

MC/15/2039

Date Received: 10 June, 2015

Location: 10-40 & 48-86 Corporation Street Rochester ME1 1NN

Proposal: Demolition of existing flats to facilitate the construction of four five storey blocks providing a total of 89 units with associated car parking, bin and cycle storage landscape provision and a pedestrian boulevard at the front of the new buildings

Applicant: MHS Homes

Agent: Mr Spears Bptw Partnership 110-114 Norman Road Greenwich London SE10 9QJ

Ward Rochester West

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 10 February 2016.

Recommendation - Approval subject to;

A) The applicants signing a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 to secure £12,379.74 towards Designated Habitats Mitigation;

B) The conditions as listed in the committee report.

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

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

2 The development hereby permitted shall be carried out in accordance with the following approved plans: drawing numbers 14.111/D-05, 14.111/D-06, 14.111/D-08, 14.111/D-09, 14.111/D-10, 14.111/D-11, 14.111/D-14, 14.111/D-15, 14.111/D-16, 14.111/D-17 and 14.111/D-19 received on 11 June 2015 and drawing numbers 14.111/D-07 revision A, 14.111/D-12 revision A, 14.111/D-13 revision A received on 23 June 2015.

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

3 No development shall take place above slab level until details of the following architectural elements have been submitted to and approved in writing by the Local Planning Authority:

- window/wall and door/wall junctions- elevations and sections at a scale of 1/10
- Balconies
- gutters and down pipes - manufacturer's details and specification
- eaves, parapets and verges- elevations and sections at a scale of 1/20

The development shall be implemented in accordance with the approved details and shall be retained thereafter.

Reason: To ensure conditions of visual amenity in the locality in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 4 No development shall take place above slab level until details of any brise soleil to be included on the facades has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall thereafter be retained.

Reason: To ensure conditions of visual amenity in the locality in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 5 No development shall take place above slab level until details and/or samples (as required at the request of the Local Planning Authority) of the external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall thereafter be retained.

Reason: To ensure conditions of visual amenity in the locality in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 6 No gas pipes are to be fitted externally to any of the buildings within the development without first receiving written approval from the Local Planning Authority.

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

- 7 No development shall take place above slab level until a scheme for protecting the development from transport and rail-related noise has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of acoustic protection sufficient to ensure internal noise levels (LAeq,T) no greater than 30dB in bedrooms and 35dB in living rooms with windows closed. Where the internal noise levels (LAeq,T) will exceed 30dB in bedrooms and 35dB in living rooms with windows open, the scheme shall incorporate appropriate acoustically screened mechanical ventilation. All works, which form part of the approved scheme, shall be completed before any part of the block to which the works relate is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To safeguard the amenities of the occupants of the proposed development in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 8 No part of development shall be occupied until details of the boundary treatment, including a plan indicating siting, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be implemented in accordance with the approved details prior to the first occupation of any part of the development and shall be retained thereafter.

Reason: To ensure conditions of visual amenity in the locality and to safeguard the amenities of the occupants of the proposed development in accordance with Policies BNE1 and BNE8 of the Medway Local Plan 2003.

- 9 No part of the development shall be occupied until details of hard and soft landscaping (with the exception of the boulevard to the front) have been submitted to and approved in writing by the Local Planning Authority. The details shall include the surfacing of the access road and parking area, materials for demarcation of parking bays and areas of soft landscaping including any tree or shrub species and a timetable of implementation. Works shall be carried out in accordance with approved details.

Reason: In the interest of visual amenity and in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 10 No part of the development shall be occupied until details of hard and soft landscaping for the boulevard to the front of the development and a timetable for the implementation of the specific elements, has been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include the surfacing/materials of the footway, tree size and species; tree pits tree location and spacing and implementation timetable. The development shall be implemented in accordance with the approved details in accordance with the approved timetable and shall thereafter be retained.

Reason: In the interest of visual amenity and in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 11 No part of the development shall be occupied until a landscape maintenance plan for the hard and soft landscaping (including trees) of the boulevard, setting out a schedule for a minimum period of 5 years and details of the plan's implementation has been submitted to and approved in writing by the Local Planning Authority. Landscape maintenance of the boulevard shall be implemented in accordance with the approved details for the period specified in the schedule.

Reason: In the interest of visual amenity and in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 12 Notwithstanding the submitted drawings, no development shall take place above slab level until details of the vehicular access points to site, including dropped kerbs, street furniture, pedestrian facilities and measures to prevent vehicle incursion on to the footway, have been submitted to and approved in writing by the Local Planning Authority. The approved access details shall be implemented in accordance with the approved details prior to the first occupation of the development and shall thereafter be retained.

Reason: In the interests of highway and pedestrian safety, and the visual amenity of the surrounding area in accordance with Policies T2 and BNE1 of the Medway Local Plan 2003.

- 13 No part of development within the relevant site (Site 1 or Site 2) shall be occupied until the area within the relevant site shown on the plan (drawing number 14.111/D-05 received on 11 June 2015) for parking purposes has been provided. Thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to the reserved vehicle parking area.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

- 14 No part of development within the relevant site (Site 1 or Site 2) shall be occupied until details of external lighting of the car parking area within the relevant site, including the exact position, details of light intensity and spillage, has been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed within the relevant site in accordance with the approved details prior to the first occupation of the buildings within the relevant site and shall thereafter be retained.

Reason: To ensure a satisfactory external appearance and to ensure the provision of lighting does not result in glare or light overspill to residential properties in accordance with Policies BNE2 and BNE5 of the Medway Local Plan 2003.

- 15 No part of the development shall be occupied until a Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Parking Management Plan shall contain details of how the parking spaces within the development are to be managed and preserved for use by future residents and their visitors. The Parking Management Plan shall be implemented in accordance with the approved details prior to the first occupation of the development and shall thereafter be retained.

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

- 16 No vegetation clearance is to be undertaken during the period between the

months of March to September in any calendar year unless a survey for nesting birds has been undertaken and submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory arrangements are made to safeguard the habitats in the interests of ecology in accordance with Policy BNE37 of the Medway Local Plan 2003.

- 17 No above slab level shall take place until details of the location and design of any ecological enhancement measures including the provision of bat bricks/boxes/tiles have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be retained thereafter.

Reason: To ensure satisfactory arrangements are made to safeguard the habitats in the interests of ecology in accordance with Policies BNE37 and BNE38 of the Medway Local Plan 2003.

- 18 No areas on site where there is potential for mammals to be sheltering, (such as hedgehogs) shall be cleared without undertaking a hand search prior to disturbance and during construction, no excavations on site should be left open for animals to fall into, alternatively planks of wood shall be placed to enable any animals which may fall to escape.

Reason: To ensure satisfactory arrangements are made to safeguard the habitats in the interests of ecology in accordance with Policies BNE37 and BNE38 of the Medway Local Plan 2003.

- 19 No development shall take place until details of piling or any other foundation designs using penetrative methods have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: Required prior to commencement of development to ensure no irreversible impact on any underlying principle chalk aquifer within the locality in accordance with Policy CF13 of the Medway Local Plan 2003.

- 20 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 21 to 24 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the Local Planning Authority until condition 24 has been complied with in relation to that contamination.

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

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

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

(ii) an assessment of the potential risks to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

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

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

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

22 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

- 23 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority prior to the bringing into use of the development.

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

- 24 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 21, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 22, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition 22 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 23.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 25 No part of the development shall be occupied until details have been submitted to and approved in writing by the Local Planning Authority to show the location of electric vehicle charging points - with at least one charging point per block. The development shall be implemented in accordance with the approved details prior to first occupation and shall be maintained in full working order thereafter.

Reason: To mitigate the additional vehicle emissions and encourage the use of low emission vehicles by future occupants.

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

Proposal

This application seeks full planning permission for the demolition of the existing flat blocks to facilitate the construction of four 5 storey blocks providing a total of 89 units with associated car parking, bin and cycle storage, landscape provision and a pedestrian boulevard to the front of the new buildings.

The application site comprises two separate plots of land located on the north-eastern side of Corporation Street. The proposal involves the demolition of numbers 48-86 within the plot of land labelled as Site 1 on the submitted plans and the demolition of numbers 10-40 within the plot of land labelled as Site 2.

Site 1 (Block A and Block B)

Block A

The five-storey building would have a maximum height of approx. 17.2m, maximum width of approx. 33.3m and maximum depth of approx. 13.6m. The building would be set back from the front boundary of the site by approx. 2m to 4.2m to allow for defensible space to the front for the ground floor flats fronting the highway. The entrance lobby to the front would be slightly recessed by approx. 0.8m. There would also be access to the rear of the building from the parking area. Listed below is a description of the accommodation provision at each level.

Ground Floor

Bin store

Plant/storage/meter room

Cycle storage

Lift access

Stair access

Three x 2-bed flats – each with sun space and a terrace area to the front

First to Fourth Floor

Each floor would have:

One x 1-bed flat – each with sun space

Four x 2-bed flats – each with sun space

Lift access

Stair access

The total number of flats for Block A would be 23 comprising a mix of:

- Four x 1-bed flats
- Nineteen x 2-bed flats

Block B

The five-storey building would have a maximum height of approx. 17.2m, maximum width of approx. 26.6m and maximum depth of approx. 15.8m and ground floor level. However, the building would extend a maximum of approx. 14.5m beyond the ground floor rear elevation at first to fifth floor levels. The building would be set back from the front boundary of the site by approx. 2m to 4.2m to allow for defensible space to the front for the ground floor flats fronting the highway. The entrance lobby to the front would be slightly recessed by approx. 0.9m. There would also be access to the rear of the building from the parking area. Listed below is a description of the accommodation provision at each level.

Ground Floor

Bin store

Plant/storage/meter room

Plant/storage room

Cycle storage

Lift access

Stair access

Two x 2-bed flats – each with sun space and a terrace area to the front

First to Fourth Floor

Each floor would have:

Two x 1-bed flat – each with sun space

Five x 2-bed flats – each with sun space

Lift access

Stair access

The total number of flats for Block B would be 30 comprising a mix of:

- Eight x 1-bed flats
- Twenty two x 2-bed flats

There would be 50 parking spaces to the rear of site 1 to serve Blocks A and B. Of the 50 spaces, 2 spaces would be for disabled drivers. Access to the parking area to the rear would be direct from Corporation Street and between the two blocks.

Site 2 (Block C and Block D)

Block C

The 5 storey building would have a maximum height of approx. 16.2m, maximum width of approx. 26.1m and maximum depth of approx. 14.1m. The building would be set back from the front boundary of the site by approx. 2m to 3.8m to allow for defensible space to the front for the ground floor flats fronting the highway. The entrance lobby to the front would be slightly recessed by approx. 0.6m. There would also be access to the rear of the building from the parking area. Listed below is a description of the accommodation provision at each level.

Ground Floor

Bin store

Plant/storage room

Meter/gas room

Cycle storage

Lift access

Stair access

One x 1-bed flat – with a terrace area to the front

One x 2-bed flat – with a terrace area to the front

First to Fourth Floor

Each floor would have:

Two x 1-bed flat – each with sun space

Two x 2-bed flats – each with sun space

Lift access

Stair access

The total number of flats for Block C would be 18 comprising a mix of:

- Nine x 1-bed flats
- Nine x 2-bed flats

Block D

The 5 storey building would have a maximum height of approx. 16.2m, maximum width of approx. 26.1m and maximum depth of approx. 14.2m. The building would be set back from the front boundary of the site by approx. 2m to 3.8m to allow for defensible space to the front for the ground floor flats fronting the highway. The entrance lobby to the front would be slightly recessed by approx. 0.6m. There would also be access to the rear of the block from the parking area. Listed below is a description of the accommodation provision at each level.

Ground Floor

Bin store

Plant/storage room

Cycle storage

Lift access

Stair access

One x 2-bed flat – with a terrace area to the front

One x 3-bed flat - with a terrace area to the front

First to Fourth Floor

Each floor would have:

Two x 1-bed flat – each with sun space

Two x 2-bed flats – each with sun space

Lift access

Stair access

The total number of flats for Block D would be 18 comprising a mix of:

- Eight x 1-bed flats
- Nine x 2-bed flats

- One x 3-bed flat

There would be 29 parking spaces to the rear of site 2 to serve blocks C and D. Of the 29 spaces, 4 spaces would be for disabled drivers. Access to the parking area to the rear would be direct from Corporation Street and between the two blocks.

Site Area/Density

Site 1

Site area: 0.335ha (0.823 acres)
Site density: 158 dph (64 dpa)

Site 2

Site area: 0.231ha (0.570 acres)
Site density: 156 dph (63 dpa)

Relevant Planning History

Site 1

MC/04/0376	Formation of two new vehicular access points and parking areas to rear Approval, 10 May 2004
88/56	Proposed refurbishment of Council flats (front porch to each group of four flats, total number of 9 porches) Approval, 24 March 1988

Site 2

No relevant history

Representations

The application has been advertised on site and in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties. Network Rail, Southern Gas Networks, EDF Energy, KCC Archaeology KCC Ecology, NHS, City Rochester Society and Kent Police have also been consulted.

1 letter has been received raising an objection on the basis of losing their home.

Southern Gas Networks stated that it has no comments to make but that the applicant needs to comply with CDM Regulations and HSG47 guidance.

Kent Police has written raising an objection on the basis that no contributions are proposed to meet the demand of policing services.

Kent County Council Ecology has written making the following comments:

- The mitigation proposed must be implemented
- The measures to avoid impacts on hedgehogs should be implemented
- Ecological enhancements should be sought within the development

Network Rail has written providing guidance to the applicant regarding the railway to adhere to during construction and completion.

The NHS has written requesting a financial contribution towards local GP surgeries.

Additional Representations

The applicants provided further information in support of the scheme, which was set out in the previous supplementary agenda (18 November 2015).

Development Plan Policies

The Development plan for the area comprises the Medway Local Plan 2003. The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2012 and is considered to conform.

Corporation Street Development Framework 2008

Planning Appraisal

Principle of Development

The application site is located in the urban area of Rochester, falling outside of any specific land use designation within the Medway Local Plan 2003. Policy H4 of the Medway Local Plan 2003 is relevant, supporting proposals for residential development in urban areas. The core principles set out in paragraph 17 of the NPPF, alongside paragraph 49 which states a presumption in favour of sustainable housing development, also supports the provision of housing to meet the needs of the area.

The proposal is therefore considered acceptable in principle being in accordance with paragraphs 17 and 49 of the NPPF and Policy H4 of the Medway Local Plan 2003.

Housing Density, Mix and Tenure

Policy H5 of the Medway Local Plan 2003 supports the provision of high density housing within or close to town centres and where there is good public transport access. The location of the application sites is within close proximity to the centre of Rochester and is well located for public transport access.

In terms of the mix and tenure, the proposed development would see the loss of 36 existing units that comprise 18x 2-bed market housing in the form of flats/maisonettes and 18x 2-bed social rented housing in the form of flats/maisonettes.

The new development would provide overall, 100% market housing in the form of 29x

1-bed flats, 59x 2-bed flats and 1x 3-bed flats. One of the 1-bed flats and one of the 2-bed flats would comply with Habinteg Wheelchair Housing Design Guide. This mix in terms of size and type is considered acceptable particularly considering the location of the site.

With regard to the tenure, the proposal would see the loss of 18 affordable units and proposes no affordable provision within the new development. A financial statement has been submitted to support the lack of provision of affordable housing within the development proposals.

At the time of writing this report, this is an issue that remains outstanding and still needs to be negotiated as part of the Section 106 Agreement. Should the applicants not meet the 25% requirement for affordable housing provision without justification as identified by the independent viability assessment, the proposal would fail to comply with Policy H3 of the Medway Local Plan 2003 and the NPPF.

Street Scene and Design

Paragraphs 56 and 58 of the NPPF promote sustainable development and high quality design. Policies BNE1 and H4 of the Medway Local Plan 2003 seek to achieve high quality and requires development to result in a clear improvement to the local environment and be appropriate in relation to the character, appearance and functioning of the built and natural environment.

Furthermore Policies S4, BNE6 and BNE8 of the Medway Local Plan 2003 all emphasise the importance of achieving high quality in landscape and urban design that results in safe and attractive environments.

The proposal is for the replacement of low-rise dwellings on the 2 sites along the north side of Corporation Street with four x 5 storey residential blocks (two on each site).

Each of the flat blocks would be set back approx. 10m from the present street edge to allow for the creation of a tree lined 'boulevard' along Corporation Street in line with the Corporation Street Development Framework 2008.

Scale

The development brief encourages buildings of 4 storeys in height in order to produce an edge of an urban scale along Corporation Street. The brief goes on to state that *'Up to five storeys (16.5 metres) at key locations within the streetscape in order to emphasise junctions and gateways may be acceptable'*.

The proposal is for buildings that are 5 storeys in height. Blocks A and B, Block being closest to the Blue Boar Lane gateway into Rochester Riverside would be approx. 17.2m in height to emphasise the Blue Boar Lane corner and Blocks C and D are slightly lower at approx. 16.2m.

In architectural terms, 5 storeys is akin to the scale of the large Georgian buildings that line some main roads in London. The buildings, together with the generous

pavement and street trees as proposed would create quite a grand effect along Corporation Street. This is not inappropriate for such a major road. The proposed blocks are marginally higher than the maximum height proposed by the development brief, but not by a significant and noticeable amount. In terms of local streetscape, therefore, 5 storeys is considered acceptable.

The Corporation Street Development Framework also notes a planning condition on the 2004 planning permission for Rochester Riverside that restricts building heights in views from Chatham to Rochester Castle and Cathedral to not more than 17.8m above AOD (approximately 13.5m). The Development Framework goes on to state that buildings on Corporation Street within the same view should be restricted to the same maximum height.

It should be noted that Block B would impinge into the view corridor from Chatham to Rochester (which follows the axis of Blue Boar Lane) as laid down in the 2004 permission. The building is quite obviously higher than the 13.5m advocated by the development framework for this view corridor location.

The recently adopted (2014) Development Brief for Rochester Riverside also notes this view corridor. This Development Brief proposes five and six storey buildings within the same axis and view shed on Rochester Riverside, but also suggests that *'proposals for buildings within this area that are five storeys or over will need to be based on a comprehensive visual analysis'*. On this basis, a visual analysis should be carried out with regard to Block B. However, Block B would be towards the edge of the visual corridor and is adjacent to a sizable gap in the streetscape around Blue Boar Lane. This gap is occupied at present, and will continue to be occupied, by low single and two storey buildings. It is also evident that development of the same height on Rochester Riverside would have a greater potential to block this key view. As such, detailed visual analysis has not been sought from the applicant on this occasion and the scale of the buildings is considered acceptable.

Architecture

The proposed flat blocks would be built almost entirely in brick and are relatively plain. In place of an extraneous selection of materials and detailing are large, carefully proportioned windows with deep reveals and inset balconies. In this respect the proposed buildings would be modern versions of the Georgian development previously referred to. The ground and first floor of each block feature recessed brick courses at regular intervals. These read as brick joints and give the overall impression that the base of each building is constructed of giant bricks. This visual device is again of Georgian origin and is known as rustication.

The prominent ends of each block would be emphasised by the use of recessed brick panels of a contrasting colour (Blocks A and B only) and by lightweight steel and glass balconies in contrast to the heavyweight brickwork used elsewhere. The balconies would be enclosed by openable glazed panels that would allow some degree of protection from the noise of the street below. There is potential that glazing may cause the balconies, and the homes behind, to overheat and the use of brise soleil may be required which would not be considered to harm the appearance of the buildings should it be required.

The ground floor frontage of each building would be occupied by communal entrances and by the windows, entrance doors and small front gardens of ground floor apartments. This active use would add interest to the prominent ground floor façade of each building. The rear ground floor of each building is given over to plant, refuse stores and stairwells.

The facades above are commensurately plain in design. This is acceptable given that the principle outlook of the rear of each block is over the railway. The exception to this plainness is Block B, which would wrap around the corner of its site to address Blue Boar Lane. Overall, the architecture would deliver a high quality and distinctive frontage that would positively transform the character of Corporation Street.

Land Use

The Development Framework indicates that commercial uses should be provided at the ground floor of development and that office uses should account for at least quarter of floor space within the development. This reasoning behind this was to:

- 1) Contribute to the economy of Rochester
- 2) Capitalise on the sites' proximity to the new railway station, and
- 3) Ensure that residential uses are raised above the noisy and polluted street level.

The development proposal is for solely residential use. It is noted that the applicant has not sought to justify this departure from the Development Framework, other than to say at pre-application discussions that commercial uses would be 'unviable'. This applies even to Block B, which given its position on the key route through to Rochester Riverside, and adjacent to the Blue Boar car park would be very accessible to commercial users.

However, it is evident that there is not an appetite amongst developers for providing for small-scale office development. This view has been given by developers on other sites with accompanying viability assessments. In addition, the air quality assessment shows that the 10m set-back is sufficient to ensure adequate air quality for dwellings on the ground floor.

It should be noted that the ground floor, floor-to-floor height of Blocks A and B is approx. 3.0m. This would be sufficient to allow for a commercial use should a proposal for one ever come forward in the future. For these reasons, it is considered to be an acceptable land-use, as it does not prejudice the delivery of commercial uses at ground floor at a later date.

Private Landscaping/Amenity Areas

The Development Framework envisages that the majority of space at the rear of the buildings will be given over to car parking and states that this will be acceptable provided that car-parking areas are given a high quality landscaping treatment with significant soft landscaping.

Whilst some new trees would be planted in the car parking areas and meadow grass would be sown where there is room, the reality is that the rear areas are almost entirely given over to parking. Circulation spaces within the car parks are to be paved with textured concrete paviors, which are akin to granite paving. It is considered that this will lift the quality of the car parks.

Small front gardens behind railings would be provided along the street frontage. This would provide a privacy strip between the street and ground floor dwellings and, alongside the trees of the boulevard, would be an attractive visual amenity.

The Boulevard

The applicants have incorporated a boulevard design in line with the requirements of the Development Framework for this area. This includes them agreeing to be responsible for implementing the improvements (widening the footway, repaving, plus street trees).

The Development Framework also indicates that the Council will adopt the new areas of public realm. This equates to an 8m strip of footway that includes street trees.

The applicant's proposal for the boulevard remain restricted to concept sketches, other than the proposed use of Marshalls Tescina grey paviors right across the widened footway. However, it is considered that the treatment of the Boulevard can be dealt with by the use of a planning condition. To assist in the future submissions in relation to such a condition the following is recommended:

- Street trees at max 10m interval (the proposals show 14no. street trees at 9m intervals)
- The trees should be set back from the existing footway in order to avoid services (i.e. 3.5m back from existing kerb).
- Lime trees of min 0.25m diameter (to avoid vandalism and to have an immediate impact) are recommended. These will grow into suitably large specimens and are reasonably disease free.
- Renewing footway materials will almost certainly require relaying of kerbs. Conservation kerbs are recommended.
- There are options for extended footway materials. The proposed paviors would be acceptable in design terms but so equally would be the use of one material for the outer footway nearest the road and another for the areas round the street trees.

In order to ensure that trees get established and that snags are dealt with, it is also recommended the applicants maintain the boulevard area for a period of up to five years before handing it over for adoption.

Impact on Historic Environment

Paragraphs 132 and 135 of the NPPF and Policies BNE12 and BNE18 of the Medway Local Plan seek to preserve and enhance the character, appearance and setting of conservation areas and listed buildings.

Located on the opposite of Corporation Street is the Conservation Area of Historic Rochester. There are also buildings and structures of historic value such as the listed Adult Education Centre and the city wall. The architecture of the proposed flat blocks takes design references from buildings such as the Adult Education Centre and the Corn Exchange, which is also in close proximity of the application site reflecting window composition and proportions and brick detailing.

By respecting the historic architecture within the locality, it is considered that the design of the proposed development is sensitive to its historic location and would not result in any detrimental harm to the character and appearance of the conservation area or nearby listed buildings. The proposal is therefore considered to comply with the provisions of paragraphs 132 and 135 of the NPPF and Policies BNE12 and BNE18 of the Medway Local Plan 2003.

Security and Personal Safety

Another aspect of design relates to security and personal safety. Policy BNE8 of the Medway Local Plan 2003 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. The design of the proposal has taken account of secure by design and consultation with the Kent Police representative indicates partial accreditation can be achieved. Some recommendations in relation to 'secure by design' are matters for a later date following any granting of planning permission; such as details of external lighting of car parking areas, the glazing used at ground floor level and heat and smoke detectors. Some of these elements would be secured by condition should planning permission be forthcoming, or through compliance with building regulations. With the use of such conditions, it is considered that the proposal would be in accordance with Policy BNE8 of the Medway Local Plan 2003.

Residential Amenity Considerations

Policy BNE2 of the Medway Local Plan 2003 relates to the protection of amenities for existing residents within the locality and future residents of the proposed development.

Apartment sizes conform to the gross internal floor areas (GIFA) laid down by the Governments Nationally Described Space Standard. External amenity space in the form of enclosed balconies and front gardens complies with the Medway Housing Design Standards (MHDS). Communal circulation space including hallways, landings and lifts also complies with the MHDS although an access control system with audio visual verification would be required for Block B in order to comply with the Standards. This can be secured by condition, should planning permission be forthcoming.

Paragraph 123 of the NPPF states that, '*planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development*'. A Noise Impact Assessment has been submitted with the application. Paragraph 124 of the NPPF requires local authorities to consider the

issue of air quality in dealing with planning applications. An Air Quality Assessment has been submitted as part of the application.

The MHDS also require flats that are subject to pollution and noise to be dual aspect i.e. to have a noisy/polluted aspect and a quieter/non-polluted aspect. However, in this case noise sources include Corporation Street to the southwest and the railway to the northeast. Dual aspect units in this regard would not therefore mitigate these environmental factors.

The buildings would be set back from the street and this is sufficient to mitigate pollution from road traffic along Corporation Street. However, the buildings would still be subject to considerable ambient noise. In line with normal practice, a heavily insulated building envelope is proposed to block sound transmission to the interior of the building. The noise assessment also assumes mechanical ventilation as part of the mitigation measures. However, it is not explained how this would work given the railway to the rear. Further information on this matter would be required and can be secured by condition should planning permission be forthcoming.

Balconies feature glass screens in order to provide semi-outdoor space that is not noise polluted.

In relation to existing residents, the closest residential property to the proposed development is St. Clements House to the northwest of site, which comprises flats owned by the applicant. Block C is the closest of the proposed blocks to this property. The siting of St. Clements House is such that the end of the building closest to the proposed Block C is at an angle whereby, there would be no detrimental harm in terms of any overlooking and loss of privacy caused from the configuration of habitable room windows. Again, the relationship of the existing St. Clements House and Block C means that there would be no detrimental harm on the amenities of the residents of St. Clements House in terms of loss of outlook, daylight and overshadowing.

In relation to the rest of the application site, there are non-residential uses to the southeast of site 2, to the southeast of site 1 and to the northwest of site 1.

Overall, with the inclusion of the suggested conditions, the proposal is considered to be in accordance with paragraphs 123 and 124 of the NPPF and Policy BNE2 of the Medway Local Plan 2003.

Contamination

Paragraph 121 of the NPPF and Policy BNE23 of the Medway Local Plan 2003 requires proposals for development on land known or likely to be contaminated to be accompanied by the findings of a detailed site examination to identify contaminants and the risks that these might present to human health and the wider environment.

The applicants have submitted a Phase 1 desk study. The desk study has identified a number of potential pollutant linkages associated with recorded on and off site historical activities. Very low to high risks to human health and very low to moderate risk to controlled water receptors have been identified. The report recommends that a

site investigation is required which should include testing of soils for the identified contaminants of concern, installation of combined gas and groundwater standpipes and return ground gas monitoring. In the event that significant contamination is encountered in soils on site groundwater monitoring should be undertaken.

Given the proposed development and anticipated ground conditions piled foundations are likely to be required. Intrusive investigations would need to include deep boreholes to provide required information for piled foundation design.

It is considered that should planning permission be forthcoming, appropriate conditions be attached to ensure the site is adequately investigated for contaminants and remediated appropriately should this be necessary.

With the imposition of the appropriate conditions the proposal is considered to be in accordance with paragraph 121 of the NPPF and Policy BNE23 of the Medway Local Plan 2003.

Ecology

Paragraph 118 of the NPPF states that, *'when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity'*.

The Preliminary Ecological Appraisal report has been submitted in support of this application. With the exception of the potential for impacts to the European sites, we are satisfied that this provides an adequate assessment of the potential for ecological impacts to occur as a result of the proposed development. The proposed development sites are reported to provide habitat suitable for nesting birds. Mitigation recommendations are provided section 4.5 of the report and measures to avoid impacts on hedgehogs are provided in section 4.9. It is recommended that should planning permission be forthcoming, a condition be attached to ensure these measures are implemented.

The submitted assessment indicates that the sites provide limited habitat for other protected species and that the buildings proposed for demolition offer negligible potential for roosting bats.

One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged". It is recommended that a condition be attached to any forthcoming planning permission to secure ecological enhancements within the proposed development, including the provision of bird nesting and bat roosting features on the proposed buildings and the use of native species in the landscaping.

With the inclusion of the suggested conditions, the proposal is considered to be in accordance with Paragraph 118 of the NPPF and Policies BNE37 and BNE38 of the Medway Local Plan 2003.

Recreational Bird Disturbance: Unilateral Undertaking

In January 2015, Natural England (NE), the Government adviser for the natural

environment in England, wrote to members of the North Kent Environmental Planning Group (consisting Canterbury City Council, Dartford Borough Council, Gravesham Borough Council, Medway Council and Swale Borough Council) confirming advice that a significant effect, either along or in-combination, is likely to occur on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest from new development proposals.

For clarity, this relates to development (notwithstanding the quantum of development) within 6km of the North Kent Marshes SPA/Ramsar Sites. Following this advice, NE has worked closely with the aforementioned local authorities to advise on establishing and securing the necessary strategic mitigation measures to protect the coastal SPAs and to enable development to proceed. Further advice was provided on 17 August 2015 concerning this matter. The strategic measures are in the process of being developed by the authorities, but are likely to be in accordance with the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM) produced by Footprint Ecology in July 2014. Whilst these measures are being developed, NE advise that it supports an interim approach that will enable development to proceed, based on the clear intention of the authorities to implement these measures. Natural England has also advised that an appropriate tariff is collected on the basis that it can be used to fund strategic measures across the Thames, Medway and Swale Estuaries. This interim tariff should be collected, for new builds, in anticipation of:

- An administrative body being identified to manage the strategic tariff collected by the local authorities.
- A memorandum of understanding or legal agreement between the local authorities and administrative body to underpin the strategic approach.
- Ensure that a delivery mechanism for the agreed SAMM measures is secured and the SAMM strategy is being implemented from the first occupation of the dwellings, proportionate to the level of the housing development.

The tariff, which has been agreed across all of the local authorities and Natural England, currently stands at £223.58 per dwelling, excl. legal and monitoring officers costs which separately total £550.

The applicants have agreed to this financial obligation. On this basis, no objections are raised in regards to Conservation of Habitats and Species Regulations 2010 and Policy BNE35 of the Medway Local Plan 2003.

Highways

Trip Generation and Access

The Transport Statement submitted with the application uses the national trip generation database to estimate that the proposed development would generate 128 vehicle trips per day, of which 18 trips would occur during the morning peak and 23 trips between 1700 and 1800. Taking into account the city centre location and existing traffic flows along the A2, it is considered that this number of vehicle movements would not have a severe impact on highway capacity.

Each access is proposed to operate on a left-in/left-out basis, with no alterations to the existing central reservation on Corporation Street. Given the large traffic flows along this section of the A2, there is no objection to preventing right-turns from the site. Vehicle access from the south and north-bound egress would require u-turns at Gas House Road and Blue Boar Lane. These manoeuvres are also required by other developments along Corporation Street, including the new Railway Station. Vehicle tracking analysis demonstrates that there would be sufficient space for a large refuse vehicle to access safely and manoeuvre within the site. The application proposes lines of bollards alongside the access points. These are likely to create a cluttered street scene, however and would represent a maintenance burden on the local highway authority. On this basis, a more satisfactory design solution is recommended. It is suggested that the proposed access design where it crosses the Corporation Street footway be regarded as indicative, with a final design to be secured through a condition should planning permission be forthcoming. This would enable more detailed work to be undertaken in respect of surface materials, pedestrian facilities and measures to prevent vehicle incursion on to the footway.

Parking

The Council's Parking Standards indicate that the proposed development should provide a minimum of 140 parking spaces, comprising 118 spaces for residents and 22 spaces for visitors. The application proposes 50 spaces for blocks A and B (53 flats) and 30 spaces for blocks C and D (36 flats).

The Transport Statement submitted with the planning application uses the Government document 'Residential Parking Research' in order to justify the number of spaces proposed. The methodology uses local car ownership Census data and takes in to consideration the size of the proposed dwellings, their tenure and how on-site parking would be managed. The 2011 Census indicates that average car ownership in the vicinity of the site was 0.97 per dwelling. The Transport Statement uses the formula set out in the document to calculate that Blocks A and B would generate a demand for 34 spaces and Blocks C and D would generate a demand for 22 spaces. If average car ownership is in line with the ward average of 1.17 cars per dwelling, the parking demand for Blocks A and B would increase to 43 spaces and the parking demand for Blocks C and D would remain at around 22 spaces.

In light of the above, it is considered that the parking demand generated by the development would be accommodated within the two sites. Notwithstanding this, Corporation Street has extensive controls in place to prevent indiscriminate parking and the site is close to a number of public car parks, for which daily tickets and season tickets may be purchased. There are no resident parking zones in the immediate vicinity of the site, although it is likely that future development on Rochester Riverside would need to consider parking controls. Secure cycle storage is proposed within the blocks. It is recommended that a Parking Management Plan for the development be secured by condition should planning permission be forthcoming. This should provide details of how the on-site provision would be managed to ensure that the spaces are only available to residents and their visitors, together with details of how parking issues would be incorporated in to leases.

With the inclusion of the suggested conditions, the proposal is considered to be in

accordance with Policies T1, T2, T4 and T13 of the Medway Local Plan 2003.

Local Finance Considerations

None relevant to this application.

Section 106

New residential development can create additional demand for local services, such as for health and refuse services. Policy S6 of the Medway Local Plan 2003 says that conditions and/or legal agreements should be used to make provision for such needs.

The Community Infrastructure Levy Regulations 2010 provides that in relation to any decision on whether or not to grant planning permission to be made after 6 April 2010, a planning obligation (a s106 agreement) may only be taken in to account if the obligation is: -

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

The obligations/contributions requested in this case are considered to comply with these tests because they have been calculated based on the quantum and location of the development.

A request for the following contributions has been made:

- A contribution of £101,570.24 towards off site provision and/or maintenance of Eastgate House Gardens on Corporation Street. This figure is calculated based on a total population of 186.71 x £544 (excluding Great Lines and Heritage) as set out in the adopted supplementary planning document, Guide to Developer Contributions. The trigger for this contribution would be prior to occupation.
- A contribution of £11,120.55 towards the maintenance of RSME Bicentenary Bridge at Fort Amherst. This figure is calculated based on £51 per person x 2.45 x 89 as set out in the adopted supplementary planning document, Guide to Developer Contributions. The trigger for this contribution would be 50% on commencement and 50% prior to occupation.
- A contribution of £12,167.19 towards the provision of extended community facilities at Woodside Community Centre. This figure is calculated based £55.80 x 2.45 x 89 as set out in the adopted supplementary planning document, Guide to Developer Contributions. The trigger for this contribution would be 80% on commencement and 20% prior to occupation.
- A contribution of £46,924.80 towards primary education at All Faiths Primary and/or Delce Infants/Juniors and/or Warren Wood Primary and secondary education at Greenacre and/or Waldersalde Girls and/or Thomas Aveling.

This figure is broken down to £5,990.40 for nursery provision, £17,971.20 for primary provision and £22,963.80 for secondary provision. The figures are calculated as set out in the adopted supplementary planning document, Guide to Developer Contributions. The trigger for this contribution would be on commencement of development.

- A contribution of £10,762.85 towards improvements to Esplanade Healthcare and/or Thorndike Centre and/or The Delce and/or Rochester Healthy Living Centre. The figure is calculated based on $£191 \times 2.45 \times 23$ dwellings as set out in the adopted supplementary planning document, Guide to Developer Contributions. The trigger for this would be on completion of 50% of the dwellings.
- A contribution of £19,898.62 towards mitigation against recreational disturbance within Medway's SPAs and Ramsar sites to comply with the Habitat Regulations regarding the screening of likely significant effects of residential development. This figure is calculated based on $£223.58 \times 89$ dwellings. The trigger for this contribution would be on commencement of development.
- The provision of 25% affordable housing being the standard tenure split of 60%/40%.

A Financial Statement has been submitted by the applicants in an attempt to demonstrate viability issues and therefore justify the development without affordable housing and the refusal to meet the requested financial obligations. The Financial Statement has been examined by a suitable expert and the conclusion is that the proposed development is viable with the full financial contributions and provision of affordable housing requested, despite the assertions of the applicant/agent.

Discussions will take place with the applicants to pursue this further and Members will note that the officer recommendation is for approval subject to resolution of the S106 contributions and affordable housing provision. There will be an updated report included within the Supplemental Agenda on the day of Planning Committee.

This proposal would result in the loss of eighteen affordable units and the scheme provides no affordable housing. A Financial Statement was submitted by the applicants to demonstrate that it is unviable to provide any affordable housing within the proposal.

The committee report states that this was a matter that needed to be negotiated as part of the Section 106 Agreement and that should the applicants not meet the 25% requirement for affordable housing provision without justification as identified by the independent Viability Assessment, the proposal would fail to comply with Policy H3 of the Medway Local Plan 2003 and the NPPF (p 81).

The applicant's Financial Statement also states that it is unviable for the development to provide any S106 contributions.

The committee report states that the applicant's Financial Statement was examined

by an expert and the conclusion was that the development is viable with full financial contributions and provision of affordable housing requested and the officer recommendation reflects this (p 91).

However, at the time of writing the committee report, there were a number of uncertainties that the independent assessor needed clarification from the applicants on. A full independent Viability Assessment has now been carried out by the independent assessor, which concludes that the making of section 106 contributions and/or the provision of affordable housing would not be viable and cannot be justified in terms of the development's economics.

The NPPF states that to ensure viability, development should not be subject to such a scale of obligations that their ability to be developed viably is threatened. In this case, the independent Viability Assessment indicates that the provision of S106 contributions and affordable housing would result in an unviable development and officers therefore consider the proposal to be compliant with Medway Local Plan Policy H3 and the NPPF.

Conclusions and Reasons for Recommendation

It is considered that the proposal would result in a development that is appropriate for its context and is acceptable in terms of design and appearance, residential amenities, ecology, highway safety and parking. Subject to resolution of the S106 contributions and affordable housing provision, it is therefore recommended that the proposal be approved subject to the imposition of appropriate conditions as set out above. The proposal accords with the provisions paragraphs 17, 49, 56, 58, 118, 121, 123, 124, 132 and 135 of the NPPF; Policies S4, S6, H4, H5, BNE1, BNE2, BNE6, BNE8, BNE12, BNE18, BNE23, BNE35, BNE37, BNE38, T1, T2, T4 and T13 of the Medway Local Plan 2003 and the Corporation Street Development Framework.

The application would normally be determined under delegated powers but is being reported to Committee due to the prominent site location and the relationship with other development along Corporation Street.

The application was reported to the Planning Committee on 18 November and was deferred to enable further consideration to be given to issues relating to affordable housing and viability, design and parking.

The applicants made a recent presentation to members where they were able to answer direct questions from members. As a direct response to this, the applicants have advised that they will provide a minimum of 18 affordable houses on site, but outside of the planning process and will use their best endeavours to get the necessary funding to increase that number. In terms of design the applicants responded to questions and clarified the rationale behind the design and quality. On parking, the applicants explained the rationale behind the number of spaces proposed and have confirmed that they will not take forward the option of providing any along the frontage of the site and will manage car parking allocation via details to be submitted pursuant to the recommended condition.

Finally in relation to viability a further independent assessment has been undertaken

and the conclusions of that will be presented within the supplementary agenda.

Background Papers

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

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