

**MC/19/2566**

**Date Received:** 26 September 2019

**Location:** 25-33 Corporation Street Rochester Medway ME1 1ND

**Proposal:** Proposal for demolition of existing disused petrol filling station, part demolition of existing wall and the construction of a 100 bedroom hotel with basement to provide plant accommodation, ground floor to provide restaurant cafe, retail/workspace, reception, back of house, WC's, plant area/risers, staff store.

Levels 1 to 3 and 4 to provide hotel bedrooms with associated storage plant area and risers with level five providing a further four Hotel bedrooms, staff store, WC's, roof level restaurant/bar with external terrace/viewing platform.

Provision of associated service lane and areas.

**Applicant** Corporation Street Hotel Rochester Ltd,

**Agent** DHA Planning LTD  
Mr John Collins Eclipse House  
Eclipse Park  
Sittingbourne Road  
Maidstone  
Kent  
ME14 3EN

**Ward:** Rochester West Ward

**Case Officer:** Doug Coleman

**Contact Number:** 01634 331700

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 5th February 2020.**

**Recommendation – Approved Subject to:**

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

- 1) A contribution of £50,000 towards the car parking improvements in Rochester, including the provision of electric charging points in public car parks or other appropriate air quality mitigation measures;
- 2) A contribution of £24,556 towards mitigation measures in the Special Protection Areas.

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: 18.151 200.01, P0 18.151 200.02 P0, 18.151 200.03, P0 18.151 200.04 P0, 18.151 300.01 P0 and 18.151 300.02 P0 received on 26 September 2019; and 18.151.100.08 P1, 18.151.100.09 P1, 18.151.100.10 P1, 18.151.100.11 P1, 18.151.100.12 P1, 18.151.100.13 P1, 18.151.100.14 P1 and 18.151.100.15 P1 received on 21 November 2019.

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

- 3 No development, including the removal of existing structures on site, shall take place until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of working, parking of operatives vehicles, deliveries to the site, details of a site compound and storage of materials, noise, dust control measures; pollution incident control, lighting and site contact details in case of complaints arising from the demolition and construction phases of the development has been submitted to and approved in writing by the Local Planning Authority. The construction works shall be undertaken in accordance with this approved plan.

Reason: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents, business, road users and users of public transport and with regard to Policies BNE2 and T1 of the Medway Local Plan 2003.

- 4 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 take place until conditions 5-7 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 7 has been complied with in relation to that contamination.

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

- 5 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.

- 6 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.

- 7 No development shall take place (other than development required to enable the remediation process to be implemented) until the approved remediation scheme has been carried out in accordance with its terms. 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 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.

- 8 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 5, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 6, 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 6 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 6.

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.

- 9 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.

- 10 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:

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.

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

Reason: Required before commencement of the development in order to manage surface water during and post construction and for the lifetime of the development in accordance with Paragraph 103 of the NPPF.

- 11 No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 170 of the National Planning Policy Framework.

- 12 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated by a piling risk assessment that there is no resultant unacceptable

risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 170 of the National Planning Policy Framework.

- 13 No development shall take place above slab level until a material and detailed development of the design has been explored over an extended period in consultation with and subject to the written approval of the Local Planning Authority. The carrying out of the development together with the subsequent procurement processes shall be in consultation with the Local Planning Authority and accordance the approved details. All details shall be negotiated with the Local Planning Authority prior to implementation and at a minimum scale of 1:5, with full scale material mock ups provided of full size elements, materials, junctions and assemblies prior to installation.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity and the character and appearance of development at a significant localtion within the Conservation Area, and in accordance with Policies BNE1 and BNE14 of the Medway Local Plan 2003.

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Reason: Required before commencement of the development due to the location of the plant below ground level and o ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity and the character and appearance of development at a significant localtion within the Conservation Area, and in accordance with Policies BNE1 and BNE14 of the Medway Local Plan 2003.

- 15 No development shall take place above slab level until full height detailed elevations, sections and details through external walls, balconies, terraces & set-backs and coordinated with the full size material samples & assemblies have been submitted and approved in writing by the Local Planning Authority.

These drawings and models shall include, but are not limited to, ridge, eaves, verge, brick/material bonding & joint types, mortar & filler colors, scheme colorways, entrance recess soffits, solar panels & brackets, balcony structures, balustrades, handrails, parapets & capping's, balcony recesses, window and door

sills - jambs - heads , ground connections, wall plane changes, junctions at material changes, visible flashings, roof vents, electricity cupboards, waste enclosures, boiler and other flue placements. windows, eaves, verges, lintels, sills, balconies, entrances and all other architectural detailing requested by the Local Planning Authority at the time. Details are to be submitted using a combination of 3D models, plan, section, mood boards, physical models and component assemblies.

Reason: To ensure that the appearance of the development is satisfactory for a scheme of exemplary quality and without prejudice to conditions of visual amenity in the locality and the Conservation Area, and in accordance with Policies BNE1 and BNE14 of the Medway Local Plan 2003.

- 16 No development shall take place above slab level until details and samples in the form of sample panels (at full size or as otherwise agreed), and component assemblies 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 and the Conservation Area, and in accordance with Policies BNE1 and BNE14 of the Medway Local Plan 2003.

- 17 No development shall take place above slab level until the lighting strategy for the building on all sides has been fully explored, submitted to and approved by the Local Planning Authority. The submitted lighting strategy shall include, but not limited to height, position, external appearance, any shielding, light intensity, colour, spillage (such as light contour or lux level plans showing the existing and proposed levels) and hours of use] together with a report to demonstrate its effect on views of the site and of how this effect has been minimised. Any external lighting shall be implemented in accordance with the approved details. This must be demonstrated using details at minimum 1:5 or as otherwise agreed. Nighttime CGI's demonstrating the lighting scheme both of itself and within its context must be provided to demonstrate lighting effects of agreed view points.

Reason: In order to limit the impact of the lighting on the Listed Buildings, the Conservation Area and heritage features and with regard to Policies BNE1, BNE12 and BNE14 of the Medway Local Plan 2003.

- 18 Prior to the commencement of the development hereby permitted, an emissions mitigation assessment shall be submitted and approved in writing by the Local Planning Authority. The emissions mitigation assessment should include a damage cost assessment that uses the DEFRA emissions factor toolkit and should include details of mitigation to be included in the development which will reduce the emissions from the development during construction and when in operation.

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 order to address issues of air quality and in accordance with Policy BNE24 of the Medway Local Plan 2003 and Paragraph 181 of the National Planning Policy Framework 2019.

- 19 No development above slab level shall take place until full details of both hard and soft landscape works, any artefacts to be located within the public space and a timetable for implementation have been submitted to and approved in writing by the Local Planning Authority. These details shall include but not limited to existing and proposed levels, hard-work material specifications/layout, street furniture/accessories (e.g. seating, tree pits, tree grilles etc.), detailed planting plans & planting specifications, tree pit details (including soil build-up, tree cells, supports & accessories), green roof planting plans and planting/substrate construction details. 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.

- 20 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).

- 21 No development above slab level shall take place 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 the building 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.

- 22 No development above slab shall take place until details of secure private cycle parking 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 the use of the building is commenced 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.

- 23 The proposed development shall not be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposed measures to be taken to encourage the use of modes of transport other than the car by all staff and visitors (including a programme for implementation and financial incentives). The use of the development shall then be carried out in accordance with the Travel Plan and any subsequent amendments shall first be agreed in writing by the Local Planning Authority.

Reason: to assess the proposed development in terms of traffic generation and the impact on the local highway network and in accordance with Policy T1 of the Medway Local Plan 2003

- 24 The proposed development shall not be occupied until a Servicing/Delivery Plan has been submitted to and approved in writing by the Local Planning Authority. The Servicing/Delivery Plan shall set out arrangements for the collection of waste and re-cycling, the frequency of deliveries and hours of delivery. The Servicing/Delivery Plan shall be implemented in accordance with the approved details upon the bringing into use of the development and shall be reviewed after a period of 12 months.

Reason: to assess the proposed development in terms of traffic generation and the impact on the local highway network and in accordance with Policy T1 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**

This application proposes the demolition of the existing disused petrol station, removal of the hand car wash, advert hoardings and all other structures currently on site and the construction of a 100 bed hotel.

The site has a frontage of approx. 85m to Corporation Street and is 'wedge-shaped' narrowing from 21m at the south-eastern end to 8m at the north-western end. The proposed building comprises three linked blocks (referred to as Blocks A, B and C in this report). The first block (Block A) at the south-eastern end of the site would measure approx. 11m wide by 17.4m and the main bulk would be five storeys (16m) high. A recessed top floor would rise to 18.7m, with a lift shaft at 19.7m. This block would be linked to the next block and remainder of the building (Blocks B, C and D) at first floor level, with a gap of 9.5m to create a walkway. The front would be curved, widening, the

gap to approx.14m.

The remainder of the proposed development (Blocks B, C and D) would be linked at ground floor level. It would have a frontage of 52m to Corporation Street, tapering to take account of the curve in the road, and a rear elevation of 54.5m. However, above the ground floor, the Corporation Street elevation effectively breaks into three with the main block (Block B) measuring 26.5m wide and rising to five storeys (16m) high with a recessed top floor giving a total height of 18.7m.

A smaller block (Block C) would link Block B and Block D at first, second and third floor levels by a glass façade, measuring 10.5m wide by 13.5m. This block would be recessed along the Corporation Street frontage.

Block D, at the north-western end of the building would measure 17.4m wide and rise to four storeys (12.5m) high with a recessed top floor giving a total height of 16m.

The accommodation within the proposed hotel would comprise the following:

- Basement: Plant rooms.
- Ground floor – Block A: 100 sq. m. retail/flexible workspace unit at front with laundry room to rear.
- Ground floor – Blocks B, C and D: hotel reception, café/bar/restaurant (375 sq. m.), breakfast bar (22 sq. m.) and associated rooms, kitchen, storage, wcs and staff rooms.
- First floor – Block A: 5 bedrooms and store and bridge link between block A and block B
- First floor – Blocks B, C and D: 20 bedrooms.
- Second/Third floors: Block A: 5 bedrooms;
- Second/Third floors: Blocks B, C and D: 20 bedrooms.
- Fourth floor – Block A: 5 bedrooms;
- Fourth floor - Block B: 12 bedrooms; Pedestrian link from B-D; Block D: 4 bedrooms.
- Fifth floor- Block A: 4 bedrooms.
- Fifth floor - Block B: Bar seating area 140 sq. m., external terrace (750 sq. m.), kitchen and wc.

The application was accompanied by the following documents:

- Acoustic Assessment (19 September 2019)
- Air Quality Assessment (17 September 2019)
- Aborigicultural Impact Assessment (4 July 2017)
- Archaeological Desk based Assessment (July 2019)
- Design & Access Statement (23 July 2019)
- Energy and Sustainability Statement (23 July 2019)
- Stage 1 Geo-environmental investigation report (August 2019)

- Heritage Statement (September 2019)
- Landscape & Visual Assessment (26 July 2017);
- Panoramic from roof terrace
- Petrol tank de-commissioning report (2 February 2001)
- Market and financial feasibility study (14 June 2019)
- Flood Risk Assessment (September 2017);
- Staff Travel Plan (September 2019)
- Transport Statement (September 2019)
- Shadow Study Summer and Winter Solstice 2018
- Strategic Views (23 July 2019)
- Tree Survey (30 August 2017)

The following additional information was received on 20 December 2019:

- Sections through the façade
- Night time images
- Night time visual assessment
- Visual of hotel from castle keep
- Sections through city showing hotel
- Materiality Study
- Transport Technical Note (parking)

### Relevant Planning History

MC/17/1978	Demolition of existing disused petrol station and the construction of a 83 bedroom hotel with hotel reception, cafe and retail at ground floor, hotel amenities at first floor with hotel accommodation above, part demolition boundary wall, provision of a walkway to from Corporation Street to car park at rear, and associated service area on additional land to side (amended scheme) undetermined
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MC/15/4386                      Application for a Lawful Development Certificate (existing) for use of site as a hand car wash  
Approved 12 February, 2016

MC/12/0723                      Application for a new planning permission to replace extant planning permission MC/08/1341 (Construction of a five storey hotel with associated cafe and restaurant (demolition of existing car wash and dwellings) in order to extend the time limit for implementation  
Approved With Conditions 19 November, 2012

MC/08/1341	Construction of a five storey hotel with associated cafe and restaurant (demolition of existing car wash and dwellings) Approved with Conditions 17/04/2009
MC/07/0834	Construction of a four storey hotel with associated cafe and restaurant (demolition of existing car wash and dwellings) Approved with Conditions 28/03/2008
MC/07/0817	Conservation area consent to demolish existing buildings and part demolition of city wall to facilitate building of hotel Approved with Conditions 28/03/2008
MC/03/1531	Change of use from garage to car sales Approved with Conditions 11/09/2003
ME/75/807A	Proposed Petrol Filling Station Approved with Conditions 20/09/1976
ME/75/807	Proposed Petrol Filling Station Approved with Conditions 29/10/1975

## Representations

The application has been advertised on site and in the press as a major development, development within a Conservation Area, development affecting the setting of a Listed Building and development affecting the setting of an Ancient Monument; and by individual neighbour notification to the owners and occupiers of neighbouring properties.

The Environment Agency, Natural England, Historic England, KCC Biodiversity Officer, KCC Archaeological Officer, Kent Police, Kent and Medway Fire and Rescue Service, Network Rail, Southern Water, EDF Energy and Southern Gas Networks have also been consulted.

**53 letters** have been received, including letters from Rochester Cathedral and the City of Rochester Society, raising the following objections:

- The proposal would block views of the cathedral and castle;
- The opening of a new view of Rochester from the rooftop bar will not compensate for the loss of views elsewhere;
- The proposed building is too high and would be out of character with the Conservation Area and affect the setting of listed buildings, including the adjacent Friends Meeting House;
- The proposed materials represent a poor attempt to copy existing buildings. Should be stone not concrete;

- The latest proposal is out of scale and would be higher than the previous scheme;
- Previous scheme proposed brick and wood. Current scheme proposed concrete and glass;
- All buildings in Corporation Street would look the same;
- Whilst the car wash is an eyesore, it does not block the view, and we should not allow unacceptable development just to remove an eyesore;
- Object to loss of parking spaces in existing car park;
- The proposed hotel would not have parking and would have an adverse impact on existing car parks, particularly in the morning as commuters would arrive before people staying overnight in hotel would leave. Travelodge has inadequate parking which has made the situation worse;
- Delivery, servicing and refuse vehicles would affect traffic in Corporation Street and Northgate;
- Proposal would generate additional traffic;
- No disabled parking is shown and the scheme would be non-DDA compliant;
- Only 10 cycle parking spaces are shown. More should be provided;
- The coach park is 3 miles away, not next door;
- The loss of mature trees, some of which are ancient species is not acceptable;
- Loss of green area between car wash and Friends Meeting House unacceptable. One tree has already been removed from this area;
- The rooftop bar will generate noise and disturbance to local residents;
- Light pollution;
- Overlooking and overshadowing of existing properties;
- Corporation Street is prone to flooding;
- There is no need for more hotels in Rochester;
- A large hotel would not be sustainable;
- Proposal would have an adverse impact on tourism;
- Proposal would not help locally economy. Any jobs created are likely to be poorly paid and not go to local people;
- The new restaurant would take trade from existing restaurants and shops;
- Loss of jobs at existing car wash;
- There is no need for a link from station to car park through city wall.
- City wall should be protected;
- Previous uses of the site may have given rise to pollution.

**83 letters** have been received making the following comments in support of the application:

- The proposal will remove the car wash which is an eyesore;
- The removal of the car wash will reduce traffic in Corporation Street. Proposed hotel would generate less traffic than car wash;
- New hotel will improve Corporation Street, making it a service road;

- The design is well thought out;
- The current proposal is an improvement on the previous scheme and takes on board the concerns raised about the loss of views of the cathedral;
- The proposed walkway, linked to the new pedestrian crossing will be of benefit;
- Proposal would bring in more tourists and boost local businesses and create more jobs;
- More hotels are needed in Rochester;
- The hotel is in the right location opposite the station;
- The hotel would enhance public safety and reduce crime.

**The Environment Agency** has raised no objection, subject to conditions relating to contamination from past uses, surface water drainage and piling.

**Kent Police** have written advising that they have had no communication from the applicant/agent and that the following need to be discussed:

- Development layout and permeability
- Perimeter, boundary and divisional treatments including gates and barriers
- Corner Properties and defensible spaces
- Parking inc. visitor
- Lighting and CCTV
- Access Control
- Doorsets
- Windows
- Security Compartmentation
- Alarms
- Landscaping

**Natural England** has written raising no objection subject to the appropriate financial contribution being secured, against the potential recreational impacts of the development.

**KCC Biodiversity** has written stating that no ecological information has been submitted with this application, and advising that the proposed development has limited potential to result in ecological impacts and there is no requirement for an ecological survey to be carried out.

**Historic England** has written a detailed letter making the following comments:

- HE supports the Council's aspirations for new development at Corporation Street and recognises that it is a significant buffer between the historic core of Rochester and major development on Rochester Riverside. The current proposal follows several consented or withdrawn schemes. In all cases Historic England identified a level of harm to the significance of designated heritage including Rochester as a conservation area and the highly graded

buildings there, such as the cathedral. This remains the case for this application. HE has assessed the level of harm to be less than substantial in NPPF terms though between moderate and high on the spectrum of such harm. However, all unavoidable harm must be taken into account and requires clear and convincing justification. The current scheme is of a demonstrably higher quality than previous schemes and is a thoughtful response to a very challenging site. In order to be judged as sustainable development and thus for the presumption to be in favour of the development, the proposal must meet key tests in the NPPF. HE does not think a case has been made to demonstrate how the harm has been avoided or minimised and that remaining harm is justified as required under Paragraphs 190 and 194 of the NPPF. A number of actions are needed to understand if the requirements of paragraph 190 and 194 are capable of being met, which must be addressed before weighing the harm against any public benefit in line with Paragraph 196 of the NPPF. HE recognises the importance of this application and site to the Council and would be pleased to meet to discuss our advice in due course or to answer any questions which may arise in the meantime.

- Rochester Conservation Area is significant as an exceptionally fine and very complete example of a small medieval city (with Roman origins) dominated by a cathedral and castle. The scale and architectural quality of the castle and cathedral illustrate their defensive and ecclesiastical importance and contribute to Rochester's iconic skyline. Views of Rochester have come to be celebrated in historic illustrations and by visitors over the centuries. Both the castle and cathedral are intimately linked to the town's distinctive morphology, occupying large sites towards the southern half of the walled city. Views of the castle and cathedral from the north of the conservation area are some of the best vantage points in which these two buildings, rising above a highly characterful and rich historic High Street, can be appreciated and best illustrate the significance of Rochester conservation area as a remarkably complete medieval city dominated by a cathedral and castle. In these views it is also possible to appreciate the way in which the cathedral was designed to dominate the townscape illustrating its importance as a major ecclesiastical building and reflecting the status and wealth of the medieval church. In this respect you can appreciate the significance the cathedral derives from its setting of historic Rochester. Corporation Street 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. Consequently, in views out from the castle as a publicly accessible location offering panoramic views of Medway, the sense that it and the cathedral were intended to visually dominate the town is sustained because buildings

on the High Street and Corporation Street are generally four storeys or less (the Corn Exchange being an exception).

- Although HE concludes that this scheme represents an enhancement on previous schemes, there remain two key issues to consider in historic environment terms; scale and bulk.
- In terms of scale, by breaking the building's massing into two distinct blocks views of the cathedral and High Street can be retained from certain vantage points north of the conservation area. However, from these key views north of the site, a building of this scale would still quite seriously harm an appreciation of the way in which Rochester's historic character is defined by the dominance of the cathedral rising above a rich tapestry of historic buildings. This is because the wide panorama of the cathedral's long axis seen against the foreground of buildings on the High Street would be largely lost. HE accepts that there are several viewpoints which illustrate this relationship across Rochester, but that from the platform of Rochester Station is undoubtedly the best location in which to appreciate this aspect of the significance of the conservation area and the first impression of Rochester that many visitors get.
- With regard to bulk, the massing proposed is at odds with the tight grain character of much of Rochester's historic High Street and this is expressed in views along Corporation Street in which the overall bulk of the hotel is significantly greater than the prevailing character of the buildings on the High Street to its south. This creates a somewhat awkward relationship between the two. We accept that buildings like the Corn Exchange are of a scale and bulk which is closer to that of the proposed hotel, but we note the Corn Exchange was designed to be deliberately dominant and its scale reflects its function with a grand first floor hall. In views from the platform and from Corporation Street, the overall bulk of the hotel buildings would also be appreciated against a backdrop of finely grained historic buildings which again creates a somewhat awkward relationship between the two. HE acknowledges the modelling of this scheme is far more nuanced than previous proposals on the site and that this goes some way to breaking down a sense of the building's mass. However, despite this its massing remains, overall, at odds with the prevailing character of the surrounding historic townscape and some harm could arise from the way in which the hotel will feature prominently in views out from the top of the keep at Rochester castle. This is a less significant issue, but illustrations in the heritage statement suggest the building would have a presence which could compromise to a small degree, an appreciation of the way in which the castle and cathedral were designed to dominate the townscape. Night time views also need to be considered as the castle and cathedral are both illuminated by floodlights so that they appear as the locally dominant buildings. Lighting of the hotel, including a roof top element, could detract



from the night time experience of Rochester in views towards the cathedral. There are some night time views within the heritage statement but none include the proposed hotel and so it is not possible to understand the potential effect of light pollution from the glazed rooftop. HE think the scheme causes harm to the significance of the conservation area and that this means that it is also harmful to the significance that many historic buildings within this, and most notably the high grade major heritage assets, derive from their settings. The level of harm is mid to high, but less than substantial. There is also some harm to the grade I listed cathedral and the scheduled monument Rochester castle because of the way in which the development would diminish an appreciation of their dominance over the town.

- HE note however that the line of the Roman and medieval city wall runs along the rear of the site being marked by the much later existing boundary wall. In many other locations the city wall is a scheduled monument which confirms that it is a nationally important archaeological heritage asset. At Corporation Street it is very likely to survive as buried remains. More recent development, such as that for the filling station, may have affected the below ground survival of archaeological remains but it is also essential that a design solution and archaeological strategy be agreed for potential important buried archaeological remains in accordance with Paragraph 184 of the NPPF. Heritage assets are “an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.”
- Paragraph 189 of the NPPF requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets significance and no more than is sufficient to understand the potential impact of the proposal on their significance. The application is supported by a comprehensive heritage assessment containing a number of key views. The night time view should be updated to show the development in the context of the cathedral and castle which are often illuminated at night and the viewpoint from the castle keep is updated to show the current proposal and recent development at Rochester riverside
- Paragraph 190 requires that harm to the significance of designated heritage is avoided or minimised while Paragraph 194 requires that harm to designated heritage should have clear and convincing justification. Two important tests are:
- Is there an identified need for additional hotel accommodation in Rochester? If so, what is the identified need, i.e. how many hotel beds and of what sort of hotel offer?

- If there is an identified need for hotel accommodation in Rochester, then can this be provided on alternative sites which would deliver the same public benefit but with less harm to the historic environment? In exploring options for an alternative site, the council should consider whether it may be possible to work in partnership with the developer to deliver a hotel on a less harmful site on Corporation Street. -
- If it is demonstrated that the public benefit of hotel accommodation cannot be provided elsewhere in Rochester, the question becomes does the proposal represent the minimum amount of development needed to deliver the public benefit of hotel accommodation? It is also not clear whether the amount of restaurant and bar usage included in the scheme is necessary to attract an operator (without some of these functions, e.g. the roof top terrace and bar the scale of the building could be reduced). To answer this question we think the applicant could submit a business case to justify the number of beds proposed and the amount of ancillary accommodation provided within the scheme.
- If it is concluded that the harm cannot be avoided and that the quantum of development represents the minimum necessary to deliver a scheme which will attract a hotel operator, then it must also consider whether the broad massing of the scheme and the architectural language represent the least harmful way to deliver the public benefit. Having engaged in a discussion about a large scale development here for some time now, HE is not convinced that an alternative massing or design would necessarily be any less harmful but would be pleased to discuss this further.
- In reaching a decision on the proposal, the Council must weigh the harm to the significance of designated heritage against the public benefits proposed in the manner set out in Paragraph 196. A heritage benefit is a form of public benefit which could be considered in the weighing exercise and we suggest the applicant consider whether interpretation boards within the hotel or close to the proposed route to Rochester High Street might be a form of heritage benefit they could include in the application. In reaching a decision on this proposal paragraph 193 requires that great weight should be given to the conservation of designated heritage and the more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm. The designated heritage at Rochester affected by this proposal is of the highest possible significance (grade I listed and scheduled).
- Paragraph 200 is also relevant and encourages Local Authorities to “look for opportunities for new development within conservation areas and world heritage sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the

setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.”

- HE is not convinced a case has been made to demonstrate that the harm arising from this proposal cannot be avoided altogether or further minimised in line with the requirement of Paragraph 190 and thus that the harm has clear and convincing justification as required by Paragraph 194 and has concerns about the application on heritage grounds.

**Historic England** has been re-consulted on the additional information and the following response has been received:

- Previously Historic England considered that the proposal would cause harm to the significance of the Rochester City conservation area and the grade I listed Rochester Cathedral, and that for the harm would be towards the upper end of less than substantial. HE made recommendations to help assess the application and some of the amended information relates to these recommendations.
- HE recommended submission of additional night time views to understand how the proposed hotel might impact on the significance of Rochester cathedral when illuminated and a comprehensive assessment of night time views has been submitted. HE agrees that the most important night time view of the cathedral and castle, from the west bank of the River Medway would not be impacted by the proposal. Views from Rochester Station platform are likely to be affected by the high level of platform lighting such that the illumination of the cathedral and castle is compromised. A CGI showing a view from the station entrance demonstrates that provided illumination is carefully handled, and that it is restricted or designed not to be visible on elevations facing the gap between the east and west blocks, the prominence of the cathedral, could be sustained. If the application is to be approved, this could be addressed by condition.
- The previous advice made a number of recommendations to help satisfy that the harm has been avoided or minimised and that any remaining harm has clear and convincing justification in line with paragraphs 190 and 194 of the NPPF. The additional information does not address these recommendations.
- Notwithstanding, additional information submitted for this application focusses on detailed design and HE is content to defer to the advice of the Council's Senior Urban Designer in respect of the detail submitted. HE think it demonstrates the scheme is capable of delivering a high design quality befitting of such a historically sensitive site. On this basis HE recommends that the Council considers whether the development might therefore meet NPPF aspirations for good design and in particular paragraph 127 (a),

development which adds to the overall quality of the area, (b) is visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and (c) is sympathetic to local character and historic including the surrounding built environment and landscape setting.

- In reaching a decision the Council will need to weigh the harm to heritage significance, which HE considers remains towards the high end of less than substantial, against the public benefits of the proposal in the manner described in paragraph 196 of the NPPF. If the Council is minded to approve this application controlling the fine detail will be essential to ensure a high quality development is achieved. HE suggest details (or samples where appropriate) of external materials including concrete panels, eaves; window design and position on the opening, details for the partially glazed upper storey, hard landscape are submitted.

## **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 2019 and are considered to conform. The Rochester Conservation Area Appraisal (2010), Corporation Street Adopted Framework (2008) and Rochester Riverside Masterplan and Development Brief (2014) are also relevant.

## **Planning Appraisal**

### *Background*

The site was developed as a petrol filling station following the grant of planning permission in 1975 and 1976 (ME/75/0507 + A) and the opening of Corporation Street to two-way traffic on 4 July 1976. The petrol station use ceased in 2001, and planning permission was granted in 2003 for car sales. However, the site has been used as a car wash since 2002 and on 12 February 2016 a Lawful Development Certificate (existing) was issued for the use of the site as a hand car wash (MC/15/4386).

This is the fifth application for a hotel development on this site, there having been previous applications in 2007 (MC/07/0834), 2008 (MC/08/1341), 2012 (MC/12/0723) and 2017 (MC/17/1978). The details of each scheme are as follows:

- MC/07/0834: A four storey building comprising a hotel entrance, reception area, offices cafe and kitchen on the ground floor. Another restaurant would be provided on the other side of the building, separated by a pedestrian walkway leading through the city wall to the car park and High Street. 81 bedrooms (reduced from 84) would be provided on the three upper floors.
- MC/08/1341: A five storey building the same as for MC/07/0834 on the ground floor, but with four upper floors and 110 bedrooms.

- MC/12/0723: The same layout as for MC/08/1341. This application sought to extend the timer period for the commencement of the development.
- MC/17/1978: The current application is essentially a revised scheme for this application. That scheme started out as a proposal for a 140 bedroom hotel and following various amendments remains undetermined as an 83 bedroom hotel.

A significant change since the first four applications were considered is the relocation of Rochester Station.

### *Principle*

#### Local Plan and the NPPF 2019

The site is within the Core Retail Area of Rochester as identified in the Proposals Map to the Local Plan. Policy R8 states that *within the Core Area, Classes A1, A2 and A3 (Classes A4 and A5) uses and other uses appropriate to the form of the centre, will be permitted provided they support the vitality and viability of the centre as a whole. Such uses should be compatible with the specialist and tourism related character of the centre or cater specifically for the day to day needs of the local residential population. A very high quality of design and layout will be required reflecting the unique historic character of the centre.*

One of the core planning principles identified in Paragraph 11 of the NPPF supports sustainable development. Paragraph 80 states that *planning policies and decisions should help create the conditions where businesses can invest, expand and adapt. Significant weight, should be placed on the need to support economic growth and productivity, taking into account of both local business needs and wider opportunities for development.* Paragraph 82 states that *planning policies and decisions should recognise and address the specific locational requirements of different sectors, which would include tourism.* The site is within the town centre and therefore regard should also be paid to Paragraph 85 which seeks to support the role of town centres.

Policy ED12 of the Local Plan supports the development of new tourist facilities in appropriate locations, including Rochester Riverside Action Area, whilst Policy ED13 specifies that additional hotel facilities will be permitted where they are well related to Rochester town centre and where they would positively contribute to the regeneration and renewal of an area within a defined urban boundary.

However, this should be balanced against Policy ED11 of the Local Plan which states that development that would detrimental to existing tourist attractions and facilities will not be permitted. In this regard the development of the proposed hotel in this location should be assessed in terms of its impact on the existing facilities, especially Rochester Castle, the Cathedral and the centre of Rochester generally. This will be assessed in more detail below.

## Other Planning Guidance

Other relevant Supplementary Planning Guidance includes the Medway Waterfront Renaissance Strategy 2004, the Corporation Street Development Framework Supplementary Planning Document 2008 and the Historic Rochester Conservation Area Appraisal and Management Plan 2010. Regard should also be paid to the Building Height Policy 2006.

The Corporation Street Development Framework Supplementary Planning Document (2008) identifies the function of the Corporation Street area as the main gateway between historic Rochester and Rochester Riverside. Its vision for the Corporation Street area is defined as:

*"An elegant tree-lined street backed by fine new architecture which forms an attractive and efficient route between key areas of Medway. In its own right it will be an attractive place to live and work, or to walk or drive through. The new development, together with associated public realm improvements, will bolster the business and tourist economy of historic Rochester and link Rochester to the new community of Rochester Riverside.*

The Brief sets out six objectives for the development of the area:

- A form of development that reflects the character of central Rochester.
- Integration of Rochester High Street and Rochester Riverside.
- Attractive and high quality publicly accessible open space and public realm.
- An active and vibrant environment that complements Rochester High Street and the land uses proposed for Rochester Riverside.
- Improved street-level activity along Corporation Street, with a focus at Rochester Station.
- Measures to reduce the severance caused by the railway embankment and Corporation Street.

The Brief acknowledges the previous grants of planning permission for a four storey hotel on this site, recognising that parking for hotel guests would be limited and additional may be available within the proposed multi-storey car park (p31). The Brief also states that development along the Corporation Street frontage should in general not exceed 4-storeys in height (or 13.5m) - whichever is lower, although up to 5-storeys (16.5m) at key locations within the streetscape in order to emphasise junctions and gateways may be acceptable (p24). The Brief also seeks to improve connections with Rochester High Street.

There is currently an ongoing review of the Corporation Street Development Framework. A key element in any new development framework would be that since 2008 a new 'gateway' into Rochester has been created by the moving of Rochester station. This has caused aspects of the 2008 Framework to be questioned and is an important factor to be considered in the new framework. Whilst limited weight can be given to the new

framework at present, it is nevertheless worth bearing in mind that consideration of this whole area is currently under review.

The Rochester Riverside Masterplan and Development Brief (2014) supports the development of a hotel (p4) and seeks to encourage projects to improve connectivity between Corporation Street and Rochester High Street (p49). No specific location is identified for a hotel in this document, but there would be scope for a new hotel in the area covered by the Brief to the north and east of the railway.

### Hotel Development in Medway

The latest document available is the Medway Hotel Market Fact File dated January 2016, and this identified 14 hotels in Medway with a total of 894 rooms. 44% of the hotel supply (395 rooms) is located in Chatham, with the next largest concentration (337 rooms) in Gillingham. The only other significant hotel is the Premier Inn at Medway Valley Park (121 rooms). Rochester has 3 x 2-star and ungraded hotels – Gordon Hotel, Royal Victoria & Bull Hotel, and King's Head (41 rooms).

Planning permission was granted for a 56 bedroom hotel at the former Equestrian Centre, Walnut Tree Farm, Rainham in 2015, and there is an outline planning permission for an 80 bedroom hotel at Chatham Waters. The Rochester Riverside masterplan and Chatham Waterfront Design Brief also include provision for hotel development.

The report looks at Prospects for Growth in terms of the increase in homes and jobs in Medway, and nearby, including Ebbsfleet and Thames Gateway, together with industrial developments, new visitor attractions and events that are likely to attract visitors. All of the factors are likely to result in an increase in demand for hotel accommodation within Medway

Since 2016, a new hotel has been opened in New Road, Chatham, Victory Pier and a Travelodge has been opened at Rochester Riverside close to the site. The Archdeaconry in Rochester is also being converted to a hotel.

The applicant's feasibility study identifies 29 hotels within a 7.5 mile radius, with a total of 1,820 rooms.

### Building Height Policy

Medway Council's Building Height Policy (2006) identifies important views, one of which is the view of the cathedral/castle from Fort Amherst which it states must be maintained and re-enforced where possible. Higher buildings must be located with great sensitivity and only the highest quality of architecture and urban design will be acceptable (Paragraph 1.2.3).

Paragraph 4.1.3 states that it is essential that higher buildings contribute positively to the overall townscape and landscape, and that they do not detract from their surroundings,

particularly where they may effect key listed buildings and their settings, including the foregrounds and backdrops, and other views, prospects and panoramas.

Paragraph 4.2.1 states that higher buildings may be appropriate in certain locations including key destination points. However, insensitively located higher buildings can obstruct strategic views and vistas and dominate surrounding areas. Higher buildings, therefore, should only be located where they do not adversely affect or block strategic or important views, vistas and backdrops, and where they can provide an attractive punctuation feature within the wider urban skyline. Particular attention should be paid to how taller buildings integrate into existing townscape or landscape. They should reinforce existing townscapes and street patterns, and preserve skylines and silhouettes of significant buildings or landscape features.

Historic Rochester is not seen as an appropriate location for higher buildings due to sensitivity of historic environment, with the likely impact of any higher building on strategic views.

There are several matters of principle relating to the proposed development, which need to be taken into account in considering this application. However, the key issues, so far as this proposal is concerned, are the design and appearance of the proposed hotel and its impact on the street scene, its surroundings and the Conservation Area, which is addressed below, and any matters of principle need to be considered in the context of these key issues .

#### *Impact on the Conservation Area*

Due to the nature of the proposed development, its location within the Conservation Area and having regard to Historic England's comments, it is necessary to distinguish between the impact on the conservation area and design, the former being concerned with the impact of any development, particularly of the scale proposed, on the heritage assets, and the latter being concerned with the appearance of the proposed development and how it relates to its surroundings. The key heritage features to be considered are the Conservation Area itself, together with the listed buildings affected, particularly the Grade I castle and cathedral, but also the smaller buildings in Rochester High Street and nearby, which would include the neighbouring Friends Meeting House and nearby Corn Exchange.

The impact on these heritage assets has been considered in detail by Historic England, having regard to Paragraphs 189 – 196 of the NPPF. Policies BNE14 (Development in Conservation Areas) and BNE18 (Development affecting the setting of Listed Buildings) are also relevant.

HE correctly identifies that the proposal would result in a level of harm to the designated heritage assets (Conservation Area) and Listed Buildings) and that this harm would be high, but less than substantial. Paragraph 196 of the NPPF states that where a



development will lead to less than substantial harm, this harm should be weighed against the public benefits.

In assessing the impact of the proposal on heritage assets regard should be paid to the Historic Rochester Conservation Areas Appraisal 2010. This identifies four character areas, two of which '1 High Street/Victoria Street/East Row and Crow Lane' and '2 The Castle/Cathedral Precinct' would be affected by the proposal. The proposal would also affect the setting of nearby listed buildings within the Conservation Area.

The closest heritage asset to the application site is the neighbouring building to the north-west, Friends Meeting House in Northgate (Listed Grade II). The rear elevation of the Meeting House would be approx. 17m from the flank wall of the proposed building. Other Listed Building in close proximity are the Corn Exchange (Grade I) and the rear of 21-31 La Providence (Grade II). These buildings, although set back behind the line of the City Wall, provide the context and setting for the proposed building when viewed from the north-east – Corporation Street, railway line and station. At 15.3m, the proposed building would tower over the neighbouring Friends Meeting House, which has a ridge height of approx. 9.5m.

The Corn Exchange, by contrast has an eaves height of approx. 17.3m which would correspond with the top floor of the proposed building, and has a ridge height of approx. 22m. According to the submitted drawings, therefore, the proposed building would not be as high as the Corn Exchange.

To the rear of the application site, there is a car park, beyond which are the rear elevations of 65 – 91(odd) High Street. All of these buildings are Listed (Grade II) except 83 and 91 (Gordon Hotel) which are Listed (Grade II\*). Just beyond the rear of the application site is the Poor Travelers House, 97 High Street, which is Listed (Grade I). The impact of the proposed development on these building would be effectively to hide their rears when viewed from Corporation Street, the railway line and station. The front elevations to High Street would not be affected.

The other heritage assets that would be affected by the proposed development are Rochester Cathedral and Rochester Castle, together with the castle walls, all Listed (Grade I), the latter also being a Scheduled Ancient Monument. Although these buildings are higher than the proposed hotel, its impact would be to hide the bulk of these structures, in some views from the north-east. The proposal would also impact upon Rochester Castle in so far as it would be visible from the roof.

The Rochester Conservation Area Appraisal's Building Analysis identifies three building types – Buildings that make a positive contribution, which applies to the majority of buildings, buildings which make a neutral contribution and Buildings that make a negative contribution. The current buildings and structures on the application site are one of the few that fall into the latter category. The negative contribution of the existing building is accepted. However, in considering any proposal for a replacement building on the site it is

imperative that the proposed building enhances the character and appearance of the Conservation Area and doesn't result in additional harm.

Another factor is the key views of the site which will be assessed in more detail below. A key factor is the view of the proposed hotel from the railway and from Rochester Station. The view from the station was not a factor when previous applications were considered but now is a consideration. It has been stated by the applicant, that this is a new view and as such limited weight should be given to it. While this is a new view from the station it is not a new view from the railway line. However, the view from the railway line itself has not changed from consideration of the previous hotel applications to this one.

What is significant is that this has changed from a passing view to become an important gateway to Rochester and the first direct view by many when they arrive at Rochester by public transport. The view is at present dominated by the castle and cathedral, against a backdrop of smaller buildings and trees. However, the view is equally dominated by the existing car wash, run down site, and advert hoardings

This scheme is proposed on what is considered as one of the most sensitive sites in Medway, and this is reflected by intense scrutiny from Historic England and the discussions between the applicant, Historic England and Medway Council.

Policy BNE14 relates to development within Conservation Areas and states that the following criteria will be applied:

- (i) materials, features and details of buildings or structures which contribute to the character or appearance of the area should be retained or reinstated; and*
- (ii) traditional street patterns, building lines, open spaces and urban spaces, paving and roadway materials, boundary treatments and street furniture should be retained or reinstated; and*
- (iii) the scale, height, mass, roofscape, materials, detailing, fenestration, plot width and depth, and visual appearance of new development should be sympathetic with existing buildings and their settings; and*
- (iv) trees, hedgerows and open spaces should be retained and protected; and*
- (v) hard and soft landscape elements and traditional materials which enhance the area should be utilised.*

With regard to (i) and (ii), the proposal would not result in the loss of any buildings or structure which contribute to the character of the Conservation Area, and would not affect the traditional street patterns, building lines and other features. The only structure that would be affected would be the boundary wall to the rear of the site, through which openings would be created to secure access between the site and the car park. Although this wall is on the site of the old city wall, it is a brick wall built during the 1970s and the creation of openings in the wall, would not result in the loss of features of the Conservation Area.

The scale, height and mass of the proposed building (iii) is a significant issue in regard to the impact on the Conservation Area and need to be assessed in the context of Paragraphs 192 and 196 of the NPPF. The detailing will be considered below under 'Design and appearance', together with landscaping (v). The proposal would result in the loss of trees (iv) and this will be considered below under 'Trees'.

Policy BNE18 of the Local Plan states that *development which would adversely affect the setting of a listed building will not be permitted.*

Paragraph 192 of the NPPF refers to heritage assets and relates to both Conservation Areas and Listed Buildings, plus other heritage assets and states that *'In determining applications, Local Planning Authorities should take account of:*

- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) The desirability of new development making a positive contribution to local character and distinctiveness'.*

Paragraph 196 of the states *that where a development will lead to less than substantial harm, this harm should be weighed against the public benefits.*

The proposed development would not result in the loss of a heritage asset and hence the harm would be less than substantial. The harm to the heritage assets would be the impact of the loss of the view of these assets particularly when viewed from the north-east of the site in Corporation Street and at Rochester station. The proposal would also impact on views from other locations such as Northgate car park, the cathedral steps and from the roof of the castle.

It is recognised that there will be an impact on the view from some parts of the platform and some views as exiting from the Station. However, there are a number of factors that must be balanced against this:

- As any train approaches the station from either direction but particularly from London, the views of the castle and cathedral will remain prominent and dramatic. There can be no misunderstanding of the arrival destination.
- The new hotel has been designed so that when walking along the platform or on exiting from the station, there are still significant views through to the castle and cathedral.
- The appreciation of Rochester at ground level when currently exiting from the station is significantly harmed by the existing car wash and other structures.
- The proposal also includes a pedestrian link through the site, linked to the new crossing from and to the station, which helps to connect the historic part of Rochester with the station and Rochester Riverside, an aspect which

is an important aspiration is many of the supplementary planning documents referred to.

- A new hotel with such close links to the station will bring tourism and economic benefits to existing benefits in Medway but particularly in Rochester.
- As stated above, while the view from the station is a new view, the view from the railway line itself is not new and therefore was a consideration in the determination of the previous hotel applications.
- The new roof top restaurant/café will bring a new appreciation of not only the castle and cathedral (and be a destination in itself) but will also bring a great new appreciation of the historic character of the High Street and conservation area generally.

It is, therefore acknowledged that the proposal would result in harm to the Conservation Area and listed buildings, but that this harm would be less than substantial. However, having regard to the economic benefits that would arise from the proposed development, the removal of the unsightly car wash buildings and the introduction of an active frontage to Corporation Street, it is considered, on balance, that this level of harm is acceptable in principle (subject to consideration of detailed matters of design), and accordingly, no objection is raised under Policies BNE14 and BNE18 of the Local Plan and Paragraphs 189 - and 196 of the NPPF.

### *Design and appearance*

In terms of design, Policy BNE1 of the Local Plan states that:

*“The design of development (including extensions, alterations and conversions) should be appropriate in relation to the character, appearance and functioning of the built and natural environment by:*

- (i) being satisfactory in terms of use, scale, mass, proportion, details, materials, layout and siting; and*
- (ii) Respecting the scale, appearance and location of buildings, spaces and the visual amenity of the surrounding area; and*
- (iii) Where appropriate, providing well structured, practical and attractive areas of open space.”*

Paragraphs 124-131 of the NPPF relate to design. In particular Paragraph 124 states that *the creation of high quality buildings and places is fundamental to what the planning process should achieve. Good design is a key aspect of sustainable development creates better places and makes development acceptable to communities.* Paragraph 127 states that *planning policies and decisions should ensure that developments:*

- a) *Will function well and add to the overall quality of the area over the lifetime of the development;*

- b) *Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) *Are sympathetic to local character and history, including the surrounding built environment and landscape setting;*
- d) *Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.*

In this context, the proposed development falls to be assessed in terms of how it relates to its surroundings which includes not just the Conservation Area, but also Corporation Street.

If the Council, as Local Planning Authority is satisfied that the proposal would not result in an unacceptable level of harm or that the public benefits are such that they outweigh the harm and that the that the harm has been minimised, it is then necessary to consider how the development relates to its surroundings in terms of scale, mass, bulk, materials and general detailing. To assess this fully, it is necessary to consider these details as part of the application.

This is an incredibly important site, being located on one of the main routes through Medway, and now directly opposite the Station and therefore even more of a gateway to Rochester. It is absolutely critical that the design, materials and detailing are of the highest quality and also will ensure that this building will stand the test of time.

It is acknowledged that the existing structures have no design merit and no objection would be raised to their loss, providing any replacement buildings make a positive contribution to the character and appearance of the locality.

There has been extensive discussion with regard to the development of a hotel on this site, including matters of design and appearance, not just in regard to the latest proposals, but also in relation to previous schemes. Since the first application for a hotel on this site was considered, there have been significant changes in Corporation Street, following the publication of the Corporation Street Adopted Framework in 2008. The most notable change was the re-location of Rochester station, but also of importance is the recent MHS development and the grant of planning permission for a residential development on land between the station and the MHS development.

The site has not been identified as a site for a single large building in the new Masterplan and the masterplan is not fully convinced this is the best location for a structure of significant height and bulk due to its impact upon open views of the Cathedral and Castle for future generations.

However the site does offer an opportunity for a building of significant merit within Rochester and an opportunity of a new destination that includes relationships with the assets of historic Rochester hitherto unseen; notably from the public rooftop restaurant, offering an opportunity for a new experience of the historic town.

The design of the proposed development, responds as positively as possible to views from the station towards the centre of Rochester, within the constraints of the site and is considered to be the best solution that achieves the objective of securing a reasonably sized and viable hotel on the site, whilst retaining a more generous view of the Cathedral spire. The proposal demonstrates a carefully designed practical scheme for a constrained site and is a departure from earlier designs by seeking among other things to frame views of the Cathedral, materially respond more positively to the Conservation area and to locate the plant within a basement rather than on the roof, thus more sensitively managing views from the castle itself, all of which have previously been areas of criticism.

A material palette has been developed that reflects and corresponds with the hues and vertical geometries of the Cathedral's stone language and combines this with an assembly of thoroughly contemporary materials to mark this building as one of exemplary quality worthy of its location. This is supported by a Materiality study. The information provided displays sound achievable principles against which this can be undertaken in close discussion with the planning authority. The details so far submitted demonstrate the ability of the design to deliver exemplary quality within the constraints of the development. However, the success of the scheme relies upon further material and detailed development to be successful. These matters can be addressed by the imposition of appropriate conditions.

In addition to the materiality of the proposed building, consideration needs to be given to other factors that contribute to its appearance. Due to the constraints of the site and the nature of the proposed development, there is no scope for the landscaping. However hard landscaping is important in determining how the development may provide a positive contribution to the streetscape of Corporation Street. This includes appropriate treatment to the proposed pedestrian link through to the car park and High Street, which is an integral part of the proposed development.

More work is required on a detailed landscaping scheme, but the information provided demonstrates sound achievable principles against which the hard landscaping can be carried out and the submitted details demonstrate the ability of the design to deliver adequate quality. Again, this relies upon further material and details to be successful.

The development does not make reference to the ongoing Corporation Street Masterplan by HTA in this regard. Part of this document's ambition is to provide a tree lined boulevard along Corporation Street, which would be facilitated through new development. A 5m setback is recommended to the western side of Corporation Street, with a 10m setback to the east, as has been provided in front of the MHS development. The proposed building would not to be setback 5m from the kerb edge, due to the relatively limited depth of the site. Appropriate treatments to ensure the scheme successfully fits in with the growing Corporation Street vision in terms of detail need to be secured by condition.

No detail has been submitted regarding the treatment of roof spaces. The provision of green or brown roofs with supporting hibernacular could be of benefit to the scheme;

facilitating and supporting on-site biodiversity, as well as contributing towards biodiversity gain. Again, this is a matter that could be addressed by condition.

Subject to these conditions, it is considered that, having regard to the above factors, the proposal is acceptable in terms of design and in accordance the proposal with Policies BNE1 and BNE14 of the Local Plan and Paragraphs 124 and 127 of the NPPF

### *Neighbour Amenity*

The main issue in terms of amenity is the impact on neighbouring properties in terms of light, privacy and outlook. The application includes a shadow study carried out and both the winter solstice and the summer solstice.

The nearest building to the proposed hotel building is Friends' Meeting House in Northgate. The flank wall of the proposed hotel would be approx. 12m from the rear of that building, but at an angle, so there would be no direct overlooking. There are windows in the rear of the Friends' Meeting House which overlook the car park and the footpath to Corporation Street. There would be windows in the NW flank wall of the proposed hotel. These would overlook the servicing area for the proposed hotel, a landscaped area to the side of Friends' Meeting House, and Corporation Street as it curves. There would, therefore be no direct window to window overlooking.

At the summer solstice, the rear of Friends' Meeting House experiences sunlight until approx. 14:00, after which it is in its own shadow. During the winter solstice it is in shadow from 12:00 onwards. The proposal would result in some early morning overshadowing, until around 08:00 in summer.

The proposed building, being to the east of Friends' Meeting House would result in some additional overshadowing to the rear windows in the early morning. However there should be no overshadowing for the rest of the day. During winter the proposed hotel would result in additional overshadowing until around 10:00. Any overshadowing after 10:00 would be as a result of existing features such as trees.

The other main impact would be to the rear of buildings fronting High Street. The closest building is 1A at rear of 77 High Street, which is a single storey building, approx. 31.5m from the rear elevation of the proposed hotel. There are other buildings varying in distance from 36m to 60m from the appeal site. In view of this distance, no concerns are raised regarding overlooking from the proposed hotel building to the rear of these properties. The rear of these buildings are currently in shadow from 10:00 during the summer and continually during winter. The proposed hotel would not result in any additional overshadowing.

Apart from any overshadowing by trees, the car park experiences continuous sunlight during summer, but is mostly in shadow during winter, although parts do experience some sunlight before 14:00. The proposed hotel would result in some overshadowing of the car

park during the early morning in summer but would not result in any additional overshadowing during winter.

The proposal would generate a degree of activity within the vicinity. However, having regard to the site's town centre location and the current level of activity, together with noise from Corporation Street, the additional activity and noise generated by the proposed development would not be unacceptable.

Having regard to the above considerations, the proposal raises no issues in terms of light, privacy or outlook and in this regard would comply with Policy BNE2 of the Local Plan and Paragraph 127f of the NPPF.

### *Trees*

Policy BNE43 of the Local Plan states that development should seek to retain trees and other landscape features that provide a valuable contribution to local character. In addition, because the site lies within the Historic Rochester Conservation Area and because the proposed development has capacity to affect its setting, the loss of any trees growing on, or adjacent to the application site, needs to be assessed under Policy BNE14 of the Local Plan, which states that trees in Conservation Areas should be retained and protected where necessary in order to preserve the appearance of the Conservation Area.

There are several trees that will need to be removed to accommodate the proposed development and others that will be affected by it. A Tree Survey, which was submitted under the previous scheme, has been re-submitted with this application. Whilst the proposed development differs from the previous scheme, the impact on trees would be more or less the same. The survey identifies nine trees, three of which (T6, T8 & T9) grow, or grew on the application site and are identified for removal. Of the remaining six trees growing outside the application site boundary, two are identified for removal, one is identified for pruning work that will have a significant impact on its appearance and three are unaffected. Whilst the sizing or grading assigned to some of the trees in the report is not necessarily accepted, the following provides a summary that explains where they grow, and whether or not they are identified for removal:

- T1 (Ash) –located in coach park – unaffected by proposed development and shown to be retained
- T2 (Tree of Heaven) – located in rear garden of Visitor Information Centre – unaffected by development and shown to be retained
- T3 (Lime) – located in the private car park serving the Gordon Hotel – shown to be retained, but affected by the proposed development in terms of potential damage to its root system and the impact of pruning works necessary to accommodate the proposed development
- T4 (Sycamore) - located in the public car park – identified for removal to accommodate the proposed development
- T5 (Lime) –located in the public car park – identified for removal to



- accommodate the proposed development
- T6 (Birch) – located on the application site north-west of the proposed building on land to be used for servicing – identified for removal to accommodate the proposed development
- T7 (Lime) – B2): located in the public car park – unaffected by proposed development and shown to be retained.
- T8 (Birch) – previously located on the application site north-west of the proposed building on land to be used for servicing – identified for removal to accommodate the proposed development, but recently removed
- T9 (Birch) – located on the application site north-west of the proposed building on land to be used for servicing – identified for removal to accommodate the proposed development

In terms of the impact of the removal of these trees, at present the application site is unkempt in appearance, with a backdrop of large mature trees that can be easily seen from Corporation Street as well as the railway station to the north-east. The planted areas to the north-west of the site contribute positively to the backdrop of trees. Collectively, these trees, which allow views of the Rochester Castle and Rochester Cathedral to the west, have a positive impact on the character and appearance of the Conservation Area. The proposal would result in the loss of five of these trees and the soft landscape area immediately north-west of the proposed building would be replaced with a hard surfaced servicing area. There is no scope for replacement tree planting within the site or within the public car park and overall, the loss of these trees, the erection of the proposed building and creation of a servicing area, together with the lack of any scope for additional planting would result in an overall hardening of this part of Rochester when viewed from Corporation Street and the railway station

Trees T4 & T5 are in the public car park and the consent of the Council, as landowner would be required to secure their removal trees. The tree growing in the curtilage of the Gordon Hotel is not in the control of the applicants. It is understood that the owner of this tree has not agreed to its removal and therefore it is shown to be retained. However, this tree overhangs the application site and would need to be heavily cut back to enable the hotel to be built and regularly pruned thereafter. The proposed development would, therefore have a significant impact upon this tree and the amenities afforded by its presence.

The submitted drawings and Design and Access Statement shows indicative tree planting along the Corporation Street frontage. In reality, there is no scope for tree planting along this frontage due to the lack of space.

The trees identified for removal provide a valuable contribution to local character and the appearance of the Conservation Area. It is considered that the removal of these trees, together with the lack of opportunity to secure appropriate replanting to compensate for their loss, as well as the loss of views of trees identified for retention from Corporation Street and the railway station, would result in harm to the character and appearance of the Conservation Area. However, this has to be balanced against the benefits of the

proposal, as outlined above, and the fact that a number of the trees in the public car park are to be retained.

Having regard to the above, whilst there is an objection to this proposed development under Policies BNE14 and BNE43 of the Local Plan in terms of tree loss and the lack of opportunity to compensate for these losses, together with the loss of views of retained trees, it is considered that the benefits of the development outweigh these objections.

### *Highways*

#### Traffic Impact

In terms of impact to highway network, it is noted that the existing car wash facility attracts a number of trips to the site and the vast majority of arrivals and departure to the proposed hotel would be outside the peak hours. Therefore, it is considered that the proposed development would not have a severe impact on the capacity or operation of the highway.

#### Parking

No car parking is to be incorporated within the proposed development which would, therefore be reliant upon the existing car parking provision within the locality. In addition, there would be a loss of a limited number of spaces within the public car park to the rear to facilitate servicing and the pedestrian walkway.

Within Rochester Town Centre there are a number of council owned car parks. The applicant has provided a car park study to identify current capacity within these car parks. This demonstrated that there was minimal capacity during the day time however during the evenings and early mornings there was ample spaces available. Given that peak demand for parking resulting from the proposed development is likely to be in the evening and early morning, it is considered that no severe impact would occur.

It is noted that since the submission of previous applications for a hotel on this site in 2007, 2008, and 2012, Rochester Train Station has relocated which makes it a more attractive mode of transport.

Given that peak parking demand for the hotel is likely to be during the hours of darkness, it is considered that improvements are necessary in order to provide safe and convenient parking facilities. In particular, additional CCTV coverage and improvements to lighting and surfacing will be required in order to ensure that hotel visitors are not discouraged from using available nearby public car parks for safety reasons, and that vehicles parked overnight will be less vulnerable to crime. On this basis, a Section 106 contribution of £50,000 has been secured towards the improvement of car park facilities within the immediate vicinity of the application site.

## Public Transport, Pedestrian & Cycle Accessibility

The site is within walking distance of Rochester and Strood train stations with Corporation Street being well served by local bus services, and there is a sheltered bus stop located in close proximity to the site. As befits an urban centre location, provision for pedestrians in the vicinity of the site is good and a signalised pedestrian crossing located in front of the site provides a safe route to the car park and bus stop on the other side of Corporation Street.

The new link through the wall from Corporation Street into the car park will improve pedestrian links through to Rochester High Street. This would result in the loss of three spaces within the Cathedral Garage car park. It is not considered that the loss of three parking spaces within the Cathedral Garage car park would have a significant detrimental impact on the highway or the availability of car parking locally.

National Cycle Route 1 runs along Corporation Street, and in order to encourage cycling to the site the hotel will provide secure, covered parking for 10 bicycles which conforms to Medway's Council's Standards.

## Servicing

Servicing will take place via the rear through the cathedral car park. The submitted details show that a large box van can enter and exit into the service area. In terms of refuse, the same arrangement would be made for those commercial businesses that have refuse storage located within the Cathedral Car Park. Whilst this is not ideal, as this arrangement is pre-existing with other commercial businesses, no objection in terms of highway safety is raised.

However, to ensure that flow of traffic is not interrupted, it is recommended that the hotel restrict the number of delivery or service vehicles to one on site at any one time. This could be controlled through the implementation of a service schedule, to be agreed by the Local Authority.

## Travel Plan

The applicant has provided a framework travel plan and it is considered that the final provision of a travel plan should be secured by condition. This could provide a range of measures aimed at encouraging sustainable modes of travel to the site, such as vouchers for staff to use public transport/cycle to work, public transport information in each room and minibus/taxi transport to take locally employed staff home in the evening or late at night.

Subject to a financial contribution towards improvements to local car parking facilities and the production of a travel plan for staff and visitors, the proposal is considered acceptable and in accordance with Policies T1, T2, T3, T4 and T13 of the Medway Local Plan 2003 and paragraph 109 of NPPF 2019.

### *Archaeology*

Following a request from KCC Archaeological Officer, an archaeological desk based assessment has been submitted in accordance with Paragraph 128 of the NPPF. A condition is recommended to the effect that archaeological works are carried out in accordance with the recommendations of this assessment in accordance with Policy BNE21 of the Local Plan.

### *Flood Risk*

A Flood Risk Assessment has been submitted with the application. The Environment Agency's Flood Risk Maps show that most Corporation Street, including the application site is at medium risk of tidal flooding. The site is also at risk of surface water flooding. The ground floor of the proposed hotel would be use for reception, retail and restaurant purposes and all bedrooms are on the first floor and above. The Flood Risk Assessment is considered to be acceptable. However, no drainage strategy has been submitted and a condition is recommended to secure this. Subject to this condition, no objection is raised under Policy CF1 of the Local Plan and Paragraph 165 of the NPPF.

### *Contamination*

As previously stated, the site was used as a petrol filling between 1976 and 2001 and is now being used as a car wash. There is, therefore potential for contamination from past and current uses.

The application is accompanied by a Stage 1 Geo-environmental Investigation Report and by a Petrol Tank de-commissioning report. Subject to appropriate conditions, no objection is raised in terms of contamination under Policy BNE23 of the Local Plan and Paragraphs 178 and 179 the NPPF.

### *Noise*

An Acoustic Assessment was submitted with the application and this is considered to be generally acceptable. No objection is raised in terms of noise under Policy BNE2 of the Local Plan and Paragraph 180 of the NPPF.

### *Air Quality*

An Air Quality Assessment has been carried out which has demonstrated that there will not be any significant impacts on local air quality as a result of the development, and that the air quality at the site is likely to achieve the relevant air quality objectives. However, an air quality mitigation scheme will be required to show what measures shall be incorporated into the development to offset the additional emissions created, and a contribution towards the provision of appropriate mitigation measures. The Medway Air

Quality Planning Guidance requires some standard mitigation measures to be included in a scheme, this includes:

- Low NOx boilers (<40mgNOx/kWh), which has been confirmed in the air quality assessment
- Electric vehicle charging points- 10% of parking spaces to be provided with electric vehicle charging points
- Mitigation in accordance with the Institute of Air Quality Management (IAQM) Guidance on the Assessment of Dust from Demolition and Construction

A fully costed and detailed emissions mitigation statement will be required, and can be addressed by the imposition of an appropriate condition in the event of planning permission being granted. This would normally include the costs of the low NOx boiler and electric vehicle charging points. However, as no parking is to be provided within the application site no electric charging points can be provided. To address this, it is recommended that instead of providing electric charging points, a contribution is sought, via a Section 106 agreement towards the provision of electric charging points in public car parks, based on the provision of one electric charging point for 10% of the number of permits issued, or other appropriate air quality mitigation measures.

Subject to these conditions and to the applicant entering into a Section 106 agreement, no objection is raised in terms of air quality under Policy BNE24 of the Local Plan and Paragraph 181 of the NPPF.

#### *Climate change and ecology*

The site is in a sustainable location, in the centre of Rochester, close to major tourist facilities on a bus route with a bus stop directly outside and opposite the railway station. It is, therefore likely that some guests staying at the proposed hotel would arrive by train.

The application is accompanied by an Energy and Sustainability Statement which sets out measure to reduce energy demand through design measures, supply energy efficiently and to generate energy from low and zero carbon sources.

Appropriate mitigation measures are sought in terms of the provision of low emission boilers and a contribution towards the provision of electric vehicle charging points in public car parks.

#### *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 £245.56 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 in principle to pay this tariff and in the event of planning permission being granted would be required to enter into a Section 106 agreement to secure this contribution together with other contributions sought in this report. No objection is therefore raised under Paragraphs 170, 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 following contributions should be sought:
  - 1) A contribution of £50,000 towards the car parking improvements in Rochester, including the provision of electric charging points in public car parks or other appropriate air quality mitigation measures;
  - 2) A contribution of £24,556 towards mitigation measures in the Special Protection Areas.

The obligations proposed comply with these tests because, subject to other concerns being addressed, they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

### *Local Finance Considerations*

There are no local finance considerations raised by this application

### **Conclusions and Reasons for Approval**

The principle of a hotel in Rochester would be acceptable and in accordance with Policies ED11, ED12 and ED13 of the Local Plan.

However, the key issue in determination of this application is the impact of the proposed development on the recognised significant heritage assets, namely the Rochester Conservation Area and the listed buildings and scheduled monuments within the Conservation Area. In this regard the development falls to be assessed under Policies BNE14 and BNE18 of the Local Plan and Paragraphs 189 to 196 of the NPPF. It is acknowledged that the proposed development would result in a high level, but not significant level, of harm to these heritage assets. Against this regard should be taken of the potential benefits of the proposal in terms of the business and tourism, and the removal of the unsightly car wash, and attempts to mitigate the harm. The level of representation both for and against the proposal demonstrate that the case is very balanced. However, having regard to the benefits, it is considered that the balance is that the development should be recommended for approval.

Design is another important consideration and the choice of appropriate detailing and materials are a key to the success of the scheme and could play a vital role in mitigating harm. Providing the materials are appropriate no concerns are raised in terms of design under Policy BNE1 of the Local Plan and Paragraphs 124 to 131 of the NPPF.

Subject to appropriate conditions, no objections are raised in terms of neighbour amenity, trees, archaeology, flood risk contamination, noise and air quality under Policies BNE2, BNE21, BNE23, BNE24, BNE43 and CF1 of the Local Plan and Paragraphs 127, 165, 170, 175, 176, 178, 180 and 181 of the NPPF.

Several highway issues are raised by the proposed development with regard to traffic generation, the lack of on-site parking, the loss of parking spaces in the existing car park, and arrangements for servicing and delivery of the proposed development. Subject to these being addressed, no objection is raised under Policies T1, T2 and T13 of the Local Plan and Paragraphs 105 – 109 of the NPPF.

Contributions are sought via a Section 106 agreement towards the provision of a controlled pedestrian crossing facility in Corporation Street (under construction), the provision of Green Infrastructure in Corporation Street, the provision of electric vehicle charging points in public car parks or other appropriate air quality mitigation measures and towards mitigation measures in the Special Protection Areas. Subject to the completion of a Section 106 agreement in this regard, no objection is raised under Policies S6 and BNE35 of the Local Plan and Paragraphs 170, 175 and 176 of the NPPF.

The application is recommended for approval.

The application would normally be determined under delegated powers but is being reported to Committee due to the importance of the scheme, the sensitivity of the site and key issues to be balanced in decision making and in view of the number of representations received.

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### **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/>