

MC/17/1173

Date Received: 30 March, 2017

Location: Phase 2 Strood Riverside, Site Situated Approximately 250m North Of Rochester Bridge, Bordered By Kingswear Gardens To The South, River Medway To The East, The North Kent Line Railway To West And Houses Along Cranmere Court To The North, Strood, Kent

Proposal: Construction of new flood defences at the Phase 2 (Strood Riverside) site, Strood, including sheet pile walls and ground raising, realignment of Canal Road and demolition of existing buildings and other ancillary works

Applicant: Medway Council

Agent: Mr Oaten JBA Consulting Kings Chambers 7-8 High Street NEWPORT NP20 1QU

Ward Strood North

Case Officer Thomas Ashley

Contact Number 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 22 November 2017.

Recommendation - Approval with Conditions

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

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing numbers 2016S4920-JBA-00-01-DR-C-1007 and 2016S4920-JBA-00-01-DR-C-1008 received on 30 March 2017, and drawing numbers 2016S4920-JBA-00-00-DR-C-1001 Rev E and 2016S4920-JBA-00-01-DR-C-1003 Rev C received on 9 May 2017.

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

- 3 The sheet piling as shown on approved drawing number 2016s4920-JBA-00-01-DR-C1001 rev E shall be painted black and maintained thereafter.

Reason: To ensure the satisfactory appearance to the development in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 4 No development shall take place until the developer has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification, which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the archaeological interest in the site in accordance with Policy BNE21 of the Medway Local Plan 2003.

- 5 No development shall commence until a construction environmental management plan that describes measures to control the noise, dust, lighting and the effect on wildlife and habitat impacts arising from the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority and all construction works shall be undertaken in accordance with this approved plan.

Reason: In order to minimise the impact of the construction period on the amenities of local residents, the countryside, wildlife and habitat and with regard to Policies BNE2, BNE37 and BNE39 of the Medway Local Plan 2003.

- 6 No development shall commence until a monitoring and maintenance plan in respect of contamination, including the methodology and timetable for monitoring has been submitted to and approved in writing by the Local Planning Authority. The plan shall also include details of any necessary contingency action to deal with any unexpected contamination arising from the monitoring. Should any such contingency action be implemented, the developer shall notify and submit to the Local Planning Authority for written approval a report setting out the methodology as to how the unexpected contamination is to be dealt with. The contingency plan shall be implemented in accordance with the approved details and a completion report submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the site does not pose any further risk to the water environment by managing any on-going contamination issues and completing all necessary remediation measures. This is in line with paragraph 109 of the National Planning Policy Framework. To prevent deterioration of a water quality element to a lower status class or cause deterioration of a protected area, SPZ and River Medway.

- 7 No development shall take place until a scheme for the design and implementation of the ecological enhancements listed below have been submitted to and agreed in writing by the Local Planning Authority.

- Details of the existing habitat along the riparian and edge habitat and proposals for its enhancement with new planting and/or management to protect and enhance this area.
- Ecological enhancement of areas of public open space particularly for pollinating insects.

The development shall be implemented in accordance with the approved scheme and the ecological enhancements retained thereafter.

Reason: In the interest of protecting and enhancing ecology within the locality in accordance with Policies BNE35 and BNE39 of the Medway Local Plan 2003.

- 8 Notwithstanding the details shown on drawing numbers 2016s4920-JBA-00-01-DR-C-1001 rev E and 2016s4920-JBA-00-01-DR-C-1007, no development shall take place until revised details of flood defences adjacent to the Esplanade and Rochester Bridge have been submitted to and approved in writing by the Local Planning Authority. Details shall include engineering, associated landscaping and open space, and appearance of the proposed defences. The revised flood defences shall be designed to ensure that the risk of flooding is not increased on adjacent land, including those areas owned by the Rochester Bridge Trust.

Reason: To ensure that the development has a positive impact on the setting of the Grade II listed Rochester Bridge and the wider area in accordance with Policies BNE18 of the Medway Local Plan 2003.

- 9 No development shall take place until a Flood Area Action Plan (FAAP) has been submitted to and approved in writing by the Local Planning Authority. The FAAP shall include details as to how workers carrying out construction works on the site will be safe throughout the construction phase. The development shall be implemented in accordance with the approved details throughout the construction phase.

Reason: To ensure the development does not propose unacceptable flood risk in accordance with Policy CF13 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

Construction of new flood defences at the Phase 2 (Strood Riverside) site, Strood, including sheet pile walls and ground raising, realignment of Canal Road and demolition of existing buildings and other ancillary works.

Relevant Planning History

MC/17/3472	Application for Prior Notification under Schedule 2 Part 11 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the demolition of existing office/warehouse building Currently under consideration
MC/17/1172	Construction of new flood defences at the Phase 1 (Civic Centre) site, Strood, including sheet pile walls and ground raising, and demolition of Civic Centre building and other ancillary works. Currently under consideration
MC/16/4560	Town and Country Planning Act (Environmental Impact Assessment) (England and Wales) Regulations 2011 - request for a screening opinion for the construction of new flood protection infrastructure along the River Medway Decision EIA not required Decided 29 November, 2016

Representations

The application has been advertised on site and in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties. KCC Archaeological, Environment Agency, Medway Ports Authority, Medway Fire Service, Kent Police CPDA, Network Rail, Southern Water Services, EDF Energy, Southern Gas Networks, KCC Ecology, Historic England have also been consulted.

Southern Gas Networks have written raising no objection.

Southern Water has written advising of infrastructure within the site. An informative is suggested.

Network Rail has written advising that as the proposed development is adjacent to Network Rail assets and infrastructure, an informative is requested.

The Environment Agency have written raising no objection in relation to the potential impacts regarding flood risk or ecology. Conditions are requested relating to contamination and ecology.

Natural England - Advise of the Marine Conservation Zone (MCZ) designation of the site and of the potential presence of Tentacled Lagoon Worm. Natural England advise of the applicants requirement to conform to legislation.

One letter has been received raising the following objections:

Rochester Bridge Trust:

- The impact of the proposed works on the Grade II listed Rochester Bridge.
- The validity of the previously assessed Environmental Impact Assessment.
- Land raising will leave the Trust's land vulnerable to flooding.
- Construction will add to traffic in the area, with reference to its impact on the bridge.
- Concerns regarding the public consultation.

Development Plan

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

Planning Appraisal

Background

This report assesses two separate applications related to proposed works to the river wall and land raising at two separate locations along Strood Riverside. The proposals would result in the creation a development platform from which the regeneration of the sites can be bought forward. The physical works proposed include raising the land levels to 6.0 AOD, installation of sheet piling, demolition of existing buildings within the sites and other associated works.

The two sites are referred to as Phase 1 and Phase 2 and are submitted under separate applications (references: MC/11/1172 and MC/11/1173 respectively).

Principle of Development

There are no listed buildings and the sites are not located within a conservation area. The Phase 2 site was allocated for residential development within the Local Plan and it was considered that it would provide up to 104 units. The Phase 1 site has no specific land allocation within the Local Plan.

It has been a long-standing aim for the Council to prioritise re-investment in the urban fabric of the area. This ambition is underpinned by paragraph 111 of the NPPF and Policy S1 of the Local Plan which seeks to focus redevelopment and recycling of underused and derelict land within the urban area, with a focus on the Medway riverside areas including Strood.

The NPPF is a material consideration in the determination of this planning application. Given the age of the Local Plan, paragraph 215 of the NPPF requires due weight to be given to policies subject to their conformity with the NPPF. Where Local Plan policies are out of date, the presumption in favour of sustainable development is engaged.

Paragraph 14 of the NPPF sets out a presumption in favour of sustainable

development. The NPPF states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or that specific policies in the NPPF indicate development should be restricted.

Both sites are located to the south of Strood Town Centre, with access to a good range of amenities and in close proximity to Strood Railway Station and the strategic road network. Both sites are brownfield land adjacent to the River Medway in a flood zone. The sites are located in a sustainable location, albeit it in a flood zone and with some potential contaminants that are addressed in the supporting information. There is no objection to the principle of the proposed development either with regard to Local Plan Policy or the presumption in favour of sustainable development.

It is important to note that these works only facilitate the future development of the site. The physical works proposed are constrained to flood defence works, land raising and site preparation.

Design

It is proposed to install approximately 1025m of sheet pile across both Phases and raise ground levels across much of the two Phases to approx. 6.0AOD.

Phase 1 Site

On the Phase 1 site, new sheet pile would be constructed along the river frontage to a height of approx. 6.0AOD. The sheet piling would tie into higher ground of the railway embankment along Jane's Creek. The sheet wall would continue along the Esplanade towards Rochester Bridge where it would turn northwards up to the junction of the Esplanade and the A2.

The existing site comprises a large car park that serves the Civic Centre building (to be demolished) and buildings that are of little architectural merit. The Esplanade walkway will be retained and public access through the site maintained. The Civic Centre is currently vacant and the demolition of the building is not contentious. The car park is in a poor state of repair with pooling evident and the surface in need of repair. Two lines of secondary sheet piling would also be installed adjacent to Jane's Creek to ensure stability of the primary sheet pile. These would be tied using tie rods (buried beneath ground). These would be positioned parallel to the new steel sheet pile wall, approx. 10m and approx. 19m landward for western and eastern sections respectively. Both the secondary sheet pile walls and tie rods would be buried beneath existing ground level and would not be visible.

It was anticipated that a small length of the existing flood defence wall along Jane's Creek (approx. 4m) would need to be demolished because of its poor state of repair but, due to extensive negotiations between the applicant and the Environment Agency (EA), it has been agreed to leave this part of the wall in situ. Given the EA's reluctance to see the wall demolished, a condition is suggested that requires that, notwithstanding what is shown on the drawings, the existing flood defence wall must be retained in situ. The scheme proposes the retention of the ambulance rest centre and the CCTV building given there is no way of relocating these facilities at the current time.

Concern is raised about the sheet piling appearance when viewed from the A2, acting as the boundary between the Phase 1 site and the Rochester Bridge Trusts land. A condition requiring landscaping details and details of finishes to this boundary is recommended to ensure that the appearance of this part of the site is acceptable.

The loss of the civic centre and the car park can be considered to have a positive benefit for the character and appearance of the wider area. The raising of the land also brings about benefits, including landscaping of part of the Esplanade (to be conditioned) and a more cohesive appearance when finished.

The sheet piling is an incongruous feature for the area and it is considered it would cause some harm to the appearance of the locality. However the harm is considered against the wider public benefits that this development would facilitate in the longer term, through the regeneration of these riverside locations. Given there would be a condition to ensure that the sheet piling is painted black and maintained in that colour, the harm is not considered to be detrimental. The regeneration and flood defence benefits are considered to outweigh any harm.

Phase 2 Site

The Phase 2 site would have similar sheet piling installed to a height of approx. 6.0 AOD between Strood Pier and land adjacent to Medway Metals Ltd plus a concrete capping stone taking the overall height to approx. 6.1M AOD. The new sheet pile wall would be located between approx. 2m and approx. 10m behind the existing river wall. The new wall would follow the alignment of the existing wall between Strood Pier and the Riverside Tavern. It would break at the Riverside Tavern and start again to the east of the public house where it would continue north-east to tie in with the Thames and Medway Canal lock gates. From here the wall would continue north east and terminate at the raised ground to the east of Medway Metals. The sheet piling would be set back in this location to between approx. 5m to approx. 10m to allow for riparian habitats to develop.

The works also propose to raise and realign Canal Road to approx. 6.0m AOD from Watermill Road to the Riverside Link. Vehicular access to the Riverside Tavern would also be provided and vehicular access to the Railway Station would also be raised and realigned.

The Phase 2 Site consists of vacant and under-utilised land as well as ageing industrial buildings that can be considered nearing the end of their economic life. The landward boundary of the raised land on the Phase 2 site, along the existing railway embankment and the boundary of the adjacent residential properties on Cranmere Court and Wingrove Drive, would comprise a graded slope of reinforced earth. These would be positioned approx. 5m from the property and railway boundaries.

The loss of the ageing industrial buildings and the raising of the land levels is considered to have a positive impact on the appearance of the wider area. While the sheet piling is once again an incongruous feature, the proposal would result in the replacement of large industrial sheds and palisade fencing for much of the site and would facilitate the site being bought back into use in the future.

The works proposed would ensure that these sites are able to deliver regeneration within the Strood Riverside area, thus providing long term benefits for residents. Whilst the sheet piling is an incongruous feature, the suggested condition restricting the colour to black and securing landscaping as part of a condition, is considered sufficient to off-set any harm caused by the sheet piling. The proposed development therefore accords with paragraph 56 of the NPPF and Policy BNE1 of the Local Plan.

Views

The applicant has submitted a full Landscape and Visual Appraisal that addresses the impact of the development in both the Phase 1 and Phase 2 sites from key areas including:

- Strood High Street
- Rochester Bridge
- Watermill Gardens
- Canal Road
- Rochester Castle Gardens
- Gas House Point

Phase 1 Site

The Phase 1 site is bound to the south and west by the River Medway and to the east by the Grade II Listed Rochester Bridge. There are no landscape designations in the character area although there is a locally protected area of amenity land. The riverside setting and heritage features including Rochester Bridge adjacent to the site, and views to and from Rochester Castle, provide a wider landscape value to the setting of this Phase. The applicant's landscape and visual impact statement states that 'Overall, value is considered to be low-medium. The susceptibility is considered to be medium, taking into account the loss of some landscaped amenity areas within the site. Overall the landscape sensitivity is considered to be medium'.

The Phase 1 site currently has some landscaping on it that adds to the landscaping value of this Phase. A condition is recommended that would see this landscaping area reinstated following completion of the development to reduce the overall visual impact of the proposed development on the wider area.

On the opposite side of a small river inlet known as Jane's Creek, to the south-east of the proposed site, there is a derelict boating area that makes up part of the Recreational Townscape Character Area (TCA). Current lack of use has caused this area to become overgrown and there is evidence of fly tipping. The sensitivity of the proposed development on this area are considered to be slight-moderate at most and neutral during the operational phase.

Phase 2 Site

The proposed Phase 2 site is located within the Industrial TCA, bound to the north by Strood Rail Station and railway infrastructure, to the west by Kingswear Gardens, and to the southwest by the River Medway. The character area as a whole has a

haphazard character, including functioning warehouses and businesses alongside derelict unused parts. There are no landscape designations in the character area, however there is a locally protected area of amenity land adjacent to the south-west boundary of the proposed site. The riverside setting and views of Frindsbury parish church and chalk cliffs below provide wider landscape value to the setting of the site. Overall, value is considered to be low-medium. The susceptibility is considered to be low, taking into account the relative similarities of the character of the proposed development. Overall the landscape sensitivity is considered to be low-medium.

The proposed development would have a low-negligible impact on the majority of the character of the area. At site level the magnitude of change is expected to be high during construction and low-medium during operation.

To the south and to the north-west there are several amenity areas which make up a part of the Recreational TCA. Watermill Gardens to the south-west comprises sports courts and a promenade and has a riverside community character. To the north-west, there are recreational grounds with some play and sports facilities, and a churchyard adjacent to the parish church. The area is a small part of Frindsbury Conservation Area. The sensitivity is considered to be medium and the magnitude of change medium for the Watermill Gardens adjacent to the site and negligible for the rest of the TCA. The resulting effects on the Recreational TCA would be moderate for areas adjacent to the site during construction and operation and negligible/no change for the wider area during both construction and operation.

The proposed development would not have a detrimental impact on the key views as described above and is therefore considered in accordance with paragraphs 56, 132, 133, 134 and 135 of the NPPF and Policy BNE1, BNE12 and BNE18 of the Local Plan required.

Heritage

Paragraphs 132, 133, 134 and 135 of the NPPF and Policies BNE12, BNE14, BNE18, BNE20 and BNE21 of the Local Plan seek to conserve and enhance the historic environment.

As stated above, the sites are not within a conservation area nor are there any listed buildings within the sites. They are however within close proximity to several designated heritage assets, notably the Grade II listed Rochester Bridge, the Scheduled Ancient Monument and Grade I listed Castle and Cathedral and the Historic Rochester Conservation Area. The development must therefore be assessed on the impact on the setting of these heritage assets.

Rochester Bridge

Rochester Bridge is Grade II listed and sits between the two phases of development. The bridge has several ornate details and is a prominent feature for the wider area. The proposed development would not directly affect the historic fabric of the Bridge, although it would impact on the setting of the Bridge and therefore the appropriate tests must be applied.

As noted above, the Phase 1 site comprises a poorly maintained car park and several low quality buildings. As such the site itself currently makes little contribution to the setting of the Grade II listed Bridge, or its significance.

Further, it is noted that historically this site accommodated development (the former Civic Centre) and this would have affected the setting of the Bridge. The vacant site and the associated views across it, have not therefore historically contributed to the setting of the Bridge.

Whilst the raising of the land is not considered to be harmful to the setting of the Bridge, it is acknowledged that the sheet piling wall running along the boundary of the site and the Rochester Bridge Trust's land represents a boundary that can be clearly viewed from public vantage points. The proposed development must be installed sensitively to ensure that the works do not impact negatively on the setting of the Bridge as a heritage asset. As stated above, a condition is recommended for the Phase 1 site that requires the submission of details of this boundary demonstrating that the works would not have an adverse impact on the setting of the Grade II listed Bridge.

The Phase 2 site is industrial in nature with large sheds, portacabins, hard surfacing acting as yards with palisade fencing and large cleared land that is not being utilised. The industrial buildings on the site are coming towards the end of their economic life. It is proposed that all buildings within the Phase 2 site would be demolished, with the exception of the Riverside Tavern. The proposed development for the Phase 2 site also includes sheet piling and raising of land levels. It is considered that the proposed development is proportionate for the area and necessary to allow the site to be comprehensively redeveloped.

The Phase 2 site is set back from the Bridge however it can still be considered to affect the setting of the Grade II listed heritage asset. The existing condition of the site is considered to have a detrimental effect on the heritage asset. It is considered that the proposed development would improve the setting of the Grade II Listed Bridge and have a positive impact on the character and appearance of the wider area.

Historic Rochester Conservation Area, Rochester Castle and Rochester Cathedral

The Phase 1 and 2 sites are visible from the Historic Rochester Conservation Area and from the Scheduled Ancient Monument Rochester Castle. These locations, on the opposite bank of the River, are considered a significant enough distance from the sites to not be adversely affected.

The proposed development would also be visible from these locations however it is considered that the development would result in less than substantial harm to these heritage assets and, in the case of the Phase 2 site, represents an improvement on the existing situation. No objection has been received from Historic England to the development.

Archaeology

The applicant has submitted an Archaeology Report that demonstrates that the works

can be carried out without having a significant impact on the buried archaeological remains for both sites. It is recommended that a condition is imposed that requires an archaeological watching brief be maintained throughout the course of the works, across both phases of development, in order that any deposits not previously discovered can be safeguarded.

It is considered that the proposed development would cause less than substantial harm to the historic assets in the vicinity, notably Rochester Bridge. In the case of the Phase 2 site it is considered that the scheme actually represents an improvement on the setting of the Grade II listed Bridge. It should also be noted that the creation of these development platforms would help bring about the comprehensive redevelopment of these riverside locations in the longer term and will help deliver the wider public benefits that come with such investment. As such it is considered that the proposed scheme is suitable in heritage terms and accords with the aims of paragraphs 132, 133, 134 and 135 of the NPPF and Policies BNE12, BNE14, BNE18, BNE20 and BNE21 of the Local Plan.

Amenity

The Phase 1 site is located in a predominantly commercial area. The only potential conflict with residential properties would come from flats above commercial premises that face onto the High Street. Due to the distance between the proposed development and these properties it is not considered that the works would have any adverse impact on the properties in terms of amenity.

The Phase 2 site has a number of residential properties in close proximity to it, including properties on Cranmere Court and Kingswear Gardens that back onto the site. However the distance between these properties and the proposed development is sufficient enough to ensure that there would be no adverse impact in terms of amenity to these properties.

A condition requiring a Construction Environmental Management Plan is recommended to ensure that any impact arising as a result of construction works is suitably managed during the process and to ensure that the proposals accord with paragraph 17 of the NPPF and Policy BNE2 of the Local Plan.

Flood Risk

Both Phases are located within Flood Zone 3 and are therefore categorised as being at high risk of flooding. It is noted however that the EA's modelling does not take into account existing flood defences nor any the risk associated with culvert blockages, sewer flooding or any other specific local conditions. The report indicates that flooding events have occurred in 1927, 1949, 1960, 1965 and 1978 with the highest recorded flood level at the Bridge being 1965, at 4.60 AOD.

The Council has carried out a Strategic Flood Risk Assessment (SFRA) and that shows that tidal flooding is likely to be the most critical flooding experienced at the two sites. The submitted Flood Risk Assessment (FRA) shows that both the Phase 1 and 2 sites will be at risk during a 1 in 200-year tidal event. Both sites are also at risk during a 1 in 200-year plus climate change tidal event, as well as the 1 in 1000-year tidal

event.

Flood hazard to people rating at both sites during a 1 in 200-year event is classified as significant, or 'danger for most', due to the flood depth and velocity of flood water. Some portions of both sites are rated as 'danger for all'.

Both sites benefit from existing flood defences. The flood defences at the Phase 1 site consist of a reinforced concrete flood wall built on top of a capping beam to steel sheet piles along the River Medway frontage.

The Phase 2 site flood defences consist of a revetment constructed from masonry pitching along the western portion of the site, transitioning into a low flood wall around the Riverside Tavern. A new sheet piled wall was installed across the former canal when the link road was constructed. The embankment of the new link road would also act as a flood defence. At the eastern edge of this site there are no formal flood defences and the frontage line is not clearly defined. The only protection in this area is slightly higher ground levels.

It is proposed to repair existing flood defences, raising the ground level to above the modelled 1 in 200-year plus climate change tidal flood. The updated modelling provided by the applicant has indicated that both sites would be free of flood water in a 1 in 200-year plus climate change tidal event and therefore there would be no hazard to people.

Both sites are at very high risk of groundwater flooding, although there have been no recorded events on these sites. The SFRA produced by the Council states that whilst the risk is very high for a large proportion of Medway, due to the presence of chalk and sand formations, high groundwater may not cause flooding by itself, but can exacerbate other sources of flooding, for example, surface water flooding. The SFRA report indicates that appropriate mitigation measures would need to be proposed as part of any future development on the proposed sites.

Given the main source of flooding risk arises from tidal flooding, the FRA provided by the applicant finds that the works proposed would not increase flood levels. The FRA recommends a flood area action plan is submitted that details how workers will be safe on the sites during construction works. A condition is also proposed to secure a Construction Environment Management Plan (CEMP). The CEMP will be required to include the suggested flood area action plan.

The FRA also finds that the proposed land raising and flood wall works will facilitate the sites being bought forward for development in the future.

An objection has been received from the Rochester Bridge Trust to the development on the basis that they believe the works will increase the vulnerability of their land to flooding. This impact is not referenced in the submitted FRA and is not highlighted in the response from the Environment Agency who have raised no objection on flood risk grounds. None the less, the applicant has held discussions with the objector and has agreed to revise the boundary details of the proposed development with that of the objectors land. As stated above, a condition is suggested requiring revised details of the flood defences and the associated landscaping works between the site and the

land owned by the Rochester Bridge Trust.

The proposal will achieve the primary objective of creating a development platform and will do so without increasing the risk of flooding elsewhere.

The proposed development would enable the sites to be protected to a 1 in 200-year plus climate change event as well as result in the creation of a development platform for future regeneration proposals. The proposed development is considered to be in accordance with paragraphs 99, 100 and 103 of the NPPF and Policy CF13 of the Local Plan.

Ecology

Paragraph 118 of the NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. Policies BNE35 and BNE39 of the Local Plan also seek to conserve and enhance national conservation sites and protected species.

An Ecological appraisal submitted in support of the application demonstrates that the proposed development would not have any impact upon any terrestrial designated conservation sites. The report does however conclude that there will be an impact upon the Medway Marine Conservation Zone, specifically intertidal habitats, fish species and invertebrate species.

The primary impact of the development is on the Tentacled Lagoon Worm, a species protected under Schedule 5 of the Wildlife and Countryside Act 1981. As a result of concerns raised by the EA, a further survey was produced by the applicant in relation to this species. This demonstrates that no Tentacled Lagoon Worms were found in samples taken from 3 sample spots adjacent to both sites.

The EA have been extensively consulted and are satisfied the proposed development would not result in a detrimental impact in terms of marine ecology with particular regard to the Marine Conservation Zone subject to conditions. These conditions would require a monitoring and maintenance plan for contamination on the sites and to secure enhancements for habitats along the riverside. Both conditions are considered reasonable and are recommended.

Conclusions and Reasons for Approval

The proposed land raising and river wall works at these sustainable locations is acceptable in principle resulting in the creation of a development platform and defences against flooding. The development will in turn facilitate the future comprehensive, redevelopment of the two sites providing social and economic benefits to the wider community.

It is considered that the proposed development can be implemented without detriment to the character and appearance of the area having regard to the historic environment and nearby heritage assets and in terms of any ecological interest in the locality.

The proposed development is considered to be in accordance with paragraphs 14, 17, 56, 99, 100, 103, 111, 118, 132, 133, 134, 135 and 215 of the NPPF and Policies S1, BNE1, BNE2, BNE12, BNE14, BNE18, BNE20, BNE21, BNE35, BNE39 and CF13 of the Local Plan.

This application would normally fall under officer delegated powers for determination, but is being reported to Committee due to the strategic nature of the proposal.

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/>