

MC/18/1503

Date Received: 17 May 2018

Location: 259-261 High Street Rochester ME1 1HQ

Proposal: Demolition of existing one and two storey commercial premises and proposed new development consisting of 22 apartments (8 X 2 Bed Units and 14 X 1 Bed Units), in two blocks with amenity space and associated parking to be provided for 22 cars.

Applicant Mr Tom Ingleton

Agent Mr Brendan Carr The Studio, Unit 17
Vicarage Farm Business Park
Winchester Road
Fairoak
SO50 7HD

Ward: River Ward

Case Officer: Paul Ives

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 4th July 2018.

Recommendation - Approved Subject to S106

A. The applicant entering into a Section 106 agreement to secure the following:

- i) A contribution of £5271.42 (£239.61 per unit) towards appropriate wildlife mitigation measures within Special Protection Areas;
- ii) A contribution of £1681.24 (£76.42 per unit) towards Medway Youth Service to support young people in the Rochester community;
- iii) A contribution of £6111.60 (£277.80 per unit) towards improving street furniture in the grounds of the Rochester Castle.

B. And the following 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:

17 1074 022 A; 17 1074 023 A; 17 1074 030 A; 17 1074 031 A received 18 May 2018 and revised plans 17 1074 020 B; 17 1074 021 B received on 11 June 2018

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

- 3 The bathroom windows on the northwestern side above ground floor level on Block 1 (the frontage block) shall be fitted with obscure glass and apart from any top-hung light, that has a cill height of not less than 1.7 metres above the internal finished floor level of the room it serves, shall be non-opening. This work shall be carried out and completed before the room is occupied and shall be retained at all times thereafter.

Reason: To ensure the development does not prejudice conditions of amenity by reason of unneighbourly overlooking of adjoining property, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 4 No flat herein approved shall be occupied until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details prior to the occupation of any flat herein approved and shall thereafter be retained.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policies BNE1, BNE12 and BNE14 of the Medway Local Plan 2003.

- 5 No development shall take place above slab level until samples of all materials (including the roller shutter design to the basement parking area) to be used externally in relation to the buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 6 No development shall take place until a scheme showing details of the disposal of surface water, based on sustainable drainage principles, including details of the design, implementation, maintenance and management of the surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

Those details shall include (if applicable):

- i. a timetable for its implementation, and
- ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To manage surface water during and post construction and for the lifetime of the development in accordance with Policy CF13 of the Medway Local Plan 2003.

- 7 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 Authority.

Reason: Required prior to commencement of development to safeguard the archaeological interest in the site in accordance with Policy BNE21 of the Medway Local Plan 2003.

- 8 No development shall take place above slab level until a scheme for protecting the development from noise have 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: In accordance with the objectives of paragraph 17 of the National Planning Policy Framework 2012 and Policy BNE2 of the Medway Local Plan 2003.

- 9 No development shall commence above slab level until full details of acoustic glazing and mechanical ventilation systems, including heat recovery and cooling have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the occupation of any unit herein approved and shall be maintained thereafter.

Reason: In accordance with the objectives of paragraph 17 of the National Planning Policy Framework 2012 and Policy BNE2 of the Medway Local Plan 2003.

- 10 Notwithstanding the submitted details, no development shall take place until full details of any proposed measures to be undertaken to divert the existing public sewers have been submitted to and approved in writing by the Local Planning Authority. In the event that no diversion is required, full confirmation in writing from Southern Water (or any subsequent water board responsible for the site) shall be supplied confirming that this is the case. The development shall be implemented in accordance with any approved details and shall thereafter be maintained.

Reason: Required prior to commencement of the development in the interests of residential amenity protection in terms of paragraph 17 of the National Planning Policy Framework 2012 and Policy BNE2 of the Medway Local Plan 2003.

- 11 No development shall take place until details of a drainage strategy detailing foul water sewerage disposal (including an implementation timetable) has been submitted to and approved in writing by the Local Planning Authority. The scheme should include a detailed design of the proposed drainage system and should take into account the possibility of surcharging within the public sewerage system. The proposal shall be implemented in accordance with the approved details prior to the occupation of any units herein approved and shall thereafter be maintained.

Reason: Required prior to commencement of the development in the interests of residential amenity protection in terms of paragraph 17 of the National Planning Policy Framework 2012 and Policy BNE2 of the Medway Local Plan 2003.

- 12 No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The plan shall include amongst other matters details of: hours of construction working; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan.

Reason: Required prior to the commencement of development to avoid any detrimental impact on the amenities of nearby properties in accordance with paragraph 17 of the National Planning Policy Framework 2012 and Policy BNE2 of the Medway Local Plan 2003.

- 13 No development shall take place until a scheme of air quality mitigation 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: Required prior to commencement of development to ensure that no detrimental harm occurs as a result of unacceptable levels of emissions in the interest of residential amenity in accordance with paragraph 17 of the National Planning Policy Framework 2012 and Policies BNE2 and BNE24 of the Medway Local Plan 2003.

- 14 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 15 to 18 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the Local Planning Authority until condition 18 has been complied with in relation to that contamination.

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

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

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

(ii) an assessment of the potential risks to:

human health

property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.

adjoining land,

groundwaters and surface waters,

ecological systems,

archaeological sites and ancient monuments;

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

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

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

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

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

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

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

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

- 18 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk

assessment must be undertaken in accordance with the requirements of condition 15, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 16, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition 16 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 17.

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.

- 19 The proposed refuse arrangements shall be provided in accordance with the approved plans prior to occupation of the development and shall be retained thereafter.

Reason: in the interests of amenity protection in accordance with paragraph 17 of the National Planning Policy Framework 2012 and Policy BNE2 of the Medway Local Plan 2003.

- 20 No units shall be occupied until details of the relocated pedestrian footway linking with the existing provision to the southeast and northwest of the site and including a dropped kerb pavement crossing facilitating access to the development, has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be constructed in accordance with the approved details prior to first occupation of any unit herein approved and shall be retained thereafter.

Reason: To provide satisfactory pedestrian access to the development in accordance with Policy T3 of the Medway Local Plan 2003.

- 21 No unit herein approved shall be occupied until details of secure and covered cycle storage facilities for a minimum of 22 bicycles has been submitted to and approved in writing by the Local Planning Authority. The cycle storage facilities shall be implemented in accordance with the approved details prior to the occupation if any unit herein approved and shall retained thereafter

Reason: To ensure the development makes sufficient provision for cycle storage in accordance with Policy T4 of the Medway Local Plan 2003.

- 22 No unit herein approved shall be occupied until a scheme of hard and soft landscaping including details of the surfacing of the vehicular crossovers and pedestrian the footway have been submitted to and approved in writing by the Local Planning Authority. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or completion of the development, whichever is the earlier. Any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: Pursuant to condition 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 23 The units shall not be occupied, until the area shown on the submitted layout as vehicle parking spaces has been provided, marked out, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to these reserved parking spaces.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking and in accordance with Policies T1 and BNE2 of the Medway Local Plan 2003.

- 24 No development shall commence above slab level until full details of all gas-fired boilers to meet a minimum standard of <40mgNOx/kWh to serve each flat and 2 electric vehicle charging points within the dedicated parking area(s) in total have been submitted to and approved in writing by the Local Planning authority. The development shall be implemented in accordance with the approved details prior to occupation of any of the units herein approved and shall be retained thereafter.

Reason: In accordance with Medway Councils Adopted Air Quality Guidance in the interests of amenity protection for residents in accordance with paragraph 17 of the National Planning Policy Framework 2012 and Policies BNE2 and BNE24 of the Medway Local Plan 2003.

- 25 No unit herein approved shall be occupied until a scheme showing details of the design and siting of the temporary flood barriers for the basement parking area have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the occupation of any unit herein approved and shall be maintained thereafter.

Reason: To manage the site in terms of flood risk for the lifetime of the development in accordance with Policy CF13 of the Medway Local Plan 2003.

- 26 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the written consent of the Local Planning Authority which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to ground water. The development shall be carried out in accordance with any subsequent approved details.

Reason: To protect the underlying ground water from the risk of pollution and in accordance with the requirements of the paragraph 109 and 121 of the National Planning Policy Framework and Policy CF12 of the Medway Local Plan 2003.

- 27 The means of access for maintenance purposes for the area to the rear of the site (railway embankment) shall be provided in accordance with the details hereby approved and thereafter maintained.

Reason; To ensure proper maintenance of building, retaining wall and neighbouring trees in the interests of proper planning .

- 28 No unit shall be occupied until details demonstrating that the development would meet with the requirement of Secure by Design (SBD) have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

1. Full audio visual access control for all apartments.
2. Access control to prevent access to both blocks
3. Mail delivery management where no trades buttons shall be installed.
4. Defensible space mitigation to any ground floor bedroom windows
6. Door sets and windows to be PAS24:2016 certified as per SBD specifications.
- 7 Roller shutter design (to basement parking area) and means of maintenance and management

Upon approval of the works shall be carried out in accordance with the approved details and maintained.

Reason: In the interests of Amenity protection in accordance with the objectives of paragraph 17 of the National Planning Policy Framework 2012 and Policy BNE2 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 application seeks full planning permission for the demolition of an existing building (with basement parking) and the construction of 22 apartments (8 x 2-bed and 14 x 1-bed) in two blocks (one behind the other) with amenity space between, storage for bicycles and parking for 22 cars at basement level. The development would result in the closure of an existing layby and an extension of the footpath to the front to facilitate the development. The proposals involve the demolition of all existing buildings and the enlargement of basement area to allow for parking up to 22 vehicles with four allocated disable bays.

The frontage block of the proposal is referred to as Block 1 and the rear block referred to as Block 2. These would be separated by a fully landscaped communal circulation area for residents of both blocks indicated to be finished in gravel and served by raised planters and decking.

Block 1

This block would provide a total of 13 flats (6 x 2-bed and 7 x 1-bed) on four levels from ground to roof level above the proposed basement parking area. It is proposed of a modern shallow sloping roof design with 'Sarnafil' finish. Various projections and recess elements are proposed and the building would be finished in a combination of yellow stock brick, painted render and aluminium framed windows and doors. The building would measure approx. 12.4m high by approx. 28.6m wide. The building would be approx. 16.5m deep inclusive of a central projecting element to the rear. The building would be recessed at street level and forward on the upper floors.

At street level access to the building would be via a gated access to the side with a ramped access along side, a front entrance directly into flat 1, a central ramped vehicle access to the basement car parking and a main entrance to the right of the vehicle access to the lobby area. The lobby area would provide access to stairways and lift to the upper floors.

The frontage with the highway is proposed to be bounded by railings in part to provide a gated enclosure to the site at various points along the front elevation.

Block 2

This block would provide a total of 9 flats (2 x 2-bed and 7 x 1-bed). This three storey block is proposed of a modern shallow sloping roof design with a mixed palette of yellow stock, painted render and aluminium framed windows and doors. The building would measure approx. 8.8m high by approx. 32.2m wide. The building would be approx. 9.4m

deep and would be located approx. 1.4m away from the existing railway embankment that runs in a northeast-southwest direction along the rear of the site.

There is one main front entrance to all flats within this block which would be provided to the centre right of the front elevation. All three ground floor flats would have glazed double doors serving living room areas of each flat. Most of the flats in this block would be single aspect units with the end flats having dual aspect with habitable rooms having windows facing into the courtyard and rear of the building.

Pedestrian access is via a ramped access to the western side of the building (adjoining the gated access to the refuse area); via a stair entrance to the main lobby (with access to a lift) and to the eastern side which would provide access for maintenance of trees and a railway embankment to the rear of the site.

Vehicular access is proposed to the front of the site central to the building giving ramped access down to the basement parking area that would provide one parking space per unit. To meet secure by design objectives, the central ramp to the basement car park will be secured by means of a robust roller-shutter security gate or similar, positioned near the termination of the ramp in the basement. The parking area would be served by lift and stairs to the upper floors. The proposal provides for a total of 22 cycles spaces basement level within a dedicated room.

Refuse storage is proposed at ground floor (street level) along the western side of Block 1. This refuse storage area would be enclosed by walling and railings to the eastern side and existing boundary treatment to the west. It would be accessed from the High Street via a gated access.

Site Area/Density

Site Area: 0.123ha (0.30 acres)

Site Density: 178dph (73dpa)

Relevant Planning History

MC/16/2335 Demolition of existing one and two storey commercial premises and proposed new development consisting of 21 apartments (8 X 2 Bed units and 13 X 1 Bed units), in two blocks with amenity space and associated parking to be provided for 21 cars
Decision Approval with Conditions
Decided 10 February 2017

MC/12/2827 Change of use from commercial plant hire depot (sui generis) to D1 (public worship and religious instruction)
Decision Approval With Conditions
Decided 7 March, 2013

MC/09/2401

Demolition of existing building and construction of new development for 22 units (9 two bedroom and 13 one bedroom) in two blocks with amenity space between parking for 16 cars and 24 bicycles to be in existing and extended basement level (Resubmission of MC/09/0824)

Decision Refusal

Decided 18 February, 2010

Appeal Allowed 17 February 2011

Representations

The application has been advertised on site, in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties. Southern Water Services, the Environment Agency, Southern Gas Networks, EDF Energy, Rochester Airport, Rochester Airport Consultative Committee, KCC Archaeology and Network Rail were also consulted.

Five letters of representation have been received objecting to the proposal on the following grounds:

- Loss of historic fascia signage views to side of Leech Court
- Out of character with Conservation Area
- Inadequate drainage and land is subject to flooding
- Overdevelopment
- Loss of public right of way to the front of the site
- Loss of layby will add to congestion
- Insufficient parking to serve the development
- Increased traffic generation and lack of overall infrastructure
- Additional strain on faculties such as doctors or NHS dentist

All other matters raised are non material.

The Environment Agency comments that a Flood Risk assessment has not been submitted with the application. The applicant has been made aware of the request and this would be secured by condition.

Kent Police comment that the applicant/agent has demonstrated that they have considered crime prevention and have attempted to apply the seven attributes of Crime Prevention through Environmental Design in their secure by design appraisal contained in the Design and Access Statement. Measures should be put in place to ensure that the development fully meets these attributes and this can be achieved through the use of conditions or informative(s).

Development Plan

The Development plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within these documents and used in the processing of this application have been assessed against the National Planning Policy Framework 2012 (NPPF) and are considered to conform. The Star Hill to Sun Pier Planning and Design Strategy 2004.

Planning Appraisal

Background

Planning permission was granted on appeal for the development of the site for 22 flats in 2011 under reference MC/09/2401.

In 2017, an application was approved under reference MC/16/2335 for the demolition of existing premises and construction of a new development consisting of 21 apartments (8 x 2-bed and 13 x 1- bed) in two blocks with amenity space and associated parking for 21 cars.

The land is now under new ownership and this proposal seeks to address some of the constraints encountered on the land. The previous scheme required the diversion of a public sewer which has been found to be financially unviable. The current application, therefore, to accommodate these changes seeks to enlarge the basement area and also provide one additional flat.

Principle of Development

The Star Hill to Sun Pier Planning and Design Strategy, 2004 identifies the application site as an opportunity site. This strategy states that the current single storey building provides a break in the urban form that is out of keeping with the character of the area and therefore the replacement with a new development which completes and encloses this section of the High Street is seen as an opportunity and would be welcomed.

The principle of a residential development on this site has been previously been agreed by the planning permissions granted in 2011 (on appeal) and 2017. As such, the proposed development would Paragraph 49 of the NPPF states a presumption in favour of residential development is considered to be acceptable in accordance with Paragraphs 17, 49 and 111 of the NPPF and Policies S1, S2, H4 and H5 of the Medway Local Plan 2003.

Street Scene, Design and Character of the Area

Paragraph 56 of the NPPF specifies the importance of good design as a key aspect of sustainable development, stating it as being indivisible from good planning and that it should contribute positively to making places better for people and paragraphs 131 and

137 of the NPPF relate to Conservation area designation and protection. At the local level, Policies S4, BNE1, BNE6 and BNE8 of the Medway Local Plan 2003 all emphasise the importance of achieving high quality in landscape and urban design that results in safe and attractive environments. Policy BNE1 of the Medway Local Plan 2003 promotes design that is appropriate to the character, appearance and functioning of the area with Policies BNE12 and BNE14 specific to Conservation Areas.

The application site forms part of the Star Hill to Sun Pier Conservation Area. None of the buildings on site have individual listed status and although the existing buildings either side of the site have more architectural merit and fall within the Conservation Area they are not individually listed. Consideration must be given to the impact of the within the street scene taking account of the Conservation Area status. The demolition of the existing unattractive structures on site would result in an opportunity for significant improvement to the appearance of this part of the High Street and Conservation Area. High importance has been given to achieving a scheme that respects the historic character of the area.

There is an element of consistency in terms of the bulk and massing of existing buildings along this stretch of the High Street, which the proposal reflects well. The appearance, architectural detailing and use of materials would all contribute positively towards a well structured streetscape. The proposed height of the buildings would respect those of adjoining sites. The design of both buildings (Blocks 1 and 2) reflect the proportions of the adjoining buildings. The pattern and symmetry of the fenestration has been incorporated into the design to provide vertical emphasis on what is quite a wide frontage block (Block 1). The proposal also takes into account the development to the west adopting a more contemporary design approach. Rather than configuring a traditional mansard roof form, the upper floor of the scheme would be contemporary with areas of glass and matching metal panels. This element would be set back from the main front wall in order to minimise the impact of the upper floor and to maintain a strong parapet feature to the front facade. The windows are proposed to be constructed of an aluminium frame that would be of a colour to match the upper glazed sections and would be of similar proportions to the adjoining buildings.

In terms of its primary material, the use of brick and render, combined with the arrangement of fenestration, proposes a modern take on a traditional terrace of buildings and is considered acceptable for the location within a Conservation Area. Block 2 has also been carefully designed to reflect the design of Block 1 but also takes account of the location immediately adjacent to the railway embankment. In terms of layout, the proposed blocks to the front and rear continue a pattern of development found throughout the Star Hill to Sun Pier area.

Conditions are recommended with regard to the final detailing and materials and subject to this, the proposal is considered acceptable and in accordance with paragraphs 56, 131 and 137 of the NPPF and Policies BNE1, BNE8, BNE12, BNE14 and H4 of the Local Plan.

Impact on the Signage on Adjacent Development

Concern has previously been raised in representations with regard to the loss/obstructed views of the signage on the flank wall of the Leech Court to the southeast of the site. When Leech Court itself was converted into residential flats it was requested that the signage be retained. Historic photographs have previously been provided by neighbours to demonstrate its historic importance within the area.

The view of the site gable of the former Leech Optical is a product of demolition of buildings on the site in the 20's and 30's. During the conversion of the Leech building it was a requirement that the signage be retained but that was in the context that the adjoining building was set back and there were no plans for redevelopment at that time. The retention of the views of the signage needs to be balanced against the benefit of the development proposed and the residential accommodation that would be delivered. In design terms it is important that the redevelopment of the application site brings the building line forward to a similar line as adjacent buildings. It is unfortunate that this would obscure views of the signage on the flank of the Leech building, however on balance it is considered that it is more desirable in design terms to have the new development along the same building line, than to maintain the view of the Leech signage.

The scheme would retain a far greater glimpsed view of the side flank of the building than the previous scheme approved. It should be noted that the loss of the views of the signage was also previously accepted by the Planning Inspector when he determined the appeal against the previous refusal (2011) and more recently by the approved in 2017.

Landscape and Trees

There are no existing trees on the application site itself, but there is a large tree to the northwest of the site. The tree itself is unlikely to be affected by the development on site but it is considered necessary to mitigate against potential damage during construction. A condition requiring the submission of tree protection measures in this instance would be acceptable. There are also a small number of trees and shrubs along the railway embankment which are not of importance in terms of visual amenity within the area. These trees may require removal as a result of the development. No objection is raised in this regard. However, should they be retained, it is recommended that tree protection measures are put in place during construction. This could be covered under the same aforementioned condition. In terms of landscaping for the proposed development, an indicative landscaping plan has been submitted. To ensure adequate and sufficient hard and soft landscaping is proposed it is recommended a condition be imposed requiring a detailed landscaping scheme. Subject to the suggested conditions no objections are raised to the proposal and the development is considered to be in accordance with Policies BNE6 and BNE43 of the Local Plan.

Archaeology potential

The site is within an area of archaeological potential. Accordingly a condition is recommended to ensure that a watching brief is undertaken and if any artefacts are found, this is appropriately recorded in accordance with paragraph 135 of the NPPF and Policy BNE21 of the Local Plan.

Amenity Considerations

In accordance with the fourth point of paragraph 17 of the NPPF and Policy BNE2 of the Local Plan, all development should secure the amenities of its future occupants and protect those amenities enjoyed by nearby and adjacent properties.

The proposal has been designed to arrange the siting of habitable room windows to ensure that neighbouring amenities are protected. The central projecting module to the rear of the Block 1 also directs views to minimise any impact on the privacy of adjoining properties. This has been achieved by introducing contemporary designed angled bays with one solid side that provides an effective barrier. Some mutual overlooking would occur as a result of the development, however, it would be at a level that generally exists in this tight knit historic urban environment and therefore not considered to be detrimental.

Block 2 provides different challenges due to the proximity of the railway line embankment. This block would effectively replace the existing two-storey commercial building and under the current proposal, the built form has been reduced along the east boundary. This would provide an effective barrier between the adjoining railway line to the northeast and the central amenity courtyards of both Leech Court and the proposed development. All of the residential units in Block 2 would have their main views onto the central courtyard area and enjoy a south-westerly aspect. The windows within the rear elevation of Block 2 are proposed as secondary and non habitable area, windows. The residential units within Block 2 have also been separated from the railway line by a corridor on all floors to further mitigate against any potential noise resulting from passing trains. The siting of Block 2 has also been deliberately set back from the south-eastern side boundary to avoid conflict with the first floor windows at Leech Court.

The demolition of the existing commercial building is considered to improve outlook and daylight to neighbouring properties to the southeast and northwest.

The proposed development would provide sufficient bedroom space per unit to meet the National Technical Space standards minimum floor space requirements for single and double bedrooms and floor space per unit overall. The flats would be served by communal amenity space to be provided within a gated environment.

In terms of bin storage, it is proposed to provide appropriate storage and access for 3 x 1100ltr bins and 1 x 1100ltr bin for recycling. This would be located within a gated area

which can be accessed from the High Street for collection purpose. This provision will be secured by condition.

Mitigation measures are recommended for construction and demolition activities and should be incorporated into an appropriate Construction Environmental Management Plan (CEMP), which will be controlled by the imposition of a condition. Subject to the suggested condition, the proposal is considered to be in accordance with the fourth point of paragraph 17 of the NPPF and Policy BNE2 of the Local Plan.

Disabled access

The proposed scheme includes a lift providing access to all floors and for level access to Block 2 from the Courtyard. A ramped access will also be provided from street level. All staircases will be designed for use by ambulant disabled.

Secure By Design

The development will be secured by resident controlled locked security gates and doors to the highway and the central ramp for vehicles will be secured by an electronic roller shutter at basement level which will open upon approach by vehicle off the public highway. It will then close automatically once the vehicle has passed. Further additional measures would need to be incorporated into the design but these can be managed by planning condition.

Air Quality and Noise

Air Quality

With respect to air quality, the site abuts an Air Quality Management Area (AQMA) and therefore an air quality assessment is not required. The AQMA contours only appear to just touch the front of the site. In this regard, additional protection for the residents is not required. However, because of the close proximity to the AQMA and given that car parking is provided, an emissions mitigation assessment will be required by the imposition of a condition and must be carried out in accordance with the 2016 Medway Air Quality Planning Guidance. Standard mitigation in the form of EV charging points and low NOx boilers will also be required via a condition. Subject to these conditions, the proposal is considered to be in accordance with paragraph 124 of the NPPF and Policy BNE24 of the Local Plan.

Noise

The proposed layout places habitable rooms overlooking the busy High Street. The applicant has demonstrated that with high specification glazing, good internal noise levels as defined by British Standard 8233: Sound insulation and noise reduction for buildings - Code of Practice, can be achieved in living rooms and bedrooms with windows closed. However, the opening of windows will result in noise levels exceeding the BS8233: 2014

criteria, even allowing for the 5dB relaxation. Internally compliant levels will only be achieved with windows closed and ventilation will need to be provided by an alternative means to an open window. The use of appropriate trickle vents, should provide Part L compliant rates of background ventilation. However, the best means of ventilation, taking account of solar gains and necessary rates of comfort cooling needs to be secured by planning condition.

The external amenity spaces are located within a courtyard; completely surrounded by the built form of the development. The majority of this space will be comfortably compliant with the external amenity criterion set out in BS8233: 2014. With the imposition of conditions to secure adequate acoustic mitigation and ventilation the proposal is considered to be in accordance with paragraph 123 of the NPPF and Policy BNE2 of the Local Plan.

Contaminated Land

The application site is located on an outcrop of an unconfined Primary Aquifer (Chalk) with a shallow groundwater. The Medway river basin management plan required the restoration and enhancement of all Chalk groundwater bodies. It is therefore important that conditions be put in place to ensure that the potential for contamination is investigated and that remediation and mitigation measures are put in place to prevent any contamination infiltrating into the ground causing deterioration of groundwater quality in an area of high groundwater vulnerability. Conditions are recommended to ensure these measures are put in place. Subject to the imposition of such conditions, the proposal is considered to be in accordance with paragraph 121 of the NPPF and Policies BNE23 and CF12 of the Local Plan.

Flood Risk

The finished floor levels of 6.7m Ordnance Datum is considered sufficient to minimise the risk of internal flooding. The proposed development is considered safe against flooding under the present day scenario but owing to the increased risk of flooding following the impact of climate change, the basement parking area is likely to be at risk of flooding in the future. Temporary defences to the basement area are suggested and it is recommended that these be secured by the imposition of a condition. With the use of the conditions, the proposal is considered to be in accordance with paragraph 99 of the NPPF and Policy CF13 of the Local Plan.

With regard to surface water drainage, due to the proximity of the application site to the tidal River Medway, it is recommended the discharge of the water be as soon as possible as opposed to providing further attenuation on site, albeit with infiltration measures which may be acceptable (for example the use of permeable paving for parking areas) and other suitable infiltration measures. A Flood Risk Assessment (FRA) submitted with the previous application (MC/16/2335) state that these are not viable but this is not quantified. Given that this has previously been addressed by condition, it is suggested that a condition is appended to request the detail of the proposed method(s) of surface water drainage.

Highways

There are four areas for consideration in terms of traffic and highway issues:

Impact on the Highway and Parking

The TRICS trip generation database indicates that the 22 flats would generate up to 5 vehicle movements during each peak period – a relatively low number of movements that would not have a material impact upon highway capacity. The Council's Parking Standards indicate that a minimum of 31 off-street parking spaces should be provided, including an allowance of 5 spaces for visitors. The application proposes 22 car parking spaces (4 of which would be designated disable bays), a ratio of 1 space per dwelling. This represents an improvement to the ratio of 0.7 spaces per dwelling provided as part of a previous scheme, which was allowed at appeal. The site is located relatively near Rochester Railway Station and a kilometre from Chatham bus station. With a variety of other local services within a short walking or cycling distance, the proposed development is ideally situated to encourage use of the non-car modes of travel readily available to future residents. At the time of the last Census, average car ownership in the vicinity of the site was 0.69 per dwelling. Double yellow line parking restrictions along the site frontage, which extend practically the whole length of the High Street, would prevent overspill parking from the development which could compromise highway safety and the free-flow of traffic in the vicinity of the site. If on-site parking spaces were not available, visitors would be required to park in short-term parking bays on the High Street to the southeast or make use of the public car park on Doust Way. This accords with guidance contained within the DCLG/DfT document 'Manual for Streets', which advises that in town centres where there is good accessibility by non-car modes and where on-street parking is controlled, it is often appropriate to omit visitor car-parking spaces. On this basis, it is not considered appropriate to control the issuing of parking permit by condition where car ownership is low and parking controls exist at present.

Overall, it is considered the application makes satisfactory provision for parking and no objection is raised in respect of Policies T1 and T13 of the Local Plan.

Closure of existing lay-by

As part of the redevelopment of the site, it is proposed to construct the built form so it blends in with the existing building line to the southeast and northwest. This will require the closure of the lay-by in front of the site in order to accommodate a small area of amenity space and the relocated footway. The Council's Traffic Management Team has advised that the lay-by can be extinguished as part of the redevelopment of the site without having a detrimental impact on the operation and use of the immediate section of the High Street. The lay-by has been in situ for some time and appears to have facilitated the large vehicle movements associated with previous commercial uses of the site. The subsoil of the lay-by belongs to the site and is approx. 4.1m wide. The carriageway in front of the lay-by is approx. 7m wide and there are parking restrictions in the lay-by and

on both sides of the High Street in each direction for some distance. The carriageway width beyond the lay-by to the northeast is approx. 6.3m for a distance of approx. 55m, whereupon it widens to approx. 9.6m for the remainder of its length to the Star Hill junction. The carriageway width beyond the lay-by to the southeast (Leech Court) is approx. 7.6m whereupon it widens further into another lay-by adjacent to Bath Hard. All these carriageway widths would allow the largest HGVs sufficient room to pass each other without using the lay-by. In light of this, it is considered that the lay-by does not have a significant highway function. It is recommended that an informative is attached to any planning permission advising the applicant to contact the Council's Traffic Manager in order to instigate a formal 'stopping up' of the lay-by prior to the commencement of the development. It is appropriate for the applicant/developer to fund the costs associated with this process, including the relocation of the parking restrictions.

Pedestrian Facilities

Pedestrian facilities will be improved through the relocation of the footway, aligning it with the existing provision on either side of the site and removing the diversion of the desire line. A gated private driveway of approx. 4m in width would provide access to the basement parking area, with an adjoining approx. 2m wide pedestrian access to the refuse storage facilities and accommodation at the rear. The width of the vehicular access is considered acceptable for a minor access way and the low level of traffic generated by the proposed development would seldom result in simultaneous vehicle access and egress. The driveway has been located centrally in order to provide a satisfactory level of visibility along the High Street. A dropped kerb crossing of the relocated footway is considered to be the most appropriate means of accessing the development and it is recommended this is secured by condition, together with the provision of 2m by 2m pedestrian visibility splays where the access meets the back edge of the footway. This would comply with the objectives of Policies T2 and T3 Local Plan.

Cycle Storage

The development proposes facilities for the storage of 22 bicycles, which is significantly higher than the minimum number specified in the Council's Parking Standards document. Notwithstanding this, the means of enclosing and securing the cycle facilities within the dedicated space is not clear from the application plans and therefore it is appropriate for these specific details to be secured by condition in order to ensure complete compliance with Policy T4 of the Local Plan.

In summary, the amount of on-site parking proposed complies with the Council's parking standards. Furthermore, the sustainable location of the site and the type of accommodation proposed is likely to be attractive to those who do not place a high priority on car ownership. On this basis, the level of on-site parking provided is considered to be acceptable and no objection is raised in respect of Policies T1, T2, T3, T4 and T13 of the Local Plan.

Section 106 matters

New residential development can create additional demand for local services, have a greater impact on existing open space and recreational facilities and buildings. Policy S6 of the Local Plan says that conditions and / or legal agreements should be used to make provision for such needs.

The Community Infrastructure Levy 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 (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. The obligations/contributions requested comply with these tests because they have been calculated based on the quantum and location of the proposal is directly related to the development.

The following contributions are sought:

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 **£239.61 per dwelling** should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries, resulting in a contribution of **£5271.42** for the proposed development. 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 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.

Subject to the applicant entering into a Section 106 agreement to secure these contributions, no objection is raised under Paragraphs 118, 203 and 204 of the NPPF and Policies S6 and BNE35 of the Medway Local Plan 2003.

Contribution towards existing Community use

A contribution of **£1681.24** (£76.42 per unit) towards the **Medway Youth Service** who will use funds for detached work at the Rochester Castle park grounds for young people for sports sessions for equipment and training facilitators as part of their universal offer for young people in the Rochester community. This type of programming is vital to the youth community as it helps with their personal and social development, and supports healthy living and mental health

Contribution towards Heritage

The development by occupation would generate more residents likely to use Rochester Castle for leisure purposes. In line with the defined thresholds applied to development within 1,000 metres of the sites, the applicant has agreed to a contribution of **£6111.60** to mitigate this impact at the request of the **Heritage and Museum** team.

Local Finance Considerations

None relevant to this application.

Conclusions and Reasons for Approval

In summary, the development is considered acceptable in principle with the design respecting the character of the Conservation Area, reflecting design characteristics existent in other developments along this stretch of the High Street. The development is acceptable in terms of its impact with regard to amenity protection, highways and environmental protection issues such as noise, air quality and contamination as well as with regard to flood risk. The proposal is considered acceptable and in accordance with Paragraphs 17, 49, 56, 69, 70, 99, 111, 118, 121, 123, 124, 131, 135, 137, 203 and 204 of the NPPF, Policies S1, S2, S4, S6, H4, H5, BNE1, BNE2, BNE6, BNE8, BNE12, BNE14, BNE21, BNE23, BNE24, BNE35, CF12, CF13, T1, T2, T3, T4 and T13 of the Local Plan and the Star Hill to Sun Pier Planning and Design Strategy 2004 and is recommended for approval.

The application would normally fall under Officer delegated powers of determination, but is being reported to Committee due to the number of representations received contrary to officer recommendation.

Background Papers

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

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