

MC/18/2309

Date Received: 1 August 2018

Location: Land Adjacent Rochester Train Station Corporation Street
Rochester

Proposal: Demolition of existing buildings and structures and construction of a ground plus part five, part six storey building to comprise flexible commercial floorspace (Use Classes A1/A3/B1/B2/D2) at ground floor and providing a total of 64 residential units (Use Class C3) above, along with associated car parking and cycle parking, landscaping and other associated works.

Applicant Leander Homes Limited

Agent Mr Will Edmonds 5 Bolton Street
London
W1J 8BA

Ward: Rochester West Ward

Case Officer: Karen Cronin

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 21st November 2018.

Recommendation - Approval subject to:

- A) The applicant / owner entering into an agreement under Section 106 of the Town and Country Planning Act to secure:
- Contribution of £400,000 towards provision of affordable rented accommodation off site.
 - Contribution of £159,342.72 towards open space facilities within the vicinity of the development including The Vines and/or Eagle Court Open Space and/or Eastgate House Gardens as well as Medway's Metropolitan park - Great Lines Heritage Park (towards repair, maintenance and inspections of bridges).

- Contribution of £42,473.71 towards education and the provision of school places within 1 mile of the development.
- Contribution of £17,779 towards heritage and museums to improve interpretation at Rochester Castle
- Contribution of £4,890.88 towards youth services for detached work at the Rochester Castle park grounds for young people to have fitness sessions as part of our universal offer for young people in the Rochester community.
- Contribution of £37,640.05 for the NHS towards reconfiguration and update of infrastructure in the Rochester Healthy Living Centre to support the delivery of primary care and community health services.
- Contribution of £1,335.04 towards bird disturbance mitigation measures
- Provision of car club and access to car rental services for new residents and existing ones
- Restriction on permit parking for residents of this development

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:

Drawing numbers 6522-LOC, 6522-PL01, 6522-PL02, 6522-PL03, 6522-PL04 Rev C, 6522-PL05 Rev D, 6522-PL06 Rev E, 6522-PL07 Rev E, 6522-PL08 Rev E, 6522-PL09 Rev D, 6522-PL10 Rev D, 6522-PL11 Rev E, 6522-PL12 Rev D, 6522-PL20 Rev B, 6522-PL21 Rev B, 6522-PL22 Rev B, 6522-PL23 Rev B, 6522-PL24 Rev A, 6522-PL25 Rev A, 6522-PL26, 6522-PL27, received 2nd August 2018

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

- 3 No development above slab level shall take place until details and samples of all materials to be used externally 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.

- 4 Prior to the first occupation of any dwelling/the development herein approved, full details of both hard and soft landscape works and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and 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: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 5 No dwelling shall be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before any dwelling is occupied 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 Policy BNE1 of the Medway Local Plan 2003.

- 6 No development shall take place until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters details 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, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents with regard to BNE2 of the Medway Local Plan 2003.

- 7 No commercial goods shall be loaded, unloaded, stored or otherwise handled and no vehicles shall arrive or depart, within the application site outside the hours 07:00 to 19:00 Monday to Friday, 08:00 to 18:00 Saturday or at any time on Sunday or Bank Holidays.

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

- 8 The use hereby permitted shall only operate between the hours of 07:00 to 19:00 Monday to Friday and 08:00 to 18:00 Saturday, Sunday or Bank Holidays.

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

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

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

- 10 No dwelling shall be occupied until details of secure private cycle parking provision in the form of individual lockers for have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be implemented in accordance with the approved details before any dwelling is occupied and shall thereafter be retained.

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

- 11 No development shall take place until details of the layby have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details prior to the first occupation of any part of the development herein approved.

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

- 12 No development shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include:

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

(ii) an assessment of the potential risks to:

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

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

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

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

13 No development shall take place until 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 has been prepared and submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

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

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

- 15 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 12, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 13, 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 14; 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 14.

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.

- 16 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, phasing (where appropriate) 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:

- 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 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.

- 17) Prior to occupation of the development, a signed verification report carried out by a qualified drainage engineer (or equivalent) must be submitted to and approved by the Local Planning Authority to confirm that the sustainable drainage system has been constructed as per the agreed scheme and plans.

Reason: This condition is sought in accordance with paragraph 163 of the NPPF to ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere.

18)

- 01) The noise rating level (LA,T) associated with the commercial units on the development site shall be at least 10dB below the background noise level (LA90,T) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014.
- 02) An acoustic assessment of compliance with condition 01) shall be submitted to the Local Planning Authority prior to the occupation of any commercial unit of the development hereby permitted. Details of any provisions indicated in the assessment which need to be made to control noise emanating from the site pursuant to condition 01) shall be submitted in writing for the written approval of the Local Planning Authority and shall thereafter be implemented maintained in accordance with the approved details.
- 03) Prior to the occupation of any commercial unit of the development hereby permitted, a scheme of acoustic protection shall be submitted and approved in writing by the Local Planning Authority. The scheme must demonstrate that the internal noise levels resulting from the commercial units within the residential units will conform to the indoor ambient noise levels for dwellings identified by BS8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. 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.
- 04) Prior to the occupation of any commercial unit of the development hereby permitted, a scheme for the extraction and treatment of cooking fumes, including details for the control of noise and vibration from the system, shall be submitted and approved in writing by the Local Planning Authority. Noise from the extraction system (LAeq,T) shall be at least 10dB(A) below the background noise level (LA90,T) at the nearest residential facade, when assessed in accordance with BS4142:2014. The approved scheme shall be implemented before the development is brought into use and thereafter be maintained in accordance with the approved details.

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

- 19 The separating ceiling and floor between the ground floor and first floor units shall resist the transmission of airborne sound such that the weighted standardised level difference (DnT,W +Ctr) shall not be less than 55 decibels as measured and calculated in accordance with BS EN ISO 16283-1 2014.

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

- 20 The separating walls between bedrooms and living rooms of adjacent residential units shall resist the transmission of airborne sound such that the weighted standardised level difference (DnT,W +Ctr) shall not be less than 50 decibels as measured and calculated in accordance with BS EN ISO 16283-1 2014.

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

- 21 Prior to the commencement of the development hereby permitted, a scheme of acoustic protection for dealing with transport related noise shall be submitted and approved in writing by the Local Planning Authority. The scheme shall include details of acoustic protection sufficient to ensure internal noise levels (LAeq,T) no greater than 30dB in bedrooms and 35dB in living rooms with windows closed and a maximum noise level (LAm_{ax}) of no more than 45dB(A) with windows closed. Where the internal noise levels will be exceeded with windows open, the scheme shall incorporate appropriate acoustically screened mechanical ventilation. The scheme shall include details of acoustic protection sufficient to ensure amenity/garden noise levels of not more than 55dB (LAeq,T). All works, which form part of the approved scheme, shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

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

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

Reason: Required before commencement of development to avoid any irreversible detrimental impact on any archaeological interest and in accordance with Policy BNE21 of the 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

Demolition of existing buildings and structures and construction of a ground plus part five, part six storey building to comprise flexible commercial floorspace (Use Classes A1/A3/B1/B2/D2) at ground floor and providing a total of 64 residential units (Use Class C3) above, along with associated car parking and cycle parking, landscaping and other associated works.

The proposed building would provide a mix of one and two bedroom units and two commercial units. There will be provision for stores, waste and recycling, plant, cycle parking and car parking at ground floor level, and an external residential communal amenity terrace at first floor level.

The site falls within the defined urban area of Rochester, next to the train station and town centre. The site falls just outside Rochester Riverside Action Area, core retail area, Rochester City Centre Conservation Area, Scheduled Ancient Monument and is near to multiple listed buildings in area. The site lies on the north side of Corporation Street, in an area that acts as a buffer between historic Rochester to the south and Rochester Riverside to the north.

The site is also in the level 2 flood zone as specified on the Environment Agency Flood Map.

Site Area/Density

Site Area: 0.21 hectares (0.52 acres)

Site Density: 304 dph (123 dpa)

Relevant Planning History

MC/10/0137 Temporary change of use for a period of 18 months of existing petrol filling station to car wash and car and van hire with construction of a porta cabin for use as office, store and staff room

Refused 07/03/2011

MC/05/1477 Demolition of petrol station buildings and construction of part two, three and four storey building comprising health care centre and three commercial units (classes B1/A2) at ground floor level and twenty four 1 & 2 bedroomed self contained flats above with associated underground parking

Withdrawn by Applicant 14/10/2005

HIS/98/51392 Redevelopment of petrol filling station comprising construction of replacement sales building with takeaway food outlet, forecourt canopy and pump islands and installation of a car wash
Approval with conditions 15/05/1996

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.

Historic England, Environment Agency, Highways Agency, Southern Water, Network Rail, NHS, Southern Gas Network, EDF and Kent Police have also been consulted.

13 letters have been received raising the following objections:

- Building is too high
- Parking and traffic issues
- Lack of infrastructure
- Overdevelopment of the site
- Impact on Castle, Cathedral and historic Rochester
- Harm to the character and appearance of the area

Historic England have made the following comments:

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 190, 194 and 196 of the NPPF. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Act to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.

City of Rochester Society have made the following comments:

The proposal would be detrimental to character and appearance of the locality due to its size, nature and position. The proposal would be an overdevelopment of the site. The proposal is an over intensive form of development and fails to provide adequate off street parking, access and servicing arrangements.

Highways England have made the following comments:

The proposal will generate minimal additional traffic on the strategic road network, in this case the M2, in peak hours and will not materially affect its safety, reliability and operation. Raise no objection.

Kent Police have made the following comments:

The applicant has not yet demonstrated that they have considered crime prevention and have attempted to apply the seven attributes of Crime Prevention through Environmental Design. The letter sets out issues to be addressed and suggest the developer contacts them to ensure compliance with BREEAM and SBD.

Southern Water have made the following comments:

Southern Water raise no objections to the proposal and have stated that they can provide water supply to the site. Their desktop study shows that there is an increased risk of flooding unless any required network reinforcement is provided by Southern Water. Southern Water and the developer will need to work together to deliver any such reinforcement. They have suggested a condition relating to the occupation of the development and sewerage network reinforcement and a condition relating to foul and surface water sewerage disposal.

Southern Gas Networks have made the following comments:

The site is in the vicinity of a low pressure mains. There should be no mechanical excavations taking place within 0.5m of a low/medium pressure system. You should, where required confirm the position using hand dug trial holes.

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 2018 and are considered to conform.

Planning Appraisal

Background

The proposal has been subject to pre-application discussion and Member Presentation. This proposal has also been through the Design Review Panel and has made changes to the final scheme submitted based on their comments. Changes made to the scheme include a significant reduction in height, change in form from L-shaped to U-shaped and change in the roof form.

Principle

The proposal is for the demolition of the existing buildings and construction of a part six, part seven storey building with flexible commercial floorspace at ground floor and 64

residential units above, along with associated car parking and cycle parking, landscaping and other associated works.

The site is in the existing urban area and on land that is accepted as a brownfield site. Local and National Policies are generally supportive of residential development in the urban area and the re-use of previously developed land. Paragraph 117 of the NPPF seeks to make as much use as possible of previously developed or 'brownfield' land. Paragraph 118 of the NPPF gives substantial weight to the value of using suitable brownfield land within settlements for homes.

Policy H4 of the Medway Local Plan 2003 sets out certain development that will be permitted within the urban area including mixed commercial and residential uses in proximity to town centres. The impact on the local environment will be addressed below but in principle there is no overriding objection to the development with regard to this policy or to the more recent advice in the NPPF, including paragraph 10 which says that applications should be considered in the context of the presumption in favour of sustainable development. A key element of national housing policy is to minimise the loss of greenfield sites for residential use by making the best use of development opportunities within existing urban areas.

The proposal is for high density housing close to the town centre, public transport and local facilities. In these locations low density housing will not be permitted in accordance with Policy H5 of the Medway Local Plan 2003. The NPPF and NPPG's encourage higher densities around nodes of public transport such as railway stations.

The NPPF has a presumption in favour of sustainable development so that development that is sustainable can be approved without delay. The proposal is in a sustainable location opposite Rochester Town Centre, next to Rochester train station and close to the bus station. The NPPF supports the delivery of a wide choice and mix of high quality homes to meet the needs of different groups in the community. The proposal would contribute to the vitality and viability of the area.

The redevelopment of the site for residential purposes is accepted in principle in accordance with Policy H4 & H5 of the Medway Local Plan 2003 and Paragraphs 10, 11, 12, 117 and 118 of the NPPF.

Impact on the character and appearance of the area

The site is located within a prominent position on the north side of Corporation Street in an area acknowledged as a buffer between historic Rochester and Rochester Riverside. Rochester Conservation Area is significant as an exceptionally intact medieval town with Roman and Saxon origins which grew up close to a strategic crossing on the river Medway. The town itself is dominated by the Cathedral and Castle. The medieval and post medieval buildings generally of three to four storeys are characteristic of the area and result in a strong sense of enclosure along much of the High Street. The buildings are highly picturesque and contribute to the significance of the Conservation Area as a

whole. The site is currently in use as a van hire company with level tarmac and little vegetation. It is considered that the current use on site is detracting from the character and appearance of the area and could be improved by the proposal.

Although the site itself is located outside of the Conservation Area and Corporation Street has lost much of its historic character, it remains an important buffer on the edge of the conservation area between the tightly knit medieval and post medieval development on the High Street and the railway embankment to its north which remains a strong physical and visual barrier and the backdrop in a number of views out from the conservation area and the buildings within it. The site has the potential to have a significant impact on the setting of the Conservation Area and highly graded listed buildings and scheduled ancient monuments.

Policy BNE12 of the Medway Local Plan 2003 states that special attention needs to be paid to the preservation and enhancement of the character and appearance of Conservation Areas. Policy BNE18 of the Medway Local Plan 2003 states that development which would adversely affect the setting of a listed building will not be permitted. Policy BNE20 of the Medway Local Plan 2003 states that development affecting Scheduled Ancient Monuments will not be permitted if it would be detrimental to their setting.

A detailed Heritage Statement and Historic Townscape and Visual Impact Assessment has been submitted as part of this application. The impact of the proposal on the Conservation Area and listed buildings has been tested in a series of views that were agreed by the Local Planning Authority and Historic England and are considered sufficient to assess the impact of the development. The views include cumulative impacts with Rochester Riverside and longer views from Fort Amherst and New Gun Wharf. The Historic Townscape and Visual Impact Assessment demonstrates how much of the proposed development will be visible from two points of entry from Rochester High Street and in the middle of the Almshouse courtyard. It should be noted that the development cannot be viewed from much of the High Street and is completely hidden from most views due to the strong sense of enclosure throughout much of its length. No harm will occur to the fabric of any listed building. Priority has been given to how the proposals will affect the setting of the most important heritage assets, the Castle and the Cathedral.

Although Historic England accept the site is capable of redevelopment and accommodating buildings of greater height they have raised concerns about the impact of the application on heritage assets and the Conservation Area. Historic England are statutory consultees on applications that would impact on heritage assets. Historic England are most concerned about visibility from Rochester High Street. The proposed development would be visible rising up behind the Grade II La Providence, an 18th century alms house complex entered from the High Street. It is noted that the new development of MHS Homes next to this site can already be seen from this location and gives a sense of the impact of the proposal. The proposed development would also be seen from the Castle. It is considered when the proposal is viewed alongside the approved Rochester Riverside development as shown in the cumulative impact view that the visibility of the proposed building is diffused as part of a larger whole, which would be of a similar scale.

When viewing the development in long views the cumulative impacts with Rochester Riverside show that the Cathedral and Castle are still the dominant buildings within the skyline and the building will not significantly impact on the appreciation of these buildings.

Paragraph 195 of the NPPF states that where a proposed development will lead to substantial harm (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Although it is noted that the proposal will potentially affect a number of heritage assets including the Castle, it is not considered that this proposal will result in significant harm to these designated heritage assets. The wider setting of a number of heritage assets already includes varied built form, including tall buildings, as such the proposal is not incongruous in this densely developed urban area. The proposal has a high quality, modern design which will sit comfortably alongside the historic fabric of the surrounding area. The proposal is considered to contribute positively to the regeneration of the Corporation Street area and to the overall need for housing. The development would be in accordance with Policies BNE12, BNE18 and BNE20 of the Medway Local Plan 2003 and paragraphs 189, 192, 195, 200 of the NPPF.

Archaeology

The application site is located close to the historic centre of Rochester, in particular scheduled ancient monument, corner tower and associated parts of the city wall. There is potential for buried archaeological remains at the site. An Archaeological Assessment has been submitted as part of this application. The assessment has established that there is potential for the presence of buried archaeological remains dating to the Romano-British period and for the recovery of paleo-environmental remains. Investigations within the site noted the presence of roman finds from the alluvial cays but no evidence of the Roman Harbour. These are similar findings to the Rochester Riverside and Rochester Train Station car park.

Policy BNE21 of the Medway Local Plan 2003 states that development affecting potentially important archaeological remains will not be permitted. The presence, location and significance of any buried archaeological remains within the site cannot currently be confirmed, however two small scale site investigations have not revealed any archaeological evidence. There is a need for further investigations on site.

Given the close proximity of the site to Rochester Town Centre and numerous heritage assets including historic remains care will need to be taken during the demolition and construction phases of the development to ensure that the any archaeological remains are protected and this may shape the layout of the site if anything is found. Subject to the imposition of condition for an archaeology watching brief the development would be in accordance with Policy BNE21 of the Medway Local Plan 2003 and paragraph 184 and 196 of the NPPF.

Design

The scheme is for a seven storey building with an asymmetrical inverted roof. The intention for the development is as a marker or landmark building. The scheme is designed and has evolved through the Design Review process. The design approach draws on the architectural style and materials used in surrounding buildings whilst standing out as a modern design to create an interesting and dynamic street scene. The height and footprint of the building respond to the existing buildings but has been made taller than the surroundings to avoid a monolithic repetitive massing and form. The u-shape configuration removes the massing from the centre, providing an area for amenity as well as improved outlook and increased light to residential units. The design draws on historic references with contemporary interpretations.

The NPPF attaches great importance to the design of the built environment. Paragraph 124 advises that good design is a key aspect of sustainable development, creates better places to live and work and helps make development acceptable to communities. Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Policy BNE1 of the Local Plan is a general, criteria based policy for all development. It seeks appropriate design in relation to the character, appearance and functioning of the built and natural environment.

The Council's aspirations for the area are set out in Corporation Street Rochester Development Framework. This document seeks to create better link between historic Rochester and Riverside, move away from vehicle based uses. Mixed use and employment uses are encouraged. It also seeks to protect strategic views from Chatham Waterfront of the Castle and Cathedral and restrict the height of new development to 4-5 storeys for this purpose. However, it is noted that this document is out of date and is currently under review and taller buildings are permitted in the Rochester Riverside development. The departure from the Corporation Street Rochester Development in relation to height is explored further below.

Height, scale and massing

The site is next to an MHS Homes development granted planning permission under reference MC/15/2039. These buildings are 5 storeys. The proposal would be 7.7 metres higher than these buildings. At the rear of the site is the Rochester Riverside development granted planning permission under reference MC/17/2333. The buildings on the opposite side of the railway line to the site range between four and six storeys. Across the road is the proposed hotel development currently under consideration under reference MC/17/1978. The proposed height of this development is 6 storeys. The Cathedral and Castle are 8 and 6 storey high but are set on higher ground than the development site. Building Height Policy for Medway 2006 Supplementary Planning Document states that taller buildings will be considered if they are in the right place and of the highest architectural quality, where they could have a role in acting as landmarks that forge a new and exciting image for Medway's waterfront regeneration site, and which deliver more sustainable working and living environments.

At 7 storeys it is considered that the design of the proposal creates a skyline that introduces variety when compared to the other buildings currently planned in this area as it is considered that the proposal provides focus and interest while avoiding creating an uninteresting and monotonous wall of development. With the introduction of a slightly taller built form of the MHS Homes currently under construction, it is considered that the proposal would not appear incongruous. It is also noted that the main bulk of the building is 5 storeys consistent with the surrounding buildings with the upper 2 storeys recessed and the roof structure angled to lessen the impact of the height, particularly from street level.

It is considered that the land to the north of Corporation Street is capable of taking buildings of a greater height than the south. It is considered that the proposal acts a landmark building next to the Train Station and as a bookend to the other Corporation Street development. It is considered that this is an appropriate location for a taller building.

Any building which exceeds the scale of the surrounding townscape has the potential to impact on Rochester's distinct skyline that is dominated by the Castle and Cathedral and the significance of these buildings. The Historic Townscape Visual Impact Assessment shows the undulating skyline of Rochester and how its prominent buildings create key landmarks. The height and massing of the proposal has been tested against a series of views to ensure the building has limited impact on heritage assets. The majority of the views in the Historic Townscape Visual Impact Assessment show a limited impact on heritage assets.

Roof form

Rochester and the surrounding area contains a varied mix of roof forms, pitches and styles owing to the varied age of the properties. Changes in the roof profile creates an undulating skyline. The building has been designed with a plinth and roof taking its references from Rochester High Street, the Historic Dockyard and Rochester Riverside to creating a staggered roofscape to add interest to the streetscene and avoid monolithic repetitive massing or forms which may visually be at odds with the more intricate massing in the historic High Street buildings. This would be appreciated both in views from the Castle and in views from Corporation Street back towards the High Street.

Historic England have raised issues relating to the roof treatment. The proposed roof form has been designed in response to the character, materials and arrangement of the roof scape of historic Rochester, particularly as seen from the Castle's keep. The patinated copper roof structure drops behind a masonry carapace to reduce the impression of mass and bulk within the historic landscape views. The apertures in the masonry are considered proportionate to similar elements in the wider townscape and are arranged to create architectural interest in its own right. The faceted metal roof is a response to the understanding of the historic environment as a dynamic experience of form, material and function. The irregular planes and acute angles will capture the light differently at different times of the day and articulate a shape shifting form in the townscape. The gentle green

patination of the roof is considered to fit into the existing material palette and avoids homogeneity of being treated in a recessive colour. The applicant has stated that there may be a need for further testing regarding the effect and specification of colour for the roof element and would anticipate a post consent condition to confirm which colour specification is most suitable for the historic environment. It is accepted that there is a degree of harm to La Providence but this is considered to be limited and not considered significant. The proposed high quality design will improve the appearance of the site, mitigating the very low level of harm to the historic environment.

Materials

The proposed materials achieve a balance between the traditional and modern, contemporary. The base of the building is brick in keeping with the character of the surrounding area. The predominant brick colour in the area is red but this building will be a buff brick to act as a transition between the historic townscape and more modern additions to Corporation Street. The proposed colour of the metal in the roof structure picks up on existing colours within Rochester Cathedral. A condition will be imposed to secure appropriate materials for the building.

Landscaping and public realm

The design of the proposal is partly intended to act as a focus for a new public realm linking Rochester Riverside to Corporation Street. The Council are in the process of updated the Corporation Street development brief. Public realm and street trees have a high importance in this. The development is set back in line with the neighbouring development in order to create an improved public realm. The street trees proposed should follow those outside the MHS Homes development. A condition will be imposed to secure appropriate landscaping on site.

The proposal is considered to have a high quality, contemporary design and as such the development would be in accordance with Policy BNE1 of the Medway Local Plan 2003 and paragraphs 124, 127, 128 and 130 of the NPPF.

Amenity

There are two main amenity considerations; the impact on the amenity of neighbours and the standard of amenity which would be experienced by occupants of the site itself.

Impact on neighbours

There are neighbouring properties that could be adversely affected by the proposal. To the south east of the site are MHS Homes that are currently under construction. To the north west of the site is Rochester Train Station. To the north east of the site is the railway line and Rochester Riverside development beyond that. To the south west of the site is Corporation Street and La Providence sheltered accommodation across the Street. The new dwellings in Rochester Riverside and the sheltered accommodation in La Providence

are considered to be sufficient distance away that there would be no impact on amenity in terms of daylight, sunlight, outlook and privacy.

The proposed development is located close to the MHS Homes under construction. There would be no overlooking of private spaces and no direct overlooking into habitable rooms from the new development. Due to the orientation of the buildings and the path the sun follows there would be no loss of sunlight and daylight. There is potential during the construction stage for there to be an impact on noise, vibration, smell and airborne emissions and a condition relating to a Construction Environmental Management Plan is recommended. The new development will result in increased activity levels and traffic generation but this was not found to be significant in the Transport Assessment.

Careful consideration has been given to the impact on amenity of neighbouring properties within the new development site itself. The layout and orientation of the properties has been carefully considered to ensure that no direct harm results to the privacy and overlooking of neighbouring properties. There will be no loss of outlook or overbearing impact on neighbouring properties.

A daylight and sunlight report has been submitted as part of this application, which shows no negative impact on neighbour amenity. The proposed development is not considered to have an unacceptable impact on neighbouring amenity in terms of daylight, sunlight, outlook and privacy and as such the application accords with Policy BNE2 of the Medway Local Plan 2003 and paragraph 17 of the NPPF.

Impact for future residents

The development has been assessed with regard to the Medway Housing Design Standards (interim) November 2011 and the Government's Technical Housing Standards 2015 and meets these standards and as such the objectives of Policy BNE2 of the Medway Local Plan 2003.

The proposal will comprise the erection of 64 one and two bedroom flats. The one bedroom flats are between 50.1 sqm and 53.2 sqm. The two bedroom flats are between 61.9 sqm and 71.3 sqm. The room sizes are all in accordance with the Government's Technical Housing Standards 2015. Private amenity areas and individual balconies have been provided in accordance with Medway standards. In addition to this an internal courtyard adds to the overall amenity space.

The proposed development is considered acceptable in terms of the impact on the amenity of the future occupiers of the proposed dwellings in terms of daylight, sunlight, outlook and privacy and as such the application accords with Policy BNE2 of the Medway Local Plan 2003 and paragraph 17 of the NPPF.

Noise

Residential development is considered highly sensitive to noise and this site is located next to Rochester Train Station and on a busy main road, Corporation Street. As such an Environmental Noise and Vibration Survey has been submitted as part of this application. The report concludes that mitigation measures, including a glazing specification and the use of appropriate ventilation should be sufficient to achieve recommended noise levels in accordance with BS guidelines.

Policy BNE3 of the Medway Local Plan 2003 sets out noise exposure categories for new dwellings. Environmental Protection consider the submitted document to be acceptable but require further noise assessments to be carried out to address commercial noise transfer and protect residential amenity.

Subject to the imposition of conditions the development would be in accordance with Policy BNE3 of the Medway Local Plan 2003 and paragraph 170 and 180 of the NPPF.

Air Quality

The site falls within the Central Medway Air Quality Management Area, which has been declared for exceedances of the NO₂ annual mean objective since June 2010. As such an Air Quality Assessment has been submitted as part of the planning application. The report concludes that dust impacts during construction, but subject to best practicable means mitigation, the impacts at sensitive receptors will be negligible. During the operation phase, the modelling predicts that there will be no exceedances of the nitrogen dioxide or particulate matter objectives at the sensitive development receptors on site. The modelling also predicts that there will be negligible increases in nitrogen dioxide and particulate matter at existing sensitive receptors as a result of the proposed development and pollutant concentrations will remain below the air quality objective levels. Environmental Protection are satisfied with the information submitted but have suggested a condition for submission of a mitigation scheme to meet damage costs.

Subject to the imposition of condition the development would be in accordance with Policy BNE24 of the Medway Local Plan 2003 and paragraph 170 and 181 of the NPPF.

Highways

The development only proposes 17 parking spaces for commercial unit users, disabled parking and car clubs plus 1 service bay. There will be no allocated parking for residents. The site is next to Rochester Train Station, opposite the Town Centre and as such this is a highly sustainable location. A Transport Assessment and Car Parking Assessment have been submitted as part of this application. The applicant is proposing the use of a car club due to the car free nature of the development, which will be secured through the section 106 agreement. The car club will provide residents with access to a car for those occasions when a car is needed. This will be available to new and existing residents. There is compelling evidence that car clubs reduce car ownership and encourage

residents to adapt sustainable travel patterns. It is noted that the Rochester Riverside development will also be using car clubs and could use the same provider. This has the potential to serve existing residents as well as new residents and help achieve the Council's sustainable transport aims and reduce reliance on private cars.

The residents will purchase the flats knowing that they have no allocated parking space and will not be able to park on site. The Transport and Car Parking Assessments provided show declining car ownership in young people and show that car ownership in this ward is much lower than the national average. Paragraph 103 of the NPPF seeks development located in sustainable locations, limiting the need to travel and offering choice of transport modes to reduce congestion and emission and improve air quality and public health. National Policy also promotes the use of walking and cycle over private car.

The proposal has been considered in the light of the level of proposed parking provision, the access and egress in relation to the existing access arrangement and highway and pedestrian safety generally. No objection to the principle of this development have been raised in the light of this highway consideration, especially due to the location of the site in close proximity to the town centre and railway station, which permits a reduction to the Council's minimum parking standards. There are also good bus links from this site. Paragraph 109 of the NPPF states that development should only be refused on highways grounds if there is an unacceptable impact on highways safety.

The proposal will not result in any detrimental increase in risk to highways or pedestrian safety and is considered to be acceptable in terms of Policies T1, T2 and T13 of the Medway Local Plan 2003 and paragraphs 102, 103, 109 and 110 of the NPPF. The proposal has the provision of secure cycle storage on a 1:1 basis in accordance with policy T4 of the Local Plan.

Flood Risk

The site is located in Flood zone level 2 on the Environment Agency flood map and as such a Flood Risk Assessment has been submitted as part of this application. The Flood Risk Assessment identified a low risk of flooding. There is no residential accommodation on the ground floor. The surface water runoff will be managed through sustainable means, through the use of permeable paving and cellular storage tanks with flow control device to reduce the rate of run off leaving the site. A green roof is also proposed. The waste water from the site will outfall to the existing public foul water sewer.

Southern Water raise no objection to the application but have stated that there may be a requirement for network reinforcement. Southern Water and the developer will need to work together to deliver any such reinforcement.

The Lead Local Flood Authority would like to avoid cellular storage as it does not help manage water quality. They would recommend increasing soft landscaping, use of bio pits and rainwater harvesting, grey water recycling and water butts to provide an additional means of surface water attenuation. They have suggested a condition relating

to disposal of surface water and verification report to confirm that the sustainable drainage system has been constructed in accordance with the agreed scheme.

Subject to the imposition of conditions and carrying out appropriate management of surface water, ground water and foul water storage and disposal the development would be in accordance with Policy CF13 of the Medway Local Plan 2003 and paragraphs 149, 155, 163 and 165 of the NPPF.

Contamination

The previous land use on site was as a filling station that could have led to contamination of the site. A Phase 1 Desk Top Study has been submitted as part of this application. The report finds a moderate to high risk of contamination and geotechnical risk from a number of tested sources. It does recommend further intrusive investigations be carried out at the site. Environmental Protection have recommended conditions relating to further investigation and risk assessment and subsequent scheme of remediation prior to the commencement of development.

Subject to the imposition of conditions and carrying out of appropriate remediation the development would be in accordance with Policy BNE23 of the Medway Local Plan 2003 and paragraph 178 and 179 of the NPPF.

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 (excluding legal and monitoring officer's costs, which separately total £550) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. The strategic measures are in the process of being developed, but are likely to be in accordance with the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM) produced by Footprint Ecology in July 2014. The interim tariff stated above should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation), in anticipation of:

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

occupation of the dwellings, proportionate to the level of the housing development.

The applicants have agreed to pay this tariff and are in the process of submitting a unilateral undertaking. No objection is therefore raised under Paragraphs 175 and 176 of the NPPF and Policies S6 and BNE35 of the Local Plan.

S106 Matters

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 proposed comply with these tests because they have been calculated based on the quantum and location of the development. The contributions have been partly reflected in a formulae based approach, as final quantum of the development is not known. The contributions are based on an occupancy level of 2.45 people. New residential development can create additional demand for local services. Policy S6 of the adopted Local Plan states conditions and/or legal agreements should be used to make provision for such needs.

- Contribution of £400,000 towards provision of affordable rented accommodation off site.
- Contribution of £159,342.72 towards open space facilities within the vicinity of the development including The Vines and/or Eagle Court Open Space and/or Eastgate House Gardens as well as Medway's Metropolitan park - Great Lines Heritage Park (towards repair, maintenance and inspections of bridges).
- Contribution of £42,473.71 towards education and the provision of school places within 1 mile of the development.
- Contribution of £17,779 towards heritage and museums to improve interpretation at Rochester Castle
- Contribution of £4,890.88 towards youth services for detached work at the Rochester Castle park grounds for young people to have fitness sessions as part of our universal offer for young people in the Rochester community.
- Contribution of £37,640.05 for the NHS towards reconfiguration and update of infrastructure in the Rochester Healthy Living Centre to support the delivery of primary care and community health services.
- Contribution of £1,335.04 towards bird disturbance mitigation measures

- Provision of car club and access to car rental services for new residents and existing ones
- Restriction on permit parking for residents of this development

The applicants have confirmed the above contributions are acceptable and on this basis no objections are raised with regards policy S6 of the Medway Local Plan 2003.

Affordable Housing

Policy H3 of the Medway Local Plan sets out the proportion of affordable housing required in schemes for residential developments. Within the urban area, developments which include 25 or more dwellings or where there the site is 1 hectare or more. The Council's target is to seek 25% of homes to be affordable homes on any site meeting the Council's size thresholds. The Council seeks a tenure mix of 60% affordable rented and 40% intermediate affordable housing (of which shared ownership is the preferred option).

The applicant submitted a Viability Assessment as part of this application seeking to provide 25% affordable housing but all shared ownership units rather than a policy compliant split between shared ownership and affordable rented accommodation. The Council's Housing Strategy & Partnership team has stated that it is in dire need of affordable rented accommodation and does not require shared ownership units in order to meet our housing needs and reduce temporary accommodation costs. They have requested affordable rented units or a commuted sum to provide units off site. £400,000 has been secured to provide affordable rented units off site. The Viability Assessment has been independently verified by Development Consultant. The Viability Assessment shows that the development is not viable if it is required to provide 25% policy compliant split affordable housing.

Local Finance Considerations

There are no local finance considerations

Conclusions and Reasons for Approval

The proposed development has a modern, contemporary design that is sympathetic to the character and appearance of the surrounding area and does not cause significant harm to the setting of the Conservation Area and heritage assets, including the Castle and Cathedral. The tall, landmark building design is well considered and will add interest to the skyline and street scene whilst keeping the Castle and Cathedral the dominant feature of the town. The proposal would result in an attractive housing development on the site. In addition, the benefits of the delivery of high quality residential and commercial accommodation must be considered as an advantage to Medway taking into account that the proposal will increase local activity enabling increased appreciation of a number of surrounding built heritage assets.

The proposed development would not have a detrimental impact on neighbouring amenity of current or future occupiers in terms of daylight, sunlight, outlook and privacy. The proposed development would also not have a detrimental impact on archaeology, contamination, flood risk and surface water management, air quality, noise or highways safety.

The proposal is acceptable in accordance with Policies S6, BNE1, BNE2, BNE3, BNE12, BNE18, BNE20, BNE21, BNE23, BNE24, BNE35, H3, H4, H5, T1, T2, T3, T4 and T13 of the Medway Local Plan 2003 and paragraphs 10, 11, 12, 17, 102, 103, 109, 110, 117, 118, 124, 127, 128, 130, 149, 155, 163, 165, 170, 175, 176, 178, 179, 180, 181, 184, 189, 192, 195, 196 and 200 of the NPPF

The application would normally be determined under delegated powers but is being referred for Committee determination due to the number of representations received expressing a view contrary to officer's 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/>