

MC/17/2333

Date Received: 30 June, 2017

Location: Rochester Riverside, Rochester, ME1 1NH

Proposal: Hybrid planning application seeking outline permission for the erection of up to 1,400 no. dwellings including a primary school and nursery (D1 use), up to 1,200sqm of commercial floorspace (A1/A2/A3/A4/B1/D1 and D2 uses) together with a pedestrian footbridge, parking, open space and landscaping. Full permission for phase 1, 2 and 3 of the development consisting of the erection of 489 no. dwellings (of the 1,400 no. total), the provision of a hotel (use Class C1), 885sqm of commercial floorspace (A1/A2/A3/A4/B1/D1 and D2 uses) along with site access/spine road, parking, open space and landscaping

Applicant: Countryside Properties (UK) Ltd & The Hyde Group

Agent: Mr David Stengel btpw partnership 110-114 Norman Road Greenwich SE10 9QJ

Ward River

Case Officer Thomas Ashley

Contact Number 01634 331700

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 25 October 2017.**

**Recommendation – Approval subject to;**

A. The applicant entering into a Section 106 obligation in order to secure the following:

- i) The provision of 25% affordable housing over the entire site (including development already undertaken)
- ii) A contribution of £4,500,000 towards future maintenance of the River Wall
- iii) A contribution towards controlled parking zones of £55,486
- iv) A Primary and Nursery School to be constructed on site for use/occupation by 2021 (cost not to exceed £4,563,769)
- v) A contribution towards Secondary Education of £2,076,256

- vi) A contribution towards sixth form Education of £717,744
- vii) A contribution towards improvements to off site open space of £2,020,133
- viii) A contribution towards improvements to local health facilities of £655,130
- ix) A contribution towards local community facilities of £655,000
- x) A contribution towards improvements to waste services of £214,592
- xi) A contribution towards bird mitigation of £313,012
- xii) Applicant to provide employment opportunities for local residents and apprentices

B. And the following conditions:

**Time Limits**

- 1 The development hereby permitted for phases 1 – 3 shall commence within 3 years of the date of this permission.

Reason: As required by the provisions of section 92(2)(b) of the Town and Country Planning Act 1990.

- 2 Plans and particulars of the reserved matters referred to in Condition 4 above shall be submitted in writing to the Local Planning Authority for approval. Such application for approval shall be made to the Authority before the expiration of ten years from the date of this permission and the reserved matters shall be carried out in accordance with the approved details.

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

- 3 The development to which the outline permission relates (phases 4 - 7) must be begun no later than the expiration of 2 years from 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.

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

**Outline Conditions**

- 4 With respect to the part of the application that seeks outline permission (phases 4 - 7), approval of the details of the layout, scale and appearance of

the buildings, the means of access thereto and the landscaping (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced.

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

5 The development quantum granted under this permission and any subsequent reserved matters consents, shall not:

- Exceed more than 1400 units (inclusive of 489 hereby granted permission)
- Exceed more than 1 hotel providing 81 guest bedrooms (hereby granted consent)
- Exceed more than 5,135sqm of floor space falling within (A1, A2, A3, A4, B1, D1 and D2)
- Provide less than 44,760sqm of Open Space

Reason: To ensure the development does not create environmental impacts above and beyond those identified in the submitted Environmental Impact Assessment.

6 The reserved matters submission shall be in accordance with the following approved parameters plans:

- Site Plan : CPL-ROC\_HTA-A\_DR-PP-0002
- Extent of Outline with Hybrid Application: CPL-ROC\_HTA-A\_DR-PP-0003
- Site Access : CPL-ROC\_HTA-A\_DR-PP-0004
- Development Parcels : CPL-ROC\_HTA-A\_DR-PP-0005
- Publicly Accessible Open Space : CPL-ROC\_HTA-A\_DR-PP-0006
- Heights : CPL-ROC\_HTA-A\_DR-PP-0007
- Route Network : CPL-ROC\_HTA-A\_DR-PP-0008
- Phasing : CPL-ROC\_HTA-A\_DR-PP-0009
- Minimum Extent of Biodiverse Roofs : CPL-ROC\_HTA-A\_DR-PP-0010
- Land Uses : CPL-ROC\_HTA-A\_DR-PP-0011

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

7 Prior to the submission of the first Reserved Matters application, an updated masterplan and overarching design code will be submitted to and approved by the Local Planning Authority.

A draft of the design code shall be submitted for an independent design review process prior to the submission of each reserved matters application. The review shall be undertaken by an independent third party to be agreed in writing by the Local Planning Authority. The subsequent submission shall outline how the comments of the design panel have been taken into account the submitted spatial design framework.

Prior to the submission of each subsequent reserved matters application, a design framework review shall be submitted to and approved in writing by the Local Planning Authority. All reserved matters applications shall be submitted in accordance with the approved design framework.

Reason: To ensure a satisfactory external appearance in accordance with policy BNE1 of the Medway Local Plan 2003.

- 8 Any reserved matters application seeking approval for 'scale' for any phase or sub phase hereby permitted, that includes any buildings that are proposed to exceed a height of 5 storeys and/or 20 metres shall be accompanied by accurate visual renditions (AVR's) and updated viewpoint visualisations showing how the design sits in its context, particularly in relation to the nearby heritage assets.

Reason. In the interests of visual amenity in accordance with Policy BNE1 of the Medway Local Plan 2003 and to protect the special character and appearance of nearby heritage assets in accordance with Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Area) Act 1990.

- 9 Any reserved matters application shall include a full sunlight and daylight analysis report for that phase or sub phase in accordance with the BRE Guide 'Site Layout Planning for Daylight and Sunlight' to demonstrate the proposed residential dwellings will achieve suitable sunlight and daylight levels in accordance with the BRE Guidance.

Reason: To ensure adequate levels of amenity for future residents in accordance with policy BNE2 of the Medway Local Plan 2003.

- 10 Any application seeking the approval of Reserved Matters pursuant to Condition 4 that affects the Grade I listed Roman Wall or its setting must be accompanied by a Heritage Assessment considering the impact of the proposed development on the heritage asset and its setting, providing details of how the Roman Wall will be conserved and measures for its long terms protection.

Reason. In the interests of visual amenity in accordance with Policy BNE1 of the Medway Local Plan 2003 and to protect the special character and appearance of nearby heritage assets in accordance with Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Area) Act 1990.

- 11 Prior to each reserved matters application, an updated travel plan must be submitted to and approved in writing by the Local Planning Authority. The updated travel plan shall be implemented in accordance with the approved details and maintained thereafter.

Reason: To accord with Policy T4 of the Medway Local Plan

- 12 Prior to the commencement of above ground works within Phase 4 of the development hereby approved detail of the improvements to Star Hill/City Way Roundabout shall be submitted and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The approved details shall be implemented prior to the first occupation within Phase 4.

Reason: To ensure the development does not have a prejudicial impact on the local road network in accordance with Policy T1 of the Medway Local Plan

- 13 Prior to the commencement of above ground works within Phase 4, full details for the construction of the Cory Creek footbridge shall be submitted and approved in writing by the Local Planning Authority. Details shall include detailed design and an assessment of any ecological impact and associated mitigation measures. The footbridge shall be constructed in accordance with the approved details prior to the occupation of 50% of the units within Phase 4.

Reason: In the interests of design and environmental quality in accordance with Policy BNE1 and the 2014 Rochester Riverside SPD

- 14 The Phase 1 - 3 development hereby permitted shall be carried out in accordance with the following approved plans:

D001 A	Site Layout - Phase 1 & 2 Site Layout - Plot Reference
D002	Site Layout - Phase 3 Site Layout - Plot Reference
D100	Street Elevation Location Key
D101 A	Street Elevation 01 & 02
D102 A	Street Elevation 03, 04 & 05
D103	Street Elevation 06, 07 & 08
D104 A	Street Elevation 09, 10 & 11
D105 A	Street Elevation 12, 13 & 14
D106	Street Elevation 15, 16 & 17
D201	House Type 01 - Egret - 2B3P - Plans and Elevations
D202	House Type 02a - Egret w/con - 2B3P - Plans and Elevations
D203	House Type 02b - Egret w/con - 2B3P - Plans and Elevations
D206 A	House Type 03 - Sanderling - 2B3P - Plans and Elevations
D211	House Type 04a - Darland w/con - 3B4P - Plans and Elevations
D212	House Type 04b - Darland w/con - 3B4P - Plans and Elevations
D216 A	House Type 05a - Shellduck - 3B5P - Plans and Elevations
D217 A	House Type 05b - Shellduck - 3B5P - Plans and Elevations
D218 A	House Type 05c - Shellduck - 3B5P - Plans and Elevations
D221	House Type 06 - Heron - 3B5P - Plans and Elevations
D222	House Type 07 - Heron w/con - 3B5P - Plans and Elevations
D226 A	House Type 08 - Horsted - 3B5P - Plans and Elevations
D231	House Type 09 - Pochard - 4B6P - Plans and Elevations
D236	House Type 10a - Dunlin - 4B6P - Plans and Elevations
D237 B	House Type 10b - Dunlin - 4B6P - Plans and Elevations
D238 A	House Type 10c - Dunlin - 4B6P - Plans and Elevations
D239 A	House Type 10d - Dunlin - 4B6P - Plans and Elevations
D240	House Type 10e - Dunlin - 4B6P - Plans and Elevations
D241	House Type 11a - Dunlin w/bay - 4B6P - Plans and Elevations
D242 A	House Type 11b - Dunlin w/bay - 4B6P - Plans and Elevations
D243	House Type 11c - Dunlin w/bay - 4B6P - Plans and Elevations

D244 House Type 11d - Dunlin w/bay - 4B6P - Plans and Elevations  
D246 House Type 12 - Shornemead - 4B6P - Plans and Elevations  
D251 A House Type 13 - Amherst - 4B7P - Plans and Elevations  
D252 A House Type 14 - Amherst - Garage - 4B7P - Plans and Elevations  
D256 A House Type 15 - Curlew - 3B5P - S/O - Plans and Elevations  
D261 B House Type 16 - Peregrine - 5B8P - Plans and Elevations

D301 House Type 01 - Egret - 2B3P – Sections  
D311 House Type 04a - Darland w/con - 3B4P - Sections  
D321 House Type 06 - Heron - 3B5P - Sections  
D322 House Type 07 - Heron w/con - 3B5P - Sections  
D331 House Type 09 - Pochard - 4B6P - Sections  
D336 A House Type 10a - Dunlin - 4B6P - Sections  
D346 House Type 12 - Shornemead - 4B6P – Sections  
D361 House Type 16 - Peregrine - 5B8P - Sections

D401 Block 1B - Hotel - Ground Floor  
D402 Block 1B - Hotel - Typical Floor  
D403 Block 1B - Hotel - Roof Plan  
D406 Block 1C - Ground  
D407 Block 1C - Typical Floor  
D408 Block 1C - Fourth Floor  
D409 Block 1C - Roof Plan  
D411 Block 2A - Ground and First Floor  
D412 Block 2A - Second and Third Floor  
D413 Block 2A - Roof Plan  
D416 Block 2B - Ground and First Floor  
D417 Block 2B - Typical Floor and Roof Plan  
D421 Block 2C - Ground Floor  
D422 A Block 2C - First Floor  
D423 A Block 2C - Second Floor  
D424 A Block 2C - Typical Floor  
D425 A Block 2C - Fifth Floor  
D426 Block 2C - Roof Plan  
D431 A Block 2D - Ground and Typical Floor  
D432 Block 2D - Roof Plan  
D436 A Block 2E - Ground and Typical Floor  
D437 Block 2E - Roof Plan  
D441 A Block 2F - Ground and Typical Floor  
D442 Block 2F - Roof Plan  
D446 Block 3A - Ground, Typical Floor and Roof Plan  
D451 Block 3B - Ground and Typical Floor  
D452 Block 3B - Roof Plan  
D456 A Block 3C - Ground and Typical Floor  
D457 Block 3C - Third Floor and Roof Plan

D501 Block 1B - Elevations  
D502 Block 1B - Elevations  
D506 Block 1C - Elevations  
D507 A Block 1C - Elevations  
D511 A Block 2A - Elevations  
D516 A Block 2B - Elevations  
D521 Block 2C - Elevations  
D522 Block 2C - Elevations  
D531 A Block 2D - Elevations

D536 A        Block 2E - Elevations  
D541 A        Block 2F - Elevations  
D546 A        Block 3A - Elevations  
D551         Block 3B - Elevations  
D556 A        Block 3C - Elevations

D601         Block 1B - Sections A - A & B - B  
D606         Block 1C - Sections A - A & B - B  
D611         Block 2A - Sections A - A & B - B  
D616         Block 2B - Sections A - A & B - B  
D621         Block 2C - Sections A - A & B - B  
D631         Block 2D - Sections A - A & B - B  
D636         Block 2E - Sections A - A & B - B  
D641         Block 2F - Sections A - A & B - B  
D646         Block 3A - Sections A - A & B - B  
D651         Block 3B - Sections A - A & B - B  
D656         Block 3C - Sections A - A & B - B

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

- 15     Prior to above ground works on each relevant block commencing on site, detailed floorplans of every floor level, of every residential block of apartments hereby granted consent, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved plans.

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

- 16     Prior to commencement of Phase 3 a Baseline Condition Survey of the Blue Boar Crane and a Management and Maintenance Plan must be submitted to and approved by the Local Planning Authority. The Blue Boar Crane must be retained and the Management and Maintenance Plan implemented as approved unless otherwise agreed in writing with the Local Planning Authority.

Reason: To preserve an important part of the historic character of the site.

- 17     Prior to occupation of each phase or sub phase, the approved car parking spaces shown on the approved drawings listed under condition 14 must be provided and retained in situ thereafter and the space used for no other purpose without the prior written consent of the Local Planning Authority.

Reason: To ensure satisfactory parking arrangements for cars in accordance with Policies T1 and T13 of the Medway Local Plan.

- 18     Prior to occupation of each phase or sub phase, the approved cycle parking spaces shown on the approved drawings (listed under Condition 14) must be provided. Thereafter the cycle spaces must be retained and the space used for no other purpose.

Reason: To ensure the provision and permanent retention of bicycle spaces in accordance with Policy T4 of The Medway Local Plan 2003.

- 20 Prior to the use commencing, a detailed servicing strategy for the hotel shall be submitted to and approved in writing by the Local Planning Authority. The servicing of the hotel must then be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the amenity of nearby residential properties in accordance with Saved Policy BNE2 and to ensure the development does not have an adverse affect on the local road network by the generation of unacceptable levels of traffic in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

- 21 An operational statement for the café / restaurant at ground floor of the Hotel shall be submitted to the Local Planning Authority prior to occupation setting out hours of use, maximum number of covers, waste and refuse collection facilities / strategy and a management statement detailing any measures that will be introduced to avoid the restaurant / café having a detrimental effect on neighbouring residential uses.

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

- 22 No development shall take place until, a scheme for protecting the development hereby permitted from noise that implements the measures described in the Chapter 7 of Environmental Statement dated June 2017, has been submitted to and approved in writing by the Local Planning Authority.

All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

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

### **Hybrid Conditions**

#### **Materials**

- 23 Prior to above ground works within any phase or sub phase, details and samples of all finishing materials to be used in the construction of the buildings within that phase or sub phase, including glazing, shall be submitted to and approved in writing by Local Planning Authority. Each building shall thereafter be constructed in accordance with the approved details.

Reason: To ensure a satisfactory external appearance in accordance with policy BNE1 of the Medway Local Plan 2003.



## Landscaping

- 24 Prior to above ground works within a phase or sub phase, a detailed planting scheme must be submitted to and approved in writing by the Local Planning Authority for that phase or sub phase. This scheme must include the number, size, species and positions of all soft landscaping, including trees and shrubs. This planting scheme must be implemented as approved by the end of the planting season immediately following occupation of the development within the phase or sub phase or the phase or sub phase being brought into use, whichever is the sooner (or within any other time limit we agree to in writing).

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 25 No above ground works shall commence for any phase or sub phase of development until details and samples, where appropriate, of all boundary walls, railings, gates, fences and other means of enclosure relating to that phase or sub phase have been submitted to and approved in writing by the Local Planning Authority. The means of enclosure shall be implemented as approved prior to first occupation of the phase or sub phase.

Reason: To ensure a satisfactory external appearance in accordance with policy BNE1 of the Medway Local Plan 2003.

- 26 Prior to above ground works within a phase or sub phase, samples of the materials to be used for the hard landscaping measures for that phase or sub phases, must be submitted to and approved in writing by the Local Planning Authority and implemented as approved prior to occupation of that phase or sub phase.

Reason: To ensure a satisfactory external appearance in accordance with policy BNE1 of the Medway Local Plan 2003.

- 27 If any trees or plants either retained or provided as any part of any landscaping scheme approved, either as part of this decision or arising from a condition imposed as part of this decision, within a period of 5 years from the planting date, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species as those originally planted in accordance with the scheme approved pursuant to Condition 12.

Reason. In the interests of residential and visual amenity in accordance with policies BNE1 and BNE6 of the Medway Local Plan 2003.

## **Construction**

- 28 Prior to the commencement of development within any phase or sub-phase, including any works of demolition, a construction management plan for that phase or sub phase shall be submitted to and approved in writing by the local planning authority. The plan shall include, but not be limited to, the following information:
- i) A construction programme including a 24 hour emergency contact number;
  - ii) Parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
  - iii) Locations for loading / unloading and storage of plant and materials in constructing the development;
  - iv) Erection and maintenance of security hoardings (including decorative displays and facilities for public viewing where appropriate);
  - v) Wheel washing facilities and measures to control the emission of dust and dirt during construction;
  - vi) Construction vehicle access and egress routes for each phase; and
  - vii) A scheme for recycling/disposing of waste resulting from demolition and construction works.

The works shall be carried out in accordance with the approved CEMP unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of nearby properties and to avoid any irreversible detrimental impacts to human health in accordance with policy BNE2 of the Medway Local Plan 2003.

## **Non-residential**

- 29 Prior to occupation of each commercial units (A1-A4), an operational statement must be submitted to and approved by the Local Planning Authority for that commercial unit (A1 – A4) setting out proposed method of operation including, but not limited to, the use, proposed hours of operation, proposed servicing strategy and where necessary, any management procedures for the unit that will reduce the potential impact of the use on residential amenity. The commercial unit shall be operated in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.  
Reason: To protect the amenity of nearby residential properties in accordance with Saved Policy BNE2

- 30 No deliveries, refuse collection and/or any other commercial servicing activity shall be undertaken between the hours of;
- 00.00 and 06.00 on any day
  - 23.30 and 06:00 Monday to Saturday and 18:00 and 08:00 Sundays and Bank Holidays for all other non residential buildings;

Reason: To protect the amenity of nearby residential properties in accordance with Saved Policy BNE2 of the Medway Local Plan 2003.

- 31 Full details of any plant to be installed on any building (residential or commercial) or within the curtilage of a building hereby approved, shall be submitted to and approved in writing by the Local Planning Authority prior to the plant items being provided. Details will include;
- Full scaled drawings of the plant, screening, enclosures or ducts in context with the building
  - A full acoustic report

The plant items shall be provided as approved.

Reason: To ensure a satisfactory appearance to the development in accordance with Saved Policy BNE1 and to protect the amenity of nearby residential properties in accordance with Saved Policy BNE2 of the Medway Local Plan 2003.

### **Contamination**

- 32 Prior to commencement of any development within a phase or sub phase 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 within that phase or sub phase, including risks to groundwater, whether or not it originates on the site and shall be submitted to and approved in writing by the Local Planning Authority. 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,
- ground waters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;
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(iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'

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

- 33 Prior to the commencement of development within a phase or sub phase 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. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

- 34 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 no 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: 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.

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

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.

- 36 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 33 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, and submitted to and approved in writing by the Local Planning Authority in accordance with condition 33.

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.

### **Highways**

- 37 Prior to the stopping-up of Horse Wash Lane a programme for the design and delivery of a public right of way at footpath status running from the railway viaduct adjacent to Corporation Street (National Grid Reference 574211 168816) to Horse Wash Steps (National Grid Reference 574189 168841) shall be submitted and approved in writing by the Local Planning Authority. The public right of way footpath shall be delivered in accordance with the approved programme thereafter. The footpath shall be provided to adoptable standards.

Reason: To provide a suitable means of pedestrian and cycle access in the interests of highway safety and the visual amenity of the local area in accordance with policies T3, T4 and BNE2 of the Medway Local Plan 2003.

- 38 Prior to the occupation of any phase or sub phase of the development hereby permitted, a strategy for the access and movement of vehicles around the site for deliveries, refuse collection and / or any other commercial servicing for that phase or sub phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details thereafter.

Reason: To provide a suitable means of pedestrian and cycle access in the interests of highway safety and the visual amenity of the local area in accordance with policies T3, T4 and BNE2 of the Medway Local Plan 2003.

- 39 Measures and initiatives to promote sustainable travel to future residents of the development shall be implemented and monitored in accordance with the details set out in the approved Travel Plan dated June 2017.

Prior to the final occupation within each phase a Travel Plan Monitoring Report shall be submitted and approved in writing by the Local Planning Authority in consultation with the Highways Authority.

Reason: To accord with policy T14 of the Medway Local Plan 2003.

### **Open Space**

- 40 Prior to above ground works of any phase or sub phase of development, an open space and landscaping management strategy for that phase or sub

phase shall be submitted to and approved in writing by the Local Planning Authority, detailing the upkeep and management strategy for the open spaces and landscaping approved.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 41 Prior to the first occupation of any residential accommodation granted in any phase or sub phase, full details of any play equipment and safe surfacing to be installed for that phase or sub phase must be submitted to and agreed in writing by the Local Planning Authority and implemented as approved.

Reason: To ensure the satisfactory provision of play equipment in accordance with Policy L4 of the Medway Local Plan 2003.

### **Public Art**

- 42 Prior to the above ground works in any phase or sub phase, full details of any public art and / or environmental interpretation boards to be incorporated within that phase or sub phase must be submitted to and approved in writing by the Local Planning Authority and implemented as approved prior to occupation of that phase.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with policies BNE1 and BNE6 of the Medway Local Plan 2003.

### **Lighting**

- 43 Within 3 months of the commencement of development within any phase or sub phase of the development, details of all external lighting relating to that phase or sub phase, including for open parking courtyard areas, enclosed parking spaces, any individual covered parking area and areas of communal open space, shall be submitted to and approved in writing by the Local Planning Authority. The details of the lighting shall include design, the exact position, light intensity and spillage and be illustrated on the associated landscaping plans for that phase or sub phase. The lighting shall be installed in accordance with the approved details prior to the first occupation of any part of the phase or sub phase to which it relates. The approved lighting shall be retained in situ thereafter.

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

## Ecology

44 No above ground works for any phase or sub phase shall take place until a “lighting design strategy for biodiversity” for the site boundaries has been submitted to and approved in writing by the local planning authority. The lighting strategy shall:

- A. Identify those areas/features on site that are particularly sensitive for wildlife and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;
- B. Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or have any detrimental impacts upon the nearby protected sites or habitats.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy by first occupation of the phase or sub phase and these shall be maintained thereafter in accordance with the strategy.

Reason: In order to protect and enhance biodiversity on the site in accordance with the aim of local planning policy.

45 No above ground works shall take place until an Ecological Design Strategy (EDS) addressing ecological enhancement of the site has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- a) Purpose and conservation objectives for the proposed works;
- b) Review of site potential and constraints;
- c) Detailed design(s) and/or working method(s) to achieve stated objectives including generous bat/bird boxes, areas of green roofs/walls and any other clear indications to improve biodiversity;
- d) Extent and location/area of proposed works on appropriate scale maps and plans;
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) Persons responsible for implementing the works;
- h) Details of initial aftercare and long term maintenance;
- i) Details for monitoring and remedial measures;
- j) Details for disposal of any wastes arising from works (where relevant).

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: In order to protect and enhance biodiversity on the site in accordance with the aim of local planning policy.

- 46 Prior to occupation of any phase or sub phase, biodiverse roofs for that phase or sub phase must be provided in accordance with the submitted details. Once installed, the bio-diversity features must be retained in situ thereafter, unless otherwise agreed in writing with Local Planning Authority.

Reason: To safeguard conditions of ecology in accordance with policy BNE37 of the Medway Local Plan 2003 and avoid irreversible impacts to ecology.

### **Archaeology**

- 47 No development shall take place, within any phase or sub phase, until the applicant, or their agents or successors in title, has secured the implementation of:

- i) archaeological evaluation and assessment works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
- ii) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record in accordance with policy BNE21 of the Medway Local Plan 2003.

- 48 No development shall take place, within any phase or part phase, until details of foundations designs and any other proposals involving below ground excavation have been submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record in accordance with policy BNE21 of the Medway Local Plan 2003.

- 49 Following completion of the archaeological investigation referred to in condition 47 above a Post Excavation Assessment Report shall be submitted to and approved in writing by the local planning authority. The Post Excavation Assessment Report shall include an Updated Project Design which shall be submitted to and approved in writing by the local planning authority. The Updated Project Design shall set out a programme and timetable for the completion of the archaeological works through to publication and archive deposition. The archaeological publication shall be produced in accordance with the approved Updated Project Design.



Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record in accordance with policy BNE21 of the Medway Local Plan 2003.

### **PV Panels**

- 50 Prior to the use / occupation of the relevant blocks hereby permitted (whichever comes first), detailed roof plans and cross sections of the PV panels to be installed must be submitted to and approved by the Local Planning Authority. Once approved the PV panels must then be installed prior to occupation in accordance with the drawings and retained in situ thereafter. Reason: To ensure a satisfactory visual appearance in accordance with policy BNE1 of the Medway Local Plan 2003.

### **Energy**

- 51 The development will achieve an overall site-wide 20% CO<sub>2</sub> emission improvement from Part L 2013 target emissions using SAP 2012 in accordance with the Rochester Riverside: Energy Statement June 2017 and must be implemented prior to the occupation of any part of the relevant phase or sub-phase of the development and retained in-situ thereafter. Reason: To ensure satisfactory arrangements are made for energy efficiency and for renewable energy in the interests of sustainability in accordance with Policies BNE4 and CF11 of the Medway Local Plan 2003.

### **Air Quality**

- 52 No above ground works shall take place until an Air Quality Emissions Mitigation Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall be prepared in accordance with the April 2016 Medway Air Quality Planning Guidance, and shall include full details of the measures that will be implemented as part of the development to mitigate the air quality impacts identified in the approved Air Quality Assessment. The total monetary value of the mitigation to be provided shall be demonstrated to be equivalent to, or greater than, the total damage cost value of £708,493 calculated as part of the approved Air Quality Assessment. The development shall be implemented entirely in accordance with the measures set out in the approved Mitigation Statement. Full details of the following standard air quality mitigation measures shall also be submitted for approval:

- All gas fired boilers installed within the development shall meet a minimum standard of <40mgNO<sub>x</sub>/kWh;
- 1 electric vehicle charging point per dwelling with dedicated parking;
- 1 electric vehicle charging point per 10 unallocated parking spaces;
- 1 electric charging point per 10 non-residential parking spaces;
- Mitigation in accordance with the Institute of Air Quality Management (IAQM) Guidance on the Assessment of Dust from Demolition and Construction.

All works, which form part of the approved mitigation scheme, shall be completed before any individual building is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To safeguard conditions to amenity and avoid irreversible impacts to human health in accordance with policy BNE24 of the Medway Local Plan 2003.

### **Drainage**

- 53 Prior to commencement within any phase or sub phase, details of the proposed means of surface water sewerage disposal for that phase or sub phase shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the adequacy of the means of surface water disposal from the site in accordance with Policy CF12 of the Medway Local Plan 2003.

### **Telecommunications**

- 54 Prior to occupation within any phase or sub phase, a detailed telecommunications strategy for the relevant phase or sub phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: To ensure that such equipment is an integral part of the design of the development in accordance with policies BNE1 and CF14 of the Medway Local Plan 2003.

### **Permitted Development Rights**

- 55 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) no mezzanine floor area shall be inserted into any commercial premises used for the purposes of A1 retail.

Reason: To safeguard any future impact on nearby town centres

- 56 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out within Classes A - E and H of Part 1 and Classes A - C of Part 16 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

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

- 57 No single retail unit falling with Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Order revoking or re-enacting that Order) hereby permitted shall have a floorspace greater than 450sqm (gross internal area) at any point throughout the history of the development, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard against any future impacts on nearby town centres.

### **Noise**

- 58 No development of any phase or sub phase of the development hereby permitted shall take place until an acoustic assessment has been submitted to and approved in writing by the Local Planning Authority for that phase or sub phase, which assesses industrial, commercial and transport noise in accordance with BS4142:1997. Where specific noise levels L(A) eq, T is greater than 5dB(A) than the background level L(A)90, detail mitigation measures shall be submitted to and approved in writing by the Local Planning Authority to reduce the noise to below those levels. The development shall be carried out in accordance with the details and retained thereafter.

Reason: To safeguard conditions of amenity in accordance with policy BNE3 of the Medway Local Plan 2003.

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

### **Proposal**

The proposal comprises a hybrid planning application seeking outline permission for the erection of up to 1,400 no. dwellings including a primary school and nursery (D1 use), up to 1,200sqm of commercial floorspace (A1/A2/A3/A4/B1/D1 and D2 uses) together with a pedestrian footbridge, parking, open space and landscaping. Full permission for phase 1, 2 and 3 of the development consisting of the erection of 489 no. dwellings (of the 1,400 no. total), the provision of a hotel (use Class C1), 885sqm of commercial floorspace (A1/A2/A3/A4/B1/D1 and D2 uses) along with site access/spine road, parking, open space and landscaping.

The development would be phased over the next 11 years, with full planning permission sought for Phases 1-3 and outline permission for Phases 4-7, with all matters reserved. These phases seek planning permission for development as detailed below.

Full Planning Application Phases 1-3:

- Provision of 489 private sale and affordable homes (Class C3).
- 2,924 sqm GIA of hotel accommodation providing 81 beds (Class C1).
- 454 sqm GIA of classes A1-4, B1, D1 & D2.
- 431sqm GIA of Class A1.
- New landscaping, river walk improvements, public and private open space, car

parking spaces, cycle parking, landscaping, and associated works.

#### Outline Planning Application Phases 4-7:

- Provision of up to 911 private sale and affordable homes (Class C3).
- Up to 2,500 sqm GIA of 1FE school with the option of increasing to 2FE
- 550sq.m GIA of nursery accommodation (Class D1).
- Up to 1,200 sqm GIA of classes A1-4, B1, D1 & D2.
- New landscaping, river walk improvements, pedestrian footbridge, public and private open space, up to 1,437 car parking spaces, cycle parking, landscaping, a potential new bridge connection at Cory's creek and associated works.

The existing Castle View business park is to be retained as part of the proposals, being excluded from the application site area.

#### Site Area/Density

Site Area: 24.5 hectares (60.54 acres)

Site Density: up to 57dph (up to 23 dpa)

#### Relevant Planning History

**Case ref:** MC/17/0122 Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 - request for a Scoping Opinion in respect of an Environmental Impact Assessment at Rochester Riverside for the phased development of up to 1,400 residential dwellings with associated infrastructure and commercial floorspace including the provision of a school and hotel along with site access and spine road, car parking, open space, landscaping and drainage infrastructure

#### **Decision EIA Required**

**Decided** 3 March, 2017

**Case ref:**MC/12/1014 Details pursuant to condition 17 of outline planning permission MC/10/4613 for mixed use development comprising: up to 170,000sqm of residential floorspace providing up to 2,000 units (Use Class C3); 7,800 sqm of retail, food and drink floorspace (Use Classes 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); 9,000 sqm of community facilities (Use Class D1) including 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)

**Decision Discharge of Conditions**

**Decided** 22 June, 2012

**Case ref:** MC/10/3284 Variation of condition 76 of planning permission MC2004/2030 which required the submission of a detailed strategy for a speed hierarchy of all distributor and access roads within the application site and which required means other than vertical deflection ("speed humps" etc) as the principal method of reducing vehicle speeds to a new condition requiring details of: -traffic calming at detailed stage for any phase or sub-phase of development -how the objectives of the Design Codes can be achieved and requiring developers to test the effectiveness of their traffic calming measures post implantation with a requirement to incorporate additional measures to reduce the measured 85th percentile speed to at or below the maximum detailed in the Design Codes if necessary

**Decision Withdrawn by Applicant**

**Decided** 8 December, 2010

**Case ref:** MC/10/2628 Variation of condition 19 of outline planning permission for a mixed use development comprising: up to 170,000 sqm of residential floorspace providing up to 2,000 units (Use Class C3); 7,800 sqm of retail, food and drink floorspace (Use Class A1, A2, A3, A4 & 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); 9,000 sqm of community facilities (Use Class D1 including 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).

**Decision Approval With Conditions**

**Decided** 10 September, 2010

**Case ref :**MC/09/1740 Preliminary infrastructure works comprising of a new flood wall, land remediation and land raising

**Decision Discharge of Conditions**

**Decided** 21 May, 2010

**Case ref:** MC/07/0429 Variation of condition 76 of planning permission MC2004/2030 which required the submission of a detailed strategy for a speed hierarchy of all distributor and access roads within the application site and which required means other than vertical deflection ("speed humps" etc) as the principal method of reducing vehicle speeds to a new condition requiring details of:-traffic calming at detailed stage for any phase or sub-phase of development -how the objectives of the Design Codes can be achieved and requiring developers to test the effectiveness of their traffic calming measures post implantation with a requirement to incorporate additional measures to reduce the measured 85th percentile speed to at or below the maximum detailed in the Design Codes if necessary

**Decision** Approval With Conditions  
**Decided** 01/05/2007

**Case ref:** MC/07/0249 Variation of condition 9, parts viii) and ix) of planning permission MC2004/2030 [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 & 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)], which currently state: viii) the strategy for the provision of a minimum of 0.48 hectares of equipped play facilities with the application site; and ix) the strategy for the provision of a minimum of 1.82 hectares of informal open space within the application site. to be changed and combined to read as follows: viii) the strategy for the provision of a minimum of 2.3 hectares of informal open space within the application site of which a minimum of 15% of the area provided must be equipped play facilities to fulfil the general principles of the LAPs (Local Area for Play), LEAPs (Local Equipped Area for Play) and NEAPs (Neighbourhood Equipped Area for Play)

**Decision** Approval with Conditions  
**Decided** 10/04/2007

**Case ref:** MC/04/2030 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 & 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), is also proposed.

**Decision H\_A**  
**Decided 08/06/2006**

**Case ref:** MC/05/2182 Variation of conditions of planning permission MC2004/1998 [Preliminary infrastructure works associated with redevelopment of the land] as follows: a) Condition 7 (flood wall height) by substituting reference to "flood wall" with "flood defence", and b) Condition 13 (submission of Contamination Remediation Statements) by allowing the Remediation Statement to be submitted on a phased basis in respect of discrete zones on the site

**Decision Approval with Conditions**  
**Decided 30/12/2005**

## **Representations**

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties.

Highways England, Historic England, Network Rail, Natural England, KCC Ecology, KCC Archaeology and Heritage, Southern Water, and the Environment Agency have also been consulted.

**Highways England** initially advised on 31 July 2017 that insufficient information had been provided by the Applicants regarding the impact of the proposal on the Strategic Road Network (SRN), advising it was unclear what proportion of traffic will dissipate onto the Local Road Network prior to joining or crossing the SRN. Highways England requested further details to assess the impact of the proposal on the SRN.

The Applicant submitted further information and **Highways England** responded on 24 August 2017, agreeing the proposed development is unlikely to have a severe impact on M2 Junction 2 or 3. In respect of M2 Junction 1, they required a further assessment of the impact at the junction, and also required a sensitivity test and a merge/diverge assessment for the M2 Junction 1 slips.

Following discussions and the submission of Technical Note 9, **Highways England** responded on 19 September 2017 confirming the submitted information indicates that the proposed development will not trigger a need for mitigation at M2 Junction 1. Highways England advised they are satisfied that the proposals will not materially affect the safety, reliability and/or operation of the SRN and withdrew their previous objection.

**Network Rail** advised the Applicant of a number of comments and requirements that must be met both during construction and after completion of works on site for the safe operation of the railway and the protection of Network Rail's adjoining land.

**Natural England** raised no objection subject to appropriate mitigation being secured, in the form of the appropriate financial contribution to the Thames Medway and Swale Estuaries SAMMs and conditions ensuring no development activities take place within the boundary of the Medway Estuary MCZ and provision of a construction environment management plan detailing how indirect effects to the adjacent MCZ will be avoided or fully mitigated.

**KCC Ecology** advised that sufficient information has been provided and the proposals will not have a likely significant effect on Medway Estuary and Marshes SPA & Ramsar and the Thames Estuary and Marshes SPA & Ramsar, subject to robust ecological mitigation measures being included within a CEMP and appropriate developer contributions being secured due to the increase of dwellings within the SPA. KCC Ecology further requested a condition requiring an Ecological Design Strategy.

**Historic England** advised they support the re-purposing of the site as an important step in the regeneration of Medway. They highlight that the creation of riverside pedestrian access has long been a key aspiration for the site and they support this.

They advised they have some concerns mostly related to the outline parts of the proposal which may be capable of being resolved once more detailed information has been provided.

Their concerns primarily relate to the impact of the development upon: the nationally important but undesignated archaeological remains in the north west part of the site; the Star Hill to Sun Pier Conservation Area; the Rochester Conservation Area; and the Grade 1 Listed Cathedral and Castle.

In relation to the setting of heritage assets for the northern part of the site, Historic England state they believe the strong visual presence of Rochester Castle and the Cathedral rising above the historic city should not be diminished by the taller elements of the development.

With regard to the setting of the Sun Hill to Sun Pier Conservation Area, they advise that careful consideration needs to be given to the height of buildings, and views from across the River with regard to the backdrop of historic Rochester.

In terms of archaeological matters, Historic England advised to defer to KCC as the lead on such matters. Historic England advised they are in broad agreement with the assessments of significance for potential buried archaeological remains in the



Environmental Statement. They support the need for further archaeological mitigation actions as part of the construction phase, secured by a planning condition. Historic England's concerns in relation to the Roman Wall relate to the need to understand, preserve and interpret the below ground archaeological remains, suggesting that this should be secured through planning permissions for the Site.

Historic England subsequently responded advising that upon close reflection, it became apparent that when parts of the City Wall were first listed in 1950, this listing included the part of the City Wall within the site was also included, listed at the highest possible Grade I. In practice, Historic England advised this does not change how the wall should be considered within this application given that the Applicant had previously accepted that the wall was a nationally important heritage asset, and had planned accordingly.

**KCC Archaeology and Heritage** advised the north and north-west parts of the site have the greatest potential to contain additional archaeology that may be of national importance, with the application proposals being in outline for these areas. Conditions are requested accordingly to secure the appropriate evaluation, assessment and preservation works.

KCC further suggest conditions covering the following: specific measures for the safeguarding of the Roman Town Wall to be included within a CEMP; measures to ensure the long-term future of the Blue Boar Crane; the development of a heritage interpretation strategy for the site including reference to the site's archaeological, maritime and industrial past, the many heritage assets visible from the riverside area and provide links to other nearby assets.

**Southern Water** advised that the network cannot currently accommodate the needs of the development without additional local infrastructure being provided, requesting conditions requiring a drainage strategy and means of foul and surface water sewerage disposal.

**The City of Rochester Society** stated that whilst they are pleased to see that progress is being made in the redevelopment of the site, they still have concerns about the proposal. The concerns relate to access to, and integration with, the rest of the city and the impact the development will have on the already congested roads, being a holding objection. They subsequently issued their formal response objecting to the application, stating the future of the Coach Park should be resolved before matters proceed; an archaeological dig should be undertaken in the vicinity of the City Wall, and the future treatment of the north west bastion area should be known before the adjoining land is developed.

**The Environment Agency** advised they have no objection in principle. However, they have sought further information in respect of the impact of the development upon the inter-tidal mudflats. The EA have also noted the potential for the proposed bridge to impact upon ecology within Cory's Creek, and the need for further detail and assessment in that regard.

1 letter of objection has been received from a local resident raising the following points:

- Plans suggest an inward-looking community, would like more access points to integrate the development with the wider community;
- Vehicular access points inadequate for development of this scale;
- Designs generally bland with little acknowledgement of the existing varied styles in Rochester;
- No indication that the site will be linked to the river;
- Additional strain on already stretched public services;
- Existing coach park not included in the plans and no indication of where this may be re-sited, despite being of importance to those involved in the tourism industry in the area.

*It should be noted this representation forwards a letter from the City of Rochester Society dated 29 May 2017 which was produced to respond to a public consultation in May 2016. The local resident does not provide any additional comments and the representation makes comments on an earlier version of the development proposals.*

**2 representations** made the following comments:

- Requested details of how the Castlevue business centre will be 'future proofed';
- Requested the provision of retail space for a convenience or large grocery store;
- Some of the commercial floor space should be reallocated as do not believe another hotel is necessary.

## **Development Plan**

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004, a planning application must be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The National Planning Policy Framework (NPPF) is a material consideration in the determination of this application.

## **Planning Appraisal**

### *Background*

The site comprises a large area of vacant brownfield land containing no buildings immediately adjacent to the River Medway and to the east of Rochester town centre. Due to its strategic location between the river and railway line, the site was historically used for industrial purposes.

Whilst the Site is vacant land it does accommodate a coach park, providing parking for visitor/tourist coaches including for the various festivals which take place in Rochester.

The Medway Local Plan 2003 designated the site as an Action Area for mixed use redevelopment comprising approximately 1,500-1,800 dwellings alongside open space, employment uses and community and leisure facilities. Following adoption of

the Local Plan, a vision for the redevelopment of the site was set out in a Development Brief in 2004, which established the planning and design parameters for the site.

Site preparation works were approved by the Council in 2005 under application MC/04/1998, including ground remediation, land raising to level the site, the creation of a river walk and creation of a flood defence. These works were undertaken in 2005 alongside the clearing of the site.

Outline planning permission was subsequently granted for the site in 2006, including details of access with all other matters reserved (reference MC/04/2030). As part of this application a Masterplan for the site was approved, alongside other technical studies. Reserved Matters were approved for part of the site, with the first phase of development having been delivered in 2011, comprising 73 affordable housing units, the creation of the Southern Gateway public square and the opening of the new river walk.

As a consequence of the economic crash, the remainder of the approved outline Masterplan failed to subsequently come forward. Whilst the approved Reserved Matters application was implemented, and as such the Outline permission commenced, the period for the submission of the remaining Reserved Matters has now expired and as such the Outline permission is no longer extant.

In 2013 the Council commissioned a review of the Masterplan and Development Brief in conjunction with the Homes and Communities Agency. A revised Rochester Riverside Development Brief and Masterplan was subsequently published and adopted as an SPD in 2014.

Following a bid process, Countryside Properties (UK) Ltd and The Hyde Group were selected as the preferred development partners and have been engaging with the Council and other relevant parties to develop the proposals.

As detailed above, the application comprises a full application for Phases 1-3 and an outline application for Phases 4-7. Full details of the proposal are included under the 'Proposals' section above.

### *Environmental Statement*

The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 require certain projects to be assessed to establish whether they would have a 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 (EIA) has been undertaken for this proposal and an Environmental Statement (ES) has been submitted with the application. The EIA has been reviewed and has informed the following planning appraisal.

### Construction Phase – Residual Effects

One 'Moderate' adverse significant residual effect has been identified 14.3.5 during

the construction phase of the proposed development. The remaining residual construction effects are considered to be not significant, being of 'Slight' or 'Negligible' significance.

It should be noted that the construction phase effects are generally short-term in nature and typically temporary.

Noise and vibration effects are considered to range from 'Slight to Moderate' adverse significance following the incorporation of mitigation, the 'Moderate' effects relate to construction noise which is short-term and temporary in nature.

### Operational Phase – Residual Effects

Eight residual effects of 'Moderate' or above significance have been identified during the operational phase of the proposed development, of which seven are beneficial. The remaining residual operational effects are considered to be of 'Slight' significance or less.

The most beneficial residual effects identified for the operational phase of the proposed development are those relating to the socio-economic and townscape and visual components. These include generation of operational employment, impact on housing provision, provision of on-site habitats, and improved views of the townscape.

The only significant adverse residual effect identified for the operational phase of the proposed development relates to air quality effects on NO<sub>2</sub>. This is due to the anticipated increase in vehicular traffic and its corresponding effect on NO<sub>2</sub> on receptors. This effect is based on a worst case scenario using 2016 emission factors. Mitigation measures will be secured through an Air Quality Mitigation Strategy, which will address this 'worst case scenario'.

### Summary

The findings and conclusions of the EIA have been reviewed, with specialist technical input from statutory agencies and officers where necessary (summarised above). The findings and conclusions of the EIA are considered to be robust and have informed the planning appraisal set below.

#### *Principle of Development*

Policy S7 designates the site as an Action Area for comprehensive regeneration over the next 10 years. It states that the Action Area is expected to provide include:

- Approximately 1,500-1,800 dwellings including affordable housing;
- Provision of areas of open space and a riverside walk;
- New river wall and reclamation in locations between the Shiplink site and Doust Way;
- Reservation of a site for a new primary school and other community facilities;
- New leisure facilities and a hotel;
- Appropriate small scale employment uses in Classes B1 and B2.

Policy S7 continues to state all new development will be expected to comply with the following principles:

- Comprehensive mixed-use redevelopment to maximise the potential for securing the regeneration of the whole action area and its vicinity;
- High standard of urban design and landscape;
- High quality mixed developments appropriate to the location of the area;
- Provision of good pedestrian and cycle links within the site, to historic Rochester and to the public transport network.

Policy S7 specifically notes that the “*comprehensive regeneration of the area, over the next ten years, will be sought in accordance with a development brief approved by the Council*”. It is noted that Paragraph 153 of the NPPF states that “*Supplementary Planning Documents should be used where they can help applicants make successful planning applications*”. As noted above the Council approved an updated Masterplan and Development Brief for the site in 2014 providing further detail as to the scale, type and mix of development that is acceptable on the Site.

It is considered that the overarching principle of redeveloping the site for a residential led mixed used development is consistent with the NPPF Core Planning Principles (set out at paragraph 17) most notably the requirements to: encourage the effective use of brownfield land; the promotion of mixed use developments; directing growth to locations with opportunities for sustainable travel; and seeking high quality design.

It is however noted that the specific mix of uses identified in Policy S7 is not now underpinned by an up-to-date and relevant evidence base in respect of the ‘economic, social and environmental characteristics and prospects of the area’ as required by paragraph 158. It is also note that the timeframe indicated within the policy has been exceeded.

It is thereby considered that Policy S7 is out-of-date and thereby the in-principle support it provides for the application cannot be afforded full weight. However, this also means that the NPPF presumption in favour of sustainable development should be engaged in the determination of this application.

The following appraisal thereby comprises an assessment against the relevant local plan policies and the relevant policies of the NPPF, with the ‘tilted balance’ exercise required when the presumption in favour of sustainable development is engaged is undertaken at the conclusion of this report.

Notwithstanding the above it is noted that the Rochester Riverside Supplementary Planning Document (hereafter referred to as the SPD) provides detail in respect of the requirements for the mixed use residential led redevelopment of Rochester Riverside (within the ‘in-principle’ policy framework established by Policy S7). NPPF Para 153 states: “*Supplementary planning documents should be used where they can help applicants make successful applications or aid infrastructure delivery*”. It is thereby entirely appropriate for regard to be had to the 2014 SPD in the determination of the application.

### *Land Use: Residential*

Saved Policy S7 allocates the site for between 1500-1800 residential units. This in-principle is broadly reflected in the 2014 SPD, albeit with the indicative capacity reduced to 1400 units. There is clearly strong in-principle support for the residential development on the site arising from the Local Plan.

However, as noted above Policy S7 is out-of-date and must be afforded reduced weight and the presumption in favour of sustainable development engaged.

With regard to the NPPF requirement in respect of housing, Paragraph 47 requires local planning authorities *'to significantly boost the supply of housing'*. As Members are fully aware Medway has a significant housing requirement and cannot currently demonstrate a 5-year supply of housing land. As such NPPF Paragraph 49 requires that the application should be considered with reference to the presumption in favour of sustainable development (irrespective of earlier comments concerning Saved Policy S7 being out-of-date).

The tilted balance exercise is considered in more detail at the conclusion of this report, however it is very clear that significant weight should be attached to the benefit arising from provision of up to 1400 units on the site

### *Land Use: Non-Residential*

The application proposals comprise up to a total of 8,059 square metres of non-residential floor space, proposed to be split as follows:

<b>Use</b>	<b>Phases 1-3 (Full) (Square Metres)</b>	<b>Phases 4-7 (Outline) (Square Metres)</b>	<b>Total</b>
Hotel (C1)	2,951	-	2,951
Retail (A1)	431	-	431
Flexible Use (A1-4, B1, D1 and D2)	454	Up to 1,200	1,654
Primary School (D1)	-	Up to 2,500	2,500
Nursery (D1)	-	Up to 550	550
<b>Total</b>	<b>3,809</b>	<b>4,250</b>	<b>8,059</b>

### Retail/Town Centre Uses (A1-4)

As noted above Saved Policy S7 provides detail in respect of the non-residential uses that are acceptable within the Rochester Riverside development. Whilst this does not make specific reference to retail provision it is noted the policy is not based upon an up-to-date evidence base so should not be attached full weight. Further Policy R9 states that local shopping facilities appropriate to meet daily needs of residents and workers and visitors should be provided in association with major residential development sites including Rochester Riverside. Again, it is noted that these policies are not based upon an up-to-date evidence base so should not be attached full weight. However, these requirements are broadly consistent with the NPPF Core Principle of

supporting mixed use developments, so can be afforded some weight. This notwithstanding it is noted that larger scale retail development would also need to have regard to the NPPF retail policy requirement, which is addressed below.

Further the 2014 SPD requires the provision of a mixed-use development within the site, indicatively shown as providing retail, mixed employment and a hotel. The specific details of these are to be determined through the detailed designs for the site, with the SPD not giving any indication of how much retail or commercial space is expected but providing guidance in respect of distribution of these uses.

The application proposes a small element of retail in the detailed phase as well as further retail/town centre uses coming forward in the outline. A formal marketing exercise for the retail/commercial floor space (which comprises 2,085sqm of the total non-residential floorspace) has yet to commence but it is anticipated that the units with flexible uses will provide a convenience store and are likely to be subdivided into small scale units to support the service requirements of new residents, including a café, pharmacy, hairdresser, dentist, etc.

Policy S7 does not specifically require retail/town centre uses as part of the mixed-use redevelopment, although the supporting text does refer to small scale retail for local needs. Similarly, Policy R9 does explicitly state that 'local' shopping facilities should be brought forward as part of the development. In addition, it is noted that Policy S7 identifies 'leisure' uses which are not defined but could reasonably be considered to include A3 uses i.e. restaurant and cafes.

Thereby whilst it is clear that some retail/town centre uses are undoubtedly deemed acceptable under Saved Policy S7 and R9, the quantum and mix that is acceptable is less clear. Further as noted above given the age of the policy, the weight that can be attached to it in respect of a more detailed consideration of the scale of retail/town centre floorspace that is acceptable on the site is relatively limited.

It is therefore more instructive to have regard to the SPD, noting that a development brief was always envisaged by Policy S7 as providing the detail in respect of mix of retail/town centre uses.

It is also noted that the SPD specifically envisages ground floor retail coming forward in several locations. As noted above the scale of this retail/town centre use is not specified in the SPD. However, it is considered that the scale of retail/town centre uses proposed are broadly consistent with the scale indicated on the diagrams within the SPD.

With regard to the distribution the SPD indicates these uses should be accommodated at the 'Station Gateway' and at Blue Boar Wharf and at the riverside adjacent to Cory Creek. The application proposals divert slightly from the distribution set out in the SPD, with a tighter focus on the Station Square/Gateway, rather than spread out in two locations. This approach was debated during the pre-application discussions and was a point that was rehearsed by the Design Review Panel.

On balance, it was considered more prudent to focus the retail uses in one area with a view to securing a critical mass of activity and increasing the chances of this area

become a viable and vibrant destination. It was felt that spreading this activity out would dilute and ultimately undermine its prospects of success.

In summary, it is considered that the scale and distribution of retail/town centre uses is consistent with the broad requirement/principle of Policy S7 and the more detailed requirement of the SPD. Whilst there is some limited deviation from the detail in the SPD this is considered justified market/deliverability grounds. The proposals are broadly consistent with the NPPF principle of mixed use developments.

### Retail - Sequential Test

Paragraph 24 requires Councils to apply a sequential test to applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan, which should require such uses to firstly be located within a town centre.

Similarly, Paragraph 26 requires an impact assessment where retail, leisure and office development outside of town centres over 2,500 square metres is proposed which is not in accordance with an up-to-date Local Plan.

Notwithstanding the acceptability of the proposal in respect of the principle, scale and distribution of town centre uses, a sequential test is required for town centre uses not in an existing centre or in accordance with an up-to-date local plan. The site is located outside of an existing town centre. In addition, given the ambiguity about how up-to-date the local plan is, and given its age and the absence of an up-to-date evidence base, it is thereby prudent to undertake the sequential test.

It is considered that the sequential test is passed because the town centre uses proposed are primarily required to serve the development and thereby could not be in an alternative sequentially more appropriate (i.e. town centre) location.

For the purposes of clarity, it is considered that the NPPF Para 26 requirement for Retail Impact Assessment is not triggered by the application, given that the scale of retail/commercial floorspace proposed (2,085 sqm) is well below the 2,500sqm threshold.

Notwithstanding this, it is noted that the Applicant has provided a Retail Impact Assessment (RIA) which in any event finds that the proposed town centre uses will not give rise to a negative impact on any planned public or private sector investment in Rochester District Centre; will not result in any unacceptable impacts as a result of an unsustainable level of trade diversion from any defined town centres; and is of an appropriate scale for the proposed development.

In light of this, the retail, leisure and office floor space is in accordance with Paragraph 24 - 26 of the NPPF.

### Employment (B1 & B2)

As noted above, Saved Policy S7 expects appropriate small scale employment uses to be accommodated within Rochester Riverside. Saved Policy ED2 refers to



employment within Action Areas and mixed use areas, stating development will be permitted for business (Class B1) and General Industry (Class B2) in the Rochester Riverside Action Area, with the location and extent of development to be determined in the development brief to be approved by the Council. Again, these requirements are not based upon an up-to-date evidence base so should not be attached full weight. However it is noted that the policies are broadly consistent with NPPF core planning principles (paragraph 17) to support mixed use developments, and paragraph 18 to secure economic growth, so should be afforded some weight.

With regard to employment floorspace the scheme is only proposing B1 within the 'flexible use' floorspace. Whilst this could allow for the requirement for small scale employment uses to be accommodated on the site, it is also acknowledged that this approach does potentially mean that no employment floorspace would be delivered as part of the redevelopment of the site, with the space given over to other non-residential uses.

However, this is mitigated by the fact that the Castle View Business Park, which is situated within the centre of site and comprises part of the local plan allocation, is unaffected by the application proposals. Thereby these small scale employment uses are unaffected by the development proposals and will be retained, thereby ensuring that the overarching principle of Policy S7 and ED2 are not undermined by the planning application. It is noted that this approach is entirely in accordance with the SPD which focuses B1 and B2 uses in this location.

In addition, Acorn Wharf, which is also identified in the SPD as the preferred location for B1 and B2 employment floorspace, also sits outside of the application site and is unaffected by the proposals. This area also thereby provides the scope for additional employment floorspace to come forward separately, complimenting the application proposals.

It is thereby considered that the application proposals are consistent with the principles of Saved Policy S7, Saved Policy ED2 and the SPD with regard to the provision of small scale employment on Rochester Riverside in that they allow for the continued use of existing employment activity, and allow for some additional employment activity to be accommodated within the development if required.

It is noted that both Acorn Wharf and the Castle View Business Park sits adjacent to the 'outline' element of the application. When reserved matters for these phases are eventually brought forward it will be important to ensure that they are designed to ensure that they do not compromise the operation (or potential operation) of these extant (or potential) employment uses.

#### Hotel (C1)

A hotel is proposed at Station Square (within the detailed element), immediately adjacent to the railway line. The building would be four storeys providing 80 rooms and ancillary facilities at ground floor at a total of 2,951sq.m.

As noted above Saved Policy S7 specifically requires a hotel to come forward at Rochester Riverside. This requirement is reflected in Saved Policy ED13 (Hotels).

The NPPF confirms that Local Plans are required to identify sites to accommodate tourism related activity to meet identified needs.

Whilst the Policy S7 and ED13 requirement for a hotel at Rochester Riverside could be considered out-of-date, it is understood that there remains a need for hotel bed spaces in the Medway area. The value of tourism to the Medway economy has been assessed in the '2015 Economic Impact of Tourism Report' prepared in support of the ongoing Local Plan work. Historic Rochester remains a key visitor attraction in Medway and retaining visitors for an overnight stay is understood to be a key part of the tourism strategy for the Borough.

It is thereby considered that the Policy S7 and ED13 requirement for a hotel at the Rochester Riverside site, providing accommodation for tourists and visitors to the town, remains a valid policy requirement given the needs identified above.

The 2014 SPD reiterate the requirement for a hotel on the site, but indicates that this should be located at the 'Station Gateway'. The application is broadly in accordance with this requirement, providing good access to the adjacent Railway station, with good pedestrian linkages from the site through to the town centre.

It is noted that early iterations of the application scheme included a site for an additional 'boutique' hotel (as suggested by the 2014 SPD). However, the applicants were unable to secure an interest from the market and as such this was removed from the masterplan.

In summary, the application proposal for a hotel is in accordance with Policy S7 and ED13 and the 2014 SPD. This notwithstanding it is noted that the operational detail of the hotel will need to be controlled to ensure that the amenity of nearby residential properties and the surrounding environment are properly protected.

### Community Uses (D1 & D2)

Policy S7 requires land to be reserved for a new primary school and the construction of other community facilities. Saved Policy CF6 requires land for a primary school to be safe guarded as part of the development of Rochester Riverside. These requirements are broadly in accordance with NPPF Paragraph 70 requirement to plan positively for social, recreational and cultural facilities to meet community needs.

The 2014 SPD provides further detail stating that a new 1 or 1.5 Form Entry (FE) primary school and nursery should be accommodated on the site. It is also states that *"additional community facilities including health facilities should be provided in line with existing policy requirements and be designed to accommodate a wide range of future uses"*.

- School

As is discussed further below, the development will give rise to additional demand for primary school places, and given a shortage of spaces in nearby local primary schools a new 1 FE is required as part of the development

The outline element of the application proposals includes a proposal for a new 1FE school with sufficient land provided to allow the school to expand to 2FE in the future if required. The Section 106 Agreement proposed will include an obligation upon the applicants to submit a detailed planning application for the school and subsequently construct the school, ensuring that it is available for use by September 2021. The application is thereby in accordance with Saved Policy S7 and CF6 in respect of the provision of a school.

The SPD indicates that the new Primary School should be “centrally located” within the site. The proposed Masterplan diverts from this requirement, locating the school toward the northwest of the site – it should be noted that this relocation was proposed at the Bid stage. This has been justified with reference to the potential benefits arising from the relationship of the school to the surrounding open space, and the opportunity for pupils to benefit from better proximity, and views of the River. In addition, it also facilitates more effective and efficient use of land within the site, with the land to the northwest lending itself better to non-residential uses given the proximity to transport infrastructure. For these reasons, the relocation of the school site (from the preferred SPD location) is considered acceptable.

- Additional Community Facilities

The application allows for additional D1 and D2 floorspace to come forward within the 1654sqm of ‘flexible’ floorspace proposed across the 7 phases. In addition, 550sqm is proposed for a nursery in the outline element (adjacent and complimentary to the school).

This provision is considered to be broadly in accordance with Policy S7. It is however noted that this level of provision is potentially not in complete accordance with 2014 SPD, with the indicative diagram indicating a relatively large footprint site given over to a health centre, which is also specifically referenced in the text.

However, the applicants have actively liaised with NHS who have confirmed that they do not have the need for a health centre on the site and as such do not require a site to be identified or safeguarded. It should be noted that the NHS have instead requested a financial contribution toward the enhancement of offsite facilities (the Minor Illness Centre in Rochester), with a view to these improvements providing the additional capacity to meet the health care needs generated by the development.

### Summary

Overall it is considered the non-residential uses proposed within the application are in accordance with saved local policies, the requirements of the NPPF and the requirement of the 2014 SPD.

### *Design*

Policy BNE1 states the design of new developments should be appropriate in relation

to the character, appearance and function of the built and natural environment.

Section 7 of the NPPF seeks to require good design, stating this is a key aspect of sustainable development and should contribute positively to making places better for people. Section 7 provides guidance on the principles of good design and setting policies to secure this, stating that policies should not be overly restrictive.

### Overview

Suffice to say the application has used the 2014 SPD as a springboard and builds upon the 2015 Bid Documents as a main reference for scheme development. The volume of work submitted is extensive and is of generally good quality which is reflected by the comments outlined here.

The submission of the application has been supported by extensive pre-application discussions, a key focus of which has been design development. To this end this pre-application process has including Design Review and engagement with Members comprising presentations and a tour of Rochester.

The Design Review was carried out by DSE in June 2016 which was broadly supportive, with among others more specific comments on the car parking / street quality relationship and its relevance in the drive for distinctive character.

The applicants have responded positively to DSE design review comments together with Medway Council and other consultee comments including those from members, to configure the scheme of this application.

Since ambitions for this site are understandably and rightly high, the design has had to be somewhat front loaded; rendering a thorough set of design information in support of the application; something that should bode well for the quality of first and later phases. This notwithstanding, Officer's key concerns are to ensure that the design intent and quality is secured.

### Outline Element (Phase 4 – 7)

An illustrative 'masterplan' is contained within an extensive Design and Access Statement submitted as part of the planning application. The purpose of the illustrative design is to demonstrate that the proposed quantum of development can be accommodated satisfactorily on site, without undue environmental disadvantages. It therefore forms the basis of the environmental impact assessment that forms part of the application. However, the illustrative masterplan is not submitted for consideration in itself. Instead permission is sought for the approval of a set of parameter plans that are broad enough in scope to offer flexibility to vary the designs and layout that might come forward in subsequent years. Given the inevitable long-term timescale for the delivery of the scheme this wish for flexibility is understandable.

The 'parameter plans' for which outline permission is sought comprise:

- Site Access
- Development Parcels

- Publicly Accessible Open Space
- Heights
- Route Network
- Phasing
- Minimum Extent of Biodiverse Roofs
- Land Uses

As detailed within the supporting Design and Access Statement, the layout of this proposed illustrative masterplan has been designed to develop a strong urban structure that seeks to integrate the site into its wider context. This has been done by:

- Enhancing the existing Riverwalk through an improved public realm and landscaping, introducing a range of public spaces and experiences, and enabling longer term connections to extend the Riverwalk to connect to the Castle grounds and the Esplanade to the west, and to connect to the Riverwalk to the south, which may be developed in the longer term.
- Creating connections between the historic core and enhanced creek landscapes, effectively linking High Street to Riverwalk and celebrating the unique salt marsh landscapes specific to the Riverside location, and providing a series of gateway spaces welcoming visitors to Riverside.
- Introducing new neighbourhoods which incorporate a range of open spaces and all within a few minutes' walk to the new railway station, local facilities, neighbourhood uses and some of Rochester's best established and new destinations.
- Defining a new Riverside Avenue characterised by a mix of commercial uses, residential uses, educational uses and areas of open and green space along this accessible and connected route.
- Providing east-west local streets to reinforce views and access to the Riverwalk, each with a distinctive character defined by a range of bespoke housing typologies developed from housing precedents within Rochester.
- The non-residential floorspace has been focused around the square adjacent to the station. The mixed use commercial space has been focused in two areas, around Station Square and to the north of Blue Boar Creek.

Masterplan design development is outlined within the Design & Access statement. This explains that the master plan has evolved as constraints have become more evident and input has been received following stakeholder engagement events.

This series of plan stages demonstrate where departures from the 2014 SPD have emerged. Design departures include those arising from worthy design ambition, such as strengthening the east-west grain of local streets and creating a more urban approach to car parking, through to those made across the masterplan due to emerging detailed constraints such as tie-rod positions / reach from the river wall and a large sewer run adjacent Cory's Creek.

The quality of the Rochester Riverside design team is evident in their ability to make positive compromises yet, wherever possible, enhance rather than compromise project quality as a result. An example of this is the green space provision which has become more fragmented inland due to the dimensional constraints of the tie-rods but the opportunity has been taken for a wider more positive public river edge that progressively works more as a winding linear park, replacing to some extent other lost amenity space.

Likewise, the maximum parameters of the masterplan demonstrates willingness to be bold if parking allowance permits, such as the possible inclusion of pairs of taller linked blocks addressing Riverside Park.

Having made the points above it is noted that further design development is required. Character Areas and coding (place making) has been well differentiated to a certain level of resolution as a framework where the 'main architectural moves' are clearly identified yet can accept later design development & detail. The diagrams clearly demonstrate 'what is doing the work' in any one character area which will be important as a point of departure and assessment for later phase design / application stages.

The description of main characteristics for all Character Areas (street design, building line, building type and use, building heights, building materials, facades, principles application, boundary treatments, balconies etc.) aids comparison of their differences. However it is always a challenge to get the level of 'sameness' v 'individuality' correct. It is unclear at the moment whether the current balance is exactly right for all phases of the masterplan. In any event it is noted that over the life of the project market conditions may provide other drivers for change. This is an issue that needs a weather eye as later phases come forward but for the moment the balance of differentiation between character areas appears appropriate.

The application provides tools to keep such weather eye through the embedding of the vision framework, key design principles and main characteristics of character areas into a 'design code'. We should expect that massing will receive more interrogation and focus as later phases come forward and this can be likewise managed using the same tools. The design code must form the backdrop to pre-app / conditions discussions for later phases. Likewise the overall masterplan & coding will need to be refreshed together with the detailed work on each subsequent phase to keep the tools current through the life of the project.

A current criticism which should receive further focus in later phases is that the western half of Limehouse Gardens green space towards the school is supposed to accommodate a linear green strip of some width (already agreed reduced from a narrower park space) to link the school to the wider green space and river in a more obvious and inviting way. The current solution is a street configuration of trees and small planting beds much like any other. While this should not be a reason for refusal now, we should require it be looked at as a condition when refreshing the masterplan as part of the next phase. The problem is largely one of space constraints which could be addressed through a reconfiguration from housing to flats, potentially achieving more density along River Park whilst also providing better green public realm solution for such a large neighbourhood population, though such a move would of course require further discussion.

It is also noted that there are likely to be a number of more obvious pressure points within the masterplan during later phases. The River Park and Limehouse Gardens are two relating to green space. During the pre-application discussions, a study was conducted on Limehouse Gardens for a non-linear green space of considerably smaller size. One can imagine linked blocks addressing River Park could easily expand to make the space less generous.

Likewise at an architectural / hardscape level the Rochester Wall 'Dvrobrivae' concept (discussed further below) applied across the masterplan is critical to place making for this project, binding it with the old town of Rochester, as is the degree of variation within the material pallet. We should be clear that these and no doubt other concepts / moves within the scheme need to be considered as 'foundational principles' that cannot be compromised and should allocate some time following the granting of permission to articulate for future reference of later phases what we believe they are.

### Detailed Element (Phases 1 -3)

The design of phases 1, 2 and 3 has been well conceived to coordinate with the overall masterplan work and build upon its parameters as a springboard for these three phases. The leadership of the process has shifted back and forth from masterplan to architecture to detail and back again in an iterative manner, which has benefitted the projects overall consistency and high quality of information delivery.

The detailed element outlines five key design strategies, which have been applied across the buildings of phases 1, 2 and 3 in varying ways to produce a fabric of appropriate richness. These five strategies have been described in some detail as readings of the context, derived principles, developed concepts, their application for particular buildings and the material expression proposed. These are summarised below:

- Roof Strategy – The roof strategy for the site has been driven by the precedent set by the character and appearance of domestic roof lines evident within Rochester town, as well as the more industrial roof lines associated with the wharf and dock yard buildings that would historically have been located on the site. By applying these two approaches to the roof lines within the development this allows a visual connection to be created across the site from the town edge to the riverside.
- Rochester Wall 'Durobrivae' – The Roman name for Rochester is 'Durobrivae' meaning 'the walled town by the bridge'. The applicants suggest that the presence of the wall is integral to the character of the town. The applicants propose a contemporary interpretation of the Rochester Wall. Walls are used to enclose urban blocks in various scenarios creating unique streetscapes.
- Articulation & Proportion – The applicants note that historic 'Rochester Town' buildings and 'Riverside' buildings not only have distinct roofscape style but also have distinct proportions. These proportions have been analysed and interpreted in the blocks and house types proposed for the site.

- Materials & Details – The principal building material in Rochester is brick and this has been reflected in the proposed development. The applicants are proposing bricks inspired by the local vernacular comprising: red, yellow and dark stock bricks with a grey brick for the ‘Rochester Wall’. The applicants have also proposed brick detailing to provide texture and interest. In addition, the applicants have included some weather boarding. The applicants are proposing to cluster materials into zones to ensure coherence across streets and terraces.
- Landmark Building – The layout includes several ‘land mark buildings, to help define spaces and create distinctiveness. These are proposed in the following locations:
  - Blue Boar Creek (Block 2C)
  - Blue Boar Wharf (Block 3C)
  - Station Square/Avenue (Hotel)
  - Station Square/Cory’s Creek (Block 1C)
  - Station Square/Cory’s Creek (Block 1A)

These landmark buildings have been inspired by the historic precedents, applying the design strategies identified above.

These design strategies have been applied to the detailed design and layout of the buildings within Phase 1 – 3. House types and public building types have then been confirmed as plan, elevation and material pallet. It is considered that on the whole this has been a very successful process and the product is considered to be among the very best seen in Medway and worthy of support.

It is considered that the Phase 1 - 3 site layouts, individual house types, apartment blocks and street elevations are now relatively well honed following prior design dialogue and comments.

However, it is noted that at this stage the detailed aspects of this application do not therefore confirm all detail and materiality, but instead make a firm architectural promise for these areas, confirming principle architectural moves / attitudes and some material elements. It is recommended that an appropriately worded condition is attached to secure these details. It is important that this information is provided in a coordinated way so that the quality of the promise for the project is fully realised.

As well as providing clear information on the character and appearance of the buildings within Phases 1 - 3, it also worth noting that this information provides a method of interpretation for the likely approach to later phases; and as such it has the potential to assist as a tool for the whole project. This information should provide a benchmark with the site and Rochester (in respect of interpretation / design / material quality) which should be adhered to going forward. This is not so say that all the all buildings in later phases have to look exactly like those currently proposed; indeed, the Council should require some further idiosyncrasy over time.

It makes sense for this information to clearly be treated as masterplan principles rather than the architectural principles standing purely as a description of phases 1, 2 and 3.



It is thereby recommended that this information, together with the masterplan element, is repackaged as an 'Overarching Design Code' and submitted by way of condition for approval. The Overarching Design Code will assist the Council in ensuring that the high-quality detailed design work provided for Phase 1 – 3 is carried forward to future phases.

### Landscaping

The landscape work outlined within the submission is structured in much the same way as the master plan and architectural elements i.e. as a set of principles, a site wide strategy and proposals for particular spaces and conditions within the phases beyond 1, 2 and 3. All are outlined within the Design & Access Statement and all will need subsequent applications to satisfy Medway Council landscape conditions.

The landscape proposals cover hard work, civil engineering finishing works, soft work & public realm materiality. It has all been referred to as 'Landscape Works' and so for consistency are addressed as such below.

The landscape proposals are well integrated with the master plan and architectural elements of the project and have been developed in close partnership as an iterative process, something that is again revealed in the quality of the information presented. Once again many of these issues have been discussed at interim presentations / meetings with the content adapting to the site constraints and stakeholder comments as they have been revealed. Likewise the landscape work has been developed to a sufficient level of detail for us to feel confident the scheme is of an appropriate disposition, integration & overall quality for approval subject to the subsequent conditions applications mentioned above.

The Landscape Proposals outline the landscape scheme over the whole of master plan phases. Much like the architectural elements it is articulated not unlike a loose design code, with the principles clearly established and spaces outlined for follow on of phased detailed elements. Given this it seems logical to also pull this work into the Overarching Design Code much as described for the architectural elements above.

Detailed proposals for phases 1, 2 and 3 are then provided to greater depth yet a level that will also require hard and soft landscape details (to a marginally lesser degree) to be secured by way of appropriately worded conditions.

Looking at the material pallet it is acknowledged that the specification is visually appropriate but the items proposed are very much standard, if good quality faire. However, with the exception of the super benches, there is nothing of any real surprise. It is noted that this 'surprise' may emerge as more detail is provided through condition submission.

There appears to be little difference between the Landscape Detailed Element (phases 1, 2 & 3) and the work of the master plan, save sections pertaining to each space and what appears to be a relatively generic material pallet / example images. This is not meant to do the Landscape work an injustice; indeed it is of good design quality and confirms the promise of previous work presented at design meetings. This comment is rather more to confirm that a conditions application for hard and soft

landscape detailing & specification will be required for this element as well, much as stated above for the wider master plan. Needless to say each space and landscape condition will require adequate description and need to be coordinated within the whole scheme.

### Summary

Overall it is considered that the design of the outline and detailed elements of the hybrid planning application are in accordance with requirements of BNE1, the 2014 SPD and the relevant section of the NPPF.

### *Housing Mix*

Paragraph 50 of the NPPF seeks to deliver a wide choice of high quality homes and create sustainable, inclusive and mixed communities, requiring Councils to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

Policy H10 states that on sites larger than 1 hectare, where residential development is acceptable in principle, the provision of a range and mix of house types and sizes will be sought. This should include smaller units of accommodation suited to the needs of one and two person households, the elderly or persons with disabilities and housing that can be adapted for such use in the future.

The 2015 North Kent Strategic Housing Market Assessment considers the size mix of new residential development within Medway, finding that overall the provision of 1 and 2-bed units is below the national average, with the provision of 3-bed units being significantly higher.

To reflect the level of market housing currently provided within Medway, the SHMA sets out the following mix should be sought:

- 10% 1-bed
- 25% 2-bed
- 49% 3-bed
- 13% 4-bed
- 3% 5-bed

### Assessment

The size mix of units proposed is as follows:

<b>Size</b>	<b>Phases 1-3</b>	<b>Phases 4-7</b>	<b>Overall</b>
1-bed	19%	13.7%	15.7%
2-bed	43.8%	41.7%	42.5%
3-bed	18.5%	23.5%	21.6%
4-bed	18.2%	21.1%	20%
5-bed	0.5%	0	0.2%

Whilst the mix is not in accordance with that set out in the SHMA above, the mix within the SHMA was given to maintain the current split in the size of units. Policy H10 requires the provision of smaller units suited to the needs of one and two person households, with the development proposing to provide a significant proportion of such units.

The proposed development will provide a mix of housing to cater to the needs of different groups in the community, in accordance with Paragraph 50 of the NPPF. On balance, the housing mix is considered to be acceptable.

### *Affordable Housing*

Paragraph 50 states that where Councils have identified that affordable housing is needed, policies should be set to meet this need on-site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified.

Saved Policy H3 requires the provision of 25% affordable housing on urban sites proposing more than 25 dwellings.

The Guide to Developer Contributions SPD 2014 reiterates the requirement of Policy H3 and provides further detail in respect of mix. Where the number of affordable units to be provided is greater than 10, a tenure mix of 60% affordable rent and 40% intermediate affordable housing (of which shared ownership is the preferred option) will be sought. The size mix should generally be as follows:

- 40% 1-bed
- 30% 2-bed
- 20% 3-bed
- 5% 4-bed
- 5% 5-bed

The SPD states the tenure mix and size are to be regarded as a guide only, with the exact percentages for each site being determined through discussions with the Council and developer.

The market and affordable housing to be delivered in each phase (including the already delivered Phase 1A) is as follows:

<b>Phases</b>	<b>Market</b>	<b>Affordable</b>	<b>Total</b>	<b>% Affordable</b>
1A	0	73	73	100%
1-3	422	67	489	16%
4-7	683	228	911	25%
<b>Total</b>	<b>1105</b>	<b>368</b>	<b>1491</b>	<b>25%</b>

It is proposed to provide 295 affordable units within the current hybrid application. Combined with the 73 affordable dwellings already delivered in Phase 1A by the same landowner, this gives a total of 368 affordable dwellings across the Rochester Riverside Masterplan area. This is in accordance with Policy H3 and the Guide to Developer Contributions SPD.

The hybrid application proposes the affordable housing to be delivered in the form of shared ownership and affordable rent, with the split as follows:

<b>Phases</b>	<b>Shared Ownership</b>	<b>Affordable Rent</b>
1-3	38	29
4-7	79	149
Total	117	178
<b>%</b>	<b>39.66</b>	<b>60.33</b>

Within the full application, Phases 1-3, 52% of the affordable units are proposed as shared ownership with the remaining 48% as affordable rent. Whilst this does not comply with the preferred 60:40 tenure split, this is achieved across the site when including the outline element, Phases 4-7. Whilst only outline permission is sought for these phases, the 60:40 split across the site can be secured as part of the Section 106, ensuring this will be achieved.

The proposed size mix is as follows:

<b>Size</b>	<b>Phases 1-3</b>		<b>Phases 4-7</b>		<b>Total</b>	<b>%</b>
	<b>S/o</b>	<b>A/r</b>	<b>S/o</b>	<b>A/r</b>		
1-bed	17	16	21	36	90	32.49
2-bed	9	5	30	103	147	53.07
3-bed	12	8	20	0	40	14.44
<b>Total</b>	<b>38</b>	<b>29</b>	<b>71</b>	<b>139</b>	<b>277</b>	

Whilst this does not fully comply with the preferred size mix within the Guide to Developer Contributions SPD, the SPD itself states this size mix is only a guide and the exact mix is subject to discussions between the developer and the Council. The provision of mainly 1-bed and 2-bed units is in accordance with the preferred mix and on balance is considered acceptable.

### *Amenity*

Policy BNE2 sets out that the all development should secure the amenities of the its future occupants, and protect those amenities enjoyed by nearby and adjacent properties.

In accordance with Policy BNE2, both the detailed design and masterplan elements of these proposals have been designed to ensure that residential amenity is protected.

Particular consideration has been given to the impact on sunlight and daylight, noise impacts, air quality and traffic generation. All of these elements are covered in further detail below and in respective chapters of the supporting Environmental Statement.

The proposed residential layouts will be largely in conformity with the back to back distances ascribed by the SPD which requires that at minimum a distance of 20m is

required between the rear facades of homes in new development, albeit it is noted that smaller distances could be considered appropriate where it is demonstrated that good daylight in line with BRE guidance would be provided to these units.

There are areas in the proposed masterplan where this minimum distance is not met, for example in the north section of the site the relationship between the wide fronted mews houses to the north of the Linear Park, which back onto a row of terraces to the north, do not provide this minimum 20m separation distance.

In addressing this, measures have been incorporated into the design such as no rear windows at first floor level of these mews houses, to ensure that there are no issues of loss of privacy. Moreover Daylight/Sunlight Analysis has been submitted which demonstrates that these units receive good levels of daylight in accordance with BRE guidance. It is considered that these units, despite a separation distance of less than 20m, will meet the policy requirement through ensuring sufficient sunlight within the units.

It is thereby considered that the detailed element of the application is in accordance with the requirements of BNE2 and the SPD. It is recommended that a condition is attached to the permission requiring detailed sunlight and daylight analysis to be undertaken in support of Reserved Matters applications ensuring the detailed design of the proposals for future phases meet the relevant BRE guidance.

### *Housing Standards*

Members will be aware that the Medway Housing Standards (interim), adopted 2011, sets out minimum space standards for new dwellings created within the administrative boundary of Medway Council. However, following a Written Ministerial Statement in March 2015, the Government has rationalised the approach to housing standards. This included publishing 'Nationally Described Internal Space Standards' which replaced all locally defined internal space standards. It is noted that these differ slightly from the Medway Housing Standards, although they are broadly equivalent.

The proposals have been assessed against the Nationally Described Internal Space Standards and are considered to be compliant. The proposals are also compliant with the Medway Housing Internal Space Standards.

The Medway Housing Standards also cover external requirements including private space and window-to-window distances. The application proposals are compliant in respect of the external space standards, providing balconies which are a minimum of 1.5m wide and in excess of 5sqm total area. In summary, it is considered that the application proposals are compliant with the Medway Housing Space Standards and the Nationally Described Space Standards.

### *Open Space*

Section 8 of the NPPF refers to promoting healthy communities, with Paragraph 73 stating access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

Policy L4 requires residential development proposals to make an open space provision where there is a proven deficiency. For developments likely to be occupied by 100 people or more, Policy L4 requires open space for formal recreation at a standard equivalent to 1.7 hectares per 1,000 population and open space for children’s play and casual recreation on-site at a standard equivalent to 0.7 hectares per 1,000 open space. Provision of some of the formal open space off site or the improvement of an off site facility will be permitted where the Council is satisfied this would be a better alternative.

The Developer Contributions Guide provides the most recent standards for open space provision, breaking down the provision against the different types of open space. The provision of open space required in accordance with the Developer Contributions Guidance is 9.89 hectares in total.

The 2014 SPD sets out relatively detailed guidance in respect of open space provision on the site, identifying three different types of open space that should be provided (public parks, neighbourhood places and local places) and indicating where these should be located. In brief, the SPD requirement in respect of the application site comprise:

- 2 no. formal ‘public parks’: Furrell’s Park and Acorn Park;
- 2 no. informal waterfront ‘neighbourhood spaces’: Cory Wharf and Blue Boar Wharf;
- 2 no. local spaces: Cory Square and Limehouse Gardens.

The SPD does not specify a quantum of open space to be provided, but the diagrams do give an indication of the scale of these spaces.

The development incorporates a variety of open space types, broadly in accordance with the Masterplan and Development Brief, as follows:

<b>Phase</b>	<b>Space</b>	<b>Area (Sq.M.)</b>	<b>Total</b>
1-3 (Full)	Station Square	1,860	9,460
	Blue Boar Square	740	
	Crane Point	1,760	
	Furrell’s Park	5,100	
4-7 (Outline)	River Walk	10,100	35,300
	Cory’s Pier	2,200	
	Bridge Square	3,100	
	Linear Park	3,250	
	Riverside Park	7,000	
	Acorn Park	4,650	
	Stanley Wharf	4,000	
Doust Square	1,000		
Overall			44,760

Open spaces are proposed across the site, totalling 4.5 hectares alongside private gardens for the houses. It is thereby noted that the open space proposed does not

meet the quantitative requirements as set out in the Developer Contributions Guidance.

It is also noted that whilst the positioning and types of open spaces is broadly in accordance with the 2014 SPD requirements, the scale of these space is not as generous as has been indicated in the SPD. In particular it is noted that the two public parks, Furrell's Park and Acorn Park, are tighter than envisaged.

The applicants have explained, in the submissions and during the pre-application discussions that constraints have emerged during the detailed surveying of the site which have significantly reduced the developable area. These include the positioning of the River Wall ties, which have created a large no development zone along the edge of the site. In addition a sewer has been identified running through the site which is also a development constraint. To ensure that the target development capacity for the site (1400 units as specified in the SPD) has any prospect of being achieved, it has been necessary to redistribute open space throughout the site. Whilst this has resulted in some enhancements, the inclusion of a 'Riverside Park' on the north eastern part of the site, the aforementioned open space have been reduced.

In light of this reduction/redistribution in open space (and quantitative shortfall against the Developers Guide standards), the Applicants have agreed to provide a financial contribution equal to this shortfall, which will be secured through the Section 106 agreement. It is noted that Policy L4 does allow the provision of a financial contribution and it is considered the provision of open space is appropriate in this instance.

Notwithstanding the above it is noted that the Open Space parameters plan, which relates to the provision of open space in phases 4 – 7, provides maximum parameters for 'open space' (i.e. the figures are 'up to'). As noted in the design section there is a risk that these spaces will be squeezed even further as the reserved matters applications for future phases come forward. It is considered that securing these 'up to' parameters are essential if the stated quality of future phases is to be realised. A condition requiring these figures to be achieved as a minimum will thereby be attached to the Permission.

The design of the open space is addressed in the design section above. To reiterate, details of open spaces within Phases 1-3 (full element) has been provided, alongside indicative layouts for Phases 4-7 (outline element). The design of the spaces within Phases 1-3 is considered to be broadly appropriate. Further detail is required in respect of materials and planting and this will be secured by way of the landscape conditions.

The design of the spaces within Phases 4-7 is of key importance in ensuring their usability and suitability, and detailed designs will be required through the Reserved Matters applications.

All open spaces within the site will be available for public use and will be maintained by the applicants. The Section 106 agreement will include obligations placing this responsibility upon the applicants.

Overall, whilst the open space does not meet the quantitative requirements, on balance it is considered to be acceptable subject to Conditions requiring the provision

as detailed above and the payment of an appropriate Section 106 financial contribution.

### *Energy and Sustainability*

The 2014 SPD states that all new developments will be expected to maximise energy efficiency savings through passive design and building fabric, with 20% of the residual on-site energy requirements met from decentralised renewable energy sources.

The applicant has submitted a full Energy Report demonstrating measures that were considered for the development and setting out what measures would be employed.

The report sets out passive design measures to minimise energy consumption. Passive design measures include orientation and layout of the buildings and units, glazing areas and stacking of balconies for shading. Energy efficient mechanical ventilation is also proposed along with fixed lighting with energy efficient fittings. A condition is recommended that requires the development to be built out in accordance with the approved Energy Statement.

The development also proposes the installation of PV panels to the roofs of buildings in the area. This would achieve a 20% reduction in carbon emissions for the Site. While these PV panels have been shown on the roof plans submitted, details are requested through condition to understand the visual impact of installing the panels on the roofs.

The proposed development is considered acceptable subject to the suggested conditions.

### *Transport*

Policies T13, T1 and T2 seek to ensure new developments do not have a detrimental impact on the existing highways network and make suitable provision for parking and access roads throughout the site.

Section 4 of the NPPF refers to promoting sustainable transport, encouraging sustainable transport options and providing people with a choice about how they travel. Developments that generate significant movements should be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Developments that generate significant amounts of movement are required to be accompanied by a Transport Statement or Transport Assessment by Paragraph 32, and a Travel Plan by Paragraph 36.

The Applicant has submitted a Transport Assessment (TA), incorporating a microsimulation model of the local highway network, and an initial Travel Plan (TP) to support the application.



## Traffic Impact

The highways impact of the development is a key concern that emerged from the pre-application public consultations undertaken by the applicants and in the limited number of consultation responses received.

Saved Policy T1 requires the highway impact of developments to be assessed, and states that development will only be permitted where several conditions are met, including that *"the highway network has adequate capacity to cater for traffic which will be generated by the development"*. Paragraph 32 of the NPPF similarly requires highways impacts to be assessed by way of *"a Transport Statement or Transport Assessment."* Paragraph 32 goes on to require that *"Plans and decisions should take account of whether...improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual [after mitigation] cumulative impacts of development are severe"*.

It is considered that paragraph 32 has a different emphasis to Policy T1, in that it is focused upon 'severe impacts' rather than 'adequate capacity'. The term 'severe' is not defined in the NPPF or NPPG, and as such there is some ambiguity around how it should be tested. It should be noted that Inspectors have not always taken a capacity constraint to be a severe impact. As ever it is a matter of planning judgement with regard to be had to the particular circumstances of a development and the surrounding highway network.

Given the different emphasis between Policy T1 and NPPF paragraph 32 it is important to emphasise that NPPF paragraph 215 states *"due weight should be accorded to relevant policies in existing plans according to their degree of consistency with this framework"*.

In accordance with Saved Policy T1 and paragraph 32, a full Transport Assessment (TA) was submitted in support of the planning application.

- *Traffic Surveys*

Traffic surveys on the local highway network were commissioned by the applicant in September 2016. A further survey of the Canal Road junction was commissioned in May 2017 following pre-application exchanges in respect of the original survey data.

In the weekday AM peak hour (07:30 to 08:30hrs), two-way traffic volumes on the A2 Corporation Street along the Site frontage are between 2,300 and 2,700 vehicles. In the weekday PM peak hour (17:00 to 18:00hrs), two-way traffic volumes are between 2,300 and 2,400 vehicles.

The analysis demonstrates that the highway network around the site already suffers from congestion during the peak hours with relatively limited spare capacity. It is important to acknowledge that this situation is a common one in the Medway urban area, and indeed in other urban areas around the country. As noted above the policy emphasis of NPPF paragraph 32, acknowledges that

capacity constraints per se are not a reason for refusal. This notwithstanding it is important to ensure that the existing capacity constraints on the network around the application site are not worsened because of the development.

- *Existing Conditions Modelling*

The applicant has submitted a TRANSYT model of the local highway network. Overall, the model appears to validate against observed journey times well and provides a robust basis for the assessment work of future year scenarios.

It is noted that there were some issues around the modelling of queues and it was not possible for Medway Council's highways consultant to run the model and replicate the quoted outputs. In response to these modelling concerns the applicant also submitted a VISSIM microsimulation model of the A2 corridor in the vicinity of the site.

The VISSIM model has been set up generally in accordance with design guidance (DMRB and Transport for London modelling guidelines). Some of the vehicle conflict points could have been modelled in a way which more closely reflects natural driver behaviour. However, overall the model demonstrates sufficient validation with respect to observed traffic conditions, and it is considered that the model provides a reliable basis for assessing the impact of the proposed development. The mitigation scheme has also been modelled in a robust manner within VISSIM.

- *Trip Generation and Trip Distribution*

The applicant has used the industry-standard TRICS database to calculate the vehicle trip generation of each of the components of the proposed development.

Some trips would be internalised between the different land uses on the site and would not route via the external highway network. For example, children living in the residential component of the development would attend the on-site primary school, and residents would use the on-site convenience store.

The Council's transport consultant suggested some changes to the trip generation methodology presented in the TA, primarily relating to the sites which were selected within TRICS for each of the residential development types. The applicant subsequently provided a sensitivity test incorporating the majority of these changes, which showed that the overall trip generation would be similar.

The residential components of the site would generate around 470 vehicle movements in the AM peak hour, 500 in the PM peak hour, and 4,980 across the day (for weekdays).

After considering the effects of internalisation, the non-residential components of the site would generate around 170 vehicle movements in the AM peak hour, 90 in the PM peak hour, and 1060 across the day (for weekdays).

Therefore the overall development would generate the following movements on the external highway network: 640 in the AM peak hour; 590 in the PM peak hour; 6,040 across the weekday. These volumes are significant in comparison to the existing volumes recorded in the 2016 surveys, representing increases relative to the A2 observed flows of 26% and 25% in the AM and PM peak hours respectively.

In terms of trip distribution, trips for the residential components have been divided into trip purposes from Tempro, such as trips to work, school, shopping, etc. Each of the trip purposes has its own distribution.

Trips to work form the largest group of trips by purpose. These trips have been distributed using travel-to-work data from the 2011 Census. All trips to workplaces outside Medway have been calculated at 'bulk' district level. 10% of trips to work are to the Borough of Maidstone. These trips could have been distributed at a finer level of detail given the proximity and sensitivity to different routes.

Trips for the non-residential components have been calculated using a population model of Medway, again from the 2011 Census.

Given the proximity of the site to the A2 west-east route and the A229 north-south route, the overall development trips distribute in multiple directions away from the site, with no predominant flow direction. Overall, the trip distribution methodology is considered to be reasonable.

- *Traffic Impact & Mitigation*

Modelling has been undertaken to consider the highways implications of the proposal, building upon the above methodology. This identified anticipated periods of congestion within the local highways network, which will worsen with the proposals if no mitigation is provided.

The 2023 tests represent the completion of Phases 1-3, and the 2029 tests represent the completion of Phases 4-7. Journey times have been measured on the A2 corridor in both directions between the Star Hill and Canal Road junctions.

Time/Route All times in seconds	Journey Times without development		Journey Times with development	
	2023	2029	2023 (Ph 1-3)	2029 (Ph 4-7)
<b>AM Peak</b>				
<b>A2 northbound</b>	1350	1447	1446	1781
<b>A2 southbound</b>	242	298	302	451
<b>PM Peak</b>				
<b>A2 northbound</b>	1377	1465	1502	1659
<b>A2 southbound</b>	272	386	342	425

In response to this, the Transport Assessment identifies a series of mitigation measures as follows:

Measures to be delivered by first occupation:

- Improve the operation of the High Street/Canal Road junction
  - Bringing junction under SCOOT control;
  - Running the right turn stage for a minimum duration;
  - Improving offsets with the downstream Station Road/High Street junction;
- A2 Corporation Street/Esplanade:
  - Remove vehicle activation on the bus lane so main northbound traffic is no longer stopped to prioritise bus/taxi movements. Buses and taxis can still benefit from the bus lane as they will avoid the northbound queue of Corporation Street;
- A2 Corporation Street/Gas House Road:
  - Improvements to signal timings allowing more green time for the Corporation Street approaches in favour of less time at the Gas House Road junction;
  - Even traffic distribution on Corporation Street southbound;

Measure to be delivered prior to the commencement of Phase 4:

- Star Hill/New Road/City Way roundabout junction:
  - Provision of increased exit and entry capacity on New Road and increased entry capacity on City Way.

Time/ Route  All times in seconds	Journey Times without development		Journey Times with development		Journey Times with development and mitigation in place	
	2023	2029	2023 (Ph 1-3)	2029 (Ph 4-7)	2023 (Ph 1-3)	2029 (Ph 4-7)
<b>AM Peak</b>						
<b>A2 northbound</b>	1350	1447	1446	1781	1152	1355
<b>A2 southbound</b>	242	298	302	451	254	329
<b>PM Peak</b>						
<b>A2 northbound</b>	1377	1465	1502	1659	873	1155
<b>A2 southbound</b>	272	386	342	425	203	240

These results demonstrate that the proposed mitigation measures actually improves some anticipated journey times on the network around the site, even with the development in place. Whilst there are some instances where journey times worsen slightly, notably the A2 southbound during the AM Peak, it is noted that the increase in journey times is not significant. It is considered that this is more than off-set by the improvements in journey times elsewhere on the network.

As noted above paragraph 32 is concerned with "residual cumulative impacts of development [that] are severe". Given that the development will only result in a marginal increase in journey times on the A2 southbound it is considered that the residual cumulative development impact will not be severe. The Transport Assessment identifies that with these mitigation measures, the impact of the development on the local network is acceptable.

The exact technical detail and specification of these highway improvements will be determined at the detailed design stage, which will need to be progressed with the Council's highways teams. It is proposed to secure the prior to occupation measures by way of Section 106 agreement. It is proposed to secure the Star Hill/New Road/City

Way roundabout junction improvements by way of condition.

### Accessibility

The TA provides various specific assessments in respect of accessibility matters. In this regard the Site clearly benefits from its proximity to Rochester Rail Station and to a range of existing bus services which route along Corporation Street in particular. These provide both local and wider area services.

Existing nearby facilities for pedestrian and cyclists also offer good potential for non-motorised trips to and from the development and the close proximity of the town centre and day to day uses provides the Site with good walkable neighbourhood capability in accordance with Manual for Streets.

In conjunction with suitable provisions to link with existing facilities and with the enhancement of these where there are some deficiencies, the development has the ability to provide a sustainable location for both the residential and non-residential land uses proposed. In this regard the following improvement are proposed in support of the development:

- *Gas House Lane / Corporation Street Junction*

From the earliest phases of development, the Gas House Road link will be used to provide access to the Site. This connection with Corporation Street, in conjunction with The Common (which provides a more suitable pedestrian access), lacks controlled pedestrian crossings either of the minor arm or Corporation Street itself. Whilst there is a crossing of Corporation Street to the south, this does not lie on the desire line which is likely to be created by the development proposals to and from the town centre via Northgate (as it would require a dog-leg movement which is unlikely to be undertaken by a number of pedestrians). Informal crossing of Corporation Street which does not make use of the existing controlled crossings has been acknowledged by the applicant.

There is thereby an opportunity to enhance the operation of this junction for pedestrian crossing and a scheme has been proposed by the applicants. The detailed design of the Gas House Lane/Corporation Street Junction should take account of the need to ensure that pedestrian movements are properly managed, to ensure that potentially hazardous pedestrian movements are prevented or minimised. These details will be secured by condition.

- Corporation Street Bus Stop

With regard to access to bus stops from the development proposals, almost all stops on Corporation Street have some form of shelter provision. The exception to this is the northbound stop opposite the rail station. The lack of a shelter would be expected to reduce the attractiveness of this stop.

The footway in this location appears to be around 2.5m wide and so, subject to further investigation, it may be possible to accommodate a half depth shelter

similar to that which exists on the Rail Station side of Corporation Street. Provision of the bus shelter will be secured via planning condition.

- Car Club

A Car Club proposal has been made in conjunction with the development (in association with ZipCar), details of which are set out in paragraph 4.71-4.74 and Appendix H of the TA.

The proposals have a scale/gravity and accessibility characteristics which have the potential to support such provision and this is an option which has the potential to attract non-car owners to the development which would reduce the need for car ownership and car usage. Such provision also assists in situations whereby car parking provision is at the lower end of the range. Provision of the Car Club will be secured by planning condition.

### Access

The detailed phases (1 -3) of the proposed development include a central 5.5m wide spine road through the Site with footways to both sides. Given that this spine road will serve a development access road purpose with limited numbers of HGVs and larger vehicles, this provision is suitable for the proposals. The side streets are shared surface culs-de-sac of 5.5m to 6m.

It is understood that the applicants are proposing that the majority of roads within the development will be adopted. Discussions are well advanced with the Council Road's Adoption Team in this regard and through this process the detailed design of roads will be agreed.

### Road Safety

The applicant has provided analysis of Personal Injury Accidents (PIAs) on the local highway network. In the five years to January 2016, there were 128 accidents recorded, of which 118 were classified as slight and 10 as serious.

33 accidents (26%) involved pedestrians. Of these, 11 were attributed to pedestrian intoxication and a further 13 were attributed to pedestrian error. There were no clear clusters of accident locations.

14 accidents (11%) involved cyclists. There were a number of causes of these accidents. Five of the accidents occurred at the A2 Corporation Street / Star Hill / High Street / Eastgate junction. Of these, three involved a driver or cyclist passing through without a green signal.

In the context of vehicle volumes on the A2 Corporation Street, there do not appear to be any significant trends within the accident data.

This notwithstanding the proposed changes to the highway network should be subject to a Road Safety Audit.

## Parking

The Rochester Riverside SPD sets out bespoke parking standards for the site as follows:

	Unit Size	Spaces Per Unit
House	Semi Detached	2
	Large Town House	2
	Terrace	1.5
	Mews	1
Flat	Mansion Blocks (Flats)	1
	Flats	1
	Visitor	0.25

All units should be provided within a minimum of 1 space per unit plus 0.25 visitor spaces, with houses having a minimum of 1.5 spaces per unit plus 0.25 visitor spaces. These standards represent a small reduction in the Council's overall standards for flats and smaller housing units, justified given the highly sustainable location of the site.

For the detailed application for residential Phases 1-3, the provision for residents is in line with the SPD. This is provided through a combination of on-plot spaces and on-street spaces (restricted to resident permit use as part of the CPZs). The overall provision including visitor parking is slightly below SPD levels, but this is considered acceptable given the accessibility of the site, and the car club vehicles which are expected to reduce car ownership across the residential phases.

The continuing operation of the CPZs, together with on-street design measures within the site, will also restrict any overspill parking arising from the proximity to Rochester railway station and Rochester city centre.

## Travel Plan

The applicants have also provided a Travel Plan (TP) in support of their planning application. The TP seeks to achieve a 10% reduction in net external trip generation and that within the TA there is consideration of a 'with Travel Plan scenario' modelling assessment for the 2029 future year.

However, it is important to note that the traffic impacts arising from the development, and the associated mitigation proposals, are not dependent upon securing the 10% reduction in trips that the TP seeks to deliver. The applicants have assumed a 'worst case scenario' in the modelling i.e. that no TP reduction is achieved. As such any benefits arising from the TP will be additional.

In summary, the TP proposals are as follows:

- Car club: The TP includes a proposal from Zipcar for five on-site vehicles, and the applicant will pay the initial membership for each household.



It is considered that if promoted sufficiently, this should reduce car trips and car ownership, thus avoiding pressure on parking provision. This is a very positive measure and potentially the most effective in terms of reducing future trip making.

- Public transport measures (£50 bus voucher for each dwelling): An Arriva adult monthly ticket covering all of Medway is £67.
- Cycle measures (£50 cycle voucher, local discount, cycle user group, on-site cycle repair equipment).  
Whilst these measures are welcome it is noted that road confidence is generally a more significant barrier than cost for prospective cyclists, so the £50/household funding could be more effective if put towards training sessions. Also suggest that the website/information pack includes contact details for “Active Medway” cycle groups (this is a Medway Council scheme) and West Kent CTC (local cycling group for advice/group rides).
- Site wide TP coordinator (via estate management company) and steering group: This setup will enable the Council to monitor the progress of the travel plan.
- Information pack/website: All information is provided online as a default, with a summary leaflet delivered to each property (with the option to request a hard copy). The website should be maintained and updated until all of the residential phases have been completed.
- Monitoring via surveys every two years: There should be an option to complete all surveys online, in order to increase the response rate.

The TP will be secured via the S106 agreement. It is noted that a separate School Travel Plan will be submitted as part of the primary school application.

### Strategic Road Network (Motorway)

As identified towards the beginning of this report, Highways England initially objected to the proposal due to insufficient information regarding the impact of the proposal on the Strategic Road Network (SRN). Following the submission of further information, Highways England have withdrawn their objection and advised the proposal will not have a negative impact on the SRN.

### Summary and Conclusion

The application site is located in a sustainable position with excellent access to sustainable modes of transport including rail and bus and with good pedestrian and cycle connectivity to nearby facilities and services. However, this urban location, in close proximity to Rochester also means that the surrounding highway network suffers from some existing congestion at peak times.

The applicants have assessed the impacts of the development and proposed a package of mitigation measures to address these impacts. The modelling has been

closely scrutinised and shown to be robust. The mitigation measures demonstrate that, on balance, the operation of the network will not be worsened as a consequence of the development.

Further the applicants are also proposing a number of complimentary measures which will further enhance the accessibility and sustainability of the site from a transport and movement perspective. These measures are additional to the highway network measure and will in practice be likely to further enhance the operation of the highway network in the surrounding area, as well as enhancing the sustainability of the development.

Subject to the contributions and conditions identified above which will secure the various mitigation and improvement measures, the proposed development accords with Policies T1, T2, T3, T4, T12, T13 and T22 of the Medway Local Plan and the relevant paragraphs of the NPPF, notably paragraph 32.

### *Historic Environment*

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act') states that, in considering whether to grant planning permission for development which affects a listed building or its setting, the Council must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72(1) of the Act requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area when carrying out planning functions.

Section 12 of the NPPF seeks to conserve and enhance the historic environment, with applicants required to describe the significance of any heritage assets affected at a level of detail proportionate to their significance. Paragraph 132 sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 132 states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of designated heritage assets of the highest significance should be wholly exceptional, with Grade I listed buildings given as a specific example.

Paragraph 133 sets out that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, consent should be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

Paragraph 134 states that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Paragraph 135 sets out that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of affect the setting of a listed building will not be permitted.

Policy BNE12 states special attention will be paid to the preservation and enhancement of the character and appearance of Conservation Areas, with Policy BNE14 requiring development within a Conservation Area or affecting its setting, to achieve a high quality design.

Policy BNE18 refers to listed buildings, stating development which would adversely affect the setting of a listed building will not be permitted.

Policy BNE20 states development affecting Scheduled Ancient Monuments or other nationally important sites will not be permitted if it would damage or destroy such sites, or be detrimental to their setting.

Policy BNE21 states development affecting potentially important archaeological sites will not be permitted unless various criteria are met, including undertaking an archaeological field evaluation and protection of important archaeological remains, which then preserved on site if possible.

In line with the legislative and policy requirements identified above an assessment of the potential affect upon designated and undesignated heritage assets of the development has been undertaken.

### Roman Wall

The Roman Wall is located in the north west of the site, comprising above ground fragments and below ground archaeological remains. Historic England advised that the above ground remains are Grade I listed, with both Historic England and KCC advising the below ground remains are considered to be of national importance and to be considered as if they were designated as a scheduled monument in accordance with Paragraph 129 of the NPPF.

The listing of the wall covers the remains of the wall in the wider area, including remaining parts to the west of the site. The listing confirms the remaining part of the wall within the site is fragmentary with approximately 30 metres contained within the site.

The Applicant submitted a Heritage Statement Baseline and Structural Condition Survey to consider the current condition of the wall and options for its conservation as part of the development. Whilst these were produced before Heritage England advised the wall is listed, these documents do consider the wall to be of substantial importance and requiring conservation.

It is considered that the significance of the wall is derived in part from its history i.e. that it formed part of the historic city walls. The fabric of the wall may well also have some

significance but it is noted that this has been altered and degraded over time, and as such this is like to be of a lower order of significance. The aesthetic value of the wall again is of less significance, given the alterations that have taken place.

It is noted that the setting of the wall is very much degraded, given that it currently sits within a redundant, vacant area of land, very much influenced by the nearby Castle View business park and associated activities and structures. The fact that it was not clear that the wall formed part of the wider City Walls listing serves to demonstrate that its setting has been degraded.

As the application is in outline in the north western part of the site, the indicative masterplan is subject to change and the detailed design in this part of the site will be determined through a future reserved matters application. There are no specific works proposed to the wall or within the setting of the wall at this stage. As such it is only possible to consider the *potential* harm to the wall and whether this should prevent the granting of outline permission.

It is considered that the redevelopment of the site does have the potential to substantially harm the wall itself i.e. the wall could (potentially) be destroyed. Historic England have also suggested that there is the potential for harm to be caused to the setting of the Wall. Although it is considered that this is likely to be a relatively limited given the current setting of the wall which contributes very little to its significance.

The submitted Heritage Statement Baseline and Structural Condition Survey provide details of measures to preserve or mitigate *potential* harm.

The submitted Structural Condition Survey details three possible options for conservation of the wall: record and remove; retain and conserve; or incorporate into the proposed scheme. The first option is considered to amount to substantial harm and be unacceptable. The second option requires a Conservation Management Plan detailing a programme of periodic conservation works to be carried out in consultation with Historic England. The final option details that the wall could be incorporated into the scheme with interpretation, with the wall protected and archaeological trenches perpendicular to the line of the wall excavated and recorded to mitigate any potential harm to the archaeological remains. The submitted Planning Statement confirms the Roman Wall will be retained as part of the proposals, as currently identified on the indicative masterplan.

Historic England advised the above ground parts of the Roman Wall should be protected during construction and conserved and interpreted for its national significance during later phases. Historic England advised the current proposed location of the new school will need careful handling under a detailed proposal if the important historic role of the wall as a major boundary is to remain understandable.

In summary, whilst there is the potential for substantial harm to be caused to the Grade I listed Roman Wall and its setting as a result of the proposed development, only a limited assessment can be made within this application as the scheme is in outline for this part of the site. It is considered that any potential harm to the wall can be mitigated through an appropriate detailed design and measure during construction. The Applicant has treated the Roman Wall as a nationally significant asset throughout

the application process, detailing their intention to conserve the Wall and incorporate it into the scheme. It is thereby considered that there are no grounds for refusing outline consent provided and appropriately worded condition is attached to the permission.

In terms of the below ground remains, conditions have been suggested by KCC and Historic England to secure an appropriate programme of archaeological evaluation and assessment works, followed by details of safeguarding measures to ensure preservation in situ and/or further archaeological investigation and recording. These conditions are proposed to be attached to any approval.

In summary, subject to appropriate design, mitigation and construction methods being secured through Reserved Matters and conditions, it is considered that the development would have a less than substantial impact upon the Grade 1 Roman Wall. It is considered that the public benefits of the scheme would very likely outweigh this harm.

#### Rochester Conservation Area, Grade I Listed Cathedral and Grade I Listed Castle

Historic England also commented on the setting of the nearby heritage assets within Rochester, being the Historic Rochester Conservation Area (CA), Grade I Listed Rochester Cathedral and Grade I Listed Rochester Castle.

The CA is located to the west of the site, separated by the railway, some built form and Corporation Street. The CA covers the historic centre of Rochester and contains numerous listed buildings including the Grade I listed Cathedral and Grade I listed Castle.

The significance of these assets arises from their history, appearance and fabric. In particular Historic England advised the current strong visual presence of the Cathedral and Castle rising above the historic city is of significance.

Historic England raised some concerns regarding the impact of the proposal on these heritage assets, with these concerns relating to the outline aspect of the scheme at the northern end. Historic England highlighted specific concerns in views from Strood Pier (viewpoint 8 of the TVIA).

Historic England advised they accept the case for taller elements occupying Gashouse Point even though views of the Cathedral and Castle will be hidden from Laser Quay.

However, Historic England advised they had concerns regarding the maximum parameters of the tallest landmark building shown in the north western part of the site, as if built out to the maximum parameters it could start to compete with the Cathedral and Castle as the dominant feature of the view from viewpoint 8 (Strood Pier) and Historic England would thus be very concerned. They raised similar concerns in relation to viewpoint 11 (Riverside Road) as the maximum massing would be prominent, visible in strong silhouette and would be very harmful.

These concerns have been considered by the Applicant and the maximum massing of the relevant building has been significantly reduced within revised information

submitted, with viewpoints 8 and 11 updated accordingly. The Applicant has advised it is not their intention to propose the whole site at the maximum parameters within the detailed design, rather they have requested the parameters to provide flexibility in terms of where height and massing is distributed at the detailed design stage.

The revised massing is considered more appropriate in its context and will not be such a dominant feature against the Cathedral and Castle. Whilst the height remains at a maximum of 9 storeys, the considerable reduction in the bulk and mass of the building is considered sufficient to respond to the concerns raised and reduce the level of harm to less than substantial as it is considered the Cathedral and Castle will remain prominent features in the relevant views.

Historic England also referred to viewpoint 9 (Rochester Castle), recognising the current cleared nature of the site has made the river visible in views which will be restricted once the development is constructed. They highlight that views of the bend in the river, the dockyard and other features in the surrounding area will be retained with the development, which are important in understanding how Medway developed along the river.

Historic England queried why a viewpoint from Thunderbolt Pier was not provided, as the view from the dockyard across the City Way Estate takes in the major heritage assets at Rochester, advising the Council should be satisfied this will not be closed off or significantly reduced. The Applicant responded advising this viewpoint was not provided as it is close to viewpoint 5 (New Gun Wharf) which represents a similar direction of view from closer proximity. It is considered that there is sufficient information to adequately assess the views from this area, with views from viewpoint 5 considered acceptable.

From the evidence provided it is considered that any harm caused to the setting of the CA, Cathedral or Castle will be less than substantial. However to ensure the distribution of the massing across the site is appropriate in this context, updated views will be required to accompany any reserved matters application containing buildings over 5 storeys.

On balance it is considered any harm caused by the proposal will be less than substantial, with the numerous public benefits clearly outweighing this, including the provision of 1,400 dwellings, affordable housing, employment uses, open spaces and other community facilities. It is considered the proposal does comply with the requirements of Section 66 and 72(1) of the Act, the NPPF and relevant local policies, with the character and appearance of the CA preserved.

#### Star Hill to Sun Pier Conservation Area

The Star Hill to Sun Pier CA is located adjacent to the site at its south eastern end. The railways separate the majority of the site from the CA, with a small proportion of the southernmost part of the site directly adjacent to the CA.

Historic England advised that the CA developed as ribbon development along the High Street, with houses and commercial development fronting the street and warehouses and industrial premises behind leading to the river. Historic England

further advised the CA had, and still retains in places, an intricate historic character based on generally low rise development following the sweep of the river – this is considered to be a critical part of the significance of the CA.

Historic England highlighted that viewpoints 5 (New Gun Wharf) and 6 (Fort Amherst) both provide a view of the impressive bend in the river and to the sweep of Chatham Intra as the historic area between Rochester and Chatham.

As the site does not fall within the CA, the impact of the development on the setting of the CA must be assessed. In accordance with the NPPF, great weight must be placed on the conservation of the CA, with any harm assessed and the public benefits considered.

Historic England advised they have some concerns regarding the outline elements of the application. No concerns are raised regarding the full element of the proposal and how this relates to the CA. A limited amount of the full application is adjacent to the CA, with the minor part that comprises two storey houses, which are considered to be appropriate to the setting of the CA.

In terms of the outline element, Historic England raised concerns that the blocks in the illustrative masterplan towards the southern end of the site as shown in the viewpoints are close to the maximum heights proposed, which will result in a significant step up in the scale of development as shown in viewpoint 5 (New Gun Wharf Left). Historic England continued to state the existing student accommodation blocks are already taller than the historic precedent and the outline proposal is taller still, probably restricting views to the ridge of higher land along which the New Road runs. Historic England therefore advised they consider this part of the development is harmful to the significance of the CA as a designated heritage asset as it hinders an understanding of how the historic development of Chatham as a place separate to Rochester took place and how the river and topography shaped that development.

The Applicant has responded to these comments, acknowledging the proposed buildings along Stanley Wharf do hide the ridge of the hill beyond. The Applicant details the buildings in this location have been designed to help moderate the change in scale of buildings within the site and surrounding area, with the buildings proposed to have a warehouse style to reflect the warehouse character at this end of Chatham. The ridge line is not proposed to be continuous and the Applicant submits the view is blocked by the larger existing 20<sup>th</sup> Century buildings within the CA and by Rochester Cathedral and Castle themselves. The Applicant submits the requirement to raise the living accommodation above the floor level increases the heights of buildings in this area, considering that overall the proposed buildings offer a connection to the particular character of the neighbouring CA, albeit with an uplift in accommodation. The ridge line of the New Road can be partially viewed beyond and between the illustrative masterplan massing and the larger parameter allows the massing to be arranged as appropriate throughout the site at the detailed design phase.

As identified by Historic England, the student accommodation blocks are taller than the historic element of the CA and there are four storey buildings with pitched and flat roofs within the CA. Whilst the full maximum massing of a six storey block would significantly block the views of the New Road behind the development, the Applicant

has confirmed it is not the intention to build to the maximum parameters across the site, they are seeking the flexibility of the parameters to allow the massing to be appropriately distributed across the site.

The submitted indicative proposal of some six storey buildings in the southernmost part of the site with the massing distributed through separate blocks, does allow views of the ridge line with New Road behind, although these are more limited than there are currently. The present situation of the site is due to its clearance, with clear views through the site not having always been possible.

On balance, it is considered there is the potential for harm to the setting to the CA if the maximum massing is fully developed in this part of the site, as identified by Historic England. The current indicative proposal of distributing the massing between a number of buildings is considered to retain some views of the ridge line of New Road behind and whilst there is a step up from the existing buildings to the maximum six storeys proposed, it is considered that through a high quality design this step up will be appropriate in its context, integrating the proposal with the surrounding area and other development proposed across the site. Whilst the proposal is currently in outline in this part of the site, it is considered that any harm to the setting of the CA will be less than substantial.

As detailed elsewhere within this report, there are considerable public benefits of this proposal, including the substantial provision of housing, utilising brownfield land and the provision of employment uses, a new school and community facilities including open spaces.

To ensure the distribution of massing within the detailed design is appropriate to the setting of the CA; Conditions are proposed to secure a Heritage Assessment alongside the submission of any reserved matters application for this part of the site. On balance, it is considered that there will be less than substantial harm caused to the setting of the CA, with this minor harm due to the loss of some views of the New Road clearly outweighed by public benefits.

#### Undesignated Heritage Asset

The site also contains an undesignated heritage asset in the form of the Blue Boar Crane, which the Applicant is proposing to retain and is contained within the full element of the application. KCC welcomed this, stating the Crane acts as both a visible reminder of the site's industrial past and as a notable waterfront landmark. They suggested conditions requiring a Baseline Condition Survey and a Management and Maintenance Plan to ensure the long term protection of the Crane, which are proposed to be included.

#### Summary

The impact of the proposal on the various heritage assets within and in close proximity of the site has been assessed in accordance with the comments from Historic England and KCC.



The site contains a designated heritage asset, being the Grade I listed Roman Wall, with the below ground remains considered of the same importance as a scheduled monument. Whilst the application in this part of the site is in outline and a detailed design is not being considered, the potential for harm caused by the proposed parameters has been assessed. It is considered that there is the potential for either substantial or less than substantial harm, and that any detailed design that caused substantial harm would be unacceptable on that basis. There is the potential for a detailed design that causes less than substantial harm, which could be outweighed by the substantial public benefits of the scheme. Conditions are proposed to ensure the heritage asset is suitably assessed and appropriate mitigation measures secured as part of any reserved matters application for this part of the site.

In relation to the impact of the proposal on the nearby Conservation Areas, the bulk and massing of the largest block in the North West part of the site has been substantially reduced to respond to concerns raised by Historic England. On this basis and that the whole site will not be built out to the maximum parameters, it is considered that there will be less than substantial harm which will be outweighed by the numerous public benefits.

Overall, it is considered that less than substantial harm will be caused to the heritage assets both within and adjacent to the site, and the proposal will allow the regeneration of the site whilst adequately preserving the heritage assets.

### *Flood Risk and Drainage*

Policy CF13 states that development will not be permitted within a tidal flood risk area if it harms the integrity of flood defences, fails to provide a means of escape in the event of a flood, introduces residential living and sleeping accommodation below the estimated flood level.

The majority of the site lies within Flood Zone 1, with some areas adjacent to the River Medway being within Flood Zones 2 and 3.

Site preparation works which were granted consent in 2005 (04/1998) including ground remediation works, land raising to level the site, the creation of a river walk and creation of flood defences. These works were undertaken in 2005 when clearing the Site.

The Site was the subject of the Strategic Flood Risk Assessment (SFRA) carried out by Medway Council in 2011. The 2011 SFRA highlighted that the ground levels need to be raised further on parts of the site to make it suitable for 'more vulnerable uses' (i.e. residential and schools).

The applicant has provided full flood risk report in support of their application that demonstrates that the Site can be made acceptable for more vulnerable uses.

The principle measure proposed is raising thresholds above the flood level, as required by the SFRA. In addition, parts of the site (principally open space) will remain below the flood level, acting as functional floodplain during short term flood events. The applicants have demonstrated how a breach of the River Wall will be contained on site and not pose a threat to residential units or adjacent areas

Finally tanked permeable paving, green roof space and attenuation cells for storage of flood water during extreme events are proposed.

It is thereby considered that the submitted Flood Risk Assessment demonstrates that the risk of flooding will not increase elsewhere as a result of these works. A condition requiring all of the measures set out in the submitted flood risk assessment are installed is recommended. It is noted that the Environment Agency have raised no objection to the scheme in terms of flood risk.

The proposed drainage strategy for the surface water system would ensure the proposed system does not flood for storm events up to and including the 1 in 100 year plus 35%. Although further detail has been requested and will be secured by condition.

Given the above it is considered that there is sufficient detail to determine that the flood risk to this development can be adequately mitigated and, subject to conditions, consent should not be withheld on this basis.

#### *Air Quality*

Policy BNE24 states development will not be permitted where it is considered that unacceptable effects will be imposed on the health, amenity or natural environment of the surrounding area from air pollution.

The Central Medway Air Quality Management Area (AQMA) is located adjacent to the site to the west, with the Council having adopted an Air Quality Action Plan in December 2015. This outlines a number of measures aimed at improving local air quality by reducing levels of nitrogen dioxide to acceptable levels.

An Air Quality Assessment by Ramboll Environ has been submitted to accompany the application considering the likely effects during the construction and operational phases. Some queries were raised with this initial report and a revised chapter was submitted in September 2017.

The Assessment presents a worst case modelling scenario sensitivity case due to the uncertainties of the reduction in future predicated background pollutant concentrations and uncertainties of improvements in emission factors over time. 2016 and 2029 scenarios have been provided, but in reality, the air quality impacts are likely to lie somewhere between the two scenarios, although there is uncertainty as to where the true impacts may lie between the two extremes.

The Assessment demonstrates that significant increases in air pollution are expected at some locations under the worst case scenario, presenting a risk of undermining implementation of the Air Quality Management Plan for the nearby AQMA unless the impacts can be significantly mitigated. The Assessment does provide some basic mitigation proposals, but these do not go far enough.

A fully costed and evidenced air quality mitigation scheme will be required to demonstrate that the air quality impacts created can, and will, be mitigated, going

further than the currently proposed mitigation and applying to all aspects of the development.

Whilst the submitted Assessment does highlight there will be significant increases in air pollution under the worst case scenario, it is considered that with the submission and implementation of a mitigation strategy, these increases can be suitably mitigated. Given its central location, there is a real opportunity for the development to be implemented with a comprehensive strategy for lowering emissions, with suitably worded Conditions proposed.

### *Noise*

Policy BNE2 states development should secure the amenities of its future occupants and protect those amenities enjoyed by nearby and adjacent properties. Noise is highlighted as an area that the design of new developments should have regard to.

Policy BNE3 sets out noise standards which developments will be expected to meet and states noise sensitive development should be designed to minimise the impact of existing noise sources.

NPPF Paragraph 123 states 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 Assessment has been produced by Ramboll Environ and submitted to accompany the application, considering the existing background noise level and the anticipated noise levels within the proposed development.

The Assessment demonstrates the majority of the dwellings should achieve acceptable internal and external noise levels without the need for enhanced glazing or ventilation. The dwellings closest/overlooking the railway and the Medway City Estate will require enhanced glazing and ventilation for acceptable levels to be achieved. Specific details of these measures have not been provided at this stage, with details to be submitted, approved and implemented for each phase or sub-phase under planning conditions. The acoustic performance requirements of façade elements are to be reviewed through the detailed design phases for the outline element of the proposal.

In terms of the non-residential uses, limited information has been submitted regarding the commercial uses as the end users are not currently known and flexible uses have been applied for. The submitted Assessment does identify the plant noise emission criteria needed to achieve the standard noise rating levels of 10dB below background for commercial uses, with potential noise impacts to be assessed and any necessary mitigation measures to be submitted prior to occupation of the commercial units.

For the proposed school, more information will be required in respect of design criteria for the acoustic performance of the façade and ventilation. The Applicant advised the detailed design of the school is currently unknown as this forms part of the outline application and there may be opportunities to reduce the need for mitigation through the detailed design, with the kitchen located closer towards noisy areas rather than

teaching rooms, for example. It is considered details of the acoustic performance and ventilation measures can be secured alongside the detailed design, with these measures controlled by a condition.

Subject to relevant details, assessments and mitigation measures being provided as required, which are proposed to be controlled by planning conditions, the proposals are considered to be in accordance with Policies BNE2 and BNE3.

### *Ground Conditions*

Policy BNE23 states development on land known or likely to be contaminated or affected by adjacent or related contamination must 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. Appropriate measures to reduce, or eliminate, risk to building structures, services and occupiers of the site and of adjoining sites must be agreed.

The site historically hosted a number of industrial activities, including three large gas holders, a concrete facility, waste management facilities and a goods depot. From the early 2000s, several phases of investigation into the ground conditions were undertaken, including chemical testing which identified widespread soil contamination including elevated concentrations of hydrocarbons within discrete area attributable to historic site operations. Contamination was also identified within ground water.

A number of alleviation measures were proposed to mitigate these risks, including treatment of soils and groundwater. The remediation strategy was discussed and agreed with the Council and Environment Agency between 2005 and 2009 and was partially implemented by Nuttall, being required as part of the preparatory works on site. The works undertaken are identified within the submitted Remediation Strategy and Implementation Plan as part of this application, including the removal of primary sources of contamination, excavation, bioremediation and raising the formation level, and treatment of secondary sources, among other measures.

Whilst previous assessments and remediation of the site has been undertaken historically, the complete raw data and interpretative reports were not available and the Applicant undertook additional investigation, submitting a Remediation Strategy and Implementation Plan by RSK. This investigation identified that some areas of contamination remain within the site.

Whilst the submitted document has assessed some areas of potential contamination, it highlights that further investigations will be required. The report provides some remediation measures, stating that a more detailed construction phase strategy and associated verification procedures will need to be prepared at a later date once the detailed design has been finalised.

There are no objections to the submitted document, subject to conditions requiring the additional investigations and remediation to be undertaken. With such conditions it is considered there will be no adverse impacts of contamination to future occupiers of the site in accordance with Policy BNE23.

## *Ecology*

There are several Local Plan policies which deal with the development and ecology: Policy BNE22, which states development leading to the protection and improvement of the appearance and environment of areas adjacent to the River Medway will be permitted; Policy BNE37 which states development that would cause a loss, directly or indirectly, of important wildlife habitats or features will not be permitted, unless various criteria are met; Policy BNE38 which requires developments to make provision for wildlife habitats where practical; and Policy BNE39 which states development will not be permitted if statutorily protected species and/or their habitat will be harmed.

These are considered broadly consistent with the requirement NPPF Section 11 which seeks to conserve and enhance the natural environment, minimising impacts on biodiversity and providing net gains where possible.

An Ecological Appraisal was carried out by the applicant that identified the Site as majority grassland, which in areas could support bird and invertebrate species. The Site was therefore the subject of a Phase 1 Habitat Survey as well as a number of ecological surveys relating to bats, birds, invertebrates and reptiles.

The redevelopment of the Site will result in the loss of this grassland and therefore it will no longer be able to support birds and invertebrate species on it. As such, the applicant acknowledges in their submission that there is a significant impact. The impact on other species, bats, and reptiles was not considered to be significant.

In order to overcome the ecological impact of the development, it is proposed that measures such as, a specific planting mix designed to provide high levels of ecological value on site, promote native species and emulate habitats currently present on the Site, are proposed. A number of other measures are also to be included within the design including;

- Bee bricks
- Bat roosting boxes and tiles
- Bird Nesting boxes
- Biodiverse roof

The application also includes measures to re-provide habitats on site through planting.

The re-development of the Site will have a significant impact by virtue of the loss of the grassland habitat. A number of conditions are recommended to help off-set this impact.

As such, a condition requiring green roofs to be installed in accordance with the documents submitted is recommended; these must be retained in situ thereafter. The applicant will also be required to submit a full Construction Environment Management Plan (CEMP), a lighting design strategy for biodiversity and an Ecological Design Strategy to further clarify measures proposed and identify any further areas of improvement that can be secured.

Given the wider public benefits of the scheme, it is considered that the scheme can be

considered acceptable provided that conditions are imposed to secure ecological enhancements on the site.

The requirements of Policies BNE22, BNE37, BNE38 and BNE39 are considered to have been met.

### *Bird Mitigation*

As the application site is within 6km of the North Kent Marshes SPA/Ramsar Sites, the proposed development is likely to have a significant effect, either alone or in-combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest. Natural England has advised that an appropriate tariff of £223.58 per dwelling (excluding legal and monitoring officer's costs, which separately total £550) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. The strategic measures are in the process of being developed, 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. The interim tariff stated above should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation), 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 applicants have agreed to pay this tariff and this will be secured by way of a Section 106 Agreement. No objection is therefore raised under Paragraphs 109 and 118 of the NPPF and Policies S6 and BNE35 of the Local Plan.

### *S106 Matters*

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

- 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.

CIL Regulation 123 also states that no more than five contributions may be pooled to

fund a single project.

Listed below are the planning obligations that are recommended to be attached to the planning permission for the site:

a. Affordable Housing:

25% of total number of units across Rochester Riverside (up to 368 units inclusive of 73 affordable units already delivered at 'Phase 1A'/Stanley Wharf) - 60% Affordable Rented 40% Shared Ownership.

This contribution is necessary to ensure compliance with local and national planning policy.

b. River Wall Maintenance:

Financial contribution toward the maintenance of the River Wall. Contribution amount requested: **£4,500,000**.

Financial contribution calculated in relation to anticipated maintenance works over anticipated 'life time' of River Wall (informed by recent survey of River Wall). These works are necessary to ensure that the site remains protected from flood risk, and thereby suitable for 'more vulnerable' uses.

c. Transport:

Financial contribution towards the implementation of a Controlled Parking Zone (CPZ).

Financial contribution towards the highway network improvements. Amount assumed: **£55,486** to fund the following:

- A2 High Street/Canal Road/Esplanade Junction: Signalling Improvements (including introduction of SCOOT control)
- A2 Corporation Street /Esplanade Junction: Signalling Improvements (including remove the vehicle activation on the bus lane)
- A2 Corporation Street/Gas House Road Junction: Signalling Improvements (including more green time for the Corporation Street approaches)

These are necessary to make the development acceptable in planning terms, mitigating severe impacts on the network.

d) Education:

Primary – Provision of a new Primary School to be constructed at the developer's cost (not exceeding **£4,563,769**) for use by September 2021.

Secondary – Financial contribution towards increased secondary school capacity.

Contribution amount requested: **£2,076,256**.

Financial contribution has been calculated with reference to the Developers Contribution Guide (£3,181,360) with reduction for anticipated existing local capacity.

Contribution will fund expansion at:

- Grammar places - SJW Math School/Holcombe Grammar School
- Non-selective places - Thomas Aveling/Greenacre Boys/Walderslade Girls

Sixth Form – Financial contribution towards increased sixth form capacity.

Contribution amount requested: **£717,744**.

Financial contribution has been calculated with reference to the Developers Contribution Guide (£837,200) with reduction for anticipated existing local capacity.

Contribution will fund expansion at:

- Grammar places - SJW Math School/Holcombe Grammar School
- Non-selective places - Thomas Aveling/Greenacre Boys/Walderslade Girls

These are necessary to provide additional capacity to accommodate the additional needs generated by the development.

e) Open Space:

Financial contribution towards the Open Space provision/improvements. These are necessary to provide additional capacity to accommodate the additional needs generated by the development. Contribution amount requested: **£2,020,133**.

Financial contribution has been calculated with reference to the Developers Contribution Guide (£2,665,110) with reduction for on-site provision which comprises: 0.44ha of open space including equipped play space. Contribution will fund improvements at both the Esplanade and Jackson Recreation Ground.

f) Local Health Facilities:

Contribution towards increased/enhanced primary health care capacity. Contribution amount requested: **£655,130**. To fund improvements at Minor Illness Centre in Rochester.



g) Community Facilities:

Contribution towards increased/enhanced community facilities. These are necessary to provide additional capacity to accommodate the additional needs generated by the development. Contribution amount requested: **£655,000**. To fund improvements at Woodside Community Centre, Strood.

h) Bird Disturbance Mitigation:

Contribution to mitigate impacts of increased recreational pressure on Medway Estuary Special Protection Area (SPA). Contribution amount requested: **£313,012**

i) Waste & Recycling:

Contribution towards provision of waste and recycling infrastructure to serve the development. Contribution amount requested: **£214,592**

j) Training & Workforce:

Provision of construction employment opportunities for local residents and apprentices.

For the reasons set out above the obligations proposed are thereby considered to comply with CIL Regulation 122 and 123 tests.

*Local Finance Considerations*

The application site is jointly owned by the Council and the Homes and Communities Agency. The Council has entered into a Development Agreement with Countryside Properties and will receive land payments on a phased basis as housing units are delivered.

**Conclusions and Reasons for Approval**

There is strong in-principle support for a residential led mixed use development at the application site arising from Local Plan Saved Policy S7, and a number of associated saved policies. Further detail about how the requirement of Saved Policy S7 should be delivered is provided in the Rochester Riverside SPD.

The above appraisal has shown that the application proposals are broadly consistent with the overarching requirements of Saved Policy S7 and the associated saved policies, as well as the detailed requirements of the SPD.

However, Policy S7, and the associated saved policies, are out-of-date and thereby cannot thereby be afforded full weight. Furthermore, the presumption in favour of sustainable development should be engaged in the determination of this application.

Where 'relevant policies' are out-of-date the presumption in favour of sustainable development requires permission to be granted unless any adverse impacts of doing

so would significantly and demonstrably outweigh the benefits. This is known as the 'tilted' balance.

With regard to the benefits of the scheme the site is located in a sustainable location in close proximity to Rochester Town Centre, and meets the three dimensions of sustainable development as detailed in the NPPF:

- The proposal will meet the economic role by providing employment opportunities throughout its construction, and subsequently through the provision of retail and commercial floorspace, a primary school and nursery, commercial floorspace and a hotel, alongside the economic benefits of the increased number of residents spending in the local area.
- The proposal will meet the social role of sustainability by providing a mix of housing to meet the needs of present and future generations, assisting in contributing towards mixed communities. The mix of community facilities provided also assists in meeting the social role of sustainability.
- Finally, the proposal will meet the environmental role of sustainability by reusing a brownfield site in a sustainable location. The application is accompanied by an Energy Statement confirming the proposal is targeting a 20% CO2 improvement over Part L 201 of Building Regulations through the incorporation of energy efficiency measures and renewable technology.

The above appraisal, and the submitted EIA, demonstrates that the adverse impacts of the development are limited and can be effectively mitigated through the use of planning conditions and planning obligations.

In conclusion, the benefits of the scheme very clear outweigh the limited adverse impacts. It is thereby recommended that approval is granted subject to conditions and section 106.

The application would normally be determined under delegated powers but is being referred to Planning Committee for determination due to its significance.

## **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/>