, gates, fences and other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The relevant phase or sub-phase of the development shall be implemented strictly in accordance with the approved details.
- 20 The development of the market square shall not commence until details of the market stalls, lighting, hard surfacing, landscaping and car parking have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the location, design, dimensions and materials. The market square shall be established in accordance with the approved details and thereafter be retained.
- 21 Prior to the occupation of the 300th dwelling, details of the construction and design of any creek bridges shall be submitted to and approved in

writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of the 800th dwelling.

Play Equipment/Public Art

- 22 Within the application site as a whole a minimum area of 0.48 hectares of equipped play facilities shall be provided.
- 23 Prior to the commencement of development in any phase or sub-phase of the development hereby permitted full details of any play equipment and safe surfacing to be provided in such areas shall be submitted to and approved in writing by the Local Planning Authority. Any play area or areas within the phase or sub-phase to which they relate shall be installed in accordance with the approved scheme of details prior to the first occupation of the accommodation in the phase of the development to which they relate shall thereafter be retained in accordance with the approved details.
- 24 Within the application site as a whole a minimum area of 1.82 hectares of informal open space shall be provided.
- 25 Prior to the commencement of development in any phase or sub-phase of the development hereby permitted details of the public art to be incorporated within each phase or sub phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include location, design, dimensions and materials. The approved items of public art shall be installed prior to the first occupation of the phase or sub-phase of the development to which they relate, unless any variation in the timing for the installation of such items is otherwise first approved in writing by the Local Planning Authority.

Lighting

- 26 Prior to first occupation of any of the buildings within any phase or sub-phase hereby approved, details of all external lighting including the exact position, details of light intensity and spillage shall be submitted to and approved in writing by the Local Planning Authority. No external lighting shall be installed other than in accordance with the approved details unless any variation is otherwise first approved in writing by the Local Planning Authority.
- 27 No non-residential buildings hereby approved shall be occupied until a scheme for the control of the operation of internal lighting, during periods of limited or non-occupation, within that building have been submitted to and approved in writing by the Local Planning Authority. The internal lighting shall be operated only in accordance with such scheme as is approved unless otherwise agreed in writing by the Local Planning Authority.

TV reception

- 28 No building hereby approved shall be occupied until a survey has been carried out to establish if the strength and reception of television and radio signals to existing properties outside the application site have been adversely affected. Details of the methodology, findings and conclusions of the survey shall be submitted to and approved in writing by the Local Planning Authority within one month of the completion of the survey.
- 29 Should the survey, undertaken in accordance with condition 28 indicate that signal strength and reception quality falls below minimum acceptable thresholds, then prior to the occupation of the development details shall be submitted to and approved in writing by the Local Planning Authority of the following matters:
- i) a scheme of mitigation to minimise the adverse effects of the development on television and radio reception;
 - ii) a programme for the implementation of the mitigation works referred to in i) above.
- 30 Prior to the commencement of development in any phase or sub phase of the development hereby permitted details for the installation of cable TV pre-ducting shall be submitted to and approved in writing by the Local Planning Authority. The cable TV pre-ducting arrangements shall be installed in accordance with the approved details during the construction phase of development.

Refuse

- 31 No building shall be occupied until details of the refuse storage arrangements for that building, including provision for the storage of recyclable materials, have been submitted to and approved in writing by the Local Planning Authority. Except with the prior approval of the Local Planning Authority, no building shall be occupied until the approved refuse storage arrangements are in place and all approved storage arrangements shall thereafter be retained.

Contamination

- 32 If during the course of the development, contamination not previously identified, is found to be present on the site then no further development unless otherwise agreed in writing with the Local Planning Authority shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an addendum to the Contamination Method Statement to be submitted pursuant to the requirements of Condition 13 of planning permission MC2004/1998 or any other planning permission relating to the application site for similar infrastructure works. This addendum to the Method Statement must detail how this unsuspected contamination

shall be dealt with and from the date of approval the addendum(s) shall form part of the Method Statement.

Flooding Issues

- 33 No dwelling or non-residential premises shall be occupied within any part of the development until the flood defence relevant to the building concerned, equivalent to the 1 in 200 year standard in the year 2060, has been constructed pursuant to the details approved under the terms of planning permission MC2004/1998 or any other planning permission relating to the application site for similar infrastructure works and is available to provide a flood defence to that building.
- 34 No residential, community or commercial unit shall be occupied until a maintenance plan for the flood defence system for the site has been submitted to and approved in writing by the Local Planning Authority pursuant to the requirements of planning permission MC2004/1998 or any other planning permission relating to the application site for similar infrastructure works.
- 35 No development shall be commenced on site until a scheme for the provision of a maintenance access from the public highway to the flood defence, to be provided under the terms of planning permission MC2004/1998 or any other planning permission relating to the application site for similar infrastructure works, for large long wheelbase vehicles has 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 the maintenance route shall be available for use prior to the first occupation of any part of the development.

Drainage

- 36 Prior to the commencement of development in any phase or sub-phase in the development hereby permitted, a scheme detailing a surface water drainage strategy, including provision for tidelock conditions, 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 within any individual phase or sub-phase of the development the approved surface water drainage arrangements shall be provided prior to the first occupation of any part of the development within the relevant phase or sub-phase.
- 37 No development within a phase or sub-phase shall be commenced until details of the method for piling foundations, foundations designs and any other proposals involving below ground excavation have been submitted to and approved in writing by the Local Planning Authority. Piling works shall thereafter be carried out in accordance with the approved details.

- 38 Soakaways shall only be used in areas on site where they would not present a risk to groundwater. No soakaways shall be installed prior to the details for such facilities being submitted to and approved in writing by the Local Planning Authority. Any soakaways to be installed within the development shall be installed strictly in accordance with the approved details.

Biodiversity

- 39 The development shall not be commenced until an ecological monitoring and management plan has been submitted to and approved in writing by the Local Planning Authority. The management plan shall identify how open space and the public realm will be managed in the long term to enhance biodiversity and shall be implemented in accordance with a timetable to be specified as part of the details to be submitted for approval by the Local Planning Authority.
- 40 The development shall not be commenced until details of a strategy for the provision of “green roofs” on public and commercial buildings has been submitted to and approved in writing by the Local Planning Authority. Such details shall make provision for at least 2,500m² of green roof area. The development shall thereafter be implemented in accordance with approved strategy.
- 41 The development shall not be commenced until details for the creation of a pond, designed for wildlife, within a semi-natural terrestrial habitat have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a timetable for the creation of the pond. The pond shall be provided strictly in accordance with the approved details.
- 42 No individual phase or sub phase of the development shall be commenced until details for the provision of nest boxes and scrub and rough grassland areas to provide feeding and breeding habitat for bird species that do not use nest boxes have been submitted to and approved in writing by the Local Planning Authority. The details to be submitted to the Local Planning Authority for approval shall include a timetable for the provision of the nest boxes and grassland areas to be provided under the requirements of this Condition.

Mobility issues

- 43 No development within an individual phase or sub-phase shall be commenced until details of the number of dwellings within that phase or sub-phase that are to be adapted to meet the needs of wheelchair users have been submitted to and approved in writing by the Local Planning Authority. The number of dwellings adapted for wheelchair users shall thereafter be provided in accordance with the approved details. The remainder of the dwellings within a phase or sub-phase that are not specifically designed for use by wheelchair users shall be

designed and constructed to confirm with the “Lifetime Homes Standard” or any subsequent amending standard.

- 44 No development within an individual phase or sub-phase shall be commenced until details of the total number and location of the parking spaces to be provided for use by disabled persons within that phase or sub-phase have been submitted to and approved in writing by the Local Planning Authority. The parking spaces designed for disabled persons shall be provided in accordance with the approved details and shall thereafter be permanently retained.

Secure by Design

- 45 No development within an individual phase or sub-phase shall be commenced until details of how the development will achieve “Secured by Design” requirements have been submitted to and approved in writing by the Local Planning Authority and the development of that individual phase or sub-phase shall be implemented in accordance with the approved details.
- 46 No development within an individual phase or sub-phase shall be commenced until details of the design and location of all external lighting in open courtyard areas and areas of communal open space and the number, design and location of any proposed CCTV cameras in these areas within the relevant phase or sub-phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the approved details.
- 47 Prior to the commencement of any construction works on any individual covered parking area within the development details of the measures proposed to ensure the safety and security of users of any such covered car parking areas shall be submitted to and approved in writing by the Local Planning Authority. The details to be submitted for approval shall include details of: a management plan; lighting arrangements; the number and location of any proposed CCTV cameras; and details of how access to the car park is to be controlled and restricted to authorized users only. Any part of the development herein approved that is to be served by a covered parking area shall not be occupied until the approved security arrangements for that area have been installed and are available for use and these arrangements shall thereafter be retained.

Riverwalk

- 48 No development shall be commenced until details for the design and timetable for the provision of the river walk have been submitted to and approved in writing by the Local Planning Authority. The design for the river walk should at a minimum meet the standard required by the

National Cycle Network. The details to be submitted pursuant to the requirements of this condition shall include:

- a) adequate width for the shared use by pedestrian and cyclists;
- b) surfacing materials, including tactile paving;
- c) maximum long and cross-fall gradients to ensure facilities are able to be used by people with mobility difficulties;
- d) signing, lighting, seating and street furniture design; and
- e) edge protection barriers.

The riverside walk shall be constructed and be made available for use in accordance with the approved details and shall thereafter be retained.

Sustainability

- 49 No development within an individual phase or sub-phase shall be commenced until details of an energy sustainability strategy, including details of: energy efficiency; renewable energy production and use; the use of renewable technologies; and proposed domestic water recycling, have been submitted to and approved in writing by the Local Planning Authority. The development of the individual phase or sub-phase shall be implemented in accordance with the approved details and the approved details shall thereafter be maintained and retained.
- 50 No development shall be commenced until an energy demand assessment has been submitted to and approved in writing by the Local Planning Authority. The energy demand assessment should demonstrate all electricity and heat requirements when in use and the likely annual carbon emissions. Energy savings through energy efficient design and technology should be assessed and renewable energy technologies should be incorporated into the development's design to provide at least 10% of the site's electricity and heat needs where feasible. The likely energy supply from renewable sources and where possible carbon savings should be stated as a percentage of total energy usage (established from the energy demand assessment). If renewable options are rejected, justification should be provided.
- 51 All residential units within the development shall be constructed to achieve the EcoHomes National Home Energy Rating (NHER) very good standard and all office units shall be constructed to achieve Building Research Establishment Environmental Assessment Method (BREEAM) very good standard. All other buildings shall be constructed to achieve an equivalent standard appropriate to the type of building.

School Travel Plan

- 52 The school hereby approved shall not be brought into use until a Green Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Green Travel Plan to be submitted pursuant to

the requirements of this Condition shall set out measures to encourage all users and visitors to the school to reduce reliance upon the use of private motor vehicles to make journeys to and from the school. The plan thereafter shall be fully implemented in accordance with the approved details whilst the school remains in operation. The plan shall be annually monitored and reviewed, and details of the outcome of this review process shall be submitted in writing to the Local Planning Authority.

Development Control

- 53 The general public shall be afforded access to the riverside walk and other areas of public realm at all times except in an emergency or where the area has to be closed for public safety or maintenance reasons. Within 24 hours of closing any of these areas to public access, the Local Planning Authority shall be notified in writing. The applicants or responsible management body shall agree in writing with the Local Planning Authority the steps required and the time frame to bring the areas back into public use following any closure.
- 54 The height of the multi-storey car park shall not exceed a plane defined by a 25° angle drawn from a point 2 metres above ground on a vertical section perpendicular to the southeast elevation of Hayward House on Corporation Street, unless any variation is otherwise first agreed in writing by the Local Planning Authority.
- 55 No building within the view shed delineated on drawings 11, 12 and 13 in Appendix 6 to the Environmental Impact Assessment - Further Information Volume (May 2005) shall have a height greater than 25.1 metres Above Ordnance Datum (Newlyn).
- 56 No building or block of buildings within the view shed delineated on drawings 11, 12 and 13 in Appendix 6 to the Environmental Impact Assessment - Further Information Volume (May 2005) shall have a continuous frontage greater than 65 metres and all elevations should be articulated with vertical elements at a minimum of every 25 metres.

- 57 The height of individual or groups of buildings within plot Numbers 8, 9, 10, 11, 12, 13, 14, 15, 16, 17,18 and 19 on Parameter Plan Number 2 shall be limited in the following manner:

Plot Number (s)	Maximum building height AOD (Newlyn) within plot(s)	Other height AOD (Newlyn) limitation within plot(s)
8	22.2 metres	-
9	No more than 25% of the building(s) shall exceed 25.1 metres	The remainder of the building(s) shall not exceed 22.2 metres
10	No more than 25% of the building(s) shall exceed 23.6 metres	The remainder of the building(s) shall not exceed 20.7 metres
11	No more than 20% of the building(s) shall exceed 25.1 metres	55% of the remaining building(s) shall not exceed 22.2 metres and the remainder of the building(s) shall not exceed 17.8 metres
12	No more than 15% of the building(s) shall exceed 25.1 metres	The remainder of the building(s) shall not exceed 22.2 metres
13	No more than 25% of the building(s) shall exceed 23.6 metres	The remainder of the building(s) shall not exceed 20.7 metres
14, 15, 16 & 19	17.8 metres	-
18	18.1 metres	-

- 58 No deliveries, refuse collection and/or any other servicing activity shall be taken out or dispatched in any day during the hours between 20.00 hours and 06.00 hours.
- 59 Excluding the proposed multi-storey car park and the coach park no more than 1780 car parking spaces shall be provided in connection with the non residential uses within the development hereby approved.
- 60 The details to be submitted in pursuance of Condition 3 shall show adequate land, reserved for the parking or garaging of vehicles and the manoeuvring of vehicles to accord with the provisions of the adopted vehicle parking standards applicable at the time. No building shall be occupied until such time as the parking facilities relating to it have been constructed in accordance with the approved details and are available for use. Thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), shall be carried out on the land so shown (other than the erection of a private garage or garages) or in such a position as to

preclude vehicular access to the reserved vehicle parking and manoeuvring areas.

- 61 Within six months of the completion of each phase or sub-phase of the development hereby approved the developer shall undertake a detailed travel assessment of the occupiers of the relevant phase or sub-phase to establish the relative success of the implemented travel plans and the levels of car ownership and use. The results from the travel assessments shall be used to inform the content of travel plans and the level of parking provision for future phases or sub-phases of the development.
- 62 There shall be no building over the flood defence wall or over the wall's anchors or ties.
- 63 All residential accommodation, school accommodation and bedrooms in hostels, hotels, student accommodation or similar accommodation shall have a minimum threshold level of 6.1 metres Above Ordnance Datum (Newlyn).
- 64 There shall be an unobstructed, internal means of escape from any basement parking area to a higher level from where rescue can be made during any flood event. Provision shall also be made for an emergency route off the application site and details for such a route shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development within an individual phase or sub-phase of the development. The development shall be implemented in accordance with the approved details.

Highways

- 65 The development shall not be commenced until details for the provision of replacement parking arrangements to compensate for the loss of any part of the Market (Corporation Street) car park have been submitted to and approved in writing by the Local Planning Authority. The replacement parking facilities shall be provided and made available for use prior to the existing car park that they will be replacing being no longer available for use and the parking facilities shall thereafter be retained.
- 66 The development shall not be commenced until details for the provision of replacement parking arrangements to compensate for the loss of any part of the Doust Way car park have been submitted to and approved in writing by the Local Planning Authority. The replacement parking facilities shall be provided and made available for use prior to the existing car park that they will be replacing being no longer available for use and the parking facilities shall thereafter be retained.
- 67 The development shall not be commenced until details have been submitted to and approved in writing by the Local Planning Authority for

the provision of coach parking facilities to replace any facilities that will be displaced as a consequence of the development. The approved replacement coach parking facilities shall be provided before the facilities that they will replace are no longer available for use and shall thereafter be retained.

- 68 No development within a phase or sub-phase shall be commenced until details of: any turning heads; surface treatments for pedestrian accesses; and traffic calming measures within any covered parking areas have been submitted to and approved in writing by the Local Planning Authority and the development and works shall be implemented in accordance with the approved details.
- 69 The development shall not be commenced until details of access arrangements for high-sided or abnormal width vehicles in and out of the site have been submitted to and approved in writing by the Local Planning Authority. The details shall be designed to enable maximum sized vehicles under the Construction and Use Regulations to manoeuvre along the entire route. The details shall incorporate turning facilities and a signing scheme. Individual phases or sub-phases of the development shall not be occupied until the approved access arrangements have been provided and are available for use and shall thereafter be retained.
- 70 No development within a phase or sub-phase shall be commenced until details of access and vehicle routing arrangements for construction traffic for that phase or sub-phase have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall take into account the existing site access restrictions for full-height vehicles and the impact on the amenities for future occupiers of the development. The construction access and routing arrangements for each phase or sub-phase of the development shall be implemented in strict accordance with the approved details.
- 71 The development shall not be commenced until details of a speed hierarchy strategy for all distributor and access roads within the site have been submitted to and approved in writing by the Local Planning Authority. The hierarchy shall limit vehicle speed on main distributor roads within the development site to no higher than 30mph and on lower category roads to no higher than 20mph. The strategy shall employ means other than vertical deflection (“speed humps” etc) as the principal method for reducing vehicles speeds within the development. Subsequent to the approval of the speed hierarchy strategy, the subsequent submission of details for each phase or sub-phase of the development shall incorporate a road network that accords with the approved speed hierarchy strategy for development site as whole.
- 72 The development shall not be commenced until full details for the highway improvements at the junction between the site and Corporation Street, as identified in the Transport Assessment and

supplementary reports submitted with the planning application, have been submitted to and approved in writing by the Local Planning Authority. The details to be submitted pursuant to the requirements of this Condition shall include a timetable for the implementation of the junction requirements. Subsequent to the approval of the foregoing details no part of a phase or sub-phase of the development reliant upon the use of this junction shall be occupied until the junction improvement works have been undertaken and are available for use.

- 73 The development shall not be commenced until details of the design and siting of individual bus stop facilities within the application site have been submitted to and approved in writing by the Local Planning Authority. The design of bus stops shall incorporate:
- a) protection for waiting passengers;
 - b) provision of real-time service information;
 - c) provision of facilities to display static timetable information;
 - d) raised kerbs to enable level boarding; and
 - e) any road crossing facilities for pedestrians, incorporating tactile paving, to facilitate access individual stops.

Any bus stops to be installed in association with the development hereby approved shall accord with the scheme of details approved pursuant to the requirements of this Condition and shall be retained thereafter.

- 74 The development shall not be commenced until details of the strategic pedestrian and cycle network connections from the site to the existing off-site pedestrian and cycle infrastructure adjoining the application site have been submitted and approved in writing by the Local Planning Authority. Phasing for the implementation of the approved strategic pedestrian and cycle network connections shall be agreed in writing with the Local Planning Authority, but in any event individual strategic connections shall be provided prior to the first occupation of a phase or sub-phase of the development that relies upon the relevant strategic connection.
- 75 Prior to the commencement of any works within an individual phase or sub-phase of the development details of cycle parking facilities for the relevant phase or sub-phase to accord with the Local Planning Authority's adopted cycle parking standards shall be submitted to and approved in writing by the Local Planning Authority. The details shall incorporate protection and security measures for cycles which, where applicable, shall include a lockable enclosure. Individual phases or sub-phases of the development shall not be occupied until the approved cycle parking arrangements relating to the relevant phase or sub-phase have been provided and shall thereafter be retained.
- 76 Prior to the commencement of development within an individual phase or sub-phase of the development details of the road, footway, footpath

and cycleway layout relevant to that phase or sub-phase shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall show the alignment, widths, surfacing arrangements, forward visibility sight lines and vision splays, speed restraint measures, gradients, street lighting and drainage. The development shall be implemented in accordance with the approved details and individual buildings within a phase or sub-phase shall not be occupied until the roads, footways, footpaths and cycleways that provide access to it have been constructed and been made for available for use.

- 77 Prior to the first occupation of the 300th dwelling in any phase or sub-phase of the development, a secondary means of vehicular and pedestrian access from the relevant phase or sub-phase to the highway network beyond the confines of the application site shall be constructed and be made available for use in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
- 78 The submitted details showing the proposed layout of on-site access roads shall incorporate junction and inter-visibility zones in accordance with the design speed of the road, which shall be determined by the speed hierarchy strategy to be approved pursuant to the requirements of Condition 71. No obstruction of sight, including landscaping, above 600mm in height shall be placed within the approved junction sight lines or inter-visibility zones. .
- 79 Within the application site the following junction sight lines shall be provided:
- a) where the priority arm of a junction is designed to be 30mph: 70 metres in each direction from a point 2.4 metres back along the centre line of the intersecting road; or
 - b) where the priority arm of a junction is designed to be 20mph: 35 metres in each direction from a point 2.4 metres back along the centre line of the intersecting road.
- 80 Within the application site the following forward inter-visibility zones shall be provided:
- a) where the road has a design speed of 30mph: 70 metres
 - b) where the road has a design speed of 20mph: 35 metres

Removal of Permitted Development rights

- 81 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) no fencing, gates, wall or other permanent structure shall be constructed in advance of an elevation or elevations of a building fronting a road, footway/footpath or cycleway.

- 82 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) no fencing, gates, wall or other permanent structure shall be constructed within the 10 metre strip, measured from the landward face of the flood defence wall, or within the approved access from the public highway to the flood defence wall without the prior written approval of the Local Planning Authority.
- 83 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 aerials or any other development within Part 1 (Class H) and Part 25 (Classes A to B) inclusive shall be erected on any part of the development hereby permitted, without planning permission first being obtained.
- 84 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 development within Part 1 (Classes A-G) inclusive and Part 2 (Class A) of the Second Schedule to the Order shall be carried out on the site without the prior written approval of the Local Planning Authority.

Environmental Health

- 85 The development of each phase or sub-phase of the development shall not be commenced until details of a scheme for protecting the proposed development from shipping, road and/or rail noise has been submitted to and approved in writing by the Local Planning Authority. No individual building shall be occupied until all of the acoustic protection works, which form part of the approved scheme that relate to it, have been installed and these measures shall thereafter be retained.
- 86 The development of each phase or sub-phase of the development shall not be commenced until a report containing a detailed scheme for the suppression and/or mitigation of industrial, commercial and entertainment noise capable of affecting residential amenity has been submitted to and approved in writing by the Local Planning Authority. The approved suppression and/or mitigation measures shall be implemented before the occupation of the premises within each phase or sub-phase to which they relate and shall thereafter be retained.
- 87 Prior to the commencement of the use of any premises with commercial kitchens within the development hereby approved, details for the conduction and extraction of cooking odours shall be submitted to and approved in writing by the Local Planning Authority. Where high level fume dispersion at one metre above ridge height of the nearest building is possible a typical installation should include hood mounted

grease filters, pre-filter(s) and activated carbon treatment. Proposals for fume dispersion at lower levels must incorporate suitably enhanced methods of filtration and odour control. All equipment must be installed in accordance with the approved details and be in full working order prior to the first use of the commercial kitchen to which they relate and shall thereafter be maintained in accordance with the manufacturers instructions for as long as the approved use of the commercial kitchen to which they relate continues to operate.

- 88 Any restaurant, café, drinking establishment or hot food takeaway outlet within the application site shall only operate between the hours 9:00 to 23:00 Mondays to Saturdays inclusive and between the hours of 9:00 to 22:00 on Sundays and Public Holidays.
- 89 Any entertainment venue within the application site shall only operate between the hours of 9:00 to 23:00 on Mondays to Saturdays and between the hours of 9:00 to 22:00 on Sundays and Public Holidays.
- 90 Prior to the commencement of any development within an individual phase or sub-phase a Code of Construction Practice relevant to that phase or sub-phase shall be submitted to and approved in writing by the Local Planning Authority. The Code shall include amongst other matters details of: hours of construction working; noise and vibration limitation and monitoring regimes; access points; screening/mitigation; wheel cleaning/chassis cleaning facilities; dust control measures; protection of surface and groundwater resources, including arrangements for the storage of oils, fuels or chemicals; pollution incident control; site illumination; and location of construction compound and offices. The construction works shall thereafter be carried out at all times in accordance with the approved Code of Construction Practice, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.
- D) In relation to recommendations B and C the Director of Development and Environment be granted delegated authority to revise/amend the terms of the recommended Section 106 Agreement and the Conditions on a non substantive basis, should the need arise following discussions with the applicant to ensure a consistency of approach in relation to construction programming issues and/or in response to representations made by statutory consultees.

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

2 Site Description

- 2.1 The application site is approximately 34 hectares (84 acres) in area and is located to the north east of Rochester city centre. The majority of the application site occupies a spur of land on the south bank of the

River Medway that was a salt marsh with reclamation works having been initiated in the 1830s. The site has had a history of accommodating a mixture of industrial and warehouse/distribution uses and wharves, including an aggregates importation facility. The application site is now largely vacant following the exercising of a Compulsory Purchase Order. Former uses of the land have included railway sidings and waste transfer stations. The application site included large-scale industrial structures which have recently been demolished, various other industrial buildings and three gas holders. The site has a river frontage of approximately 1.6km (1 mile) situated on a meander of the River Medway. The application site along the river frontage includes some mudflats and inlets.

- 2.2 Strood and Frindsbury lie opposite the application on the northern bank of the River Medway. The northern bank of the River forms the Chatham Ness Peninsula, which is largely occupied by the industrial area at Medway City Estate, other industrial uses and working wharves.
- 2.3 The main London Victoria to Dover railway forms the western boundary to the main body of the application site, and the land slopes gently in a north easterly direction from the railway lines to the River Medway. The market/car park site (214 parking spaces) on Corporation Street and the Blue Boar Lane car park (145 spaces) to the south west of the railway line are also included in the application site. Corporation Street, the High Street, Rochester Market, associated buildings and parking facilities all lie parallel to the railway to the south west. Rochester railway station lies adjacent to the lower south western application site boundary. These features physically separate the site from the historic core of the city centre.
- 2.4 The application site's existing ground levels are generally higher to the south of the site at around 4.5 to 5.0 metres Above Ordnance Datum (AOD). The area to the north is generally at a level of about 2.5 to 3.5 metres AOD but the centre of the peninsula has been used for extensive tipping and the levels are currently between 4.5m to 5.0 metres AOD. The existing topography of the site slopes down to the north and joins the low lying areas near the gas holders, at a level of about 1.5 to 2.0 metres AOD. The land adjacent to the river frontage is also relatively high with levels varying between 4.0 to 5.0 metres AOD. The Corporation Street and Doust Way areas of the site to the south are at 6.1 metres AOD.
- 2.5 Vehicular access to the section of the site that lies to the east of the railway line is currently available at two locations off Corporation Street namely, Gas House Road and Blue Boar Lane; at two points off Rochester High Street, namely Doust Way and Bath Hard Lane; and via Furrell's Road, which because of a one way system connects with Corporation Street, via Bardell Terrace and also the High Street. There is a pedestrian access from Corporation Street to Horsewash Lane at

the northern end of the site. There is limited vehicular circulation within the northern area of the site with the existing access road terminating at Limehouse Wharf.

- 2.6 It is to be noted that the application site does not include: the Castle View Business Park, which lies at the southern end of Gas House Road and comprises approximately 20 small industrial and warehouse units; the Acorn Shipyard, which is at the northern end of the site just to the north west of the gas holders; and the land occupied by the PB Group (Brewsters Printers).

3 Proposal

- 3.1 The submitted application seeks outline planning permission for a mixed-use development. With the exception of means of access to the site, all matters (siting, design, external appearance and landscaping) have been reserved for future consideration.
- 3.2 Access will be derived via the existing access points to the site. There are 5 existing vehicular access points into the site. Two of these accesses lead directly from the A2, namely Gas House Road and Blue Boar Lane, while three are off the High Street, namely Bath Hard Lane, Furrell's Road and Doust Way. It is submitted that it is not practical to provide any new access points or to significantly increase the capacity of the existing accesses, due to cost associated with tunnelling through the railway embankment.
- 3.3 This planning application is supported by the following documentation: a development specification; planning statement; contextual material comprising a design statement, an illustrative masterplan, indicative phasing plan, a flood defence strategy and geo-technical interpretation; and drawings showing the application site, the site location, land ownership and tree felling and 8 parameter plans.
- 3.4 The scale of the proposed development is such that this application, along with the accompanying full application (MC2004/1998) for enabling works (land raising, decontamination and river wall works) is accompanied by an Environmental Impact Assessment (otherwise referred to as an Environmental Statement [ES]), which amongst other things includes a Transport Assessment.
- 3.5 The uses proposed under the terms of the submitted application, along with their relevant floor spaces/areas, are as follows:
- 170,000 m² of residential floorspace providing up to 2,000 house and units (Use Class C3);
 - 7,800 m² of retail and food and drink floorspace (Use Classes A1 and A3, A4 and A5), including a small food store;

- 12,000 m² of business (light industrial, research and development and offices) floorspace (Use Class B1);
- 3,600 m² of live work floorspace (Use Class Sui Generis), providing in the region of 12 dwellings with attached commercial accommodation for use by the occupiers of the associated dwellings;
- 19,000 m² of hotel floorspace (Use Class C1);
- 9,000 m² of community facilities (Use Class D1) including a new 2 form entry primary school with associated nursery;
- a multi-storey car and coach park of up to 15,500 m² (providing between 400-430 car parking spaces and 18 coach parking spaces); and
- associated open space including a market site, landscaping, infrastructure and parking.

3.6 The illustrative masterplan accompanying the application identifies the likely pattern of the development for the site in its totality. It also identifies the possible disposition of uses across the site. The development proposes a range of residential types and tenures across the site, which will comprise a mixture of apartments and townhouses. The residential accommodation will include affordable housing at the rate of 25%. Retail and food and drink uses, live work accommodation and office accommodation (Class B1) is shown adjacent to the Blue Boar Lane access to the site. It is proposed that the school and community uses will be located in the centre of the site. Towards the north of the site it is proposed that a hotel further shop and food and drink units as well as offices will be provided.

3.7 A parameter plan accompanying the application indicates the likely storey heights. It is proposed that the development will range between 2 to 8 storeys in height, with the taller buildings being located at the northern end of the site overlooking the river.

3.8 The anticipated number of residents will be around 4,300 and it is estimated that the employment generating uses will yield around 925 jobs. The primary school will initially be one class entry and will be capable if needed of being extended to two forms of entry as the development progresses resulting in a school with a capacity for 420 pupils. There will also be a nursery associated with the school.

3.9 A new multi-storey car park of 430 spaces is proposed on the existing market site, along with other public car parking of 100 spaces within the site.

- 3.10 An indicative phasing plan accompanies the application and shows five phases of development, starting at the south of the site and the continuing northward culminating in the development of the north west area of the site near Rochester Bridge.
- 3.11 A separate parallel detailed planning application for preliminary infrastructure works has been submitted and appears elsewhere on this Agenda. The proposed infrastructure works involve the replacement of existing flood walls to provide adequate flood defences for the site, land filling to raise existing ground levels for flood defence purposes, land remediation and works to provide services across the site in accordance with the requirements of the utility companies.
- 3.12 The detailed design for enabling the infrastructure works has been based on the outline application and the masterplan for the site but is an application in its own right.
- 3.13 Since the original submission of the applications and the accompanying ES, the applicants have provided extra information as an addendum to the ES. This additional information comprises:
- A revised traffic assessment that includes an evaluation of the impact of the development upon the operation of the M2, most particularly junctions 2 and 3.
 - Revisions to the noise chapter to provide a more detailed assessment of the relationship between the proposed residential blocks along the river frontage and the existing wharves on the opposite side of the river.
 - An interim evaluation report on Archaeology.
 - Clarification for the visual assessment, most particularly the views from Chatham Waterfront towards the application site.
 - An Ecological Monitoring and Management Plan.

4 Relevant Planning History

- 4.1 The site has been subject to a variety of planning applications in the past 10 years (over 100 applications for various forms of industrial/wharfage development, waste transfer activities and residential), the large majority of which have been approved.
- 4.2 Two applications for residential development, on part of the site in the vicinity of Furrells Road, were refused planning permission in the mid 1990's. Subsequently in 1997, following the granting of outline planning permission for mixed use development, the former Rochester upon Medway City Council initiated compulsory purchase proceedings to assemble the site for redevelopment. The Compulsory Purchase Order was confirmed by the Secretary of State in 1998 and in December 2003 Medway Council and the South East England Development Agency (SEEDA) signed a collaboration and grant agreement to regenerate the site.

5 Representations

- 5.1 Extensive publicity and consultations have been carried out in connection with the development proposals. Consultations have been undertaken in connection with the originally submitted application documentation as well as in response to the submission of the additional or amending submissions of information.
- 5.2 The application has been advertised in the local press and on site as: A Departure from Local Plan Policy; Major Development; an application accompanied by an Environmental Impact Assessment; and development affecting the setting of a Scheduled Ancient Monument and a Listed Building.
- 5.3 Consultations have been undertaken with the owners and occupiers of numerous properties adjoining the application site, including on the opposite side of the Medway, and a wide range of statutory and non-statutory consultees.
- 5.4 The responses received in relation to this consultation exercise are summarised below, with the responses being grouped together by type of respondent. Representations made in response to additional or amending information are shown in italic text to differentiate them from the initial response made by the relevant party.

Statutory and Non-Statutory Organisations' responses

Environment Agency

No objection to the principle of the proposed development.

The Agency has further commented that at pre-application meetings the applicants had agreed to retain the existing beach areas and in some cases to actively extend them where possible. This has been excluded from the planning documentation and it is requested that the Local Planning Authority pursue the provision of such areas within the development.

The agency has recommended the imposition of a number of conditions concerning matters of flood defence and the management of on-site contamination.

Monitoring in relation to the establishment of the newly created habitats should be for 5 years rather than 3 years as stated in the ES.

The use of timber cladding along the face of the river wall for habitat creation purpose is welcomed but more detailed monitoring of the effectiveness of the cladding as a habitat should be undertaken following its establishment. Surveying points should be incorporated into the cladding, which would also be useful in assessing the structural integrity of the wall. It is recommended

that as a minimum 8 access points of 0.25m² or 4 sampling points of 1m² are included in the design of the timber cladding for the river wall.

English Nature

Due to the importance of the Medway Estuary foreshore for wintering birds, it is recommended that measures should be adopted during the construction phase for the development and incorporated into the design of riverside wildlife habitat and amenity areas to minimise disturbance to birds using the mudflats.

English Nature has further commented that it is unclear from the ES whether the development will result in the loss of mudflats, which are a priority habitat under the UK Biodiversity Action Plan. The creation of new inter-tidal habitat is welcomed, but it is recommended that like-for-like compensatory habitat should be where mudflats will be lost and that new salt marsh habitat should be created where there will be no resultant loss of existing mudflat. It is recommended that this issue and that relating to post-construction disturbance of birds should be taken into account when the Council considers subsequent reserved matters submissions for the design and landscaping and design of the site.

A letter received by English Nature on 10 June 2005, advises that their concerns about the proposal and its potential impacts on designated sites have now been addressed. English Nature's advice is that the proposals outlined in the this planning application (and the engineering works application MC2004/1998, also found on this agenda), with the proposed mitigation measures, are not likely to have a significant effect on Medway Estuary and Marshes SPA and Ramsar Site and therefore an appropriate assessment under the Habitats Regulations is not necessary. On the same basis, English Nature has also advised that the proposals should not affect the special interest of Medway Estuary and Marshes SSSI.

English Heritage

The view created from viewpoint 15 (views of the site from Gun wharf) set out in the ES causes some concern and further refinement in the height and mass of the new development is required to produce a new framed view of the cathedral and to provide a more perceptible variety of development form.

Development on the Doust Way car park must not result in the loss of parking facilities to the community.

Highways Agency

Information in the Transport Assessment is comprehensive in most respects with the exception of any indication of likely traffic impact on the M2.

Notwithstanding the submission of additional/amended information, the current position is that a transport assessment that fully addresses the HA's concerns has not been agreed.

Still a number of concerns that need to be addressed, discussion dialogue and exchange of information between the HA, and the applicants and their consultants are continuing to address the concerns of the HA.

Consider it would be premature for the HA to make recommendations on the basis of the sent information.

Will respond constructively and positively when the applicants have furnished us with the required information. In the meantime we propose to seek clarification with the applicants as we have had direct dealings and meetings with them recently.

South East Regional Design Panel

The use of perimeter blocks and heavy massing is entirely alien to the essential character of Rochester and the panel is unconvinced that the development as proposed would tie effectively into Rochester's existing historic core.

A development on the scale proposed surely justifies the creation of new access points through the railway viaduct and significant investment in improved crossings and footpaths to the High Street.

The new Market Square needs a greater sense of enclosure and should be fronted by active uses to make it work.

If the site is to be successful in drawing in local people and visitors as envisaged, it is suggested that active town centre uses such as shops, food and drink and entertainment uses should be located on the western side of the site, closer to the High Street where they will act as a draw and create a strong gateways into the site.

The proposed multi storey car park appears to create a block to a potential direct route from the heart of the existing high street, through the site and down to the river.

The panel does not consider that the current proposals offer a sufficient mix of uses to realise the stated aim "to deliver a vibrant mixed-use development". Large swathes of development could be deserted at certain times of the day.

It would be desirable to see more corner units of the perimeter blocks identified for mixed use, accommodating local shops and services such as a corner shop, a dentist's surgery, pub or other business uses.

It is hard to imagine most residents of Rochester finding anything within the development that would attract them into the site.

The scheme is particularly lacking in any cultural or arts development.

The scheme does not propose a balanced range of housing opportunities.

The public route along the riverside will lack activity. As proposed the majority of the waterfront will be dominated by residential use. There needs to be a greater mix of uses along the waters edge.

The scheme should leave scope for the relocation of the train station in the future. There is considerable scope to refurbish and upgrade the station and develop this part of the site as an important gateway and mixed use hub. The provision of an entrance direct from the station into the site is the absolute minimum that is required. Unfortunately as shown this gateway into the site looks particularly unappealing, dominated by car parking and the backs of flats.

It is strongly recommended that the level of car parking is reduced and it is disappointing to see that the on street car parking which was welcomed in the previous scheme appears to have been lost. On street parking helps to slow traffic and animate the street.

Given the scale and high profile of this development it is considered that achieving best practice in sustainable building design should be a central aim and fundamental to the design process.

Kent County Constabulary (Crime Reduction Unit)

There are concerns over the ability of the road infrastructure particularly Corporation Street and Rochester High Street to cope with anticipated increased traffic volumes.

The Gashouse Road access/exit route may be a potential bottleneck.

The provision of extra pedestrian links across Corporation Street are considered necessary.

The integration of suitable traffic calming or restrictive measures is suggested to encourage a more pedestrian user friendly environment.

There are a number of secondary pedestrian/cycle routes particularly to the west of the site that could become vulnerable to or facilitate crime.

Consideration may need to be given to additional parking close to the proposed school.

Private areas should be provided with defensible space and private buildings should not directly abut public space. In this respect there are some plots indicated to the northwest area that appear to lack this.

Kent Wildlife Trust

The Trust considers the proposal in the main to be an exciting well thought out development.

The Trust is concerned that in evaluating the conservation value of the site the lowest possible value has been consistently given, which could undermine the quality of the mitigation measures proposed leading to an overall loss of biodiversity.

Proposals to deal with protected species are welcomed but it is disappointing that no explanation has been given to show how this could be achieved.

The proposals for new salt marsh habitat creation and the set aside of open space for habitat creation are welcomed but the Trust would like to see the creation of substantial areas of green roof to mitigate against the loss of semi natural habitat.

The Trust supports the retention of woodland along the railway and the proposal to create a replacement pond.

The Trust is pleased that measures for enhancing biodiversity will be included in new buildings but this alone will not mitigate the loss of 50% of semi natural habitat. Disappointed that only a third of the 120,00m² of open space is to be managed for biodiversity.

The Trust has therefore advised that its objections would be overcome if following matters were addressed:

submission of mitigation strategy to deal with bats and reptiles;
the submission of an ecological monitoring plan and management plan to be for implementation during construction phase; and
firm commitment to green roofs on selected buildings.

The Trust has also recommended that a number of conditions be imposed upon any forthcoming planning permission for this development.

Kent County Council (Archaeological officer)

Should important remains that require preservation in situ be found on the development site, then there needs to be sufficient flexibility in the development design to accommodate any measures that may be necessary.

Any works close to the city wall should be carefully designed to protect the wall and enhance its setting.

The developers should be encouraged to provide facilities within the public areas of the development for the interpretation and display of the archaeology and history of the site.

The retention of the travelling cranes at Cory's Wharf would be desirable.

It is recommended that conditions are attached to any forthcoming planning permission to address the handling of buried and above ground archaeology. It is further recommended that provision be made either through a suitably worded condition or a S106 Agreement for an appropriate contribution towards the long-term storage of the site archive and finds for benefit of future generations.

Tonbridge and Malling Council

No objection

Maidstone Council

No objection

The Mersey Docks and Harbour Company

No comment to make.

Medway NHS Primary Care Trust (PCT)

To meet the expected population increase a new medical facility providing space for 3 general practitioners and associated staff will be required.

Health and Safety Executive

No comments on the planning application.

Network Rail

Network rail has advised that it is unlikely to agree to the proposed cycle route through the station as this would be unsafe for passengers descending the existing staircases as their view would be completely restricted if cyclists were approaching at speed.

Network Rail will not agree to the introduction of one way vehicular movements down Blue Boar Lane unless an acceptable, alternative means of access to the track and the signal box can be provided.

Southern Water

Any planning permission granted for this development should be made subject to a planning condition requiring that development shall not commence until details of the proposed means of foul and surface water disposal have been submitted to and approved by the Local Planning Authority in consultation with Southern Water Services.

The Corporation Street Pumping Station is of strategic importance and any proposals that could affect the operation of the pumping station should be discussed with Southern Water at the earliest opportunity. The company is further concerned to ensure that the increased traffic volumes generated will not adversely affect the safety of the means of access to the pumping station.

Southern Water would like to see examples of best practice in water efficiency considered for this development prior to consideration being given to grey and rainwater harvesting.

Sport England

The schedule of open space shows a total of 121,086 square metres being provided, but the vast majority of this space would appear to be unusable for formal recreational purposes. The application does not make clear whether any provision for formal water sports provision is planned.

Star Hill to Sun Pier Traders

No response

St Margaret Banks Residents' Association

No response

City of Rochester Society

No response

British Shipping

Concerned about the likely implications for the wharves on the opposite side of the Medway. The operation of these wharves could result in the generation of noise disturbance for the occupiers of the new development with the result that the Council's Environmental Health department might be required to take action that might affect the operation of these wharves, which would imperil their viability.

A threat to the future viability of these wharves could be at variance with Government Planning Policy Guidance relating to noise considerations about not permitting noise sensitive developments close to existing sources of noise.

Any planning permission for residential accommodation on the Rochester Riverside site granted should be conditional upon no noise sensitive rooms being constructed facing the wharves on the other side of the River Medway.

The revised noise chapter confirms potential for complaints by future occupants of the development in relation to noise generated by Transit Medway and Scotline.

The proposed housing will feature bedrooms and living rooms with river views and the suggestion that only non – noise –sensitive rooms should overlook the river is not realistic.

Any residential accommodation must be sound proofed to ensure no scope for noise complaints by residents. It is considered that any planning permission needs to be conditional upon the noise mitigation measures identified in ES being fully incorporated into the design of the new development.

Council is in effect submitting an application to itself and there is a concern that its assessment of the development may not be wholly objective. It would therefore be prudent for the application to be subjected to a rigorous and impartial assessment and it is therefore suggested that the application ought to be determined by the Secretary of State following the holding of a public inquiry.

Adjoining businesses and landowners responses

Rochester Association of Businesses

The inter-mingling of industrial and residential uses will be to the detriment of both types of activity.

The density of residential use will result in undue pressure on facilities such as road access, schooling, green areas etc.

There will quickly be a need for a new secondary school as well as a primary school, if other schools in the area are not to be overloaded.

Concern over traffic generation during peak times.

Transit Medway (a local wharf operator)

To avoid problems with noise disturbance being experienced by prospective residents of the development, residential blocks adjoining the river should be set at 90 degrees to the river with noise sensitive rooms facing away from the river frontage.

Any future jetty should not extend further into the River than is necessary for their intended use so that vessels can safely turn.

River Medway Business Users Association

There are no alternative facilities being provided for the businesses that have had to vacate the redevelopment area.

The proposals for the redevelopment of the site are contrary to para 10 (ports and shipping) of PPG13 – local authorities should work with the ports and

shipping industries when preparing development proposals and they should aim to promote the role of ports within their areas.

Para 7 of the Scoping Decision required an assessment of the impact of the development upon river based industries utilising the site. The ES does not address the need for consideration of alternative locations for the displaced businesses. Chatham Docks cannot provide an alternative to the wharves closed at Rochester Riverside for operational reasons. In short there are no alternatives currently or in future likely to be available.

The proposal is contrary to national and regional ports policies. The proposal not only eliminates the heart of the port of Rochester but puts the remaining wharves at risk. It therefore has substantial transport implications for the region beyond Medway. It will substantially increase the use of South East roads by HGVs.

The use of Rochester Riverside for wharfage and industry would stimulate the local economy whereas elimination of the employment potential would be unsustainable.

In a case of this importance it is impossible to leave the external appearance, the siting, the landscaping and the design to a later stage.

The Environmental Statement (ES) fails to address crucially important policies and therefore cannot identify whether any, and if so what, environmental damage arises and what mitigating measures are necessary.

The Traffic Impact Assessment solely addresses local highway issues and does not assess the implications for the strategic highway network.

There is no hydrological assessment.

It is difficult to perceive that any mitigation measures could be devised protecting the amenity of new residents from noise disturbance arising from the operation of the Transit Medway site.

Since the layout and design are reserved matters, it is impossible for the ES to address the visual impact as required by para 6 of the Scoping Opinion.

A number of issues are raised concerning the adequacy of the noise chapter of the ES.

There is no consideration of alternative locations for 2000 residential units and no indication of why this particular location is preferred. There is no sequential study of those alternatives, particularly taking into account delivery and infrastructure costs.

The present application conflicts with RPG9 which points to a mixed employment and residential use for this site.

The outline application is inappropriate and lawful planning permission cannot be given because an Environmental Statement accompanies the application.

There is no evidence of viability and deliverability for the scheme.

The proposal will increase commuting and, in view of decreased railway capacity throughout North Kent, will increase travel by road.

Approval of the application without a public inquiry would be contrary to human rights legislation since both applicants and the government have policies and financial commitments which conflict with objective determination of the application.

Scotline Ltd

Advice from an independent acoustic and noise consultant has been sought to assess the contents of the noise chapter of the ES.

The advice provided by this consultant suggests that the assessment of the impact of noise from existing wharfage activity upon prospective residential occupiers of the development should only be carried out using the methodology set out in BS4142. The results of the BS4142 assessment that has been undertaken indicates that noise complaints from the occupiers of the development, as a consequence of the operation of the working wharves, could be expected.

It is further submitted that prospective residents would be able to successfully initiate noise nuisance action against Scotline Terminal and Transit Medway, which will result in the imposition of restrictions upon the working hours for these businesses, which would affect their long term viability.

Accordingly further consideration should be given to the impact that successful noise nuisance action would have upon the operation of these established businesses. The Council, as an applicant for this planning application, has a vested interest and the whole project should be independently reviewed.

Richard Watts Charities (as owners of Hayward's House)

The proposed multi storey car park has the potential to have an adverse affect upon the occupiers of Hayward House. Any new structure proposed should be kept away from the almshouse building to maintain its scale and sense of presence.

Occupiers of the Castle View Business Centre

A buffer should be created between the existing Castlevue units and any new development.

The Castleview units can be operated 24 hours a day. This could cause conflict and nuisance for future residents. It is inappropriate to make planning decisions that will potentially lead to confrontation in the future.

It is inappropriate to have residential uses next to existing commercial development. The existing uses will be at a lower level after land raising and will therefore be subject to overlooking.

Construction traffic should not use Gas House Road. If it does there will be a big impact on the amenity of existing uses.

Comments from the occupiers of other adjoining residential and commercial properties

The redevelopment of the Doust Way car park will result in the loss of car parking which is considered critical to support local businesses in the area.

The riverwalk should be designed to provide car parking overlooking the river. This would be an asset to the area and be a scenic place to visit.

The development will place increased demands on local facilities and new community and leisure facilities should be provided as part of the development.

6 Development Plan Policies

Kent Structure Plan 1996

Policy S1	(Sustainable Development)
Policy S2	(Conservation and Enhancement of the Environment)
Policy S5	(Thames Gateway)
Policy S6	(Housing)
Policy S9	(Community Provisions)
Policy NK2	(Medway Towns)
Policy ENV2	(Nature Conservation)
Policy ENV5	(Nature Conservation Sites - SSSI, Ramsar and SPA)
Policy ENV11	(River Corridors)
Policy ENV15	(Built Environment)
Policy ENV16	(Urban Open Space)
Policy ENV18	(Archaeology)
Policy ED1	(Provision of Industrial and Commercial Floorspace)
Policy H1	(Provision of Housing)
Policy H3	(Housing in Urban Areas)
Policy H4	(Accessibility)
Policy H5	(Affordable Housing)
Policy H7	(Affordable Housing in New Development)
Policy NR3	(Groundwater Reserves)
Policy NR4	(Surface Water Quality)
Policy NR5	(Flood Risk Areas)
Policy NR9	(Wharves)

Policy P10	(Port Facilities)
Policy T1	(Transport Diversity)
Policy T13	(Parking Standards)
Policy T18	(Transport Implications of New Development)
Policy T19	(Access to Primary Road Network)
Policy T20	(Transport Improvements)
Policy R1	(Retail Proposals)
Policy SR4	(Water Recreation)

Medway Local Plan 2003

Policy S1	(Development Strategy)
Policy S2	(Strategic Principles)
Policy S3	(River Medway)
Policy S4	(Landscape and Urban Design Guidance)
Policy S6	(Planning Obligations)
Policy S7	(Rochester Riverside Action Area)
Policy BNE1	(General Principles for Built Development)
Policy BNE2	(Amenity Protection)
Policy BNE3	(Noise Standards)
Policy BNE4	(Energy Efficiency)
Policy BNE5	(Lighting)
Policy BNE6	(Landscape Design)
Policy BNE7	(Access for All)
Policy BNE8	(Security and Personal Safety)
Policy BNE12	(Conservation Areas)
Policy BNE14	(Development in Conservation Areas)
Policy BNE18	(Setting of Listed Buildings)
Policy BNE20	(Scheduled Ancient Monuments)
Policy BNE21	(Archaeological Sites)
Policy BNE22	(Environmental Enhancement)
Policy BNE23	(Contaminated Land)
Policy BNE37	(Wildlife Habitats)
Policy BNE38	(Wildlife Corridors and Stepping Stones)
Policy BNE39	(Protected Species)
Policy CF2	(New Community Facilities)
Policy CF4	(Primary Healthcare Facilities)
Policy CF6	(Primary Schools)
Policy CF12	(Water Supply)
Policy CF13	(Tidal Flood Areas)
Policy ED1	(Existing Employment Uses)
Policy ED2	(Employment in Action Areas and Mixed Use Areas)
Policy ED10	(Working From Home)
Policy ED12	(New Tourist Facilities)
Policy ED13	(Hotels)
Policy H1	(New Residential Development)
Policy H3	(Affordable Housing)
Policy H4	(Housing in Urban Areas)
Policy H5	(High Density Housing)
Policy H10	(Housing Mix)

Policy R9	(Retail Provisions in New Residential Developments)
Policy R12	(Mixed Use Schemes)
Policy R18	(Takeaway Hotfood Shops, restaurants, Cafes, bars and Public Houses)
Policy L2	(Existing Leisure Facilities)
Policy L3	(Protection of Open Space)
Policy L4	(Provision of Open Space in new Residential Developments)
Policy L8	(Dual Use of Recreation Facilities)
Policy L11	(Riverside Path and Cycleway)
Policy T1	(Impact of Development)
Policy T2	(Access to the Highway)
Policy T3	(Provision for Pedestrians)
Policy T4	(Cycle Facilities)
Policy T5	(Bus Preference Measures)
Policy T6	(Provision for Public Transport)
Policy T7	(The Rail Network)
Policy T11	(Development Funded Transport Improvements)
Policy T12	(Traffic Management)
Policy T13	(Vehicle Parking Standards)
Policy T14	(Travel Plans)
Policy T22	(Provision for People with Disabilities)

Kent Waste Local Plan 1998

Policy W7	(Suitable Locations for Category A Waste Reuse)
Policy W8	(Reuse of Construction Spoil)
Policy W8A	(Disposal of Dredged Material)
Policy W9	(Suitable Locations for Waste Transfer and Separation)

Kent and Medway Structure Plan (Deposit Version) 2003

Policy SP1	(Kent's Environment)
Policy SS1/SS2	(Spatial Strategy)
Policy SS3	(Sequential Approach and Previously Used Land)
Policy NK2	(Medway)
Policy E12	(River Corridors)
Policy FP14	(Retail Development)
Policy HP1	(Housing Provision to 2021)
Policy HP2	(Phasing of Housing Development)
Policy HP3	(Previously Developed Land)
Policy HP4	(Sequential Approach to Location)
Policy HP5	(New Housing Land)
Policy HP7	(Range and Mix for Housing)
Policy HP8	(Affordable Housing)
Policy NR9/NR10	(Flood Risk/Protection)
Policy M4	(Marine Wharves)
Policy TP2	(Location of New Development)

Policy TP10	(Pedestrians and Cyclists)
Policy TP11	(Access to the Primary Road Network)
Policy TP19	(Vehicle Parking Standards)
Policy TP22	(Kent and Medway Ports)
Policy QL1	(Quality of Design)
Policy QL2/QL3	(Public Realm)
Policy QL5	(Density of Development)
Policy QL6	(Mix of Uses on Site)
Policy QL13	(New Community Services and Infrastructure)
Policy QL14	(Arts)
Policy QL17	(Water Recreation)
Policy QL18	(Rights of Way)
Policy WM6	(Minerals and Waste Disposal)

7 Planning Appraisal

7.1 In considering the application account has to be taken of the available environmental information including the Environmental Impact Assessment, the national, regional and the Development Plan (local planning policy) framework, the documentation accompanying the application and all material representations made including the views of statutory and non-statutory consultees.

1) Summary of applicant's environmental impact statement

7.2 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, require certain projects to be assessed to establish whether they would have any significant effect on the environment. If so, the planning authority must ensure the applicant carries out an assessment and submits a report that identifies, describes and assesses the effects that the project is likely to have on the environment. An Environmental Impact Assessment (otherwise known as an Environmental Statement [ES]) has been submitted with this application. The following paragraphs of this subsection of the Planning Appraisal for this application summarises the content of the ES. The ES examines each environmental topic as a separate section. Each of these sections refers to:

The baseline environment;
 Assessment methodology;
 Potential impacts from the proposed development;
 Mitigation measures; and
 Residual effects.

The ES identifies, describes and assesses the likely significant impacts of the development on the environment, including consideration of: beneficial and adverse impacts; short, medium and long-term impacts; direct and indirect impacts; and cumulative impact and impact interactions. The ES sets out to predict the likely impacts of the

development from site preparation to final use and occupation and takes account of mitigation measures.

The environmental issues addressed in the ES are:

Socio- Economic Effects
Terrestrial Biodiversity
Aquatic Biodiversity
Landscape and Visual
Effects Ground Conditions and Contamination
Waste Management
Waste Resources
Noise
Air Quality
Archaeology and Cultural Heritage
Transport, Movement and Access
Sustainability
Cumulative Impacts

- 7.3 The ES comprises several studies. The studies include a number of technical reports and these are summarised under the following headings. Assessments designed to determine the existing situation and the potential impacts resulting from the proposal have been carried out for each topic area. Where negative impacts occur, mitigation measures are set out.

Socio-Economic Effects

- 7.4 Any new development creates direct economic impacts through employment. The implementation of the masterplan would result in the creation of jobs both during the construction phases and as an end result through the establishment of new commercial occupiers, in particular hotels and catering, retail and leisure that are attracted to the new development as well as its hinterland.
- 7.5 This employment provision will assist to broaden the skill base via employer initiated training schemes and potential partnerships with local education providers and community organisations. High quality employment opportunities will aid the improvement of quality of life for the community and users of the development site as well as the residents of the surrounding area.
- 7.6 With the introduction of new residential uses across the site, the local population will increase and will require new services. New services will include the provision of new social and community infrastructure, including a new primary school, health centre and childcare and community facilities.
- 7.7 The residential development will incorporate a mix of dwelling types, including direct housing association, rented and shared ownership units. The proposed development includes 25% affordable housing.

- 7.8 The creation of areas of well-designed public open space including a riverside walk and urban landscape will provide a high quality development and an attractive setting for the users of the site.

Terrestrial Biodiversity

- 7.9 Nearest statutory or non-statutory sites of conservation interest are over 1 kilometre (km) from the site.
- 7.10 Currently approximately 9ha of the site comprises vegetation that has established itself on abandoned industrial and railway land. Saltmarsh and mudflats are also evident and are habitats that are likely to pre-date the recent industrial use of the site. Saltmarsh is a priority habitat in the UK Biodiversity Action Plan (BAP) and is included in the Kent BAP. Other habitats include scattered broadleaved woodland, dense scrub, neutral and coarse grassland, standing water and shrubs introduced by man.
- 7.11 Ecological survey findings have identified a bat roost in a disused building and reptiles are only present, if at all, in very low numbers. Breeding and wintering birds including waterfowl, have been recorded on the site or using the inter-tidal habitats adjacent to the site.
- 7.12 Most of the semi-natural habitats on the site will be lost during site clearance. During the construction and operation of the proposed development there will be disturbance on the permanently moored barges within the River Medway, which are utilised as a high tide roost by lapwing and other waders. There will also be increased use by visitors to the area which will increase the level of disturbance caused to wildlife.
- 7.13 The provision of green roofs could be provided on one or more of the proposed buildings and native tree planting will replace some of the habitats lost. Features for nesting birds and roosting bats will be included in the new buildings and landscape.
- 7.14 Overall the applicant concludes that the proposed development will have a minor positive impact on terrestrial biodiversity.

Aquatic Biodiversity

- 7.15 No species protected under the Wildlife and Countryside Act (1981) or listed as priority species in the UK BAP have been found on the application site.
- 7.16 The river frontage of the application site alternates between wharves and mudflats with indented creeks. There are four small freshwater creeks, including one very small rivulet, running over mudflats into the estuary at the site. No unusual or 'nationally rare' species have been

found within the site. Mudflats are a priority habitat of the UK BAP and are included in the Kent BAP. The fauna of the mud flats comprises typical variable inter-tidal mud fauna, mainly ragworms and oligochaetes.

- 7.17 The loss of a limited amount of existing inter-tidal habitat will be a significant impact. However, overall the proposed development will involve a net gain of inter-tidal habitat, with small-scale loss of mudflats that are currently covered by open wharves. Sediment disturbance and vibrations associated with the construction may affect fish migrations in the wider Medway; however these impacts are likely to be minimal and temporary.

Landscape and Visual Effects

- 7.18 The existing site consists or has consisted primarily of an unattractive, industrial development and vacant land, which currently detracts from the cityscape environment. The northern promontory comprises a large flat area bordered by the sweep of the river Medway. Existing land use in the northern section is predominantly large-scale industrial with three large gasholders and various industrial buildings. The central section of the site near Cory's Wharf is more densely developed with a wider variety of industrial buildings and land uses including large cranes and spoil heaps. Shipping activity at the wharves also contributes to the busy industrial atmosphere.
- 7.19 Further south, the site becomes less intensively used and consequently supports more vegetation creating a semi-natural appearance in this area. The vegetated railway sidings, although comprised predominantly of sycamore, create a natural boundary to the west and a visual barrier both to and from the city centre.
- 7.20 The loss of the gasholders and the introduction of the new buildings that replace them will be the single most dramatic change in the skyline of Rochester. The new buildings forming part of the development will be up to 8 storeys in height, in approximately the same location as the gasholders. Although distinctive in their own right, the applicant's assessment is that these buildings will be far less dominating an element in the skyline than the existing gasholders.
- 7.21 It is predicted that the wide variety of architectural form, diversity of materials and sensitivity to the river and existing townscape will result in a dramatic improvement in the character and quality of views across and within Rochester. The difference in quality between existing and proposed derives from the development being specifically designed for the site rather than the previous generic architecture and haphazard layout of the industrial buildings that have previously been provided on an ad-hoc basis.

Ground Conditions and Contamination

- 7.22 Results of the chemical testing that has been undertaken indicates the presence of elevated levels of potentially hazardous substances (such as metals, hydrocarbons, and ground gases) within the made ground and to an extent, the groundwater, across parts of the site. The site currently represents a risk to controlled waters and to a lesser extent, site users.
- 7.23 Geotechnical issues at the site mainly relate to differential settlement due to the variation in made ground. Settlement could result in damage to structures if consideration is not made of this effect prior to construction.
- 7.24 The proposed development, including remediation, presents an enhancement of the existing environment in that risks to controlled waters and site users will be minimised.

Waste

- 7.25 The proposed development will generate waste during the three major phases of works these are:
- 7.26 Site redevelopment wastes (remediation, preparation of the foundation levels and basements); Wastes produced during the demolition and construction operations; and Wastes produced during the operation and/or occupation of the proposed development.
- 7.27 The impact of these wastes on local landfill capacity will depend on the proportion of re-use and recycling of materials which can be carried out either on-site or at one of Kent's waste treatment centres. A certain amount of waste material produced by the proposed development will inevitably require disposal at an appropriately licensed landfill site, which will impact upon the landfill capacity of the County for non-hazardous and the Country in terms of hazardous waste. The exact proportion of wastes disposed of depends on ongoing consultations with the Regulator and the intention is to recycle as much waste as possible on-site. The disposal of wastes is irreversible and therefore it will have a long-term impact upon the overall availability of landfill capacity.

Water Resources

- 7.28 There is a risk to the site from flooding from the River Medway and from neighbouring sites on higher ground. In order to protect the development from flood risk the initial works on site will be associated with land raising activities. The majority of the site will be raised, thus ensuring the safety of future occupiers and users of the site. Much of the existing river frontage is in poor condition so a new river wall will be constructed.

- 7.29 The assessment indicates that providing the recommended methodologies are adopted during design and construction, the proposed development will have no significant impact on watercourses within the site in relation to the flow regime and water quality. Indeed, water quality is likely to improve through the reduction in contamination on site.

Noise and Vibration

- 7.30 Construction noise and vibration will be adverse but of a temporary nature and it is submitted that best site practice will be used to reduce impacts to minor levels. Mitigation will be incorporated at the detailed design stage to reduce noise disturbance from road and rail traffic and to design new residential and industrial buildings to limit the potential for noise generation. The result is that new sensitive receptors including the proposed school and residential properties will receive negligible impact from noise.
- 7.31 The assessment of the noise associated with the operation of commercial sites on Medway City Estate indicates that there is the potential for there to be an impact on sensitive receptors, primarily new residents. Road and rail traffic levels and associated noise will increase due both to the development and a natural increase in volume. Mitigation for existing sensitive receptors is limited, therefore some residential properties particularly those adjacent to the railway, will experience an increase in noise levels. However, the overall noise levels are low, such that it will be possible to achieve the target internal noise levels with mitigation measures, which would include double-glazing and mechanical means of ventilation.

Air Quality

- 7.32 By analysing the existing air quality data in the area and predicting the changes caused by the construction dust and traffic flows likely from the proposed development the applicant considers that the development will result in little change to local air quality.
- 7.33 The impact from potential nuisance dust that may occur during the construction phase will be mitigated with the adoption of appropriate best practice techniques to limit any effects during site works.

Archaeology and Cultural Heritage

- 7.34 The site has a significant history of industrial land uses associated for the most part with the river frontage itself.
- 7.35 The application site does not contain any Scheduled Ancient Monuments (SAM) or Listed Buildings. There are however numerous monuments in adjacent historic Rochester and a Roman and medieval

walled circuit adjacent to the application site. The walls are a SAM and any works required within their curtilage will require Scheduled Monument Consent. Parts of the application site are zoned as areas possessing archaeological potential.

- 7.36 Parts of the site are within Conservation Areas: Eason's Yard/High Street, Bardell Terrace and Furrells Road are in the Star Hill to Sun Pier Conservation Area. The Blue Boar Lane car park is in the Rochester City Centre Conservation Area with the market site adjacent to it. It is submitted that the development will be designed to enhance the Conservation Areas and their settings.
- 7.37 The site is characterised by the remains of numerous 19th Century wharfs and built heritage such as Rochester City Walls and the Old Town Quay.
- 7.38 Change to the city wall setting, including a programme of protection, conservation and consolidation will protect any remaining structures resulting in some benefit to the features. There will be minor adverse impacts to the remains of medieval industrial sites, former dockyard and historic creeks. Other potential effects will have negligible impact on the archaeology of the application site. The applicant has submitted that the proposed development has been designed to respect the historic importance of the site.

Transport, Movement and Access

- 7.39 Proposed highway improvements will include new traffic lights at the junctions between the A2 (New Road) and City Way and the High Street and Furrell's Road. These signalisation works will mitigate most of the impacts of the proposed development by providing some increase in the overall network capacity and a greater measure of control over traffic movements. The proposed development includes significant improvements to the quality of pedestrian and cycle access to and through the site.
- 7.40 A travel plan will be produced which will incorporate measures to further encourage sustainable travel patterns by occupiers of the new developments (namely residential, commercial and educational uses) and in particular will aim to discourage single occupancy journeys by private car and increase the proportion of trips by non-car modes. It is anticipated that the plan will incorporate specific proposals to provide a new bus service through the site. The need to achieve these changes to travel patterns has been recognised by Medway Council and is being addressed through the ODPM funded "Transport for Medway" project.

Sustainability

- 7.41 The concept of sustainable development is fully endorsed by National, Regional and Local Planning Policy. The proposed development is consistent with sustainability objectives in that it involves the high quality design of a mixed use (residential and employment) development on previously developed (brownfield) land. The development incorporates measures to promote walking and cycling and the site is to be well served by public transport.

Summary

- 7.42 The proposed development has been the subject of an Environmental Impact Assessment in accordance with the prescribed Regulations. A specialist assessment has been undertaken for each of the key environmental topic areas and for any adverse impacts identified, mitigation measures have been identified to either reduce or remove any potential adverse impacts. The opportunity for improvement has been highlighted and incorporated into the design of the proposed development.

2) Policy Framework - Background

Development Plan and Related Documents

- 7.43 Section 38 of The Planning and Compulsory Purchase Act 2004 (the 2004 Act) (formerly Section 54A of the Town and Country Planning Act 1990) requires that where the Development Plan, is material to a proposed development then the application must be determined in accordance with that plan unless material considerations indicate otherwise. The Structure Plan and the Local Plan make up the Development Plan.

Medway Local Plan 2003

- 7.44 The current Medway Local Plan was adopted in May 2003. The Plan takes into consideration national and regional planning policy and sets out the strategy, objectives and detailed policy for guiding development in Medway.

Medway Waterfront Renaissance Strategy

- 7.45 This sets out the expected development strategy for the waterfront within Medway for the next 20 years and brings together and builds upon other planning guidance already in place.

Rochester Riverside Development Brief

- 7.46 The development brief sets out a series of overarching planning and design principles under which the future development of Rochester

Riverside will take place. The primary aim of the brief is to guide and inform the physical aspects of the development to bring about a high quality cohesive scheme that will be a carefully considered as a whole rather than just a collection of buildings. The Council formerly adopted the brief as Supplementary Planning Guidance in July 2004. The brief provides planning and design guidance to promote development interest and will be used for development control purposes.

Kent Structure Plan 1996

- 7.47 The Kent Structure Plan was adopted in 1996. It indicates how much development is justified, and its distribution across the county. The plan provides the strategic basis for local plans and development control within Kent and Medway.
- 7.48 The adopted Kent Structure Plan covers the period 1996 – 2011 and this plan is to be replaced by the Kent and Medway Structure Plan, the deposit version of which was published in 2003 and was the subject of its Examination in Public (EIP) in the Autumn of 2004, which roles forward the Structure Plan to 2021. The panel report following the EIP was published towards the end of February 2005.

Kent Waste Local Plan

- 7.49 The Kent Waste Local Plan was adopted in 1998. It contains policies in respect of development that involve the disposal of refuse or waste material in Kent and Medway. The Waste Local Plan sets out a countywide strategy for waste disposal, including the identification of specific site opportunities for waste management and disposal facilities. Medway Council intends to produce its own Waste Local Plan. However until this is adopted, the Kent waste Local Plan 1998 is the operative plan within Medway.

Medway Transport Plan

- 7.50 The Medway Local Transport Plan covers the period 2000-2005 and sets out the transport strategy for Medway during this period. The plan advocates an integrated transport strategy that will encourage walking, cycling and use of public transport whilst not being anti-private car.

Kent Design - A guide to sustainable development

- 7.51 The guide is published by the Kent Association of Local Authorities and has been adopted as supplementary planning guidance and is a material planning consideration in the determination of planning applications.

National and Regional Planning Guidance

- 7.52 National planning policy and guidance is set out in the Government's Planning Policy Statements (PPSs) and the older Planning Policy Guidance Notes (PPGs). Regional guidance is contained within Planning Guidance Notes (RPGs). They represent material considerations for all planning applications.

RPG9 Regional Planning Guidance for the South East

- 7.53 This sets out Government policy for the South East, establishing a framework for the region's development and giving advice on the economy, the environment and land use, housing and transport.

RPG9a The Thames Gateway Planning Framework

- 7.54 In June 1995 the Government published the Thames Gateway Planning Framework. This is a supplement to RPG9 and identifies the Thames Gateway as a major potential focus for growth and development, as part of an overall shift of emphasis from the west of the South East Region to the east. The Planning Framework contained within RPG9a is sub-Regional Planning Guidance, which provides a strategic framework for regeneration of the Thames Gateway, including parts of North Kent and Medway.

PPS1 - Delivering Sustainable Development

- 7.55 This guidance sets out the overarching planning policies on the delivery of sustainable development through the planning system. The policies complement but do not replace or override other national planning policies. PPS1 provides advice on the importance of design in the consideration of planning applications and also advises on land use and transport matters. PPS1 urges planning authorities to integrate transport and land use policies in ways which help to reduce growth in the length and number of motorised journeys and to reduce reliance on the private car in order to achieve sustainable patterns of development.

PPG3 - Housing

- 7.56 PPG3 establishes the Government's objectives for housing and advises that sustainable development is to be achieved through concentrating the majority of additional housing development within urban areas, making efficient use of land and incorporating a mix of uses. PPG3 also sets broad guidelines for the provision of affordable housing, placing the emphasis on creating mixed, balanced and integrated communities.
- 7.57 A recent update to the Guidance advises Local Planning Authorities to consider favourably planning applications for housing or mixed use

developments which concern redundant land or buildings in industrial or commercial use, but which are no longer needed for such use.

PPG4 - Industrial and Commercial Development and Small Firms

- 7.58 PPG4 reiterates other guidance by highlighting the contribution that mixed uses can have in achieving sustainable development and the importance of re-using urban land. This guidance also emphasises the need for development to take account of the locational demands of business.

PPS6 – Planning for Town Centres

- 7.59 PPS6 - Sets out the Government's Key objectives for town centres which is to promote their vitality and viability by planning for the growth and development of existing centres and promoting and enhancing existing centres by focusing development in such centres and also encouraging a wide range of services in a good environment, accessible to all. In order to deliver the objective of promoting vital and viable town centres, development should be focused in existing centres in order to strengthen and, where appropriate, regenerate them. Local Planning authorities should:

- actively promote growth and manage change in town centres;
- define a network and hierarchy of centres each performing their appropriate role to meet the needs of their catchments; and
- adopt a proactive , plan led approach to planning for town centres, through regional and local planning.

PPG9 - Nature Conservation

- 7.60 PPG9 sets out the Government's commitment to sustainable development and to conserving the diversity of wildlife. This guidance also provides advice on the policies and principles that apply to the integration of nature priorities and land use planning.

PPG10 - Waste Management

- 7.61 PPG10 provides guidance on the disposal of waste and the siting of waste management facilities.

PPG13 - Transport

- 7.62 PPG13 promotes more sustainable transport choices for both people and freight, by encouraging accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and reducing the need to travel, especially by car. PPG13 also suggests that local authorities should relate major travel generating development more closely to public transport and town centres and ensure such

development is accessible by a choice of sustainable transport modes. Day to day facilities should be located in local centres to be accessible by walking and cycling. Parking policies should be used to reduce reliance on the car and promote sustainable transport. Priority should be given to people over traffic movement in town centres, residential and mixed use areas, by reallocating road space where appropriate. Sites should be protected where appropriate for future transport use.

PPG14 - Development on Unstable Land

- 7.63 PPG14 aims to ensure that any development is appropriate and that the physical constraints on the land are taken into account.

PPG 15 - Historic Environment

- 7.64 PPG15 provides a full statement of Government guidance for the identification and protection of historic buildings, Conservation Areas and other elements of the historic environment.

PPG16 - Archaeology and Planning

- 7.65 PPG16 provides guidance on the handling of archaeological remains including the weight to be given to them in planning decisions and the use of planning conditions. The desirability of preserving archaeological remains is a material planning consideration and there is a presumption in favour of the physical preservation in situ of nationally important archaeological remains.

PPG17 - Sport and Recreation

- 7.66 PPG17 provides guidance on assessing opportunities and the need for sport and recreation provision and safeguarding open space with recreational value.

PPS22 - Renewable Energy

- 7.67 PPS22 has replaced PPG22 and sets out the Government's planning policies for renewable energy which local planning authorities should have regard to when taking planning decisions.

PPS23 - Planning and Pollution Control

- 7.68 PPS23 has replaced PPG23 and states that the planning and pollution control systems are separate but complementary. The planning system should focus on whether development itself is an acceptable use of the land, and the impacts of those uses, rather than the control of processes or emissions themselves. Planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. They should act to complement but not seek to duplicate it.

- 7.69 PPS23 recognises that central to the achievement of the Government's objective of ensuring sustainable development is urban and rural regeneration and the redevelopment of previously developed sites. A balanced approach is required which addresses the risk of pollution, whilst recognising the benefits of recycling previously developed land and the damage to community and business confidence caused by failing to remediate contaminated land. Where land is affected by contamination, development can provide an opportunity to address the problem for the benefit of the wider community and bringing the land back into beneficial use.

PPG24 Planning and Noise

- 7.70 PPG24 sets out the Government's advice on how to minimize the impact of noise on new development. It recognizes that in some instances that it will be hard to reconcile some land uses and that where possible noise sensitive developments should be separated from major noise sources. Housing, hospitals and schools are generally considered noise sensitive developments and consideration should be given to whether proposals for new noise sensitive developments are incompatible with existing activities. Measures can be introduced to control the source of, or limit the exposure to noise and such measures should be proportionate and reasonable.

PPG25 Development and the Flood Risk

- 7.71 PPG25 aims to ensure that flood risk is taken into account to reduce the risk of flooding and flood damage. The susceptibility of land to flooding is a material planning consideration.

3) Policy Context – Site specific considerations

- 7.72 The application site consists of previously developed land that was originally saltmarsh and then first developed in approximately 1830 with the construction of a gas works. The creation of wharves along Bridge Reach and Limehouse Reach followed establishing the site as an industrial and dockland area. The character of the site is industrial and the site has accommodated a wide variety of industrial, commercial and water related uses. These uses have declined or ceased operation. Remnants of industrial and commercial activities remain, along with areas of derelict and underused land.
- 7.73 The site forms an important part of the Medway Waterfront and forms a crucial element of the Thames Gateway Strategy having been identified as a major regeneration opportunity. The following planning policies and guidance are considered relevant to the proposed redevelopment of the site.

Medway Local Plan and Rochester Riverside Development Brief

7.74 The Medway Local Plan identifies strategic locations that are of a scale warranting consideration as strategic allocations. Policy S7 relates to the Rochester Riverside Action Area and states:

“The area of the Medway riverside north of Corporation Street, Rochester between Rochester Bridge and Doust Way, as defined on the proposals map, is designated as an Action Area.

The comprehensive regeneration of this area, over the next ten years, will be sought in accordance with a development brief approved by the council. Features which the Action Area is expected to provide include:

The development of approximately 1500-1800 dwellings including affordable housing, of which 300 to be completed by 2006.

The provision of areas of open space and a riverside walk.

A new river wall and reclamation in locations between the Shiplink site and Doust Way.

The reservation of a site for a new primary school and the construction of other community facilities.

The creation of new leisure facilities and a hotel.

Appropriate small-scale employment uses in use Classes B1 and B2.

All new development will be expected to comply with the following principles:

(i) comprehensive mixed-use redevelopment to maximise the potential for securing the regeneration of the whole action area and its vicinity;

(ii) a high standard of urban design and landscape, establishing it as a new quarter of the urban area;

(iii) high quality mixed developments, appropriate to the location of this area close to both the riverside and historic Rochester;

(iv) the provision of good pedestrian and cycle links within the site and to historic Rochester and to the public transport network, including Rochester Railway Station.

An ecological and hydrological appraisal of the impact of any development proposals will be required, particularly in relation to the construction of a new river wall on the mudflats and inter-tidal areas.”

7.75 The Rochester Riverside Development Brief develops upon Policy S7 and states:

“In particular, a future masterplan for the site is to incorporate the following elements:

a mix of residential dwellings of which a proportion should be affordable (the provision of affordable housing should be in accordance with current adopted local planning policy);

parking in accordance with adopted standards in the Medway Local Plan . This should also include adequate parking either on site or close to the development for non–residential uses;

a 4 star hotel with conference facilities;

2 form entry primary school;

a small scale food store that services the convenience needs of residents created by the new development;

an appropriate level of non–residential commercial uses including the Castlevew Business estate where units 7-28 are to remain;

public art;

community facilities;

continuous river walk/cycleway;

publicly accessible open space (including the riverwalk/cycleway and high quality public realm creating a destination in its own right) to meet the needs of residents, workers and visitors;

natural open space (including a mix of inter tidal habitat and terrestrial habitat in the form of trees, scrub and naturally managed grassland for the benefit of wildlife and people);

a river wall 6.1m Above Ordnance Datum at Newlyn and designed in accordance with Environment Agency standards and PPG24;

a new entrance to Rochester Station from the development;

measures to integrate the development with Rochester High Street (eg overcoming the severance caused by Corporation Street and the railway);

new piers/landing stages;

the replacement and retention of the following facilities:

an 18 space coach park with driver/visitor facilities:
370 public parking spaces within or adjacent to the development; and
a market site.”

- 7.76 Local Plan Policy T10 seeks to protect the operation of the following wharves:

Halling
Frindsbury Peninsula
Kingsnorth
Cliffe
Grain

- 7.77 The policy states that the Council will not protect wharves that are poorly served by good quality roads, such as those between Rochester Bridge and Chatham Town Centre. This area includes all the wharves within the Rochester Riverside site.

Medway Waterfront Renaissance Strategy

- 7.78 For Rochester Riverside the following role is set:

“Rochester Riverside offers a genuine opportunity to create a new riverside community at the heart of the waterfront that complements Historic Rochester and opens up a significant length of the river frontage to public access”

Kent Structure Plan 1996

- 7.79 Kent Structure Plan Policy NK2 relates specifically to Medway and states:

“At the Medway Towns it is strategic policy to promote development through the reinvestment in the urban fabric including redevelopment and recycling of under-used land and derelict land within the urban framework, with a focus on the riverside areas”

- 7.80 The Structure Plan, in the preamble to Policy P10 identifies that there are a number of small ports and wharves in Kent notably on the Medway at Rochester and Chatham. It states:

“It is possible that over time some existing small ports and wharves may cease to function and become available for redevelopment. These are likely to be located within urban areas in north Kent, and there could be environmental advantages arising from their redevelopment with alternative uses, through the removal of heavy traffic from the heart of the urban areas and the possibility of environmental improvement along the river frontages.”

Kent and Medway Structure Plan (Deposit Version) 2003

7.81 The emerging Structure Plan has revised Policy NK2 and states:

“Proposals to regenerate Medway should focus upon the Medway Waterfront including central Chatham, Rochester Riverside and at Strood.”

This policy further states that:

“Urban renaissance will be accelerated particularly through the regeneration of the Medway Waterfront and through the renewal of poor quality housing. Medway Waterfront is a series of large-scale inter-linked brownfield development sites along the River Medway. It includes Chatham Centre and Waterfront and the adjacent Rochester Riverside and Chatham Maritime.”

7.82 Policy M4 of the emerging Structure Plan addresses the provision and safeguarding of marine wharves and rail depots and states:

“Existing marine wharves and rail depots which receive and process minerals will be protected generally from development that would inhibit their continued operation or potential expansion.Wharves on the Thames and Medway will be subject of study and potential rationalisation in accordance with Policy TP22”.

7.83 Policy TP22 sets out a strategy for Kent and Medway’s Ports and states:

“On the Thames and Medway in North Kent, key deep water wharves will be retained and a programme of investment in modern facilities, rail access and good highway linkages will be pursued. A programme of rationalisation of the wharves will be carried forward as part of the Thames Gateway initiative”.

7.84 The emerging Structure Plan also provides policy guidance on minerals and waste disposal issues. Policy WM6 seeks to ensure an appropriate provision of strategic waste management facilities across the County to meet local and regional needs. The Policy states that:

“Wherever practicable facilities should be located to enable the use of rail and/or water based transport”.

7.85 In relation to mineral resources one of the key issues identified is the need to “maintain sufficient capacity for the importation of minerals” since geological and environmental constraints mean that approximately two thirds of primary aggregates are supplied by rail and wharf facilities (2001 figures)”.

Kent Waste Local Plan

- 7.86 The Kent Waste Local Plan contains three policies that are relevant to the Rochester Riverside site.
- 7.87 Policy W7 identifies Blue Boar Wharf as one of 17 sites in the County that are considered suitable in principle for proposals to prepare Category A Waste (inert) for re-use. Proposals at other sites will be considered against a set of specified criteria. It should be noted that this designation reflects the fact that the allocated site was previously occupied as a waste transfer station by Skipaway, who have subsequently relocated to a new site on Medway City Estate.
- 7.88 Policy W8 supports the reuse of spoil from within construction projects within the project itself. This is particularly relevant to works that would involve preparation for development, site landscaping and land restoration.
- 7.89 Policy W8A deals with the disposal of dredgings from rivers, creeks, ports and mooring facilities. The policy states:
- “... Medway Ports Ltd. currently disposes of about 53,000 m³ of maintenance dredgings each year. Disposal sites include Rushenden Marshes at Queenborough, Hoo Island and Barksore Marshes, which is within the Medway Marshes SSSI and SPA.”
- 7.90 Policy W8A sets an order of priority for disposal of necessary dredged material. The policy focuses on the need to minimise dredging, to retain dredgings within the inter-tidal system, the use of dredging as a soil medium, landfill cover or building aggregate, and disposal in dedicated landfill sites, in that order of priority.
- 7.91 Policy W9 identifies Blue Boar Wharf as one of 21 sites in Kent considered suitable in principle for proposals for waste separation and transfer, including household waste (categories B&C). Proposals at other sites will be considered against a set of specified criteria. It should be noted that this designation reflects the fact that the allocated site was previously occupied as a waste transfer station by Skipaway, who have subsequently relocated to a new site on Medway City Estate.

Regional and National Guidance

- 7.92 RPG9 promotes a more sustainable pattern of development. The focus is on enabling urban renaissance, promoting regeneration and renewal, concentrating development in urban areas and promoting wider choice in travel options, thereby reducing the reliance on the private car.
- 7.93 The guidance also recognises the Medway Ports collectively as a regionally significant port. It states that Development Plans should

protect ports as considered necessary at a local level. RPG9 also advises that Local Transport Plans should include policies that:

“safeguard wharves, depots and other sites that are, or could be critical in developing the capability of the transport system to move freight, particularly by rail or water”

- 7.94 The Thames Gateway Strategy, as set out in RPG9a specifically recognises Rochester waterfront as a significant opportunity “...for high quality housing and business developments.” This guidance also recognises the importance of the Medway Towns’ historic heritage. In particular, “Rochester Castle, the Cathedral precinct and the High Street combine to provide a historic townscape of national importance and the guidance comments that this historic environment is to be fostered and protected and future regeneration opportunities are to be brought forward without conflicting with the natural and built heritage. RPG9a further states:

“There is scope to improve the relationship between the historic heritage of the Medway Towns and the potential for development. One example, the importance of an effective link between Rochester Waterfront and the historic core of the town.”

- 7.95 The Thames Gateway strategy is also recognised as a national planning priority in the Sustainable Communities Plan. This non-statutory Action Programme identifies the Medway Waterfront as a strategic zone of change within the Thames Gateway and government has allocated significant funding for the regeneration of Chatham Centre and Waterfront and Rochester Riverside, together with major transport infrastructure and further education improvements. The government has also set ambitious targets for housing and job growth in Medway with a potential capacity for 16,000 homes and 23,000 additional jobs.

- 7.96 PPG3 relates to housing and a recent update encourages local planning authorities to consider favourably housing or mixed use developments which concern land allocated for industrial or commercial use in saved Local Plan policies and development plan documents or redundant land or buildings in industrial use or commercial use, but which are no longer needed for such use.

- 7.97 PPG4 provides guidance on industrial, commercial development and small firms. It advises that Development Plans should give industrial and commercial developers and local communities greater certainty about the types of development that will or will not be permitted in a given location. In relation to the objective of reducing the need to travel and encouraging development in areas that can be served by more efficient modes of transport such as water, Local Planning Authorities should identify potential sites on sites adjacent to existing infrastructure. The guidance specifically advises:

“Where land for such development opportunities is scarce, planning authorities may indicate that they will give preference to proposals from industrial and commercial users who would benefit from efficient rail or water services rather than for retail or housing proposals which could be located elsewhere. Such policies need to be approached with flexibility and care. Their purpose is to maximise the potential use of transport infrastructure other than roads. But such an objective would not justify protecting such sites from alternative development if there was no realistic prospect of redevelopment for industrial or commercial purposes in the foreseeable future.”

- 7.98 According to the guidance the fact that an activity differs from the predominant land use in a locality should not be sufficient reason in itself for refusing planning permission. The guidance however further advises that:

“Planning authorities should consider carefully whether particular proposals for new development may be incompatible with existing industrial and commercial activities. The juxtaposition of incompatible uses can cause problems for the occupiers both of the new and of the existing development. For example, where residential development is proposed in the vicinity of existing industrial uses, the expectations of the residents may exceed the standards applied by the planning authority, and may give rise to pressure to curtail the industrial use. This may be a particularly acute problem where other legislation, such as that relating to environmental pollution or public health, might subsequently result in costly new conditions or restrictions being imposed on the industry as a consequence of the new neighbouring development.”

- 7.99 PPG13 relates to Transport and in relation to ports and shipping states Local Planning Authorities should:

“ aim to promote the role of ports in sustainable distribution, by encouraging good access by rail, shipping and waterways as well as road where possible, and by promoting interchange facilities and wharves and harbours where viable. “

“encourage full use of existing facilities, and ensure rigorous appraisal of new facilities or expansion with new land take. Developments which are incompatible with any nearby port operations should be avoided. For sites no longer required for port uses, including sites formerly used as port rail yards, local authorities and developers should in the first instance consider sustainable transport uses and then uses which will promote regeneration.”

Assessment of the submitted application within the context of Development Plan, National and Regional Policy

- 7.100 In land use terms the application is considered to comply with the specific guidance on Rochester Riverside contained in RPG9a, the Medway Local Plan and the Development Brief for this site. The application is also considered consistent with current national, regional and sub regional planning guidance for the Thames Gateway.
- 7.101 The Kent Waste Local Plan however identifies Blue Boar Wharf as a location suitable for proposals to prepare Category A waste and for the separation and transfer of Category B and C waste. Skipaway previously occupied the site but re located to Medway City Estate in the late 1990s and Rochester City Council acquired the former waste transfer station site in 1997. The use of the wharf for waste handling purposes would not be possible if the Rochester Riverside proposal was implemented. This is contrary to Policy W9 of the Kent Waste Local Plan. On this basis the application has been treated as departure from the Kent Waste Local Plan.
- 7.102 The adopted Waste Local Plan is an aging Local Plan and Medway Council will be preparing a new Waste Development Document in the near future. The designation of the site as an Action Area in the adopted Medway Local Plan to facilitate comprehensive and sustainable regeneration is therefore considered to take precedence over Policies W7 and W9 of the adopted Waste Local Plan.
- 7.103 The comprehensive redevelopment of Rochester Riverside will also result in the loss of wharves. Both national and regional planning guidance emphasise the role that viable and appropriately located wharves have in providing a real alternative to land transport. The loss of the wharves also raises a possible policy conflict with emerging Structure Plan objectives to safeguard marine aggregate wharves. There are a number of wharves along the River Medway that are still in operation or are capable of use. The wharves enable goods to be transported by river thereby helping to reduce the number of freight road journeys.
- 7.104 Mindful of the advice in PPG13, where wharves are well related to the primary road network or the end user of goods transported by river, Medway Local Plan Policy T10 states planning permission will be refused for development that would result in the loss of such wharves or access to them. Rochester Riverside as a location for wharves is considered to be heavily constrained by the presence of the elevated North Kent Rail Line [which results in vehicular access to the site being derived via archways], the relatively poor junctions onto the A2 and the restricted capacity of the A2. The road/rail transport links to Rochester Riverside are therefore considered inadequate to allow goods to be brought in and out of the site in an acceptable manner having regard to modern day requirements. On this basis wharves within Rochester

Riverside are not subject to the specific protection given to other wharves along the Medway under Local Plan Policy T10. Furthermore the reasoned justification to Policy T10 identifies wharves between Rochester Bridge and Chatham Town Centre as wharves that are poorly served by good quality roads.

7.105 Policy ED9 of the adopted Local Plan specifically supports the expansion of Chatham Docks. The reasoned justification at paragraph 4.5.22 states:

“...additional facilities will provide capacity for relocated wharf operations displaced elsewhere along the river”. In this context the Local Plan specifically refers to Rochester Riverside. Paragraph 8.2.18 of the Local Plan states that the expansion of Chatham Docks would allow “wharfage at Rochester Riverside to be released.”

7.106 Policy TP22 of the emerging Structure Plans specifically refers to the need for rationalisation and restructuring of wharves on the River Medway. The reasoned justification to Policy TP22 states:

“...Redevelopment for other uses at ports and smaller wharves where port operations are no longer viable or where transport access is inadequate carried out in partnership with port owners and local authorities”

7.107 Representations have been received to the effect that the application proposals conflict with RPG9 which points to a mixed employment and residential use for this site and that the proposal is contrary to national and regional ports policies in that the proposal not only eliminates the heart of the port of Rochester but puts the remaining wharves at risk. In these representations it is submitted that the use of Rochester Riverside for wharfage and industry would stimulate the local economy whereas the elimination of employment potential is unsustainable and will have substantial transport implications for the region beyond Medway as it will substantially increase HGV usage within the south east.

7.108 The wharves on the Rochester Riverside site have poor transport links and have not been included in the list of wharves that Local Plan Policy T10 seeks to protect. Their loss along with expansion of Chatham Docks is considered to consistent with the rationalisation of wharves proposed by Policy TP22 of the emerging Structure Plan. In this respect the redevelopment of the Rochester Riverside site is not considered to be contrary to national and regional guidance relating to wharves and transport by water.

7.109 Overall this application is considered an important step forward in bringing this area of riverside back into productive use. It would also help to achieve the wider regeneration objectives for the Medway Waterfront and the Thames Gateway. It is the culmination of many

years activity to regenerate this site and there is strong policy support for the regeneration of this site.

4) Housing

7.110 For the period of the Local Plan up to 2006, Policy H1 allocates sites for housing development. Each site has an indicative capacity that reflects the Council's initial assessment of the site. The initial allocation for Rochester Riverside is 300 units but the policy acknowledges that the overall housing provision will be higher than the 300 dwellings because the remaining units will come forward beyond the end of the plan period. The redevelopment of this site as well as contributing to meeting the Local Plan requirement for new housing per se, will also be consistent with the proposed target of 80% of new housing occurring on previously developed land, as set out in Policy HP3 of the emerging Structure Plan.

7.111 Policy H3 of the Local Plan sets out a requirement for 25% of the new housing within the Rochester Riverside site to be affordable housing. The Development Brief also states that the provision of affordable housing should be in accordance with the current adopted Local Plan policy.

7.112 Government guidance also recognises the importance of the provision of affordable housing. Circular 6/98 (Planning and Affordable Housing) advises that a community's need for affordable housing is a material planning consideration and gives advice on seeking the provision of affordable housing.

7.113 The application proposes 25% affordable housing. A proportion of affordable housing will be provided during each phase of development and will be pepper potted throughout the site. This level of provision is in accordance with Policy H3 of the Local Plan and is in accordance with the Government's objectives for affordable housing provision. The provision of affordable housing should be secured through a Section 106 Agreement accompanying any planning permission for the proposed development.

5) Other Proposed Uses

7.114 In accordance with Policy S7 of the Local Plan and the Development Brief the submitted application is for a mixed use development. As well as the residential use, the application proposes a range of other complimentary uses and facilities to meet the needs of the occupiers of the development and the immediate area. These include small scale employment uses including some live/work units, retail and food and drink uses to serve the local community, supporting community uses including a two form entry primary school, and leisure facilities including two hotels.

Employment

7.115 Within the Rochester Riverside area most of the existing employment sites will be replaced, the exceptions being the Castle View Business Centre, the Acorn Shipyard and the land occupied by the PB Group and it is noted that these sites have been excluded from the current application. The application proposes 12,000m² of Business (Class B1) floorspace and 3,600m² of employment generating space within 12 live work units. Local Plan Policy ED2 relates specifically to employment within strategically designated action areas and paragraph ii) promotes development for B1 purposes.

Food and Drink

7.116 The application proposes 7,800m² of retail and food and drink floorspace (Classes A1, A3, A4 and A5). The applicant's agent has confirmed that the 7,800m² will comprise predominantly food and drink uses (Classes A3 to A5) to serve residents, workers and visitors and that it is not proposed that the retail floorspace will amount to more than 2,500m². Given the level of Class A1 retail floorspace proposed a Retail Impact Assessment does not have to accompany this planning application.

7.117 Adopted Local Plan Policy R9 relates to retail provision in new residential developments. It identifies Rochester Riverside as a major residential development where local shopping facilities falling within Use Classes A1 to A5 at a small scale, appropriate to meet the daily needs of residents, workers and visitors are to be provided. The application, by providing uses within Classes A1, A3, A4 and A5, accords with Policy R9 of the adopted Local Plan. In this respect the application is also considered to comply with PPS6, which seeks to ensure the availability of a range of shopping opportunities to which people have easy access.

Leisure and Tourism

7.118 The application proposes the provision of two hotels and associated facilities. One of these hotels will be a 4 star facility, while the other will be a budget facility. The proposed hotels will have a combined maximum floorspace of 19,000m². Adopted Local Plan Policy ED13 relates to the provision of hotels and identifies the Rochester Riverside Action area as a site where the development of hotels and associated facilities will be permitted. The Development Brief provides further detail and indicates that the opportunity exists for a high quality 4 star hotel with a conference centre. The two hotels proposed are considered to accord with Policy ED13 and the Development Brief.

7.119 The Development Brief and adopted Local Plan Policies ED12 and L2 also indicate that the development of new tourist attractions and leisure facilities may be suitable for the Rochester Riverside site. It is

considered that the application complies with the Development Brief and the Local Plan policies in that there is strong potential for attracting tourists to this site. In particular a number of food and drink facilities, two new hotels and a number of attractive open spaces are proposed. There is also a major waterfront square that could accommodate performance space and an area for displays and exhibitions.

School and Community Facilities

- 7.120 The existing schools in North Rochester are close to, or at, capacity. New housing development particularly at Rochester Riverside will create further demand for school places. In recognition of this adopted Local Plan Policy CF6 states that land within the Rochester Riverside site is to be allocated for the provision of a new primary school. The Development Brief expands upon this requirement by stating that a 2 form entry primary school should be included on the site. The masterplan submitted with the current planning application includes the provision of a two form entry primary school and a nursery of 3000m² along with an associated play area and a publicly shared all weather pitch.
- 7.121 The provision of the school to meet the educational demands of the development is welcomed. Current central government thinking is promoting the concept of extended schools and schools that are at the heart of the community providing integrated services for young children and their families. Although the final location, design, height, massing and external appearance of the school will be considered at a future date, it is expected that the new school will also provide associated community facilities. It is considered that the provision of the school should be secured by a Section 106 obligation accompanying any forthcoming planning permission for the proposed development.
- 7.122 As well as the school a further 6,000m² of community facility floorspace is proposed to meet the needs of the residents and workers. The precise mix of community facilities however will not be determined until detailed proposals for the site are submitted. Nevertheless the provision of community facilities floorspace at the outline stage is in accordance with the Development Brief and Local Plan Policy CF2 and it is considered that the provision of these additional community facilities should be secured by a Section 106 obligation.

Health Facilities

- 7.123 The Primary Care Trust have identified that the completed development will place extra demands on health services that cannot be met by current facilities within the vicinity of the application site. To meet this demand the Primary Care Trust have advised that a new health facility is needed. This facility will be secured by a Section 106 obligation.

6) Residential Density

7.124 Policy S7 of the adopted Local Plan and the Development Brief for Rochester Riverside envisage that approximately 1,500 to 1,800 dwellings should be developed on this site. The submitted application does not specify a precise number of dwellings, however the ES accompanying this planning application assesses impacts in the context of up to 2,000 dwellings being provided within the site. It is considered that the provision of up to 2000 dwellings would be justifiable, if the proposal is acceptable in the context of other material planning considerations. National, regional and local planning policy recognises the importance of facilitating the optimum use of land. PPG 3 provides guidance upon making the best use of land and advises:

"... local planning authorities should therefore examine critically the standards they apply to new development, particularly with regard to roads, layouts and car parking, to avoid the profligate use of land. Policies which place unduly restricted ceilings on the amount of housing that can be accommodated on a site, irrespective of its site location and the type of housing envisaged or the type of households likely to occupy the housing, should be avoided.", and

"local planning authorities should therefore:

avoid developments which make inefficient use of land (those of less than 30 dwellings per hectare);

encourage housing development which makes more efficient use of land (between 30 and 50 dwellings per hectare); and

seek greater intensity of development at places with good public transport accessibility such as city, town, district and local centres or around major nodes along good quality public transport corridors."

7.125 The Government's publication "Sustainable Communities" recognises the importance of facilitating the optimum use of land and it seeks to ensure that land is not used in a profligate way by encouraging large housing sites to be developed at a density of more than 30 dwellings per hectare.

7.126 RPG9a, which provides specific guidance for the Thames Gateway sub-region, similarly encourages a sustainable form of development, optimising the use of existing and proposed infrastructure and making the fullest use of the many vacant, derelict and underused sites.

7.127 Policy QL5 of the emerging Structure Plan relates to quality and the density of development. It states that:

“In appropriate locations and in conjunction with the delivery of high quality development, new development will be subject to average net densities as follows:

“30 dwellings per hectare for residential use;
50 dwellings per hectare for residential use in central urban areas or close to major public transport nodes;”.

- 7.128 Policy H5 of the adopted Local Plan similarly seeks to prevent low density housing proposals. This is in line with national and regional guidance. National, regional and local policy therefore all recognise the importance of facilitating the optimum use of land.
- 7.129 The application proposes the provision of up to 170,000m² of residential floorspace, with upto a maximum of 2,000 dwellings. The density for a 2,000 dwelling scheme, amounts to 112 dwellings per hectare. This calculation is based on the net site density, which PPG3 encourages local planning authorities to adopt. The net site density is a more refined estimate than the gross site density and includes only those areas that will be developed for housing and directly associated uses. It therefore excludes major distributor roads, primary schools, open spaces serving a wider area and significant landscape buffer strips.
- 7.130 At a density of between 30 and 50 dwellings per hectare it is normally possible to anticipate an acceptable form of development that should be capable of relating to its neighbours without any harmful impact. On most sites, at this level of density, family and non-family housing can be provided with adequate internal and external space and acceptable levels of sunlighting, daylighting and privacy. Density standards however have always been treated as guidance, they should not and cannot be rigidly applied, as it is the effect of high density that can give rise to harm not density per se. Higher densities need not lead to overcrowding. Density deals with the number of dwellings or people per hectare whereas overcrowding deals with the number of people per habitable room.
- 7.131 The importance of making the best use of urban land and ensuring that sites are developed to their full potential in accordance with national and regional guidance is recognised. The Local Plan however makes it clear that a high density development must meet a high standard of both design and quality if it is to make a positive contribution to the appearance of the area.
- 7.132 Kent Design promotes sustainability and good design. In recognition of the fact that higher densities can be acceptable if well designed and in order to promote more sustainable development Kent Design refers to the ‘Urban Villages’ movement, which offers a valuable guide to high density living through the concept of close grained self sufficient and localised communities. Its main recommendations include:

compactness;
mix of uses and dwelling types;
range of employment, leisure and community facilities;
high standards of urban design;
access to public open space and green places; and
ready access to public transport to reduce pressure on land for parking requirements.

7.133 The Rochester Riverside Development Brief states it is important to establish the right scale, form and density of development. It identifies the following key urban form and density principles:

7.134 Building heights to range between 2 and 8 storeys with the highest blocks overlooking the river. Building height should reflect use, location and existing landscape markers. It is essential that schemes coming forward maintain and allow quality views of Rochester Castle and Cathedral and demonstrate their impact on the surrounding skyline.

- Integrating with historic Rochester, the urban form should respond to the historic built patterns of Rochester. Proposals should connect the site with the historic fabric of Rochester City Centre through complementary siting, design and layout of the built form. Rochester Riverside is to contain uses that act as attractions that draw people into the site and thus improve its integration with Rochester High Street.
- In order to respect the wider area, development should not impact negatively on the wider area and should contribute to the enhancement of Medway.
- Human scale and active frontages, buildings are to be designed at a human scale and provide active ground floor uses and front onto and overlook public spaces.
- Establish appropriate levels of density and scale, the development density should create vibrancy and be at a level that creates a population of a size to make a diversity of uses viable, recognisable urban character and is in accordance with national and local planning policy. Density should not impact negatively on the existing urban grain of Rochester and the Star Hill Pier Conservation Area.
- Develop landmark and gateway structures, landmark/gateway buildings/structures and gateways should be developed to signify entry into the site and into Rochester City Centre. Landmark buildings will also be used to frame distinct views into and from the site.

- 7.135 This is an outline application with matters of siting, design, external appearance and landscaping being reserved for future consideration. Nevertheless the supporting documentation, the submitted parameter plans and in particular, the indicative masterplan do make it possible to evaluate the design principles inherent in the scheme in the context of the overall residential density and the other built development associated with the scheme.
- 7.136 The application masterplan proposes a mixed use urban development. As well as the residential use, the application proposes a range of other complimentary uses and facilities. These include supporting community uses. The mix and disposition of uses on the site with facilities for work, leisure and for the community reduces the need for travel. It results in a compact scheme with on site facilities to meet the demands of the development with a good likelihood of increasing the sense of locality and community.
- 7.137 The application also proposes a range of open space. A publicly accessible riverside walk has been routed to minimise the impact on ecology, nature conservation and the landscape. Urban squares and parks and landscaped buffer zones are also proposed that should contribute positively to the attractiveness and vitality of the area.
- 7.138 Currently there are five vehicular accesses into the site, which are to be retained and improved. Within the site itself, the masterplan shows two main north south routes that will link to the four access points. These main routes will be capable of providing bus routes through the site. It is also hoped that a new entrance will be provided on the eastern side of Rochester railway station. This would fully integrate the station with the new development. The application also seeks to integrate the riverside area with the core of Rochester by providing direct and safe pedestrian/cycle routes that will be close to the High Street and the rail station.
- 7.139 The proposal outlined in the application and illustrated on the masterplan is considered to be acceptable in the context of the 'urban village' recommendations within Kent Design. It is also considered that the application site can be developed at a density of 112 units per hectare to a high standard of urban design in a sustainable manner to comply with the more site specific objectives set out in the Development Brief. The proposed density is therefore acceptable and at this density it would be possible to provide a satisfactory living environment for future occupiers. The proposal is also in accordance with national and regional policy that encourages high density mixed use developments that create diversity and vitality.

7) Design

7.140 Government guidance within PPS1 offers advice on the importance of design in the consideration of planning applications and, in particular, it states:

“Good design ensures attractive usable, durable and adaptable places and is a key element in achieving sustainable development. Good design is indivisible from good planning.

Planning authorities should plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.

High quality and inclusive design should be the aim of all those involved in the development process. High quality and inclusive design should create well-mixed and integrated developments which avoid segregation and have well-planned public spaces that bring people together and provide opportunities for physical activity and recreation. It means ensuring a place will function well and add to the overall character and quality of the area, not just for the short term but over the lifetime of the development. This requires carefully planned, high quality buildings and spaces that support the efficient use of resources. Although visual appearance and the architecture of individual buildings are clearly factors in achieving these objectives, securing high quality and inclusive design goes far beyond aesthetic considerations. Good design should:

address the connections between people and places by considering the needs of people to access jobs and key services;
be integrated into the existing urban form and the natural and built environments;
be an integral part of the processes for ensuring successful, safe and inclusive villages, towns and cities;
create an environment where everyone can access and benefit from the full range of opportunities available to members of society; and
consider the direct and indirect impacts on the natural environment.”

7.141 Key objectives should include ensuring that developments: “....

are sustainable, durable and adaptable (including taking account of natural hazards such as flooding) and make efficient and prudent use of resources;
optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of

green and other public space as part of developments) and support local facilities and transport networks;
respond to their local context and create or reinforce local distinctiveness;
create safe and accessible environments where crime and disorder or fear of crime does not undermine quality of life or community cohesion;
address the needs of all in society and are accessible, usable and easy to understand by them; and
are visually attractive as a result of good architecture and appropriate landscaping.”

7.142 RPG9a states development within the region must be sustainable. Within the Thames Gateway it encourages new development to be of the highest quality in its design layout and appearance.

7.143 Structure Plan Policy ENV15, adopted Local Plan Policies S4 and BNE1 and emerging Structure Plan Policies S2 and QL1 all emphasise the importance of achieving a high quality of built design. The Development Brief also sets out key design principles for the Rochester Riverside site. These principles aim to provide the overall physical framework for the development of the area and are the measure against which the application can be assessed. The key aims are:

proposals should develop a complementary mix of uses that respond to the needs of both the proposed and existing communities;
to create a character of completeness, life, spirit, animation and intimacy;
to employ and maintain the highest standards of urban design. Quality design will help ensure that development becomes a positive legacy for Rochester and the Medway area;
to create view corridors that celebrate the extraordinary landscape of historic Rochester and the riverside;
to create a series of interconnected open spaces which provide an attractive environment for a wide range of users;
the creation of an environment that is people friendly and not car dominated;
development that promotes sustainable social, economic and environmental well being; and
a safe and secure environment for all.

7.144 The final appearance, design and layout of the development will be considered when reserved matters are submitted pursuant to any forthcoming outline planning permission for the proposed development. The application however includes enough supporting information to give a good indication of the overall design approach to be adopted in terms of the buildings, streets and public realm. A design statement accompanies the application. The statement refers to the key aims of the development brief for delivering a high quality urban design. The

masterplan along with the relevant parameter plans illustrates how the key aims can be achieved.

- 7.145 It is intended to provide a range of housing encompassing a variety of locations eg waterfront, above retail, or overlooking open space. There will be variety in the unit size plus affordable housing. In addition to the proposed residential accommodation, other uses are proposed which will include business space, retail and food and drink uses, hotel facilities, a school and other supporting community facilities. The current mix of complimentary uses is therefore considered to accord with the Development Brief.
- 7.146 The Development Brief identifies a number of character areas within the site. These areas are: the Northern Gateway, adjacent to Rochester Bridge; the Northern Waterfront; Cathedral View; Central Quarter; the Waterfront; and the Southern Gateway. The Development Brief anticipates that each of the character areas should be developed in a distinctive way reflecting the predominant uses and activity in each area whilst contributing to the overall quality and sense of place. The masterplan shows a hotel, Class A1 and A3 to A5 uses and other commercial uses to be located within the Northern Gateway. These uses will be activity and destination points in their own right whilst a series of residential squares provide a defined residential character.
- 7.147 The next two character areas are Cathedral View and the Central Quarter. Within Cathedral View, the masterplan shows the retention of the Castle View Business Centre along with a series of long terraces that reflect a traditional Victorian street pattern. The intention is also for any development within this area to maximise views of both Rochester cathedral and castle. The main focus of the Central Quarter Area will be the school and other community facilities. Residential accommodation is also proposed and the masterplan shows some of this accommodation in long terraces with other accommodation facing onto the river.
- 7.148 The final two character areas are the Waterfront and the Southern Gateway. The masterplan envisages that the Waterfront area should be the focal point of Rochester Riverside with a variety of activity and destination style uses including A1/A3 to A5 uses and a major waterfront square. It is anticipated that the Waterfront area will also restore historic links between Rochester and the river. The Southern Gateway is the final character area and within this area the intention is that the buildings should compliment the character of the adjoining Conservation Area.
- 7.149 Building heights will range between 2 and 8 storeys and it is proposed that buildings are sited and designed to respond to key view points, in particular to the cathedral and castle. The intention is that the height of the buildings should not exceed the height of the existing gas holders. It is also intended that buildings should have active ground floor uses

and the masterplan layout proposes to strengthen the visual importance of the cathedral and castle by creating distinctive view corridors.

- 7.150 New open space and landscaped areas are to be created and the layout of the masterplan has been designed to provide passive surveillance through overlooking. The design statement recognises that the quality of the open space areas will be a big factor in the overall success of the development and to this end it promotes a high standard of materials and finishes.
- 7.151 The new river walk will play a key role in connecting public open spaces as well as providing access through the site. The masterplan proposes a network of pedestrian and cycle routes as well as public transport access. Private residential parking in accordance with the adopted parking standards is proposed along with a replacement coach park and it is stressed that the development will result in no loss of public car parking. The masterplan also proposes the opening up of the eastern side of Rochester railway station.
- 7.152 The Government is committed to sustainable development and the creation of sustainable communities and this commitment is reflected in the Development Brief. It is considered that the masterplan demonstrates a number of ways in which the development promotes sustainable, social, economic and environmental well being.
- 7.153 The application recognises that safety and security are vital elements in creating successful and welcoming urban developments and environments. Complementary mixes of uses to bring vibrancy and vitality to the area with active ground floor uses are proposed. The intention is for principal entrances and windows to front onto streets and public open space. All surface car parking is to be overlooked and the intention is for the multi storey park to be of high design quality. Compliance with detailed “Secured by Design” requirements is a matter for assessment at the detailed design stage, but in general terms a safe and secure environment is proposed.
- 7.154 In urban design terms it is considered that this site can be developed in a manner that will meet the objectives of the Development Brief as well as the wider objectives for good design set out in the adopted Local Plan (Policy BNE1), the Structure Plan (Policy ENV15), and national and regional guidance. To reinforce and ensure the quality of the Rochester Riverside development, the Development Brief states design guidance and design codes will need to be drafted. It is considered that this material will be important in guiding developers towards providing high quality schemes that confirm and compliment the overall proposals for Rochester Riverside. To this end it is recommended that conditions are imposed upon any planning permission requiring the submission of detailed design codes for the development as a whole and for each individual element.

8) Conservation Areas and Historic Environment

Conservation Areas

7.155 A small area to the south of the application site lies within the Star Hill to Sun Pier Conservation Area. Star Hill to Sun Pier presents a series of challenges and opportunities. The Blue Boar Lane car park and the coach dropping off point are within the Rochester City Conservation Area.

7.156 A full statement of Government policies for the identification and protection of historic buildings, conservation areas and other elements of the historic environment is provided in PPG15 "Planning and the Historic Environment". This guidance reiterates the statutory requirement, set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, for local planning authorities to:

"pay special attention to the desirability of preserving or enhancing the character or appearance of any Conservation Area in exercising their development control functions".

7.157 The application proposals also need to be assessed against the relevant Local Plan policies that address development in Conservation Areas and any relevant guidance in the Star Hill to Sun Pier Planning and Design Strategy. It is essential that the development of Rochester Riverside complements the objectives set out in the strategy. The four objectives are to:

reinforce the unique identity and historic character;
produce a vibrant , mixed use place;
celebrate the public realm; and
promote the riverfront.

7.158 The Design Statement provides an overview of the current proposals and how they could respond to the design principles of the Development Brief. In respect of the Conservation Area it states:

".... any development forming part of the Rochester Riverside site that will have an affect on the setting of the Conservation Areas will be designed sensitively and to the highest quality. The detailed design of the development at Doust Way will take account of it's sensitive relationship to the Star Hill to Sun Pier Conservation Area and has already done so in the proposed heights of the development plots"

7.159 The Star Hill to Sun Pier Conservation Area features a number of buildings of historical and architectural interest from a variety of periods ranging from the 16th Century to Georgian and Victorian. The streets are relatively narrow, with built forms creating tight, linear spaces and generally lacking in trees. The public realm features elevated walkways

and flag stone paving. These spaces, forms and materials should influence the character of the buildings and public realm of any new development. The manner in which the development finally addresses these matters is a matter of detailed design and will be considered in the future.

- 7.160 English Heritage has commented on the masterplan proposal for student housing on part of the site of Eason's car park off Doust Way. English Heritage considers that the car park has potentially an important role to play in supporting the commercial activities in the Star Hill to Sun Pier area and as such any development should not result in the loss of this facility to the wider community. Given that the final siting of the buildings within the site are to be considered in the future it is considered that the retention of car parking spaces can be addressed by the imposition of planning conditions.
- 7.161 It is considered that the development overall would make a significant contribution to the regeneration of this part of Rochester. It is also considered that a scheme, built with appropriate and sensitive detailing with buildings of an appropriate mass and siting, will enhance the character and appearance of this part of the riverside and complement the adjoining Conservation Area. These are matters that can be secured by the imposition of appropriate planning conditions

Historic Rochester

- 7.162 The relationship between the proposed development and historic Rochester is an important consideration. The castle and cathedral shape Rochester's skyline and their location have shaped the form of the existing townscape. The successful integration of the Rochester Riverside site will depend on the successful creation of important visual and pedestrian links.
- 7.163 The illustrative masterplan layout in the main has been orientated to give good views of the castle and cathedral through the alignment of streets to allow vistas back to the historic core of Rochester. The important view corridor from Fort Amhurst/Chatham centre/Sun Pier to the cathedral is reflected by the alignment of an avenue on this axis through Blue Boar Lane. However accompanying visualisations illustrating this view show it will in part be blocked by the height of the new development in the vicinity of Blue Boar Lane. A further refinement in the height/mass of the new development at this point would be required to produce a new framed view of the cathedral.
- 7.164 Rochester contains a mixture of predominantly Georgian and Victorian buildings with a good degree of permeability. The masterplan proposes the transformation of the Blue Boar Lane car park area into a market site, the creation of a riverside walk and improvements to entries into the site. It is considered that these aspects will all help to improve the connections between the application site and the surrounding area in

particular the historic fabric of Rochester. The masterplan also proposes landmarks and gateways at key entrances to the site. These will be important in defining Rochester Riverside as a new urban quarter. These will be important in integrating the new development within the application site with central Rochester and it is considered that there is real scope for imaginative design.

9) Archaeology

7.165 The site has a significant history of industrial land uses associated for the most part with the river based activities. It is therefore likely that the site has, or once had, significant potential for undiscovered archaeological remains.

7.166 PPG16 "Archaeology and Planning" sets out the Government's policy on archaeological remains on land and how they should be preserved or recorded. It advises that:

"Archaeological remains should be seen as a finite, and non-renewable resource, in many cases highly fragile and vulnerable to damage and destruction, care must be taken to ensure that archaeological remains are not needlessly or thoughtlessly destroyed".

In situations where planning authorities decide that:

"physical preservation in situ of archaeological remains is not justified in the circumstances of the case and that the development resulting in the destruction of the archaeological remains should proceed then records can be secured by agreements reached between the developer, an archaeologist and the planning authority or by conditions on planning permissions."

7.167 The location of the proposed development adjacent to historic Rochester and the River Medway means there are a number of archaeological issues that need be taken into account. These include:

the presence of a wide range of important buried archaeological remains including deposits of geo-archaeological and palaeo-environmental significance;
buildings, structures and general landscape of industrial archaeological and maritime interest present within the application site;
relationship with the historic town of Rochester; and
opportunities for heritage interpretation within the scheme.

7.168 The planning application is supported by a number of documents that relate to archaeology and of particular significance is the submitted archaeology desktop study. Due to the volume of data and the size of the site the desktop study divides the site into a number of distinct zones. These zones refer to areas with contrasting characteristics and

potential site investigation options. Geographically the zones can be identified as follows:

Zone 1= Covers the north west area of the site. Extends from the railway to the western boundary of Acorn Shipping and runs south to a point opposite Haywards House.

Zone 2= Covers the southern area of the site and extends north to just past Furrells Road

Zone 3= An area in the middle of the site extending from the railway to the river . It includes Limehouse Wharf and Cory's Wharf and extends south to Blue Boar pier.

Zone 4=North east corner of the site and includes the gas holders.

Zone 5= A relatively small area to the north of the site extending from behind the Castle View industrial estate towards the river.

Zone 6= Another small area towards the middle of the site extending from Blue Boar pier down to the northern boundary of Zone 2.

7.169 The following areas of potential are considered worthy of mention:

Roman Urban Potential

In the vicinity of the ancient town walls alongside the Common, Roman material is likely to be preserved in-situ since there is currently no evidence of widespread truncation or modern disturbance in this locality.

Roman and Medieval Potential of the Riverside

A Roman/Saxon Harbour and other wharves maybe associated with a now buried creek or palaeo-channel that linked the historic core of the city with the River Medway. This site offers a key area for potential Roman and Saxon archaeology.

The Post-Medieval Industrial Riverside

Zones 1 and 2 demonstrates clear potential for the survival of structural timber elements of former dockyard and wharves.

Later Medieval and Post-Medieval Potential

Several key archaeological site receptors may be present on the site. In Zone 1 these include the site of a tidal water mill, the site of the Kings Long Warehouse and the site of the 'New church yard' and extra-mural settlement development on the Rochester Market site.

In Zone 2 the dock associated with the site of an 18th century shipyard at Stanley Wharf/Doust Way and waterfront development either side of a now infilled historic creek including an early iron working site at Furrell's Creek may be preserved.

In Zone 3 there are the possible remains of the now in-filled channel between Cory's Wharf and the Rochester Market Site. The site of the post-medieval customs watch house and Higham's Barge Building Yard on Blue Boar Wharf and a former 19th century railway depot were also located in Zone 3.

Zone 4 was the site of an early 19th Century Gasworks. Assessments suggest that survival of archaeological remains may be limited.

- 7.170 The main concern of the County Archaeological Officer is that should important remains that require preservation in situ be discovered there needs to be sufficient flexibility in the development to accommodate any measures that may be necessary.
- 7.171 The outline nature of the application does provide scope for such flexibility. On the basis that there is flexibility to relocate elements of the development if necessary to preserve important archaeological remains, the County Archaeologist has advised that the archaeological mitigation related to the proposed development can be secured through the imposition of planning conditions.

10) Cultural Heritage

- 7.172 There are no Scheduled Ancient Monuments, Listed Buildings, Registered Battlefields, Registered Historic Parks or Gardens, Protected Wreck Sites, Special Areas of Conservation, Heritage Coast or World Heritage Sites designated within the application site. Elements of the Roman and Medieval City Wall however run through or are close to the site.
- 7.173 In the north west corner of the site there are standing remains of the Roman and Medieval City wall alongside the site boundary on the western boundary of the car park at the common. The remains at this point are not listed or scheduled as an ancient monument. The remains have however been identified as being of known national importance by the draft Kent and Medway Supplementary Planning Guidance on Archaeology (SPG3). The guidance relates to 46 towns in Kent and Medway. A plan has been produced for each town providing archaeological response zones based on the known importance of archaeological deposits in that town. Four types of archaeological zone have been identified and Zone 1 relates to areas of known national importance.
- 7.174 Parts of the Roman and medieval walled circuit are adjacent to the application site at the Blue Boar Lane car park. At this location the wall is a Scheduled Ancient Monument (SAM). Any works required within the curtilage of the SAM will require Scheduled Ancient Monument Consent.

7.175 The town quay was located on the north western river side of the site but was destroyed in the mid 19th century. The site of the quay is commemorated by an ornamental plaque dated 1863.

11) River Walk, Public Realm and Open Space

7.176 The River Medway within the vicinity of the application site is currently inaccessible to the public. Policy L11 of the adopted Local Plan and the Development Brief both require a continuous river walk for use by pedestrians and cyclists to be provided as part of the proposed development. The proposed development will create a continuous river walk providing access to the riverfront. The illustrative masterplan shows how this walk will link to Rochester allowing future residents, the existing local community and visitors to take advantage of the riverside. The provision of the river walk is in accordance with Policy L11 and the Development Brief and it is considered that the provision, specification and maintenance of the river walk should be secured by the legal agreement

7.177 The Development Brief states that publicly accessible open space including a high quality public realm and natural open space comprising a mixture of inter-tidal habitat and terrestrial habitat in the form of trees, scrub and naturally managed grassland for the benefit of wildlife and people should be incorporated into any masterplan for the development of this site. The development proposes a range of public open space, which can be categorised as “useable public open space”, “other public open space” and “private open space”.

7.178 The useable public open space proposed consists of the riverwalk, with an overall area of 1.28 hectares (3.16 acres), public parks with an area of 1.6 hectares (3.95 acres), urban squares with an area of 0.85 hectares (2.1 acres), 1.04 hectares (2.6 acres) of school grounds with an all weather sports pitch that is to be accessible to the public outside school hours and a public realm area of 0.175 hectares (0.432 acres) within the market square. The overall total area of useable public open space is 4.95 hectares (12.22 acres).

7.179 The other public open space includes the riverside environmental area of 3.03 hectares (7.5 acres). This area contains inter-tidal habitat consisting of mudflats and saltgrass, both retained and created. There will be green buffer zones between the railway line and the development site. These are to be landscaped areas providing a buffer to the development, which will also have ecological value. The buffer zones have a proposed area of 0.9 hectares (2.2 acres). Finally there will be the market square, which will have an area of 0.525 hectares (1.3 acres). This area will provide parking for the majority of the time but will act as a market square for 2-3 days per week.

7.180 The final category of open space is private open space. This will comprise gardens and courtyard areas providing private space for the

occupiers of the dwellings. An area of 2.7 hectares (6.66 acres) is proposed, equivalent to 13.5m² per unit in a 2,000 dwelling scheme.

7.181 In total the development makes provision for 12.1 hectares (30 acres) of open space. It is considered that such provision will be sufficient to meet the informal open space needs of future occupiers of the redevelopment area and is acceptable in the context of the overall scheme.

7.182 The proposed development with the exception of games areas associated, with the provision of the new school on site, does not include the provision of formal open space (sports pitches/facilities) on site. Policy L4 of the adopted Local Plan requires proposals for new residential development to either make provision for formal open space on site or to make a financial contribution towards the provision of off site facilities in lieu of on-site facilities. Policy L4 provides details on the level of formal open space to be provided and Appendix 3 to the Local Plan sets out the methodology for calculating the demand for formal open space that new development is likely to yield as the basis for calculating an in lieu financial contribution. The dual use of the school all weather pitch by the public outside school hours will meet some of the development's need for formal open space provision and it is recommended that this dual usage is secured by means of the imposition of a planning condition. However because this is an outline application with the dwelling mix not confirmed the exact formal open space requirement cannot be calculated at this stage. It is however likely that the site's formal open space requirement will exceed what can be provided within the school. Accordingly in accordance with provisions of the Policy L4 a contribution towards off site formal open space of £847,044 (this sum being determined on the basis of an estimated population for the completed development factored against multipliers prescribed in the adopted Local Plan), in lieu of full on-site provision arises from the proposed development. It is recommended that this open space contribution is secured by means of a Section 106 obligation.

12) Neighbouring and Future Amenities

7.183 Having regard to the scale of the proposed development, the amenity implications for the amenities of adjoining residential properties as well as prospective occupiers of the development require careful consideration. Policy ENV15, Policy BNE2 of the adopted Local Plan and Policy QL1 of the emerging Structure Plan relate to the protection of amenities for existing and prospective residents. The assessment of this issue is based on all the supporting documentation including the masterplan and the parameter plans.

7.184 The proposed development should not adversely affect the levels of privacy, daylight and sunlight currently enjoyed by nearby and adjacent properties. The quantum of development is central to this assessment

and particular regard is paid to this element in determining whether or not the proposal will adversely affect residential amenities to an unacceptable degree.

- 7.185 Existing residential properties are in the main to the south, south-west, and south-east of the application site. The great majority of the proposed development will be on the other (eastern) side of the railway embankment and some distance away from these properties.
- 7.186 The Kent Design Guide provides guidance on a privacy distance. It recommends a distance of 21 metres between unobstructed windows as being generally acceptable. The width of the railway embankment means that this distance can be achieved.
- 7.187 In relation to possible impacts on the amount of sunlight to existing residential properties within the vicinity of the application site it is important to safeguard access to sunlight both for existing dwellings and for nearby non domestic buildings where there is a particular requirement for sunlight. A loss of sunlight to homes is likely to be noticed and if it is extensive it will usually be resented. The Building Research Establishment's (BRE) Report 1991 'Site layout planning for daylight and sunlight - A guide to good practice' gives advice on site layout planning to achieve and maintain good sunlighting and daylighting to proposed and existing buildings.
- 7.188 Obstruction to sunlight in relation to existing buildings may become an issue if some part of the development is situated within 90 degrees of due south of a main window wall of an existing building and in the section drawn perpendicular to this existing window wall, the new development subtends an angle greater than 25 degree to the horizontal measured from a point 2m above the ground.
- 7.189 Development within the southern part of the application site will be to the north of existing residential properties off Doust Way and in the High Street, near Rochester Station. The orientation of the sun means these dwellings will not be affected by the proposal. In relation to the rest of the development which will be in a north to south east arc of existing residential properties any possible impact on the amount of sunlight will be to those properties where parts of the development are located to the east to south east of them. In the instance of these properties because of the heights of the proposed buildings as shown on the height parameter plan and the distance of the proposed buildings away from existing residential properties the development will satisfy the relevant BRE guidance and would not harmfully obstruct sunlight to existing buildings.
- 7.190 In relation to daylight it is considered that provided the new buildings are of a satisfactory mass and height, those elements of the proposed development on the other side of the railway embankment should not have an harmful impact on the levels of daylight reaching existing

nearby properties. The heights of the development can be controlled by condition.

- 7.191 There are two instances in relation to existing residential accommodation where the development will not be physically separated by the railway embankment. These elements are the proposed accommodation off Doust Way at the southern end of the application site and the proposed multi storey car park adjacent to Hayward's House on Corporation Street.
- 7.192 The parameter plan relating to maximum building heights suggests that the accommodation off Doust Way will be three and four storeys in height. The impact of this accommodation can only be fully considered at the later reserved matters stage. It is considered that to ensure that daylight and sunlight to existing properties is safeguarded any future reserved matters applications for this southern area of the site should be accompanied by daylight and sunlight assessments in accordance with the guidance set out in the Building Research Establishment's (BRE) Report. Similar considerations apply to the multi-storey car park and its effect on Hayward's House. The parameter plan shows a height of 3 storeys for the car park.
- 7.193 On balance it is considered that with careful attention to detail at the reserved matters stage the proposed development will not give rise to demonstrable harm to the amenities of the occupiers of existing neighbouring properties or prospective occupiers of the development. In this respect the application is therefore viewed as being in accordance with the provisions of Policy ENV15 of the Structure Plan, Policy BNE2 of the adopted Local Plan and Policy QL1 of the emerging Structure Plan.
- 7.194 Policy BNE2 of the Local Plan seeks to secure the amenities of its future occupants. Generally proposed development should ensure that all new units provide an acceptable standard of accommodation particularly in terms of their size, that they have satisfactory levels of privacy, daylight and sunlight avoiding if possible single aspect north facing units and there is an acceptable level of amenity and open space.
- 7.195 The outline nature of the application means that the detailed layout of the units will be considered at the reserved matters stage, the residential units will however be built to Lifetime Homes standards. Lifetime Homes have 16 design features that ensure a new house or flat will meet the needs of most households. Based on the parameter plans and the Masterplan it is also considered that a layout can be provided to ensure there is sufficient space between residential blocks to ensure units receive adequate levels of daylight and sunlight and that they have satisfactory aspects. Similarly it is considered that the development is capable of providing sufficient open space within the development to meet the needs of future users. The types of open

space are shown on the open space parameter plan with over 30% of the site area being dedicated to different forms of public open space.

13) Local Views

7.196 The topography of the Medway Valley is such that the built up area of Rochester is in a valley with development climbing up the gentle valley sides. The historic core of Rochester is situated in the valley bottom with more recent residential suburbs and public space covering the gentle valley sides. Large institutional buildings, church spires or blocks of flats occasionally break the relatively continuous form of suburban housing.

7.197 Rochester High Street comprises a dense conglomeration of historic buildings dating from the 7th century. Rochester castle and cathedral shape the city skyline and are both landmark and navigational features. Their location has shaped the form of Rochester's cityscape and they create a distinctive skyline seen from distant views of the city.

7.198 The application site is located within one of the lowest points of Rochester. The site is visible from a number of locations around Chatham, Rochester and Strood. Long distance views across the site to Rochester Cathedral and Castle can be gained from the north and east of the River Medway, with middle distance views being available from within the body of the site. There is also an important vista, which crosses the southern part of the site, leading from Rochester Castle to Chatham Waterfront and war memorial.

7.199 The Medway Waterfront Renaissance Strategy recognises the unique character of the Medway Waterfront and one of its aspirations in relation to the development of Rochester Riverside is:

“to preserve and enhance views along the riverside and to landmarks of Cathedral, Castle and Fort Amherst”.

7.200 In a similar vein The Rochester Riverside Development Brief states:

“Development proposals should be sensitive to the important views from within Rochester Riverside and externally towards and across the site.”

7.201 In relation to protecting important views the Development Brief further states:

“any future development will be evaluated against impact on important views and vistas. The layout of the built form is to strengthen the visual importance of the cathedral and castle by creating view corridors.”

7.202 The Development Brief states that a comprehensive visual analysis of any proposal coming forward will need to be carried out. The

Environmental Statement identifies 18 key viewpoints. Three of these views, from Church Green, Frindsbury towards historic Rochester, from Boley Hill, Rochester towards the application site and from Sun Pier, Chatham towards historic Rochester have been simulated to show the massing of the development and its affect on these views. The simulated massing models are based on the parameter plans submitted in the outline planning application. The parameter plans fix the location of proposed buildings and the maximum height to which they may be constructed. The parameter plans do not fix the design, form, and materials of buildings or the design of any external environmental features.

- 7.203 The Further Information Report that supplements the Environmental Statement provides clarification information for a number of key viewpoints that were undertaken in the original assessment. Additional viewpoints in the area around Chatham Waterfront have been provided. These are views from the Staples' car park towards historic Rochester and two views from the waterfront area in front of Chatham Library towards historic Rochester. A view from St Mary's Church Chatham and a view from Fort Amhurst, both towards historic Rochester have also been provided. The additional viewpoints were taken (in accordance with the methodology set out in the originally submitted Environmental Statement) in January or February 2005. These views have been simulated and in addition, artist impressions of the massing models have also been provided based on a 3D model to show how the proposed development may appear (these are illustrative only).
- 7.204 In assessing the visual impact of the development, key considerations are the impact on the skyline and the setting of the city. Within these considerations there are a number of issues to be considered:
- 1) will the height and massing of buildings, based on the parameter plans, directly obstruct existing views and thus create an adverse impact; and
 - 2) the nature of the proposed buildings and the surrounding development has the potential to affect views.
- 7.205 The cathedral and the castle are the two most characteristic elements of the Rochester skyline. It is essential that the proposed development does not adversely affect the view of these landmarks from key viewpoints.
- 7.206 Within the original Environmental Statement assessment the view from Sun Pier, Chatham Waterfront was identified as being the most susceptible to impacts from the proposed development. To assess the likely impacts in more detail a further three views were selected and assessed. These views are taken along the waterfront from Sun Pier

moving north eastwards to the waterfront adjacent to the Chatham Library.

- 7.207 The viewpoints are generally 500 – 800 metres from the closest point of the proposed development site. The ground levels along the waterfront are quite low (4 to 5 metres above sea level) and the views are directly towards the development site. The river dominates the foreground with river based activity in the form of shipping, wharves and piers. The development site is very visible in the middle ground with the trees and vegetation on the railway embankment partially screening the buildings beyond. Generally with the exception of Rochester Castle and Cathedral the background is relatively uniform. From these waterfront views, the cathedral and castle are landmarks. The prominence of the cathedral and castle is generally high although this varies from the uninterrupted views from Sun Pier to Staples car park to the waterfront in front of Chatham library where Sun Pier and the Medway city Estate impinge on the view. The massing simulations for the development depicted on the parameter plans for the proposed development show the maximum heights of the buildings in the scheme generally sitting on or below the horizon line for the viewpoints along the Chatham waterfront. Whilst small amounts of the cathedral and castle will be obscured in places they will continue to be viewed as landmarks.
- 7.208 Within St Mary' churchyard the site is well screened by the vegetation in the churchyard with the exception of the north eastern corner. The view from this corner includes the river in the foreground along with the storage area for Scotline and the eastern end of the Medway City Estate. Glimpses of the existing site are visible in the left and middle of the view (although this will be less during the summer months, due to the presence of vegetation). The castle and cathedral are visible against the skyline of Rochester, although the landscape behind does reduce the silhouette. From this view the proposed massing of the scheme is visible particularly that on the southern portion of the site. The proposed development does not break the skyline of Rochester from this view although it is possible that some lower portions of the cathedral and castle will be slightly obscured by the massing of the proposed development.
- 7.209 From the elevated view of Fort Amhurst, the river and parts of Chatham are visible in the foreground. The development site and the city of Rochester can be seen in the middle ground merging with Strood in the background. The proposed massing from this view provides an appreciation of the extent of the redevelopment, in particular the frontage of the site onto the River Medway. From this viewpoint, the majority of Rochester including the full extent of the castle and cathedral remain visible.
- 7.210 Victoria Park, Chatham is to the south of the development site. The foreground contains buildings along New Road and in the middle

ground the majority of the development site can be seen. To the left of the view in the middle ground are the castle and cathedral. From this viewpoint views of the castle and cathedral are unaffected and the overall massing does not impinge on the current view to historic Rochester.

7.211 The Medway Bridges (Motorway and CTRL) are located approximated 2,500 metres from the application site. From this viewpoint, some of the site (gashouse point which is the northern most part of the site) is visible. This view is taken from the north western end of the bridge and as viewpoint moves south east, the amount of the site visible decreases. To the right of the view are the castle and cathedral, which can be readily seen because they occupy higher ground. Views of the castle and cathedral are again unaffected and because of the distance any change in view is slight and it is limited to a just perceptible increase in the massing of the Rochester built form to the left of the castle and cathedral. The proposed development does not appear behind the castle and cathedral because they occupy higher ground and therefore screen the development behind.

7.212 The view from Church Green, Frindsbury is a middle distance view. To the left of the view the end of Limehouse wharf can be seen and the existing gas holders are particularly visible amongst the industrial buildings on the site. The church and cathedral are visible to the right along with buildings situated in Rochester High Street. Views of the castle and cathedral are not restricted by the proposed development and although the massing will be lower than the largest gasholder the overall massing on the site from this viewpoint will be increased.

7.213 The view from Boley Hill towards the development site is particularly attractive with the castle to the left and the cathedral to the right and historic Rochester in the middle ground. From this view the development will have no affect on the cathedral or the castle and it is considered the view will be improved by the removal of the gasholders.

7.214 Views from the following locations have not been simulated. Consideration has nevertheless been given to the possible impacts.

- Broom Hill: long distance view currently with the gas holders prominent amongst the industrial buildings. From this view the northern end of the development site will be visible. The development at this end of the site will be lower than the existing gasholders and any impact on this view is considered acceptable.
- London Road, Strood: the gasholders are the focal point of this view and other than the gasholders very little of the site is discernable from this distance. The removal of the gasholders will be noticed and the taller buildings within the development will be noticeable. The impact on this view is considered to be acceptable.

- Church Green footpath, Frindsbury: the majority of the site is obscured by the existing topography, the development will therefore have little impact on this view.
- Upchat Road Upnor: a long distance view with the existing gas holders visible against the backdrop of Rochester. The proposed buildings will be lower than the existing gasholders and development from this view is considered to have an acceptable impact.
- Canal Road and public footpath Strood Waterfront: close range views that are dominated by the gasholders and Acorn shipyard. Views of the gasholders will be replaced by views of residential flats and the change in character from industrial is considered to be an improvement.
- Sir Thomas Longley Road: a mid range view which is obscured by industrial buildings in the foreground but does have a good view of the cathedral. The industrial setting means this view is not particularly sensitive and the view to the cathedral will be across parts of the development, which the parameter plans show to be three storeys in height. On this basis the impact of the development on this view is considered to be acceptable.
- Rochester Castle: a mid range view towards the development site. The cathedral and high street buildings are visible in the foreground. The development site forms a backdrop to the view and it is considered that the change from an industrial backdrop to a sensitively designed residential backdrop will have a beneficial impact on this view.
- Rochester High Street via Cathedral Garage car park: a very narrow and limited view. The High Street buildings are prominent in the foreground with the railway embankment in the mid ground. The development will result in the proposed multi-storey car park on Corporation Street being visible but providing the car park is sensitively designed and integrated into the surrounding area there will be no adverse impact on this view.
- Rochester High Street junction with Northgate Street: a limited view with the buildings in Northgate Street and the High Street in the foreground. The development will again result in the proposed multi-storey car park on Corporation Street being visible but providing the car park is sensitively designed and integrated into the surrounding area there will be no adverse impact on this view.
- Blue Boar Lane car park: the view towards the development site is currently dominated by car parking. The development will result in the car park holding markets 2 to 3 days a week and it is

considered the development will have an acceptable impact on this view.

- Chatham Maritime: long distance view towards the development site and from this distance the site is hardly visible on the horizon. In these circumstances it is considered the development will have little impact on this view.
- Temple Manor Business Park: the foreground view is dominated by industrial sheds with the castle and cathedral visible to the right and the development site to the left. From this view the development site sits to the right of the castle and cathedral and the development will not affect the views of them.
- Dover Railway Line users: Rail users do get good views of the development site as they travel on the railway line and these views will change. Given the nature of the view, views of the site from the railway are not considered particularly sensitive and as such mitigation of any impact is not considered necessary.
- A2 Road Bridge: Some views by vehicle users occur towards the gashouse point section of the application site, however these are through the railway bridge and whilst moving. Pedestrian users also walk across the bridge and will get views through the railway bridge. Given the nature of the existing views, towards the gasholders, Acorn Wharf, PB Group Ltd, derelict portions of the site and the Castlevue Business Estate, it is likely that any impact will range from negligible to beneficial.
- Temple Wharf: Glimpses of the site are possible although again these are through the bridges across the River Medway (A2 and Dover Railway line). Beyond this the existing industrial elements of the site – PB Group Ltd, the Gasholders, and Acorn Shipyard may be perceived. Changes to this view will just be perceptible and are likely to be beneficial.

7.215 The development is visible from a number of viewpoints in or close to the river valley. To the north the application site is visible to Medway City Estate and beyond to Upnor, and to the east it will be visible from viewpoints along the Chatham Waterfront and high points associated with Fort Amherst and Victoria Park Chatham. To the south of the site glimpses are visible from Rochester High Street and the Medway Bridges, although these views are limited by the current townscape. To the west, the site will be visible from parts of Strood particularly the waterfront area, Broom Hill and Frindsbury.

7.216 The submitted parameter plans and the simulation of a selected number of views show the visual effect of the proposed development. It is considered that the proposed massing is acceptable from all of selected views, including those from Chatham Waterfront where it will

be highly visible and for which the Environmental Statement acknowledges to be particularly sensitive. It is considered that acceptable and similar environmental effects can be ensured by predictable, conventional design treatments working within the height and massing parameters fixed by the parameter plans accompanying the Environmental Statement.

7.217 Acceptable mitigation measures to reduce any potential adverse impacts can be conditioned. The broad massing and height of the buildings can be fixed by a condition requiring compliance with the parameter plans in the Environmental Statement. It is also possible to safeguard and protect acknowledged sensitive views of the castle and cathedral to an acceptable extent by more detailed planning conditions specifying for example that particular lines of sight are kept free or controlling building heights within a certain area of the site. The conditions could relate to a defined corridor of view and within the area they could control the development by limiting the overall height, the overall width of building blocks and building profiles to ensure variety in building heights to allow views over their tops. If this is done, then it is considered that differences in the design treatment of the blocks will not produce significantly different environmental effects. The development control process can also be relied upon to reject unacceptable designs or designs that produce effects that are significantly different to those originally assessed within the Environmental Statement.

14) Environmental Enhancement

7.218 A positive image will help Medway to attract business and tourism to the area to the benefit of the local economy. It is therefore important that environmental enhancement schemes should be implemented in high profile areas such as along main road and rail routes. Policy BNE22 states:

“Development leading to the protection and improvement of the appearance and environment of existing and proposed areas of development, transport corridors, open spaces and areas adjacent to the River Medway will be permitted.”

7.219 Rochester Riverside is beside the Dover to London railway line and overall its visual environment is that of neglected, unsightly industrial development and derelict land which is somewhat cut off from its surroundings. The appearance of the two parking areas adjacent to Corporation Street gives the impression of barren engineered spaces with little visual appeal.

7.220 Changing the site from industrial to a mixed use will clearly result in a change in the landscape and the visual environment. The proposed development involves a complete change in the character of buildings. Relatively simple industrial buildings will be replaced by a new

residential and commercial landscape. There will be an improvement in the architectural built form for the area and the introduction of public open space will result in a much improved public realm and a significantly improved visual environment. The new open spaces and built form will also result in an improved setting for historic Rochester.

- 7.221 The river walk will mean the river will be a more conspicuous feature with more frequent views and far greater accessibility for members of the public. The development proposes many visual and physical links between Rochester and the river. The development also proposes enhancements to the salt marsh and mudflats. The planting in these areas will be native and typical of the floodplain of the tidal Medway. There will be some reduction in the natural areas but these areas will be better integrated into the built form and be more accessible to the public.
- 7.222 In terms of views over the site the visual environment offered by the previous uses, buildings and structures was particularly unsightly. It is considered that the proposed redevelopment would provide a much improved visual environment and in this respect the proposed development accords with Policy BNE22 of the adopted Local Plan.

15) Noise

- 7.223 The Environmental Statement accompanying the planning application includes an assessment of the noise constraints likely to affect the proposed development. It takes full account of the advice in PG24 (Planning and Noise).
- 7.224 The initial assessment has been superseded by a new assessment submitted as part of a package of further information accompanying the submitted planning application. At the time of preparing the previous assessment, the applicants had not been able to obtain measurement data for the operation of the Scotline Terminal on Medway City Estate. Officers considered that the noise chapter in the Environmental Statement needed to be more detailed in its assessment of the relationship between the proposed residential blocks along the riverfront and the existing wharves on the opposite side of the river. In particular it was considered necessary for an assessment of night time noise levels for ships arriving and manoeuvring at both the Scotline and Transit Medway sites to be undertaken. It was also considered that realistic and achievable mitigation measures for the proposed development should be identified.
- 7.225 The applicants have undertaken noise measurements of the activities at Scotline during both the daytime and night-time and the assessment for the purposes of the Environmental Statement has been updated accordingly. The current assessment differs from the previous version by virtue of additional noise measurement data and details of the activities at Scotline.

- 7.226 The assessment also now includes a discussion regarding the suitability of using British Standard (BS) 4142 to assess the noise from Scotline (and Transit Medway Ltd.) Whilst the use of BS4142 is required by the adopted Local Plan and PPG24, the applicant's noise assessment does not consider it to be strictly relevant in this situation, although it does remain a useful initial screening tool. Consequently, the original assessment in accordance with BS4142 remains, having been amended to take into account the new measurement data, whilst a further assessment is presented against an alternative set of criteria, which are similar to that adopted for the assessment of transportation type noise sources. This latter assessment also includes a more detailed assessment of the mitigation measures that would be required to protect the worst affected dwellings within the development from noise associated with the operation of Scotline and Transit Medway sites.
- 7.227 Two aspects in relation to noise need to be considered. The first is the likely impact of noise from the proposed development on adjoining occupiers and the second is the impact of noise from existing uses and transport related sources on the proposed development itself.
- 7.228 Policy BNE2 of the Local Plan seeks to protect the amenities enjoyed by the existing occupiers of properties that are adjacent to new developments and states the design of development should have regard to noise. The majority of the proposed development will be residential and in itself should not generate levels of noise that might be prejudicial to the occupiers of neighbouring properties. The application also proposes a number of non-residential uses that could generate noise levels that might affect the amenities of the occupiers of existing adjoining properties.
- 7.229 To safeguard the amenities of existing and future residential occupiers and to minimize the impact of any noise from the proposed entertainment venues it is considered that these uses should be sited away from residential properties and make use of natural mitigation measures such as shielding provided by other buildings and topography. It is also considered that an acoustic assessment identifying noise generation levels and mitigation measures should be submitted at the reserved matters stage for each entertainment outlet that is likely to give rise to noise, pubs and hotel function rooms etc. Planning conditions covering these issues along with hours of operation and hours of servicing are recommended.
- 7.230 It is also considered necessary for acoustic assessments for any noise arising from fixed plant within the development to be submitted for approval by the local planning authority. A condition relating to this matter is recommended. The imposition of conditions to regulate potential noise generation is consistent with the guidance contained within PPG24.

- 7.231 The possible impact on existing dwellings of noise from road traffic associated with the completed development also needs to be considered. The existing dwellings due to their proximity to the railway, Corporation Street and the High Street are already experiencing relatively high background noise levels. The proposed development will generate increased levels of traffic, however any associated noise increase needs to be assessed in the light of the increase in noise that will occur as a result of the natural growth in traffic (ie additional traffic generation that will otherwise occur without the development at Rochester Riverside proceeding). Based on this comparative assessment it is considered that the noise associated with the increase in road traffic generated by the proposed development will not have a harmful impact on the amenities of existing residents in the area.
- 7.232 In relation to the second noise issue the adopted Local Plan recognises that certain forms of development, for example residential development, can be particularly sensitive to noise. PPG24 provides guidance on determining applications for residential development to ensure noise levels to be experienced by prospective residents will be acceptable.
- 7.233 The Environmental Statement includes an assessment of the noise sources within the vicinity of the application site and their likely impact on the proposed development. The site is considered to be affected by three different noise sources, namely rail, road and industry. The industrial sources have been identified as the various light industrial premises within the Castleview Centre, the Acorn shipyard and the industrial premises within Medway City estate, including Transit Medway Ltd at Crown wharf and Scotline at Phoenix wharf.
- 7.234 The impact of noise from existing neighbouring industrial uses on the proposed development has been raised as a concern in a number of representations. There are concerns that future environmental health restrictions may be imposed on noise grounds on the operation of existing industrial uses, in particular in respect of the existing wharves on the opposite side of the Medway and upon occupiers of the Castle View Business Centre. It is submitted that if restrictions were imposed upon the operation of existing commercial uses to safeguard the amenities of prospective occupiers of the development, such limitations could affect the viability of these premises. The Environmental Statement's initial assessment of the noise sources associated with water based deliveries to the Transit Medway and Scotline Terminal sites concluded that there was a high likelihood of complaints being raised by prospective residents of the new development.
- 7.235 The revised noise assessment that has recently been undertaken more fully addresses the noise associated with the operation of both the Transit Medway and Scotline sites. The measurements for activities at Transit Medway were undertaken during the arrival of a vessel at

Crown Wharf. The vessel was the 'Sommen', which is one of the largest and, it is understood from Transit Medway, 'noisiest' of the vessels that visit this site. The arrival and associated activities occurred between 22:00 and 23:30 hours and, as such, were considered representative of any such activities occurring during the night. The measurements were undertaken at the northern most part of the application site opposite Transit Medway.

- 7.236 The measurements for the Scotline site were undertaken in two stages. Scotline does unload vessels at night and an attempt was made in the assessment to undertake measurements during such an occasion, when, it was anticipated, the potential for an impact on the future noise sensitive receptors was likely to be at its highest. However, due to the infrequent nature of such events, measurements for unloading activities at night were not possible and so, as an alternative, measurements of the unloading activities that were undertaken during the day, along with measurements of a vessel leaving at night (on the high tide) on a separate occasion were undertaken and included in the Environmental Statement assessment.
- 7.237 The daytime measurements were undertaken during the unloading of timber from the 'Baltic Carrier'. The unloading activities were understood to be typical; involving two dockside crawler cranes and multiple forklift trucks. The four hour measurement period included the initial stages of unloading up to and beyond the point of opening the vessel's hatch doors and unloading the timber from below deck.
- 7.238 The measurements were undertaken both on the Scotline site itself, in close proximity to the works, and on the Rochester Riverside site, at Stanley Wharf. Further measurements were also undertaken in close proximity to the KIAD student buildings, which are located just beyond the site's southernmost point.
- 7.239 Overall for both the Transit Medway and Scotline sites it was found that noise from the unloading activities during the day was barely audible. Further noise from other sources, such as the trains at Rochester Station, was found to be more significant.
- 7.240 The night-time measurements were undertaken on Saturday night/ Sunday morning, between approximately 23:30 and 01:00 hours. During this period, the 'Scot Pioneer' vessel, which is understood to be typical of vessels used by Scotline, was observed leaving the Scotline site. Vessels generally enter the berth without turning, preferring to turn/manoeuvre as they leave. It is understood that the turning could take one of two forms: either the moorings are released at one end, and the vessel is allowed to float round on the tide, or the boat is manoeuvred out into the river and turned using a combination of the vessel's engines and the tide. For the purposes of the Environmental Statement the latter manoeuvre was observed and measured and is

presumed to be the noisier of the two techniques due to the greater use of the engines and the proximity to the Rochester site.

- 7.241 The vessel was witnessed leaving the berth and performing the turning manoeuvre at approximately 00:00 hours; even though high tide was understood to be at 01:00 hours. The turning manoeuvre lasted approximately three minutes, whilst the boat engines were audible on Stanley Wharf for a further five minutes as it disappeared into the distance. The manoeuvre involved the vessel leaving the berth at an angle, out towards the middle of the river, where it was then slowly turned round until it faced in the opposite direction from its original orientation. This manoeuvre is understood to be the noisier of the turning manoeuvres that could be performed in order to re-orientate the vessel, and, as such, the measurement data reflects the worst case scenario. Before the vessel left the berth, the engines were noted to be running as smoke or steam could be seen from the exhaust funnel and an engine/generator type noise from the direction of the vessel was just audible on Stanley Wharf. Overall, the noise associated with the vessel was minimal and insignificant. In particular, the noise from the vessel's engines was relatively steady and constant, there was no 'revving' for instance and it was considered less audible than other noise sources in the area, such as the trains arriving/departing Rochester Station; although they, themselves, were relatively quiet events.
- 7.242 The revised Environmental Statement assessment of the noise sources associated with the Transit Medway and Scotline sites, as undertaken in accordance with the standard BS4142 assessment approach has found that there is potential for complaint by future occupants of the proposed development. However the authors of Environmental Statement consider that the use of the BS4142 methodology is not strictly appropriate and given the infrequent nature of this noise impact and the mitigation measures available, potential noise arising from the operation of the adjoining wharves should not preclude the redevelopment of the application site for residential purposes.
- 7.243 The revised Environmental Statement further considers that for the majority of the time, the noise environment is of a mixed nature such that the relevant NEC bands contained in PPG24 can be used to assess the noise environment. PPG24 identifies noise exposure categories (NECs) for different noise sources. These have been incorporated into adopted Local Plan Policy BNE3. The guidance advises that when assessing a proposal for residential development near a source of noise, local planning authorities should determine into which one of the four noise exposure categories (NECS) the proposed site falls, taking into account both day and night-time noise levels. Local Planning Authorities should then have regard to the advice for the appropriate NEC. The four NEC categories are set out below:

NEC A - noise need not be considered a determining factor in granting planning permission, although the noise level at the high end of the category should not be regarded as a desirable level.

NEC B - noise should be taken into account when determining planning applications and, where appropriate conditions imposed to ensure an adequate level of protection against noise.

NEC C - planning permission should not normally be granted. Where it is considered that permission should be given, for example because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise.

NEC D - Planning Permission should normally be refused.

7.244 The revised noise assessment has established that the areas of the site nearest to the Transit Medway and Scotline sites fall within NEC A/B, thus confirming the site's relatively quiet nature and general suitability for residential development. Even when taking into account the worst case noise levels during the arrival of a vessel at the Transit Medway site, it is considered that it would still be possible to achieve suitable internal noise levels within the nearest living rooms and bedrooms overlooking the river.

7.245 In relation to rail and road traffic noise, applying the NECs set out in Policy BNE3 and PPG24 it has been established that the application site is generally suitable for residential development. Some form of mitigation either in terms of siting or building design will however be required for dwellings that are to be sited in close proximity to the railway line. In respect of the part of the site identified as a location for the school and associated open space, this area has also been found to be below the relevant noise limits and as such is considered suitable for the school.

7.246 In relation to noise sensitive residential development, PPG24 advises:

“Local Planning authorities should consider carefully in each case whether proposals for new noise sensitive development would be incompatible with existing activities. Such development should not normally be permitted in areas which are/or are expected to become – subject to unacceptably high levels of noise. When determining planning applications for development which will be exposed to an existing noise source, local planning authorities should consider both the likely level of noise exposure at the time of the application and any increase that may reasonably be expected in the foreseeable future....Authorities will also wish to bear in mind that, while there will be sites where noise is significantly lower at night than during the day, other sites may be subjected to night time noise....at a level which is little below the daytime level. These sites warrant particular attention: noise sensitive development should not normally be permitted where

high levels of noise will continue throughout the night, especially during the hours when people are normally sleeping (23:00 to 0700)."

7.247 PPG24 further advises:

"Where it is proposed to grant permission for noise sensitive development in areas of high ambient noise, planning conditions should be imposed to ensure that the effects of noise are mitigated as far as possible. For example, intervening buildings or structures....may be designed to serve as noise barriers. In some cases sound insulation measures may be considered appropriate. However, it should be remembered that the sound level within a residential building is not the only consideration most residents will also expect a reasonable degree of peaceful enjoyment of their gardens and adjacent amenity areas."

7.248 The assessment undertaken of the impact of the noise sources associated with the existing working wharves is considered to be precautionary. It is apparent that the highest noise comes from ship manoeuvring, a noise event that is limited in duration. A typical delivery at Transit Medway was monitored and it was found that the vessel arriving, manoeuvring and mooring lasted approximately 10 minutes. The situation is therefore very different from for example a continual factory operation.

7.249 Consideration also has to be given to the number of shipping movements. Based on data supplied by Scotline and Transit Medway the following information has been derived in relation to shipping movements:

- Ships arrive at any time during the day or night, as dictated by the tides.
- Unloading takes in general 6 to 8 hours.
- Ships are generally berthed for a maximum of 12 hours.
- Only one ship is unloaded at a time.
- In 2004 the total number of deliveries was 100 for Scotline, equivalent to an average of 2 per week and 106 for Transit Medway, equivalent to an average of just above 2 per week.

7.250 There is the potential for prospective residents to experience noise events, however although these are noisy they will be relatively limited in both duration and frequency. The assessment of the noise impact has also been based solely on the noise monitoring and has not taken account of design practices within the development that could be employed to reduce the impact of extraneous noise arising from shipping movements in the river. An important factor therefore in considering whether the redevelopment of Rochester Riverside is

compatible with existing activities on adjoining sites is whether appropriate measures can be implemented to ensure that the impact from an identified noise source can be controlled to an acceptable degree. Noise mitigation measures could include appropriate insulation of the buildings against external noise and buildings designed so that only non-noise sensitive rooms overlook the Transit Medway and Scotline sites.

- 7.251 It is not certain that future residents will definitely complain and there is clearly scope for appropriate mitigation measures. If future complaints about noise were received environmental protection officers would have to look into these complaints and determine whether a statutory nuisance had arisen. There is no fixed level of noise, which constitutes a nuisance, individual circumstances differ and each case needs to be judged on its merits. In deciding whether there is a noise nuisance, the likely reaction of an average reasonable person has to be considered, taking into account not only its loudness, but also such factors as the frequency, time, duration and type of noise. If the Council considers there is a nuisance it will usually contact the party responsible for generating the noise in an attempt to resolve the matter informally. If this is unsuccessful a notice requiring the abatement of the nuisance may be served.
- 7.252 The River Medway is now both a working river and a leisure and recreational facility. The river performs several important functions in the local economy and ecology of the area as well as making a valuable contribution to the cultural and social life of the Medway Towns. A balanced judgement has to be made between the current opportunity to comprehensively redevelop Rochester Riverside, for which there is much policy support, and the potential impact of noise from existing commercial uses upon prospective occupiers of such a development which may inhibit the future use of the wharves.
- 7.253 It is considered that on balance the potential for noise disturbance is not sufficient to warrant refusal of the application and that acoustic protection works can be done to the effected residential units to mitigate against any potential noise. A planning permission granted with conditions requiring the effects of noise to be mitigated as far as possible would be consistent with the guidance contained within PPG24 and the provisions of policies BNE2 and BNE3 of the Local Plan. The redevelopment of the site would also be consistent with the Government's current policy framework for planning which is to create sustainable communities. Key elements of this strategy being the promotion of a sustainable pattern of land use and the drive to ensure that the majority of additional housing is provided on previously developed land, which inevitably means that noise sensitive development will occur in close proximity to noise generating commercial uses.

16) Air Quality

- 7.254 Advice on air quality issues in relation to development control is given in PPS 23. The impact of the development in terms of the air quality arising from operational aspects of new development and traffic generation have to be considered. In relation to the operational characteristics a mix of uses are proposed, the majority of which will not be significant sources of air pollution.
- 7.255 Food and drink outlets are proposed within the development and cooking odours are required to be dispersed to avoid the creation of odour nuisances. To safeguard residential amenity it will therefore be necessary to ensure that suitable arrangements are incorporated into all premises with commercial kitchens. This is a matter that can be addressed through the imposition of conditions.
- 7.256 The development is located in an area where air quality is mainly influenced by emissions from road traffic using the A2. The development has been assessed in relation to local air quality during the construction and occupational phases of the scheme. The existing air quality has been assessed and the changes caused by construction dust and traffic flows predicted. Any impact from dust that may occur during construction can be mitigated against with the use of appropriate best practice techniques and in terms of any impact from traffic it is considered that the proposal will result in little change to local air quality.

17) Highways

- 7.257 PPG13 details Government policy on transport and promotes sustainable development by reducing the need to travel through appropriate land use and transport planning. PPG13 identifies three key objectives for the integration of planning and transport at the national, regional and local levels, namely:
- to promote more sustainable transport choices for people and for moving freight;
 - to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling;
 - to reduce the need to travel, especially by car.
- 7.258 Paragraph 19 emphasises the importance of ensuring that jobs, shopping and leisure facilities and services are accessible by walking, cycling and by public transport.
- 7.259 Paragraph 20 draws attention to the important link between planning and transport. This includes the importance of ensuring the availability of local services, including primary schools, health centres and convenience shops and that these are easily accessible particularly by walking and cycling.

- 7.260 The masterplan has responded to this guidance by providing a mixed development. Although the development is housing led many of the local requirements will be provided on site, including substantial job opportunities and local retail, leisure, school and community functions. The masterplan also gives a high priority to pedestrian/cycle movement within the site and to ensuring that high quality connections can be provided to external pedestrian and cycle networks. The masterplan seeks to encourage public transport by providing for a possible future bus route through the site and by allowing for a new pedestrian connection to Rochester Rail Station.
- 7.261 Regional Planning Guidance for the South East (RPG9) is built on the same philosophy and re-emphasises the principles stated in PPG13. Policy T1 of RPG9 seeks to achieve a rebalancing of the transport system in favour of non-car modes as a means of access to services and facilities and active support is to be given to development that is located and designed to reduce average journey lengths. Investment in the transport system should be prioritised to support the delivery of a network of regional hubs and spokes and by facilitating urban renewal and urban renaissance as a means of achieving a more sustainable pattern of development.
- 7.262 Policy T4 of the regional guidance identifies Chatham as a regional hub and requires that policies and proposals should support and develop the role of regional hubs. Encouragement should be given towards encouraging the development of higher density land uses and/or mixed land uses that require a high level of accessibility so as to create “living centres”. Within these hubs priority should be given to measures that increase the level of accessibility by public transport, walking and cycling.
- 7.263 Policy T9 of RPG9 supports the improvement and integration of public transport, including the development of rapid transit systems within larger urban areas. Policy T12 supports the adoption of restraint-based maximum levels of parking provision for non-residential developments and for residential development the application of parking standards as set out within PPG3.
- 7.264 RPG9 also identifies the Thames Gateway area as ‘a regional and national priority for regeneration and growth. It advises that the full development potential of the Gateway will only be achievable on the basis of public transport orientated development with the special focus being on higher density development focused on regional hubs. Medway is identified as one of the “four zones of changes” within the Thames Gateway.
- 7.265 Thames Gateway strategy (RPG9a) identifies the application site as a riverside opportunity for an urban village. RPG9a emphasises the need for the integration of development and transport planning within the

objective of reducing reliance upon the private car in accordance with PPG13.

- 7.266 The application is supported by a Transport Impact Assessment (TIA) and during the consideration of this application additional work has been undertaken by the applicants' consultants to assess the nature and volume of the traffic generated by the development. Following the submission of the TIA clarification has been sought in relation to certain issues. In response to the Council's initial comments a Supplementary Transport Report has been submitted. The Highways Agency has also requested the submission of further information to enable the effect of the development on the capacity of the M2 junctions to be assessed.
- 7.267 In terms of traffic generation the number of vehicular trips have been predicted and analysed along with the operation of the various junctions providing access to the site. The TIA identifies opportunities for mitigation and suggests possible improvements. It also analyses the likely impacts of the development on non-car modes and the opportunities to improve access for pedestrians and cyclists and to public transport. Possible travel plan initiatives are also identified.
- 7.268 The highway impacts of the development have been assessed using a number of transport modelling tools, including a micro simulation model. The micro simulation model provides a visual and numerical representation of the operation of the highway network. For the purposes of this application the model encompasses the road network within Rochester, including the A2, Rochester High Street, and the existing and proposed road network within the application site. To the west the model extends to include the High Street/Station Road junction in Strood and to the east includes the New Road/City Way roundabout. Within the model account has been taken of changes in the routing of vehicles that would occur due to relative changes in journey times as a result of traffic growth and new development. The impact of the development on the operation of individual junctions has been assessed using conventional capacity assessment models.
- 7.269 The future operation of the local highway network has been assessed with and without the proposed development, with an allowance being made for background traffic growth. This recognises that overall traffic growth within Medway is likely to be above average reflecting the contribution the area will make towards growth within the Thames Gateway area.
- 7.270 The redevelopment of the existing employment land for a mixed use scheme is likely to result in less HGV movements. In relation to car trips relatively low traffic levels currently exist. The school and the other proposed community facilities are intended to serve the local community and it is anticipated that children from the proposed new residential development will attend the primary school. The close proximity of the school and the community facilities to the new

dwellings will result in a proportion of trips remaining internal to the development and therefore it is estimated that the percentage of external trips generated by the development will be proportionately less than that which would be normally expected from a residential development of this size.

7.271 The TIA predicts that traffic flows on neighbouring roads will increase due to the development. The key conclusions arising from the assessment of the impact of the development on the highway network are:

- The existing highway network does not have capacity to accommodate unconstrained traffic growth even if the Rochester Riverside development does not proceed. The junction of High Street/Station Road, in Strood limits the volume of eastbound traffic toward Rochester and the junction of the A2 New Road/City Way/Star Hill provides a similar throttle on westbound traffic.
- The road network within Rochester has just sufficient capacity to accommodate the traffic flows, which travel through the network from Strood and Chatham. The network is clearly much busier in the future year scenarios particularly with development added but there are few problems of traffic queuing back and causing blocking to occur. Some queuing back occurs for westbound traffic from the Canal Road junction.
- The junctions of the A2/Canal Road, A2/Esplanade and A2/Star Hill appear to be operating close to capacity, particularly in the “with development” scenarios.
- The existing network within Rochester can just accommodate the traffic flows that can access this part of the network. The upgrade of the City Way/New Road junction to traffic light control allows some additional traffic to be accommodated and partially offsets the impact of the Rochester Riverside development.
- There is a need to introduce positive control on traffic flows at the Furrells Road/ High Street junction, in order to prevent the Bardell Terrace/Furrells Road/High Street gyratory from locking up. This can be achieved by providing a new set of traffic lights at the Furrells Road/High Street junction.
- There is scope to provide an “all red” pedestrian stage at the A2/Blue Boar Lane junction. This will allow pedestrians and cyclists to cross the road in a single phase, improving access for both pedestrians and cyclists between Rochester Riverside and Rochester High Street.
- There is scope to provide an all movements junction at the A2/Northgate with a new arm into the site for the proposed multi

storey car park. This access improvement would also increase the effective storage for the right turn into Gas House Road.

- The proposed downgrading of Medway Street (as part of the Chatham regeneration proposals) will reduce the overall flow of traffic through the town centre corridor. The effects are partially offset by the implementation of traffic light control at the New Road/City Way junction.
- Since the junctions within Rochester itself are nearly all operating at or close to capacity, the release of the existing bottlenecks in Strood and Chatham would merely serve to move the queues to the next junctions.

7.272 The TIA concludes that the predicted high level of delays are unlikely to occur in practice because there are likely to be four main responses to increased delays:

- Peak spreading – The traffic analysis has shown that there is some potential for peak spreading. Indeed, the overall network capacity appears to be almost sufficient to meet unconstrained demand if full three hour peak periods are considered.
- Reassignment of trips – There will be some scope for through traffic to divert to the Medway Tunnel. There may also be some diversion of trips to the M2.
- Redistribution of trips – Other studies have shown that where capacity constraints are introduced, a proportion of trips simply disappear from the network.
- Mode Shift – A proportion of people would use alternative modes, including public transport, walking and cycling where practical.

7.273 Given the long timescale involved in the implementation of this and other regeneration projects within Medway that will result in increased traffic flows along the A2 corridor, there is scope for a comprehensive overview to be taken to ensure that there is no major build-up in congestion levels. These wider network changes are being investigated as part of the “Transport for Medway” project, which is being funded through regeneration initiatives.

7.274 In relation to a possible impact of the development on the junctions of the M2, the highway analysis within the original TIA was based upon a PARAMICS micro simulation programme. This modelled in detail the Rochester area of Medway, including the A2 corridor between Station Road, Strood and the Star Hill/New Road/City Way junction.

7.275 The Highways Agency agreed that the Paramics Model was suitable for assessing the local impacts of the scheme but asked for a more

strategic assessment to be undertaken to identify the possible impacts of the development upon the M2 and the four junctions that provide access between the motorway and the Medway towns. As part of that process the Highways Agency have asked that a review be undertaken of the vehicular trip rates used to assess the development. The Supplementary Report to the original TIA responds to this request.

- 7.276 Following discussions with the Highway Agency, some revisions have been made to the methodology for calculating the proportion of vehicular trips that are internal to the development. The effect of this is to increase the total number of vehicle trips treated as external to the network. Compared with the trip generation numbers used in the original TIA the total trip numbers onto the external network have increased from 856 to 958 in the am peak and from 984 to 1073 in the pm peak.
- 7.277 The potential impact of the development on the M2 motorway junctions has been assessed by inputting these updated trip ends into the strategic Transport for Medway Model. This model has been developed by Colin Buchanan and Partners on behalf of Medway Council to assess the effects of a wide range of development proposals in the urban area and to help evaluate alternative improvements. Whilst this model has not been designed to assess the operation of the motorway it does include the various motorway junctions and therefore provides a means for undertaking the wider assessment required by the Highways Agency
- 7.278 The M2 motorway provides a strategic link between London and the M25 to the west and the Channel Tunnel ports at Dover, Folkestone and the Channel Tunnel. It also provides an effective by pass to Medway. The part of the motorway that acts as a by pass to Medway has recently been improved from dual 2 to dual 4 lanes. As part of the improvement works there have been major improvements to three of the four junctions that provide access to the Medway Towns.
- 7.279 The outcome of the analysis demonstrates that the development would have minimal impact upon any of the four junctions on the A2/M2 corridor. The highest recorded impact is an increase of traffic just 2.2% on the eastbound on slip road at junction 2 during the morning peak hour of 8.00 to 9.00 hours. This represents an increase of just 17 vehicles as a result of the development. The applicant's TA therefore concludes that the effects of the development upon the motorway and its slip roads are not material. While it is to be noted that the Highways Agency continue to be of the view that it still has inadequate information to reach a view as to whether the proposed development will have an adverse affect upon the operation of the strategic highway network, Officers acting on behalf of the local planning authority (rather than as part of the applicant's team) consider that sufficient information is now available to come to view about this implication of the development. The local planning authority therefore shares the view of

the applicant's highway consultants that the proposal will not have an adverse affect upon the operation of the local strategic highway network and that there are therefore no grounds for delaying the determination of the application at this time.

- 7.280 Subject to localised junction improvements being undertaken adjacent to the application site, primarily along the A2 corridor within Rochester, which can be secured by means of Section 106 obligations or planning conditions, no highway capacity or safety objections are raised to the application.

18) Parking

- 7.281 A major factor that is likely to have a material influence upon the number of vehicular trips is car ownership and the associated amount of car parking provided. Policy T13 of the adopted Local Plan relates to vehicle parking standards and requires developments to provide parking in accordance with the adopted standards.

- 7.282 Parking will be provided to meet the needs of the development itself and to replace existing public car parking currently located within the application site. Overall, the development is supported by a total of 3,972 parking spaces.

- 7.283 The application proposes an indicative provision of up to 2,200 car parking spaces for the 2,000 residential units. Parking provision within the site is restrained, with the proposed parking levels being set below the upper limits of the current maximum parking standards. Parking for residential development is proposed at a level of 1 space per residential unit, with an additional 10% of spaces being available for visitors, but with some flexibility to allow opportunities to maximise parking availability in the future, in accordance with council policy and government guidelines on parking provision for new developments, should that be required. The actual detailed requirement for residential parking will be determined at the detailed planning application stage for each of the individual phases of development.

- 7.284 In relation to the other proposed uses, parking is proposed in accordance with the relevant maximum parking standard. On this basis 390 spaces have been allocated for the retail/food and drink uses, 400 spaces for the commercial/office uses, 14 spaces for the 12 live work units, 52 spaces for the community uses and 30 spaces for the school. In addition replacement public car parking is also proposed to replace the existing on-site spaces that will be lost as a consequence of the new development. A multi storey car park with 430 spaces is proposed on the site of the Corporation Street car park/market. There will also be a replacement coach park of 18 spaces, new public parking comprising 100 spaces within the site and 75 parking spaces in the newly created Market Square.

7.285 The site is also close to controlled parking zones and the absence of on-street parking within these zones should also deter or limit car ownership. It is also anticipated that within the site a residents' parking scheme will operate to discourage commuter parking.

19) Alternatives to Car Travel

7.286 A further factor that is likely to influence the use of motor vehicles is the accessibility of the site to other modes of travel including cycling, public transport, and walking. It is considered that there is a correlation between the likely amount of private car traffic generated by the development and a site's accessibility to other forms of transport. In accordance with the Development Brief the development seeks to offer a real choice of travel modes to all sections of the community.

7.287 The opportunity afforded by the site's ability to provide a sustainable form of development and also the need to restrain traffic generation from the development, to minimise the development's impact on the existing highway network has been recognised. Accordingly, the Masterplan places a high priority on the establishment of excellent pedestrian/cycle routes within the site including the provision of a new riverside cycle and walkway particularly for leisure purposes. Pedestrian activity is encouraged by the provision of direct pedestrian connections. The proposal in accordance with Policy T4 of the adopted Local Plan also includes the provision of cycle parking facilities and there will be a series of cycle routes that will connect with the cycle network outside the site.

7.288 Rochester railway station, which is within easy walking distance of the whole site, provides direct rail services to London as well as to other important destinations such as Canterbury, Bromley and other town centres in Medway. Strood Station, which provides access to Maidstone, Gravesend, Dartford and London, is also within reasonable walking distance for much of the site. In accordance with Policy T7 of the adopted Local Plan the development proposes a new pedestrian access directly from the site into Rochester station to provide a more direct and attractive pedestrian route.

7.289 The frequent bus services operating along the A2 corridor provide public transport access from the site to much of Medway. The proposals make allowance for the provision of an on-site bus through route, between Gas House Road and Doust Way. It is envisaged that this route will in part be available by the start of Phase 3 and will ensure that all parts of the development are within a 400 metre walk of a bus stop. There would also be interchange between this bus stop and the railway station via the direct pedestrian access proposed. In this respect the proposal is considered to comply with Policy T6 of the adopted Local Plan. The central location of the site also means that residents will realistically be able to walk to a wide range of

employment, shopping and leisure opportunities in Chatham, Rochester and Strood.

7.290 To reduce reliance upon private vehicle usage it is recommended that the following initiatives are secured through Section 106 obligations:

- Bus service enhancements through all phases of the development involving new or enhanced off peak services to improve accessibility for residents and customised bus services to support non-residential activities.
- Funding for a safer routes to school project.
- Improvements to secure cycle parking at Rochester and Strood railway stations.
- Improvements to bus stop infrastructure within the immediate vicinity of the application site.
- Improvements to local accessibility for pedestrians and cyclists

7.291 The implementation of the proposed local transport initiatives will also involve an obligation being entered into to implement travel plans for both non-residential and residential development to encourage sustainable travel patterns. The plans will be subject to a process of monitoring and review and will include obligations to fund the following:

- The purchase of bus season tickets, at a minimum discount of 50%, for new residents, (up to a maximum of four per household) for a period of not less than three months following the first occupation of each dwelling.
- A minimum discount of 25% for the purchase of bus season tickets, for all employees of premises within the development.
- The establishment of an on-site intranet to provide real-time travel information and personal journey advice.
- The regular promotion of travel alternatives and continual operation of high profile travel information initiatives.
- The operation of a car club for residents, initially on a trial basis, with the potential for this facility to be extended to become a permanent scheme following a review of the success of the initial operation of the club.
- The operation of cross-site car share schemes for both employers and residents.

- The provision of real-time travel information displays to be located in hotel and major commercial uses.
- The employment of a dedicated travel plan officer by the applicant/developer.

20) Access

Current Arrangements

7.292 Along the bulk of the site frontage, the A2 is a dual, two lane, carriageway with a narrow central reserve. At the eastern end of the site, access is via the High Street. This is a local distributor road that provides a link between Rochester and Chatham. It is a relatively narrow carriageway (6-8 metres) with on street parking and significant frontage activity.

7.293 Policy T2 of the adopted Local Plan relates to access. There are 5 existing vehicular access points to the site. Two are accessed directly from the A2 and three from the High Street. The characteristics of these access points are as follows:

Gas House Road

7.294 Gas House Road has an approximate width of 9.0 metres between bridge abutments with a 6.5 metre carriageway width and footway of about 2.0 metres on the north side. This provides the major road link into the site and access to most of the existing uses on the site, (including the coach park) and the small long stay car park. The bridge has a maximum headroom limit of 4.4 metres. There is also a separate pedestrian access under the railway just to the north of Gas House Road. The junction between Corporation Street and Gas House Road is subject to traffic light control. There are no formal pedestrian crossing facilities of the A2 at this point.

Blue Boar Lane

7.295 Blue Boar Lane has a span of about 9.0 metres between brick abutments and provides a carriageway width of about 5.3 metres with headroom of 3.1 metres. The junction with Corporation Street is traffic light controlled, with pedestrian facilities. The access road between the A2 and the railway currently has parking bays marked out along the western side, which make it difficult for vehicles to turn into the access road. There is an access to a commercial property at the southern end of the access road, within the traffic light controlled junction.

Furrell's Road

7.296 Furrell's Road has a span of about 9.5 metres between bridge abutments and provides a carriageway width of about 6.0 metres with

headroom of 4.4 metres. This access is linked to the A2 by Bardell Terrace, which operates as a one way loop. The entry radius from Bardell Terrace is too tight to easily accommodate HGV's.

Bath Hard Road

7.297 Bath Hard Road has a limited width of 3.58 metres and headroom of 4.0 metres with reduced visibility onto the High Street.

Doust Way

7.298 Doust Way is a recently constructed road of 7.3 metres width, which provides access to a small public car park and to new KIAD student accommodation. There are no height restrictions on this access. The junction onto the High Street is a priority junction.

Proposed Improvements

7.299 The development seeks to improve the existing access constraints. It is considered not practical to provide any new access points into the site or to significantly increase the capacity of the existing accesses, due to cost and the need to reach agreements with the Network Rail. The development has however identified a number of possible improvements and the key access improvements are:

- A network of streets and footpaths within the site designed to reduce traffic speeds and maximisation of movement by foot and cycle.
- The provision of a new shared pedestrian/cycle route alongside the river.
- An improved pedestrian/cycle connection between Corporation Street and Bridge Wharf. This will provide access to the riverside walkway for pedestrians and cyclists and will link the riverside walkway route with the existing cycle lanes on Rochester Bridge.
- Improved pedestrian access between the site and Rochester High Street via Blue Boar Lane. This will be achieved by making Blue Boar Lane access into the site one way for vehicular traffic allowing a wide pedestrian cycle path to be provided and by providing a single movement toucan crossing across the A2. This will provide a direct link into the site of the proposed Friday Market and within the site link into the central core where most of the community facilities, including the school will be located.
- The upgrading of Bath Hard Lane, to provide a traffic free access to the development site.

- Provision of a new pelican crossing (or pedestrian phase within a new signal controlled junction) near (or at) the Doust Way access.
- The potential for a new direct pedestrian link to Rochester station from within the site.
- The potential for a pedestrian subway (or bridge) link through/above the railway embankment between the multi storey car park and the site.
- A new pelican crossing link across Corporation Street, between the multi storey car park site and the visitor centre. This would also link into the potential subway crossing of the rail embankment.
- An improvement to the junction of the A2 Star Hill/New Road/City Way is proposed, in the form of a traffic light controlled junction to replace the existing roundabout. This will help to mitigate the impacts of both the Rochester Riverside development proposals and also the proposals to reduce traffic flows along Medway Street.
- There are also proposals to change the operation of the signals at the junction of the A2 Corporation Street and Northgate so as to include a new access to the site of the Corporation Street car park, which is proposed as the site of the multi storey car park.

7.300 These improvements taken together should result in a beneficial change in the quality of pedestrian and cycle access to and through the site including much improved access to the river and between the site and Rochester High Street to the benefit of both the existing and new communities. There are obligations in the recommended Section 106 agreement to secure the provision of the necessary off site highway works. Accordingly the proposed access arrangements are considered acceptable in the context of Policies T2, T3 and T4 of the Local Plan and Policies T17 and T18 of the Structure Plan, and Policy TP19 of the emerging Structure Plan.

21) Biodiversity

Terrestrial Biodiversity

7.301 Approximately 8 to 10ha of the site comprises mainly vegetation that has arisen on abandoned industrial and railway land, plus small areas of more natural inter-tidal habitat. Saltmarsh and mudflats are evident and are habitats that are likely to pre-date the recent industrial use of the site. Saltmarsh is a priority habitat in the UK Biodiversity Action Plan (BAP) and is included in the Kent BAP. The saltmarsh within the application site is very small in extent (approximately 0.5ha) in comparison to the internationally important areas of saltmarsh located 5km downstream in the Thames Estuary, which amount to approximately 754ha. The saltmarsh within the site does not support

breeding bird species or offer a significant high tide roost for wintering birds, however, it does support some of the plant and invertebrate species typical of the saltmarsh within Medway Marshes. Because of its size, the saltmarsh within the application site is only considered to be of District/Borough importance for nature conservation.

- 7.302 Mudflats are also priority habitat in the UK BAP and are included in the habitat action plan for inter-tidal mud and sand in the Kent BAP. Typically areas of mudflat support a high abundance of organisms but are of low diversity and are often of most importance to over wintering birds and nursery areas for flat fish. The area immediately adjacent to the site is very small in extent and holds only small numbers of over wintering birds. The area of mudflat adjacent to the site is not considered to be of more than District/Borough importance for its wintering birds.
- 7.303 The remaining areas of semi-natural habitat are naturally seeded areas and fall within the Kent BAP for urban habitats. These self-seeded habitats (scattered broadleaved woodland, dense scrub, neutral and coarse grassland, standing water and introduced shrub mosaic) are of Parish/Neighbourhood value for nature conservation.
- 7.304 With the exception of one nationally scarce species, all of the plant species are common and widespread or recent introductions. These are not of conservation concern. The nationally scarce species is golden samphire, which was growing on the sea wall in the eastern section of the application site. Japanese Knotweed was also found to be growing on the site. Japanese Knotweed is an invasive non-native species that is included in Schedule 9 Part II of the Wildlife and Countryside Act 1981, as amended. This makes it an offence to plant or otherwise cause this species to grow in the wild.
- 7.305 Ecological survey findings for the site have identified a bat roost in a disused building, while reptiles are only present, if at all, in very low numbers. The bat roost is used on an occasional basis by low numbers of Pipistrelle bats and it is not a maternity roost site. No evidence was found of bats using trees as roosts within the application site. Breeding birds and wintering birds including waterfowl, were recorded using the inter-tidal habitats adjacent to the site. Black redstart, a rare breeding bird in the UK is fully protected under the Wildlife and Countryside Act 1981 has been recorded as being present within 1km of the application site. Numerous wintering birds within 1km of the site were recorded and some are of conservation concern and are protected under the Wildlife and Countryside Act 1981.
- 7.306 Three species of breeding bird, linnet, song thrush and starling are on the Red List for birds of conservation concern and one species, dunnoek, is on the amber list for birds of conservation concern. Linnet and song thrush are also priority species in the UK BAP. All of the bird

species are widespread and the application site is not considered to be of special importance for them in a national context.

- 7.307 The biggest impact associated with the proposed development would be the direct loss of habitat. Most of the semi-natural habitats on the site will be lost during site clearance, an activity in itself that does not require planning permission. During construction and the occupation of the proposed development there will be disturbance on the permanently moored barges within the River Medway as they are utilised as a high tide roost by lapwing and other waders. There will also be increased use of the riverside by visitors to the area, which will potentially result in increased levels of disturbance to local wildlife.
- 7.308 The clearance of bird breeding habitat is will be undertaken outside the bird breeding season (between 1 August and 28 February) to avoid mortality for nestlings and destruction of nests and eggs. The demolition of any buildings being used as bat roosts will be subject of a DEFRA licence and any reptiles found will be caught and relocated.
- 7.309 Saltmarsh terraces and new areas of saltmarsh are to be created along the waterfront. A replacement pond or other wetland feature will be designed to maximise its potential as a wildlife habitat. The provision of green roofs could be provided on one or more buildings and native tree planting will replace some of the habitats lost. Features for nesting birds and roosting bats will be included in the new buildings and landscape.

Aquatic Biodiversity

- 7.310 No species protected under the Wildlife and Countryside Act (1981) or listed as priority species in the UK BAP were found in the application site.
- 7.311 The river frontage of the application site alternates between wharves and mudflats with indented creeks. The application site lies in a variable salinity, but primarily marine, stretch of the Medway Estuary. The upper shoreline along most of the stretch alternates between artificial river defences and natural mudflat/marsh transition. The natural shore in the middle estuary is mostly inter-tidal mudflats, with a width of about 20 metres. The shore is constricted where artificial defences are built behind the mud.
- 7.312 There are four small freshwater creeks, including one very small rivulet, running over mudflats into the estuary at the site. The channels of tidal creeks are not assigned any international or national statutory designations. They often contain fauna similar to that of saline lagoons, which may be of international importance for nature conservation. Such creeks constitute a habitat essential to the viability of priority habitats (mudflats and salt marshes) and species in the area. Therefore these creeks are considered to be of national importance for nature

conservation. The algal biotopes found on stones and artificial substrata in the application site constitute a valuable habitat but have no statutory designated features or species associated with them.

- 7.313 No unusual or 'nationally rare' species were found within the site. Mudflats are however a priority habitat of the UK BAP and are included in the Kent BAP. The mudflats are considered to be of national importance. The fauna of the mud flats comprise typical variable inter-tidal mud fauna, mainly ragworms and oligochaetes.
- 7.314 Although the formation of the new river wall and associated land reclamation works will result in the loss of a limited amount of existing inter-tidal habitat, the works associated with the formation of the new river wall (subject to planning application MC2005/1998 and reported elsewhere on this agenda) will involve the provision of replacement habitat on an equivalent basis plus an additional 10%, amounting to a net gain of inter-tidal habitat of approximately 4,000m². There will be a small-scale loss of mudflats that are currently covered by open wharves. The changes to the existing creeks will represent a reduction in a restricted invertebrate habitat and affect fish/shrimp migrations. The creeks will be redesigned, involving temporary disturbance and the beneficial creation of habitat by extending their length. It is also proposed that some of the new river wall will be clad in timber to enable this structure to also be used as a habitat.
- 7.315 Noise, sediment disturbance and vibrations associated with the construction may affect fish migrations in the wider Medway. These impacts are however considered to be minimal and temporary.
- 7.316 The proposed development will involve minimal encroachment onto the foreshore, only in areas currently covered by open wharves. The covered mud flats are of no significant ecological value beyond that of open mudflats. The effects will be mitigated by allowing tidal flow in other areas i.e. the extension of the inter-tidal creeks, resulting in a net gain of inter-tidal area. The resulting habitat creation will serve as compensation for the covered mudflats.
- 7.317 Several possibilities for habitat enhancement have been proposed. The existing tidal creeks will be extended landwards, allowing a greater inter-tidal area and compensation for the loss of mudflats currently beneath wharves. Saltmarsh stands will be planted in terraces in areas of newly created inter-tidal habitat, principally along the banks of extended creeks. Saltmarsh can add biodiversity to the application site, providing habitats for invertebrates not found on the mud and shelter for fish that migrate with the tide.
- 7.318 Wood or brick walls are more beneficial to biological diversity than metal walls. Wooden walls or wooden fenders will be designed to help colonisation. Fenders laid almost flush against each other and against

the wall will allow for microhabitats to be created in the form of vertical and horizontal crevices.

Biodiversity Summary

- 7.319 Although it must be borne in mind that the proposed development will result in some existing habitat, this is to be compensated for by the creation of new and additional habitat, which add to the local biodiversity of the area. This proposal, together with the enabling works proposed under the provisions of the parallel application (MC2004/1998) for enabling works, includes a package of mitigation measure which it is considered will more than adequately compensate for any short term adverse nature conservation affects arising from these proposals. These measures can be secured by means of the recommended Section 106 obligations and conditions.
- 7.320 Given these considerations no objection is raised to the application in nature conservation terms under the provisions of Policies S2, ENV2 and ENV5 of the Structure Plan and Policies BNE37 and BNE38 of the adopted Local Plan.

22) Sustainability

- 7.321 The government's objectives for the planning system are set out in PPS1 and the statement states that sustainable development is the core principle underpinning planning. At the heart of sustainable development is the simple idea of ensuring a better quality of life for everyone, now and for future generations.
- 7.322 The development is a high density mixed use development which makes efficient use of previously developed land. It is located in an urban area next to a rail station where people can access services on foot, bicycle or by public transport rather than having to rely on the car. Employment, leisure education, community and other services are provided on site. Accordingly the proposal is considered to satisfy key sustainable objectives of promoting the more efficient use of land, of reducing the need to travel and ensuring good access to services. The objectives for the development of any Rochester Riverside to achieve best practice in sustainability are set out in the Development Brief.
- 7.323 As this is an outline application many of the issues relating to the sustainability of building design and energy efficiency will be considered at a later detailed stage. There is however a commitment that the residential units will be built to achieve a NHER 10 and ECO Homes very good rating and that the 12,000m² of commercial development will be built to achieve a BREAM offices very good rating.
- 7.324 It is also possible in general terms to discuss the sustainability of the proposal. In terms of energy efficiency the latest Government policy on renewable energy is set out in Planning Policy Statement 22. Local

planning authorities can set percentage targets for development energy usage to come from on site renewable energy generation. The targets are normally set at 10% on site renewable energy generation for all non-residential development over 1000m² and for residential development over 10 units. In view of the flagship nature of the development, the high expectations for the scheme and the length of the development period it is considered that any development of Rochester Riverside should go beyond current best practice with the aim of matching national policy of a 20% reduction in CO² emissions by 2010, increasing to a 60% reduction by 2050.

7.325 It is considered that there are a number of renewable energy technologies that could be possibly incorporated into the final development. Solar thermal water heating systems are a good way of achieving gains in energy efficiency. A residential development of the scale proposed offers significant economies of scale and the technology could also be used where large amounts of hot water are required, such as community sports facilities and within the proposed hotels. Photovoltaics generating electricity from the sun whilst more expensive than solar thermal technologies could also play a significant part in the proposed development and again there are likely to be economies of scale advantages. Photovoltaics could also be considered for the park pathway, car park and river walk lighting schemes.

7.326 A mixed use development on this scale also provides an opportunity for energy demand aggregation with the option of using sustainable fuels which otherwise on an individual basis would be uneconomic. Importantly the carbon footprint of the overall development could be lowered by replacing the bulk of conventional fossil fuel heating, cooling and a portion of electricity demand with energy from locally supplied biomass(woodchip fuelled community heating) and cooling networks using combined heat and power technology. It is recommended that any planning permission should contain a condition relating to a sustainable energy strategy.

23) Inclusive Development

7.327 The Government is fully committed to an inclusive society in which nobody is disadvantaged. An important part of delivering this commitment is breaking down unnecessary physical barriers and exclusions imposed on disabled people by poor design of buildings and places. The Government's publication – Planning and access for disabled people: a good practice guide describes how all those involved in the development process can play their part in delivering physical environments which can be used by everyone. The primary objective of the guide is to ensure the planning system successfully and consistently delivers inclusive environments as an integral part of the development process. This is especially so in relation to major regeneration schemes such as Rochester Riverside which require a

broad approach to inclusive design, addressing movement through public areas as well as the design of the buildings.

7.328 Mobility housing is ordinary housing built to a certain basic standard so that it can be adapted to be lived in by people with disabilities who are not confined to a wheelchair. Part M of the Building Regulations ensures that new build housing is built to mobility standards. Wheelchair housing is housing specifically designed to meet the needs of wheelchair users. It can be adapted to meet the requirements of particular individuals. It needs to be on one level and the main feature additional to mobility housing is that space standards should be generous enough to allow a wheelchair to manoeuvre. Very little of current housing stock is suitable for wheelchair users and given the number of units proposed for Rochester Riverside it is considered that a proportion of the new dwellings should be designed so that they can be easily adapted to meet the needs of a person confined to a wheelchair. This can be secured by planning condition.

24) Secured by Design

7.329 Policy BNE8 relates to Security and Personal Safety. It is essential that all sections of the community, especially those who may be vulnerable to crime should feel safe and secure. It is an integral part of the design process to achieve this and developments should seek to design out crime in line with the advice contained in Circular 5/94 Planning Out Crime. It is the intention of the applicants for the proposal to meet 'Secured by Design' requirements, however, this is a matter for detailed design stage. A planning condition is recommended to ensure that the 'Secured by Design' requirements are met.

25) Council as Applicant and Call In Process

7.330 The power to determine applications for planning permission normally lies with planning authorities, however any application maybe called in by the Secretary of State (SOS) prior to the making of any local decision using the powers contained in sec 77 of the Town and Country Planning Act 1990. The power to call in is a discretionary one and there is no legal limitation on its scope. Over the years however, various criteria have been set by the SOS that generally define the circumstances when an application is likely to be called in. In Circular 2/81 it was stated that called in applications should raise issues of more than local importance, which the SOS ought to consider for himself after an enquiry.

7.331 In the White Paper Planning: Appeals, Call in and Major Public Inquiries 1986 it was stated that:

“In so far as decisions whether applications should be referred to the SOS are taken on a case by case basis, each decision must be made in the light of circumstances of the particular case and the SOS must

not fetter his discretion by the rigid application of any particular policy in such cases. His general approach is not, however, to interfere with the jurisdiction of the local planning authority unless it is necessary to do so and requires reference to him only where matters of more than local importance are raised by the application. In consequence it is to be expected that directions to refer applications to him will be relatively rare. Parliament has charged local authorities with the responsibility for development control, they are democratically elected bodies accountable to their electorate for their decisions. In the view of Government, it would imply an unnecessary degree of central control for the decision on a considerable number of planning applications to be taken by the SOS rather than by the local authority. The SOS should intervene only when there are compelling reasons why the local authority ought not to be entrusted with the decision”

7.332 Clearly the SOS cannot consider calling in an application of which he/she is not aware. A combination however, of the formal procedures in place for the notification of particular types of application to the SOS and representations made by interested parties ensures that little escapes scrutiny. The latter group could include national and local pressure groups, consultees in the planning process, aggrieved commercial interests and members of the public. Representations that any application should be called in are made directly to the relevant regional government office or the local MP for the area.

7.333 The SOS is primarily made aware of applications that might merit consideration for calling in through the formal “departure” notification procedures set out in the Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999. This requires reference to the SOS where Local Planning Authorities do not intend to refuse development not in accordance with the development plan.

7.334 Rochester Riverside application will be referred to the SOS and the SOS will therefore be fully aware of the application and would have the opportunity to intervene.

26) Financial Viability

7.335 Rochester Riverside is in receipt of a significant sums of public sector investment from the Government's Sustainable Communities Programme which are being used to 'pump prime' the development and to ensure it is financially viable and therefore wholly deliverable. The funds have been secured following a rigorous financial appraisal by the Office of the Deputy Prime Minister and HM Treasury. The allocation of the funds will address the considerable costs of dealing with land contamination and providing new river defences for the whole site which will make it ready for residential development. The remaining cost of development will fall to the private sector. Any future profits will be recovered by the public sector.

8 Conclusion and reasons for approval

- 8.1 The redevelopment of this brownfield site, for a mixed use development is afforded strong in terms of local, regional and national planning policies. In terms of land use the proposal on balance is considered to be acceptable in relation to the adopted Local Plan policies, regional and national guidance. The school, community and health facilities, shops and the proposed food and drink uses on the site will provide local infrastructure for the new community to address the increased demands resulting from the development. This in line with the Government's objective of achieving sustainable communities.
- 8.2 Taking balanced account of all the material planning considerations together with all the other matters referred to in this report and the matters highlighted in all the representations made to the Council, it is considered that planning permission should be granted subject to the conditions appearing in this report and following the completion of the recommended 106 agreement.
- 8.3 The development has been assessed against the EIA Regulations, National Policy Guidance and the Development Plan. The accompanying ES has detailed the likely environmental impacts. It is considered that the applicants have addressed these matters satisfactorily and that there will be no significant adverse environmental impacts arising from this proposal.
- 8.4 The proposed development, for the reasons set out in this report, is considered to be acceptable in: land use; design; amenity; highways and parking; transportation; nature conservation; historic building and conservation area; flood risk and drainage; and contamination terms. The application is accordingly recommended for approval subject to referral to Government Office for the South East as a departure from the provisions of the Waste Local Plan and the conclusion of the recommended Section 106 agreement.
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