

MC/20/3237

Date Received: 18 December 2020
Location: Mountbatten House Military Road
Chatham Medway
Proposal: Full planning permission for the change of use and conversion of Mountbatten House to provide 108 apartments together with the construction of a 12-storey extension to provide a further 56 apartments with 3no. flexible commercial floorspace at ground floor level, following demolition of the access ramps to/from the former bus station. Change of use and conversion of former bus station to provide car parking for the residential units. Change of use of part of the third-floor level roof area of Mountbatten House to provide residential facilities (waste and recycling), cycle parking. Construction of rooftop restaurant on Mountbatten House together with public and residential roof gardens. The construction of a feature entrance to the Pentagon Shopping Centre. Construction/installation of pop-up containers for shops, kiosks and cafe outlets in the lower level of the former bus station facing the new public square. Installation of flag/banner facade to taxi rank and former bus station fronting The Brook. Public realm and landscaping works including provision of a public square.

Applicant Agent: Medway Development Company
DHA Planning
Emma Hawkes
Eclipse House
Eclipse Park
Sittingbourne Road
Maidstone
Kent
ME14 3EN

Ward: River Ward
Case Officer: Wendy Simpson
Contact Number: 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 28th April 2021.

Recommendation - Approval subject to;

Section 106

A. The applicants entering into agreement under Section 106 of the Town and Country Planning Act to ensure:

- Provision of 25% affordable housing (combined on-site and off-site)
- Contribution of **£41,063.96** towards SAMMS (bird contribution)

B. The imposition of the following conditions:

- 1 The development hereby permitted, other than the temporary banners 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 temporary banners hereby building hereby permitted shall be removed no later than five years from the date of this planning permission.

Reason: The Local Planning Authority is only prepared to permit the structure for a limited period in the interests of visual amenity given its design construction is intended only as a temporary item, in accordance with Policy BNE1 of the Medway Local Plan 2003.

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

Received on 16 December 2020:

MBH-CFM-A-PL-Z-001-P01, MBH-CFM-A-PL-Z-102-P01, MBH-CFM-A-PL-Z-103-P01, MBH-CFM-A-PL-Z-104-P01, MBH-LBY-A-PL-Z-111-P01, MBH-CFM-A-PL-Z-112-P01, MBH-LBY-A-PL-Z-115-P01, MBH-CFM-A-PL-Z-121-P01, MBH-LBY-A-PL-Z-122-P01, MBH-CFM-A-PL-A-105-P01, MBH-CFM-A-PL-A-106-P01, MBH-CFM-A-PL-A-107-P01, MBH-CFM-A-PL-A-108-P01, MBH-CFM-A-PL-A-109-P01, MBH-CFM-A-PL-A-201-P01, MBH-CFM-A-PL-A-202-P01, MBH-CFM-A-PL-A-203-P01, MBH-CFM-A-PL-A-204-P01, MBH-CFM-A-PL-A-301-P01, MBH-CFM-A-PL-A-302-P01, MBH-CFM-A-PL-A-303-P01, MBH-CFM-A-PL-A-311-P01, MBH-LBY-A-PL-B-101-P01, MBH-LBY-A-PL-B-102-P01, MBH-LBY-A-PL-B-103-P01, MBH-LBY-A-PL-B-104-P01, MBH-LBY-A-PL-B-105-P01, MBH-LBY-A-PL-B-106-P01, MBH-LBY-A-PL-B-106-P01, MBH-LBY-A-PL-B-202-P01, MBH-LBY-A-PL-B-203-P01, MBH-LBY-A-PL-B-301-P01, MBH-LBY-A-PL-B-302-P01, MBH-LBY-A-PL-B-303-P01, MBH-LBY-A-PL-B-311-P01.

Received on 8 February 2021:

MBH-LBY-A-PL-B-321 REV P01, MBH-LBY-A-PL-B-322 REV P01, MBH-LBY-A-PL-B-323 REV P01, MBH-LBY-A-PL-B-324 REV P01.

Received on 22 February 2021:

MBH-LBY-A-PL-Z-113 P02, MBH-CFM-A-PL-Z-114 P02.

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

- 4 No development shall commence until full details of a scheme of acoustic protection against road traffic noise shall be submitted and approved in writing by the Local Planning Authority. The scheme shall include details of acoustic protection sufficient to ensure internal noise levels (LAeq,T) no greater than 30dB in bedrooms and 35dB in living rooms with windows closed and a maximum noise level (LAmax) of no more than 45dB(A) with windows closed. Where the internal noise levels will be exceeded with windows open, the scheme shall incorporate appropriate acoustically screened mechanical ventilation. The scheme shall include details of acoustic protection sufficient to ensure amenity noise levels of not more than 55dB (LAeq,T). All works, which form part of the approved scheme, shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To ensure an acceptable living condition for future occupiers of the permitted dwellinghouses in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 5 No development shall commence until an acoustic assessment has been undertaken to determine the impact of noise from commercial related noise sources and shall be made in accordance with BS4142 2014: Method for rating and assessing industrial and commercial sound. The results of the assessment and details of a scheme of acoustic protection shall be submitted and approved in writing by the Local Planning Authority. The scheme must demonstrate that the internal noise levels within the residential units will conform to the indoor ambient noise levels for dwellings identified by BS8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To ensure an acceptable living condition for future occupiers of the permitted dwellinghouses in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 6 No development shall commence until a scheme of acoustic protection against commercial noise has been submitted to and approved in writing by the Local Planning Authority. The scheme must demonstrate that the internal noise levels within the residential units will conform to the indoor ambient noise levels for dwellings identified by BS8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To ensure an acceptable living condition for future occupiers of the permitted dwellinghouses in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 7 The separating ceiling, floor or wall between the bedrooms and the living, kitchen and dining rooms of residential units in separate occupation hereby approved shall resist the transmission of airborne sound such that the weighted standardised level difference (DnT,W +Ctr) shall not be less than 50 decibels as measured and calculated in accordance with BS EN ISO 16283-1 2014.

Reason: To ensure and acceptable living condition for future occupiers of the development to accord with Policy BNE2 of the Medway Local Plan 2003.

- 8 The separating ceiling, floor or between commercial and residential units shall resist the transmission of airborne sound such that the weighted standardised level difference (DnT,W +Ctr) shall not be less than 60 decibels as measured and calculated in accordance with BS EN ISO 16283-1 2014.

Reason: To ensure and acceptable living condition for future occupiers of the development to accord with Policy BNE2 of the Medway Local Plan 2003.

- 9 No development shall commence until a scheme to minimise the transmission of noise from the use of mechanical plant and equipment, shall be submitted and approved in writing by the Local Planning Authority. Noise from the premises (residential and commercial) should be controlled, such that the noise rating level (LAr,Tr) emitted from the development shall be at least 10dB below the background noise level (LA90,T) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014. All works which, form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To ensure an acceptable living condition for future occupiers of the permitted dwellinghouses in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 10 No development shall commence until an Air Quality Emissions Mitigation Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall be prepared in accordance with the Medway Air Quality Planning Guidance, and shall specify the measures that will be implemented as part of the development to mitigate the development related road transport emissions. The development shall be implemented, and thereafter maintained, entirely in accordance with the measures set out in the approved Mitigation Statement.

Reason: To ensure a suitable living condition for future occupiers of the permitted dwellinghouses in accordance with Policy BNE24 of the Medway Local Plan 2003.

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

Reason: To ensure protection of amenity for the area in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 12 No development shall take place until a scheme based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall include (where applicable):

- Details of the design of the scheme (in conjunction with the landscaping plan where applicable).
- A timetable for its implementation (including phased implementation).
- Operational maintenance and management plan including access requirements for each sustainable drainage component.
- Proposed arrangements for future adoption by any public body, statutory undertaker or management company.

The development shall be undertaken in accordance with the agreed scheme.

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 165 of National Planning Policy Framework 2019.

- 13 Prior to occupation a signed verification report carried out by a qualified drainage engineer (or equivalent) must be submitted to and approved by the Local Planning Authority to confirm that the agreed surface water system has been constructed as per the agreed scheme and plans. The report shall include details and locations of critical drainage infrastructure (such as inlets, outlets and control structures) including as built drawings, and an operation and maintenance manual for the unadopted parts of the scheme as constructed.

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 165 of National Planning Policy Framework 2019.

- 14 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority. The works shall be undertaken in accordance with the agreed details.

Reason: To ensure that features of archaeological interest are properly examined and recorded in accordance with Policy BNE21 of the Medway Local Plan 2003.

- 15 No part of the development shall commence until full details of the following highway improvements have been submitted to and approved in writing by the Local Planning Authority:

- Access arrangements as outlined in drawing (drawing H-03 P1 and H-02 P3)
- The exact location of crossings between Military Road and Whiffens Avenue / Barrier Road

The approved details shall thereafter be implemented in full prior to first occupation of the development.

Reason: To ensure the development preserves conditions of highway safety, pedestrian safety and the free flow of traffic, in accordance with Policies T1, T2 and T3 of the Medway Local Plan 2003.

- 16 No development shall take place above ground floor slab/foundation level of the extension building hereby approved until typical details for both Mountbatten House and the approved extension of the building, including elevations and sections through external walls have been submitted to and approved in writing by the Local Planning Authority. At a scale of scale of 1:5, 1:10 and 1:20 (as appropriate) typical details required are eaves, verge, various entrance details, entrance recess soffits, balcony details, balustrades, handrails, parapets & capping's, balcony recesses, window and door cills - jambs - heads, ground connections, wall plane changes, junctions at material changes, visible flashings, roof vents, electricity cupboards, waste enclosures, boiler and other flu placements. The development shall be implemented in accordance with the approved details and shall thereafter be retained.

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

- 17 Notwithstanding the submitted details no development shall take place above foundation/slab level of the extension hereby approved until details of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority. The detail shall include sample panels of the agreed brickwork including mortar colours, joint types and pointing finishing for each brick type at a size of no less than 2sqm per panel, to be constructed and made available for inspection at agreed locations within the site for approval. The development shall be implemented in accordance with the approved details.

The sample panels shall thereafter be retained on site for the duration of the construction.

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.

- 18 No development shall commence above foundation level of the extension building hereby permitted until the design of balconies to be both retrofitted to Mountbatten House and balconies for the extension hereby approved have been submitted to and agreed in writing with the Local Planning Authority. The details shall include design, materials, colour finish, structure to allow for the incorporation of soft planting and proposed management regime of planting. Works shall be carried out in accordance with the agreed details.

Reason: To ensure the visual benefits of the balcony proposal are realised in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 19 Notwithstanding the submitted drawings no development shall commence above foundation/slab level of the extension building hereby permitted until details of the rooftop development on Mountbatten House has been submitted to and agreed in writing with the Local Planning Authority. Details shall include architectural design, sections, bar layout, external area layout including vegetation placement, demonstration that the roof is structurally able to allow for tree planting, the potential / mitigated impact of wind for rooftop users, measures to prevent access between public and private areas, perimeter treatment to prevent falling/thrown objects. The agreed scheme shall be completed prior to the first occupation of the residential development and the use of any of the roof area of Mountbatten House and shall be retained as such thereafter.

Reason: To ensure an acceptable amenity and safety of the use of the space and its visual impact within the historic area in which the site is located, to accord within Policies BNE1 and BNE2 of the Medway Local Plan 2003.

20 Notwithstanding submitted drawings, no development above ground floor slab level of the extension building hereby permitted until full details of a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority. Plans and information provided shall include:

- details of existing and proposed finished ground levels, means of enclosure, all paving and external hard surfacing, lighting and services (including drainage), tree grilles, minor artefacts and structures (seating, refuse receptacles and raised planters). Soft landscape works, including details of planting plans, tree positions, planting build ups, written specifications (including cultivation and other operations associated with grass, tree and planting establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes, root treatments and proposed numbers/densities where appropriate; and
- a timetable for implementation.

The development shall be implemented in accordance with the approved details and timetable and any trees or plants which within 5 years of planting are removed, die, or become seriously damaged or diseased so as to impair their successful establishment, 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.

21 Prior to either the first occupation of any of the residential units hereby approved or the first use of any of the commercial units hereby approved a Landscape Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include long-term design objectives, management responsibilities and maintenance schedules for all landscape areas, including rooftop public and private spaces, for a minimum period of five years and arrangements for implementation. The development shall thereafter be managed in accordance with the approved details.

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

22 None of the dwellings hereby approved shall be occupied until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2018 (or any order

amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking and in accordance with Policy T13 of the Medway Local Plan 2003.

- 23 No dwellinghouses in the residential part of the development hereby permitted shall be occupied until a Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Parking Management Plan shall be implemented in accordance with the approved details prior to the first occupation of the residential unit and shall thereafter be retained.

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

- 24 None of the dwellinghouses hereby permitted shall be occupied until details of the provision of the electric vehicle charging points (15% active and 85% passive) has been submitted to and approved in writing by the Local Planning Authority. Details shall include the location, charging type (power output and charging speed), associated infrastructure and timetable for installation. The development shall be implemented in accordance with the approved details and shall thereafter be maintained.

Reason: In the interests of sustainability in accordance with paragraph 110E of National Planning Policy Framework 2019.

- 25 Notwithstanding the submitted details, no part of the development shall be occupied until details of cycle storage facilities with the inclusion individual lockers have been submitted to and approved in writing by the Local Planning Authority. The cycle storage facilities shall be implemented in accordance with the approved details.

Reason: To ensure satisfactory cycle storage in accordance with Policy T4 of the Medway Local Plan 2003.

- 26 None of the dwellings hereby approved shall be occupied until the area shown on the submitted layout as waste and recycling for the relevant residential units, and none of the commercial units hereby approved shall be brought into use until the area shown on the submitted layout as waste and recycling for the relevant units, have been provided and shall thereafter be retained for such use only.

Reason: To ensure adequate facilities are available for the development to provide a suitable amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 27 Prior to the occupation of any commercial unit hereby permitted, an acoustic assessment shall be undertaken to determine the impact of noise arising from mechanical plant and equipment. The noise rating level ($L_{Ar,Tr}$) of mechanical plant and equipment shall be at least 10dB below the background noise level ($LA_{90,T}$) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014. The results of the assessment and details of any mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is brought into use and thereafter be maintained in accordance with the approved details.

Reason: To ensure a suitable amenity for residents in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 28 Prior to the occupation of any commercial unit hereby permitted, a scheme for the extraction and treatment of cooking fumes, including details for the control of noise and vibration from the system, shall be submitted and approved in writing by the Local Planning Authority. Noise from the extraction system ($LA_{eq,T}$) shall be at least 10dB(A) below the background noise level ($LA_{90,T}$) at the nearest residential facade, when assessed in accordance with BS4142:2014. The approved scheme shall be implemented before the development is brought into use and thereafter be maintained in accordance with the approved details.

Reason: To ensure a suitable amenity for residents and the surrounding area in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 29 Prior to the occupation of any commercial unit hereby permitted, a scheme of acoustic protection against commercial noise shall be submitted and approved in writing by the Local Planning Authority. The scheme must demonstrate that the internal noise levels within the residential units will conform to the indoor ambient noise levels for dwellings identified by BS8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To ensure a suitable internal environment for users of that that unit in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 30 Prior to the installation of the temporary banners hereby approved details of the final design of the banners shall be submitted to and agreed in writing with the

Local Planning Authority. The banners shall be installed in accordance with the agreed details and maintained as such thereafter.

Reason: To ensure a suitable visual amenity to The Brook to accord with Policy BNE1 of the Medway Local Plan 2003.

- 31 Prior to the installation of any external lighting in association with the temporary banners hereby permitted, details of such lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include 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 and a report to demonstrate its effect on the landscaping of the site and vice versa (including an overlay of the proposed lighting onto the site landscaping plans). Any external lighting shall be implemented in accordance with the approved details.

Reason: In order to limit the impact of the lighting on the locality with regard to Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 32 Notwithstanding the submitted details, prior to any of the pop-up units hereby permitted being installed details of the units shall be submitted to and agreed in writing with the Local Planning Authority. Details shall include: fixings of the units, the external treatment, internal compatibility with the proposed use (insulation, sound deadening, typical layout etc). locks and alarms. The development shall be carried out in accordance with the agreed details and maintained as such thereafter.

Reason: To ensure an acceptable appearance and suitability for the end use in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 33 The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) (Monsoon Structural Engineering, Issue A, dated 09 November 2020) and the flood risk mitigation measures, stipulated within Section 8 of the FRA. This includes that all residents and unit owners/traders are advised to sign up to Environment Agency's Flood Warning Service, including of the pop-up units hereby permitted. The mitigation measures shall be fully implemented prior to occupation of any of the residential units and prior to the first use of any of the commercial units hereby approved.

Reason: This condition is sought in accordance with Paragraph 001 of National Planning Policy Guidance (NPPG): Flood and Coastal Change to ensure that the development is appropriately flood resilient and resistant for its users for the developments lifetime.

- 34 Prior to the placement of any commercial plant on the rooftop full details shall be submitted to and agreed in writing with the Local Planning Authority with details including location on the roof, external measures, and associated enclosures, fencing, permanent safety equipment or other associated structure. The plant and associated structure shall be installed in full accordance with the agreed details and retained as such thereafter.

Reason: To ensure the visual impact of rooftop development is of good quality when viewed from the surrounding area in accordance with Policy BNE1 of the Medway Local Plan 2003.

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

Reason: To ensure an acceptable living condition for future occupiers and residents in the area to accord with Policy BNE2 of the Medway Local Plan 2003.

- 36 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a method statement and obtained written approval from the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with. The works shall be carried out in accordance with the agreed details.

Reason: To ensure no risk to health, living conditions and the natural environment from pollution in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 37 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) and the Town and Country Planning (Use Classes) Order 1987 the pop-up units hereby approved shall have a use class only Class E (a) or it's equivalent in any replacement use class order.

Reason: To enable the Local Planning Authority to control the balance of uses at the shopping centre in accordance with Policy R7 of the Medway Local Plan 2003.

- 38 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) and the Town and Country Planning (Use Classes) Order 1987 unit(s) on the Mountbatten House rooftop

shall have a use class of Class E (b) or it's equivalent in any replacement use class order.

Reason: To enable the Local Planning Authority to control the balance of uses at the shopping centre in accordance with Policy R7 of the Medway Local Plan 2003.

- 39 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) and the Town and Country Planning (Use Classes) Order 1987 the units hereby approved on the ground floor level of the extension hereby approved shall have a flexible use class only between the use classes of Internal units in extension ground new Class Ea,b,c,d,e,f or their equivalent in any replacement use class order

Reason: To enable the Local Planning Authority to control the balance of uses at the shopping centre in accordance with Policy R7 of the Medway Local Plan 2003.

- 40 Within six months of works commencing, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include the provision of bird boxes and native species planting in any landscaping. The approved details will be implemented and thereafter retained.

Reason: In order to enhance the biodiversity on the site with regard to Policy BNE39 of the Medway Local Plan 2003.

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

Proposal

The application seeks full planning permission for an extensive development consisting of:

- change of use and conversion of Mountbatten House (fourth to twelfth floors) to provide 108 apartments (36 x 1-bed, 72 x 2-bed) including works to the facades
- construction of restaurant at thirteenth floor/roof of Mountbatten House
- provision of public and residential roof gardens on the roof of Mountbatten House
- change of use of part of the third-floor level roof area of Mountbatten House to provide residential facilities (waste and recycling), cycle parking.
- construction of a 12-storey extension to Mountbatten House to provide 56 apartments at first to eleventh floor level (13 x 1-bed, 43 x 2-bed)
- provision of 3 commercial units at ground floor level of the extension

- demolition of ramps to/from former bus station
- change of use and conversion of the former bus station to residential parking
- construction of a feature entrance to the Pentagon Shopping Centre
- public realm works including a public square
- construction/installation of pop-up containers for shops, kiosks and cafe outlets in the lower level of the former bus station facing the new public square
- installation of flag/banner facade to taxi rank and former bus station fronting The Brook
- off-site affordable housing provision

Site Area/Density

Site Area: 2.3 hectares (5.68 acres)

Site Density: 71.3 dph (28.87dpa)

Relevant Planning History

MC/20/3061 Town and Country Planning Act (Environmental Impact Assessment) (England and Wales) Regulations 2017 (as amended) - request for a screening opinion for the proposed conversion of Mountbatten House and construction of a new extension building to create 164 dwellings and ground floor commercial units, façade improvements to the old bus station, and the creation of a new public realm in Chatham town centre and associated works constitutes a project requiring Environmental Impact Assessment (EIA) in accordance with Regulation 5(4) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017
(Under consideration)

MC/17/3238 Prior notification of a proposed change of use from offices (use class B1(a)) to 112 residential dwellings (Class C3)
(Approved 1 May 2018)

Representations

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

Natural England, Local Lead Flood Authority, Highway England, Southern Water, EDF Energy, Southern Gas, Medway Fire and Rescue, Rochester Airport, Kent Police, KCC Archaeology, Environment Agency, KCC Biodiversity, MMO, Historic England have also been consulted.

Natural England advise that subject to the appropriate financial contribution being secured they are satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site.

Lead Local Flood Authority advise that the proposal is acceptable subject to conditions related to the agreement of a surface water drainage scheme and its ongoing maintenance.

Highway England advise that they accept the TRICS assessment and its conclusions and in respect to the impact of the development on Junctions 1 to 3 of the M2 the proposal would not have a significant impact upon the safety, reliability or operation of the Strategic Road Network.

Southern Water advise they have no objections.

Medway Fire and Rescue advise that the off-site access requirements for the Fire and rescue service have been met.

Kent Police advise that Secure by Design guidance should be applied to the design and invite the applicant/agent to discuss with them about designing out crime.

KCC Archaeology advise that the submitted desk-based assessment provides a good account of the archaeological potential and concludes that there is the potential for the presence of buried archaeological remains, in particular related to post-medieval, 19th century and paleoenvironmental remains. It is suggested a condition be used to secure a programme of archaeological mitigation.

Environment Agency advise that they have no objection subject to a condition related to the development being carried out in accordance with the flood mitigation measures within the submitted Flood Risk Assessment (FRA).

KCC Biodiversity advise that the submitted ecological information is sufficient for this proposal. Appropriate mitigation must be made for the additional recreational impacts on the designated SPA/RAMSAR sites and recommend a condition related to ecological enhancement.

Marine Management Organisation (MMO) advise that if works fall below the Mean High-Water Springs then a license will be required from the MMO.

Historic England advise they have no objection to the application on heritage grounds. They consider that the application meets the requirements of the NPPF, in particular paragraph 190. They advise it is for the Council to judge whether the remaining low level of harm to designated heritage has clear and convincing justification in line with paragraph 190 before weighing the harm against the public benefits of the proposal in the manner described in paragraph 196.

No letters have been received from members of the public.

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.

Planning Appraisal

Site Description

The site is located in Military Road adjacent to the Pentagon Shopping Centre, opposite the Bus Station (accessed from Globe Lane), the Military Gardens and the Brook Theatre, on the opposite side of The Brook.

The site comprises the 1970s 'Mountbatten House' office building, which has been vacant for a considerable number of years. The application site also includes the former bus station and ramps which enclose the Pentagon Shopping Centre.

The Pentagon Shopping Centre sits adjacent to and below Mountbatten House. There are a number of commercial premises in Military Road. Some of these properties are on the ground floor of Mountbatten House and this includes existing entrances into the Pentagon Shopping Centre.

Background

As set out in the relevant planning history section above, prior approval was granted on 1 May 2018 for Mountbatten House for a proposed change of use from offices (use class B1(a)) to 112 residential dwellings (Class C3).

However, Schedule 2, Part 3, Class O of Town and country (General Permitted Development) Order 2015 (as amended) [GPDO] imposes a condition on that prior approval that the development must be completed within 3 years of the prior approval date.

As such, although that prior approval is technically extant until midnight of the 30 April 2021 no works to build out the development have commenced and as such the development could not be completed within the time remaining. The prior approval decision made therefore has little material weight in the assessment of this current application.

A further prior approval application could be sought. The latest GPDO legislation, currently only allows for the consideration of matters in relation to:

- unit size (design standards);
- ecology impacts;
- transport and highways impacts;

- flood risks;
- impacts of noise from commercial premises on intended residential occupiers;
- natural light to habitable rooms.

This site is identified for redevelopment within the Chatham Centre and Waterfront Development Framework (2004) and the Chatham Centre and Waterfront Development Brief (2008) for a mixture of retail/mixed use with an element of residential.

The purpose of the Chatham Centre and Waterfront Development Brief is to provide guidance for developers and landowners and to inform planning decisions on new development within the masterplan areas. It sets out the regeneration aspirations for Chatham. This includes making Chatham a City Centre for Medway which has its own powerful and distinct identity.

The aim of the Chatham Centre and Waterfront Framework is to guide planning and investment decisions for both the public sector and developers across Chatham Centre and Waterfront. The Development Framework promotes mixed use development, including residential development, on the application site which will introduce a new community and support activity in the Chatham centre area throughout the day and during the evening.

The Chatham Centre Masterplan adopted in 2019 builds on and updates the above and to a degree supersedes them. In the masterplan The Pentagon, including Mountbatten house is shown as a regeneration opportunity. The vision for the master plan has 4 key elements:

- A place for Medway Council
- A place for fun
- A place for working and learning
- A place for living

In relation to the 4th bullet the master plan states that an increase in residential development in the centre, being a highly sustainable location will bring demand and support to the local economy whilst greatly improving the evening economy.

The master plan divides the centre into quarters and the site is in the commercial quarter. Mountbatten house and the area to the north where the proposed extension will be are shown as building blocks and to provide landmark buildings.

Key Matters

The main matters for consideration are:

- Principle of the Development

- Tall Buildings Policy
- Housing mix
- Design
- Landscape/trees
- Heritage
- Archaeology
- Amenity
- Noise and Vibration
- Air Quality
- Contamination
- Flood Risk
- Highways
- Ecology
- Bird Mitigation/Appropriate Assessment
- S106 matters
- Affordable Housing/Vacant Building Credit
- Climate Change
- Local financial considerations
- Other Matters

Principle of the development

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan).

The main element of the proposal involves the re-development of a long term vacant and very prominent office block in Chatham town centre, together with its extension, for mixed use, but predominately as residential space. The proposal would also set the extension within an improved public realm. Other works are also proposed – pop up commercial units, flag/banner façade along The Brook, feature entrance to the Pentagon Shopping Centre.

The site is in the existing urban area and on land that is accepted as either brownfield or urban. The site is shown to be mostly located within the designated Core Retail Area of Chatham town centre on the Local Plan maps.

Local and National Policies are generally supportive of residential development in the urban area and the re-use of previously developed land.

Policy S1 of the Local Plan sets out the development strategy for the plan area. It states that the development strategy is to prioritise re-investment in the urban fabric, which will include the redevelopment and recycling of under-used and derelict land within the urban area. It further states that the focus will be on a number of areas including the Medway riverside areas and Chatham.

Policy S2 relates to Strategic Principles and in application of Policy S1 a sustainable approach will be applied to the location and mix of new development.

Policy S5 relates to the development of Chatham town centre as Medway's "city" centre with new retail space to be allocated here and other uses provided that they contribute to the centre's vitality and viability.

Policy H4 of the Local Plan sets out certain development that will be permitted within the urban area including re-use of vacant buildings no longer required for non-residential use. A key element of national housing policy is to minimise the loss of greenfield sites for residential use by making the best use of development opportunities within existing urban areas.

Policy H5 of the Local Plan states that in town centre locations or near public transport access points low density housing will not be permitted.

Retail policies for Chatham, Policies R1 and R2, permit new development (retail, financial services and food and drink related) in the core area of Chatham subject to the uses contributing to the vitality and viability of the area and no one use dominating.

Policies R12 and R17 relate to the location of mixed-use schemes and financial and food/drink uses contribute to the vitality and viability of the core areas of town centres but without harm the character and retail function of the area. In terms of the proposed uses for the proposed commercial spaces, including pop-up unit, the application form simple states 'Other mix of commercial space including bar/restaurants'. Furthermore, the site is identified for redevelopment within the Chatham Centre and Waterfront Development Framework (2004) and the Chatham Centre and Waterfront Development Brief (2008) in a mixture of retail/mixed use with an element of residential.

The Chatham Centre Masterplan adopted in 2019 builds on and updates the above and to a degree supersedes them. In the masterplan The Pentagon, including Mountbatten house is shown as a regeneration opportunity.

The master plan states that an increase in residential development in the centre, being a highly sustainable location, will bring demand and support to the local economy whilst greatly improving the evening economy.

The master plan divides the centre into quarters and the site is in the commercial quarter. Mountbatten house and the area to the north where the proposed extension will be are shown as building blocks and to provide landmark buildings.

Paragraph 85 of the NPPF, within chapter 7 'Ensuring the vitality of Town Centres' guides in part that planning policies and decisions should support the role that town

centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation and that planning policies should:

“f) recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.”

In this case, the site is re-developing a long-term vacant office building located in Chatham Town Centre, adjacent to Chatham bus station and within a reasonable walking distance to Chatham train station. The proposal is for high density housing and as such accords with Policy H5, the NPPF and NPPG's which all encourage higher densities around nodes of public transport such as bus and railway stations.

The proposal will contribute to the vitality and viability of the area by bringing additional regular footfall into the Town Centre throughout the day and evening and complies with policy R1 and R2 in this regard and the Chatham Centre master plan.

In regard to policies R12 and R17 the proposal is considered to comply with the requirements of policy.

Overall, the proposal in principle is considered to contribute positively to the regeneration of the Chatham town centre area and the vitality and viability of the area. The proposal is considered to comply with Policies S1, S2, S5, H4, H5, R1, R2, R12 and R17 of the Local Plan, the policies and aims of the NPPF and the Chatham Centre Master Plan 2019 as well as the older Chatham Centre and Waterfront Development Framework 2004 and the Chatham Centre and Waterfront Development Brief 2008.

Tall Buildings Policy

The Building Height Policy for Medway 2006 (SPD) sets out criteria for the determination of applications for tall buildings, which are specified as those above six storeys in height. The policy states that it is essential that higher buildings contribute positively to the overall townscape and landscape and do not detract from their surroundings and should respect and enhance an area's identity, especially where proposals may affect key listed buildings (and Ancient Monuments), including their foregrounds and backdrops.

Considerations in this case need to acknowledge the area's historic character, including military history, proximity to listed buildings and Fort Amherst. Special consideration is also needed in relation to the impact of the development on these local heritage assets and this is discussed in detail below.

The Building Height Policy states that taller buildings will be considered if they are in the right place and of the highest architectural quality.

It is considered that the height, scale and massing of the proposed building meets the ambitions of Medway's Building Height Policy, taking into account also the relationship to the extant planning permission at Chatham Waterfront and that the new build

element of this application is a subservient, although significant, extension to Mountbatten House. The impact on the historic character of the area and landmark buildings and features is also considered to be acceptable and consistent with the aims of the Chatham Centre master plan.

As such no objection is raised in regard to the height and mass the building within this area under the Building Heights Policy SPD.

Housing Mix

Policy H10 of the Local Plan relates to housing mix and seeks a range and mix of housing types and sizes in sites larger than one hectare.

In this case the proposal seeks a mix of 1- and 2-bedroom flats only. Whilst this is not an ideal mix in policy terms the site is not suitable for the provision of houses (and would not be policy compliant for houses) and this mix is considered appropriate in this location. In addition, 17 of the units on site will be provide for Shared ownership affordable housing

The proposed mix is therefore considered appropriate for the site and consistent with the aims of Policy H10, the Chatham Centre master plan and the NPPF.

Affordable Housing/Vacant Building Credit

Policy H3 of the Medway Local Plan sets out the proportion of affordable housing required in schemes for residential developments. This proposal is for more than 25 dwellings in the urban area and therefore, in accordance with Policy H3 of the Local Plan, there is a requirement for 25% of the units to be provided as affordable housing, which would need to be secured within a S106 agreement. The type and tenure of the affordable housing units would also be addressed in the legal agreement.

In this case the applicant is proposing to provide 17 shared-ownership units on the site and 24 affordable-rented units off site. (Site still to be established.)

The provision of the affordable housing units on-site in addition to those off-site, is considered to comply with the Policy H3 requirement of the Local Plan to provide 25% affordable housing units in the development.

However, the provision of this level of affordable housing is greater than is required by current national guidance.

The National Planning Policy Framework says that the applicant should be offered the use of 'Vacant Building Credits' due to the length of time the property has been vacant and, as it was not made intentionally vacant, to redevelop for residential use. The use of Vacant Building Credits would mean that the vacant Mountbatten House element of this proposal (108 apartments) would offset the need to provide any affordable housing

in this part of the development. Therefore, in accordance with NPPF only the 56 apartments in the proposed extension would be liable to provide any affordable housing – which at 25% provision the requirement would be 14 units. In such a scenario no off-site provision would be required and less on-site units also.

In this instance, however, the applicant has chosen NOT to apply the vacant building credit and to provide a policy compliant affordable housing provision to the effect of 41 units being 25% of 164 units.

Furthermore, Mountbatten House itself has been subject to a prior approval consideration for conversion to 112 residential dwellings (MC/17/3238 - Approved 1 May 2018). Whilst this is about to fall away there is no reason why an alternate prior approval for conversion to residential units could not be sought and be successful.

Residential units that are allowed through the prior approval route are not subject to any planning obligations, including the provision of affordable housing. (The exception to this is bird mitigation payments as prior approvals remain subject to Appropriate Assessment.)

So technically this current planning proposal could have been 'split' so, planning permission would only be required for the external works to Mountbatten House and for the extension.

In that scenario the applicant would neither be required to provide any affordable housing for 108 units proposed in Mountbatten House nor any other obligation related to Mountbatten House, except bird mitigation. The only affordable housing provision and obligations that could be sought would be from the 56 units proposed in the extension.

However, the applicant has decided not to pursue this route either but present the whole development as a single planning application, provide 41 affordable housing units based on the 164 apartments proposed, but has undertaken a viability assessment regarding other obligations arising from the development.

Overall, subject to the securing of 24 off-site affordable rented units within the S106, with planning permission for those units to be in place prior to commencement of works at the Mountbatten House site and available for occupation prior to any occupation of the Mountbatten House site, no objection is made to the proposal under Policy H3 of the Local Plan.

Design

Local Plan Policy BNE1 'General Principles for Built Development' requires the design of development to be appropriate in relation to the character, appearance and functioning of the built and natural environment. The Government attaches great importance to the design of the built environment. Paragraph 127 of the NPPF is key to achieving well designed places.

The proposed project for renewal and extension of Mountbatten House is key element of the revitalization of Chatham town centre, working in close unison with the MCHLG Future High Streets project, which will supply complimentary public realm and landscapes. It also builds on positively to the regeneration of the waterfront already under away with Command of the heights and the recently approved development at the waterfront itself.

The current building façade is marked by an architectural brutality and static-ness characteristic of its 1970's design.

The proposal is considered to present a well-developed project that can significantly improve the current Mountbatten building and positively impact on what is regarded by many as a rather unloved landmark of the region, while delivering much needed public benefit through neighbourhood upliftment.

It is considered that some refinement is still required in the detail of the design in places, but these can be secured through the recommended planning conditions. As can more general architectural detailing and materials for the extension.

The rooftop is considered to add a special character to the proposal, and it should become a key destination in Medway. It offers a way to break down the single line mass against views of the escarpment and offers much needed amenity. The recommended conditions can secure the finer details of this area.

Limited details have been provided for the pop-up units, but a basic container module is shown on the proposed drawings. Further details are required in respect to the fixings of these units, the external treatment, internal compatibility with the proposed use (insulation, sound deadening, layout etc) and these can be secured through the recommended conditions.

The proposed new feature entrance to the Pentagon Shopping Centre is considered to be of good quality and constitutes a further improvement and enhancement of the building.

The temporary banners proposed to the Brook are considered to enhance the appearance of what is currently quite a foreboding façade. Lighting is proposed to animate the banners at dark times and details for both the final design of the banners and the lighting will be secured through the recommended planning conditions.

Conditions are also required in relation to understanding how it will be fixed to the bus station elevations, their design and colour, details of the galvanized steel framework and Steel Lattice Fence to be placed on the ground floor and the concrete treatment proposed.

Overall, subject to the recommended planning conditions it is considered that the proposal will greatly enhance the existing building and area and add positively to the

regeneration of the area and Chatham as a place. The proposal therefore accords with Policy BNE1 of the Local Plan, the design aspirations of the NPPF and the aspirations of the Chatham master plan.

Landscaping/Trees

Policy BNE6 of the Local Plan directs that in relation to major development important existing landscape features, including trees and hedgerows, should be retained and structural landscaping schemes should enhance the character of the locality.

Paragraph 175 of the NPPF seeks a net gain in biodiversity for development.

The proposal includes the potential for public realm and communal amenity improvements, at both ground and roof level. There is a requirement that all public realm work should be closely coordinated with ongoing Future High Street work to The Paddock, both in overall design and material treatment.

Five trees that are in grass verge around the ramp area are to be removed but no trees within The Paddock will be removed as part of this proposal.

Between the Mountbatten extension, car park / taxi rank and The Brook, a new paved plaza is proposed, linking with a reconfigured entrance to The Pentagon. The proposed Plaza provides an upgrade in the current public realm with enhanced connectivity and circulation between The Pentagon Shopping Centre, Military Road and The Paddock. Planters both at low level and raised would provide separation from The Brook highway. Of generous width, the planters would accommodate tree planting, that will result in a positive contribution to the quality of the street scene when fully mature.

A change in material treatment is reflected through the translation of the course of the River Medway as a piece of public art. Contrasting pavers assist to break up the uniformity of the public realm, highlighted with subtle up lighting.

Designated seating has been proposed adjacent to the container pop-ups, which can be anticipated for occupying food use and promotes an active frontage. The space is largely free of features, making it flexible for hosting events.

Hard landscape treatment should seek to enhance the axis of Military Road and provide an enhanced pedestrian crossing point facing The Brook Theatre. The exact location of crossings between Military Road and Whiffens Avenue / Barrier Road are yet to be decided and an appropriate condition is recommended.

Confirmation is required for the design intention of balconies. CGIs within the Design and Access Statement show extensive use of planting to balconies, softening the visual appearance of elevations. If this is the intention, further design information will

be necessary through condition to describe how this can be achieved and overcome management concerns.

Overall, the landscaping proposed both hard and soft is considered to be of high quality and will greatly enhance the area and no objection is raised under policies BNE6 or BNE43 or paragraph 175 of the NPPF.

Heritage

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

Paragraph 190 of the NPPF requires that harm to heritage assets is avoided or minimised, while paragraph 194 requires that harm has clear and convincing justification.

It must also be considered whether any harm to historic assets is capable of being justified when weighing the harm against the public benefits of the proposal in the manner described in paragraph 196 of the NPPF; whether the proposed development is capable of making a local contribution to character and distinctiveness (Paragraph 192c of the NPPF).

The site is located in a prominent position within the Chatham Waterfront area and Mountbatten House itself is visible in views from around Medway. The area is subject to a lot of heritage interest being in close proximity to the Brook Theatre, which is a listed building, and in close relationship with the Fort Amherst Scheduled Monument and its defences and escarpment, the Brompton/Chatham Lines conservation area, Star Hill to Sun Pier conservation area, Town Hall Gardens, Great Lines Heritage Park, grade I listed Naval War Memorial, and is also in an Area of Archaeological Interest. Military Road also is of historical interest and significance in its alignment and relationship with Whiffens Avenue and Fort Amherst, as is the garden area to the front of the site which is occupied by mature trees.

In support of the application has been submitted an Archaeological Assessment, a Heritage Statement, which includes a Townscape Visual Impact Assessment (TVIA), which assesses the impact of the proposal from key strategic views including from Medway City Estate, Fort Amherst, the Great Lines, Military Road, Victoria Gardens, Fort Pitt and Bath Hard Wharf. The TVIA also includes the cumulative situation with the approved Chatham Waterfront development (MC/18/3659).

Historic England consider that the proposed extension would compromise the view of the Naval War Memorial and green backdrop to Chatham from Bath Hard Wharf by partially obscuring it, which would diminish its prominence and compromise this aspect of its significance, but they consider these to be a **low** level of harm.

The proposed roof top development would slightly erode intervisibility between Fort Amherst and Fort Pitt to its south, which were designed with overlapping fields of fire and intervisibility between the two forts for defensive reasons. This also is considered to cause a **very low** level of harm.

The proposed extension would also compromise views of the Fort Amherst and Belvedere within it from Military Road. In this view of the fort, it is possible to appreciate the scale of the Belvedere and the way in which the fort was designed to dominate the escarpment and town. The view down Military Road is a particularly good vantage point from which to appreciate this aspect of the fort's significance. Again, Historic England consider that compromising this view to a degree would cause a **low** level of harm.

The significance of this part of the Brompton Lines Conservation Area lies in the setting of Fort Amherst, particularly its rampart and steep tree covered scarp above the Town Hall Gardens that characterises the backdrop to the town in longer views. It is clear, that the view of the scarp will likely be impacted by the proposed extensions, however Mountbatten House already sits at the end of this view and therefore the level of harm is again considered to be **low**.

With regard to the impact to the setting of and understanding of the Grade II listed Brook Theatre, the Brook Theatre displays a locally iconic copper cupola that is visible throughout Medway. The Theatre was originally constructed as a Town Hall and intended to be highly visible as a statement piece of civic architecture. The extensions to Mountbatten House have the potential to compete with and therefore detract from the significance of the Brook Theatre's prominence. This is likely to result in a **very low** level of harm which it is considered can be outweighed by the **heritage benefits** that will result from carefully planned landscaping around Mountbatten House and across to the Theatre, whilst also enhancing the Theatre as a landmark in closer views and as a more appealing visitor attraction more generally.

Whilst there is likely to be several elements of harm to the historic environment of the area, the harm is of numerous instances of lower-level occurrences. It is clear that considerable thought has gone into the design of the extension and conversion to help reduce the harm and to create an interesting piece of architecture from a challenging existing slab building that currently does little to enhance its surrounding townscape and historic environment. The creation of new public rooftop gardens and restaurant from one of Medway's tallest buildings is also an exciting prospect, allowing for dramatic panoramic views of the area, including many of Medway's most iconic heritage assets.

Overall, it is considered that the public benefits of the proposed development outweigh the low level of harm to the heritage assets identified above and the proposal is considered to comply with the requirements of the Policies BNE12 and BNE18 of the Local Plan and paragraphs 190 to 196 of the NPPF.

Archaeology

Policy BNE21 of the Local Plan seeks to account for and protect/mitigate from harm/record findings at archaeological sites, from and during development, as do paragraphs 189 and 192 of the NPPF.

In support of the application has been submitted an archaeological desk-based assessment which provides a good account of archaeological potential. The area has particular importance associated with the post-medieval development of Chatham, especially in the later eighteenth and nineteenth centuries following the construction of Military Road which ran from the northern end of the Chatham Lines, through Brompton Barracks and Chatham Infantry Barracks, across the Barrier Ditch and then past the proposed development site and onwards to Fort Pitt. The existence of this military controlled road played a key part in shaping the development of Chatham in the post-medieval period. The desk-based assessment also notes that there is some potential for earlier archaeological remains including those of paleo-environmental interest.

It is considered therefore that a scheme of archaeological mitigation, in the form of a programme of archaeological works, is necessary and an appropriate condition is recommended.

Subject to this condition, the proposal is considered to comply with Policy BNE21 of the Local Plan.

Amenity

Policy BNE2 relates to the protection of the amenities of future occupiers of the development and of neighbours in terms of privacy, daylight, sunlight, noise, vibration, heat, smell, airborne emissions. Paragraph 127 of the National Planning Policy Framework requires that development functions well over its lifetime and provides a high standard of amenity for neighbours.

The proposal will provide 9 x studio apartments, 41no. one-bed and 114no. two-bed between the two parts of the building.

In support of the application has been submitted a Daylight and Sunlight Assessment and an Overheating Assessment.

The development meets the unit and room sizes of the Government's Technical Housing Standards and most of the units will benefit from a balcony or will have access to the resident's communal garden and thereby meet the Medway Housing Design Standards (interim) requirement.

The Daylight and Sunlight Assessment concludes that the proposal will have little to no impact on surrounding developments in terms of their daylight and sunlight amenity. The development generally will have acceptable daylight levels in bedrooms and living room/kitchens, when measuring the average daylight factors, except for the

kitchen/living rooms in six units. The report notes that *“It is also noted that the living/kitchen areas slightly below thresholds are failing by marginal amounts and hence still provide an appropriate amount of daylight to the user.”* This report also notes that *“This is purely based on the long depth of the rooms and overshadowing by extended balconies and corridors in some cases. It has to be noted that the building has been optimised for overheating and hence at some instances overhang balconies greatly aid the internal thermal comfort. This is seen in many kitchen/living spaces. It is therefore recommended to not further increase the window sizes in line with the dwelling’s users’ thermal comfort.”* This is accepted and agreed.

The Overheating Assessment concludes that a small number of the habitable rooms are likely to exceed the thermal comfort guidance levels in an intense warm spell. The report advises though that units do however meet the mandatory thermal comfort levels for new residential units. To reduce glazing areas in a small number of units to compensate for these few occasions is not considered by the report to be an appropriate or required change. This is accepted and agreed.

In respect to refuse collection and servicing, for Mountbatten House this will be carried out at third floor level, as per the arrangement for the Pentagon Shopping Centre. Access to this floor is derived from Rope Walk via the high-level bridge over The Brook. Refuse/recycling storage levels accords with the Medway Council waste guidance. For the new build, space has been provided on the ground floor level for a residential bin store and a commercial bin store in accordance with the council’s waste guidance. Service vehicles would access to Military Road via Medway Street or Waterfront Way.

Subject to the recommended conditions the proposal complies with Policy BNE2 of the Local Plan in relation to the matters discussed above.

Noise and vibration

Policy BNE2 relates to the protection of the amenities of future occupiers of the development and this in part relates to the effect of noise and vibration. Paragraph 127 of the National Planning Policy Framework requires that development functions well over its lifetime and provides a high standard of amenity for neighbours.

In this case particular regard has to be given to the residential amenity of the converted Mountbatten House as retrofitting mitigation is much more difficult than installing mitigation measures as part of a new build.

The site is surrounded by potential sources of noise and vibration, including the very active Military Road and is close to the bus station, The Brook and its junction with the bus station and Whiffens Avenue, the Pentagon Shopping Centre to the rear, including service deliveries and commercial plant and car parking in the former bus station.

Whilst an Acoustic Assessment has been submitted with the application there is a particular challenge in respect to this proposal in that there has not been the possibility of full acoustic assessment of Mountbatten house as the applicant has been denied

access to the building following initial early visits. The proposed extension has been suitably assessed and designed. While it would be usual for a full assessment for Mountbatten House to be carried out prior to determination, in this instance it is not possible, and an appropriate condition is recommended.

Subject to the recommended planning conditions the proposal is considered to accord with Policy BNE2 of the Local Plan.

Air Quality

Policy BNE24 of the Local Plan relates to air quality and states that *'Development will not be permitted when it is considered that unacceptable effects will be imposed on the health, amenity or natural environment of the surrounding area, taking into account the cumulative effects of other proposed or existing sources of air pollution in the vicinity'*. Paragraph 181 of the NPPF relates to air quality and that planning decisions should take account of improving air quality and mitigating identified impacts.

The site lies close to the Central Medway Air Quality Management Area (AQMA). An Air Quality Assessment, addendum and technical memo have been submitted with this application which are considered to demonstrate that a suitable air quality for future occupiers is achievable.

Therefore, subject to the submission and agreement of an Air Quality Mitigation Statement, the proposal is considered to comply with Policy BNE24 of the Local Plan.

Contamination

Policy BNE23 of the Local Plan requires that proposals for development of land likely to be contaminated be accompanied by the findings of a site examination, which identifies contaminants. Policy BNE23 of the Local Plan and paragraphs 178 and 179 of the NPPF require that decisions should ensure that new development is appropriate for its location and takes account of the likely effects of pollution on health, living conditions and the natural environment.

A Ground Contamination Report has been submitted in support of this application, which is considered suitably comprehensive and does not raise any areas of concern regarding contamination and risk on health, living conditions and the natural environment from pollution.

The proposal complies with Policy BNE23 of the Local Plan.

Flood Risk

Paragraphs 155 to 160, 163 and 165 of the NPPF relate to flood risk and that new development should be both directed away from the areas at highest risk of flooding and should not increase flood risk elsewhere.

In support of the application have been submitted a flood risk assessment and drainage strategy.

A small part of the application site lies within Flood Zone 2, as shown on the Environment Agency's flood risk maps, but the majority of the site is within Flood Zone 3a (at risk of flooding from the sea).

In terms of sequential testing the NPPG (Flood Risk and Coastal Change) the 'Flood Risk Vulnerability Classification' table identifies residential dwellings as being 'more vulnerable', whereas the current use of Mountbatten house would be 'less vulnerable'. The 'Flood Risk vulnerability and flood zone compatibility' table identifies that 'more vulnerable' development within floods zones 3a should be subject to an 'exceptions test' if it passes a sequential test.

Under the NPPG the aspect of the proposal that converts Mountbatten House to residential use is exempt the need for either sequential testing or exceptions testing as it is a 'change of use'. However, the extension part of the proposal needs to be subject to both sequential testing and potentially an 'exception test'.

As set out in the National Planning Policy Framework, the aim of the Sequential Test is to direct development towards areas of lowest flood risk. The extension part of the proposal is situated in an area of high flood risk (Flood Zone 3a).

Considering the extension on its own as a development of 56 units, it is likely to be possible to locate such a quantum of development elsewhere in Medway on a site of a lower flooding risk, although not so sustainable. However, the extension is only one part of a holistic development to provide 164 residential units and commercial space. The whole of the proposal is part of the long-held regeneration ambitions for Chatham town centre and the extension itself plays an important role in reviving and redirecting the appearance, massing and character of what is currently a massive and brutal building (Mountbatten House) which is seen very clearly from many vantage points across Medway and is considered by the vast majority to be a visual blight. The extension aspect of the proposal is also required in terms of viability to allow the redevelopment of Mountbatten House to go ahead.

As such, it is considered that there are very exceptional reasons why the proposal be allowed sequentially although located within Flood Zone 3a. As such the proposal needs to be subject to an 'exceptions test', which is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where there is significant flood risk.

The two parts to the exceptions test require proposed development to show that it will provide wider sustainability benefits to the community, that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.

In terms of the wider sustainability benefits the applicant has submitted a Sustainability Statement which outlines the economic, social and environmental benefits of the proposal, which are broadly accepted and considered to meet the first part of the exceptions test.

In this case ground floor level of the proposed extension would be in commercial use and from the FRA "it is understood that the applicant has accepted that the ground floor level of the proposed new building will be allowed to flood up to a level of +1.87m during a flood event." They also advise that the LPA needs to be confident of the measures to provide safe egress and access, primarily for residents and emergency services, in the case of an emergency flood event. The submitted FRA advises that egress/access can be gained via the stairwell to the third-floor level, where there is access to bin/cycle stores and onto the roof level of the Pentagon Shopping Centre, from where there is a bridge across The Brook to Rope Walk. All apartments in the development, not just those in the extension, would also be registered with the Environment Agency's Flood Warning Service. In terms of construction the FRA details flood mitigation measures that can be installed at construction stage and can be secured by planning condition also, which will also minimise damage to the ground floor commercial units in a flood event.

In respect to surface water flooding the applicant has submitted a drainage strategy which is broadly acceptable. An informative is proposed to advise the developer in respect to the need to agree a surface water discharge rate to the public sewer with the LLFA. Further to this, conditions are required in relation a detailed drainage scheme based on sustainable principles and its verification once completed.

Subject to the recommended conditions the proposal complies with the relevant paragraphs of the NPPF.

Highways

Policy T1 of the Local Plan relates to the highways impact of new development. Policy T13 relates to the council's adopted vehicle parking standards. Paragraph 127 of the National Planning Policy Framework requires that new development functions well within the area in which it is situated. Paragraph 109 of the NPPF clarifies that development should only be prevented or refused on highways grounds if: there would be an unacceptable impact on highway safety; or the residual cumulative impacts on the road network would be severe.

In support of the application a Transport Statement and Travel Plan have been submitted with the application.

Whilst proposing additional residential accommodation the proposal also proposes enhancement of the public realm in the local vicinity. A new public realm plaza is proposed in a triangular piece of land where The Brook meets Military Road. The existing ramp down from the former Pentagon Bus Station in this location is to be removed.

The site is located in the heart of Chatham Town centre with Chatham Waterfront Bus station to the north and Pentagon Shopping Centre to the south with a variety of commercial services/shops available. It is a short walk also to Chatham Train station.

Access to the wider highway network is achieved via the The Brook, which connects the A289 Pier Road (via Maritime Way and Dock Road) to the north with the A2 New Road to the south. The A2 provides access throughout the Medway Towns, as well as onward connectivity towards Gravesend to the west and Sittingbourne to the east. Due to the location, the site has excellent links to public transport with walking and cycling providing a realistic alternative to the private motor vehicle for accessibility to key amenities and services.

Residential parking is proposed in the former Pentagon Bus Station, accessed via a ramp up from the A231 The Brook.

The existing ramp will be realigned at its tie-in to The Brook to accommodate all private vehicle turning movements to and from the proposed car park. The kerb radius will be amended and following discussions during the application progression, revised drawings outline that a pedestrian refuge island would be provided with an addition of a keep clear box to help vehicles exit the site. The applicants have provided an independent Road Safety Audit which is acceptable.

In relation to pedestrian access to the site, this will be to the north along the pedestrianize zone off Military Road as per the existing situation.

The applicants have outlined a minor revision to the taxi rank layout due to the demolition of the existing ramp. This is not considered to have any detrimental impact in terms of highway safety or highway function.

In relation to residents parking, a total of 147 resident car parking spaces will be provided (i.e., approximately 0.8 spaces per flat).

In relation to Electric Vehicle charging, it is agreed that a minimum of 15 per cent of the overall parking spaces would be required to have 'active' Electric Vehicle (EV) charging capabilities, with the remaining 85% requiring 'passive' provision for future conversion. On this basis, 22 spaces are to be provided with 'active' provision. This provision is considered acceptable.

In terms of cycle parking, the applicant has proposed 108 cycle spaces. This would be in the form of two-tier cycle racks within secure communal stores on the first-floor car park level. For the new build element of the scheme, space has been provided for a further 78 cycles in two-tier racks on the ground floor: thereby meeting the Council's standards. However, further details are required to ensure the security of the storage and an appropriate condition is recommended

In Highways terms the proposed servicing of the development is acceptable as proposed.

In terms of traffic impact, the submitted highway assessment utilises the TRICS database to provide an understanding of the likely impacts resulting from the development. As outlined within the Transport Statement, a comparison of the lawful use and the proposed use concludes that there would result a significant reduction in overall trips when comparing the proposed use to the lawful use (if the building was occupied) with minor increases in vehicles departing during the AM peak and Arrivals during the PM Peak.

Subject to the recommended planning conditions the proposal is acceptable in respect of the transport and parking policies T1, T2 and T13 of Local Plan and paragraph 109 and 110 of the NPPF.

Climate Change

An Energy Statement has been submitted in support of this application which proposes measures to achieve an energy efficiency within the buildings – both for the residential and the non-residential elements. The following measures are envisaged:

- Non-residential - Energy efficiency measures to improve the building fabric and services includes: High performance U-Values (0.22 for external walls, 0.18 for roof, 0.22 for the ground floor and 1.4 for windows (double glazed) in W/m²K, good air tightness (maximum of 5m³/m²/hr at 50Pa))
- Residential - Energy efficiency measures to improve the building fabric and services includes: High performance U-Values (0.15 for external walls and corridor walls, 0.12 for roof, 0.12 for the exposed floor and 1.4 for windows (double glazed) in W/m²K, good air tightness (maximum of 3m³/m²/hr at 50Pa)) and calculated y-value
- The ventilation within the residential units will include mechanical ventilation with Heat Recovery with sfp of 0.47 for 1 wet room and 0.54 for 2 wet rooms. Please note the wet room SFP noted above excludes kitchens
- The commercial units propose Local Air Handling Units with an SFP of 1.2 and Heat Recovery efficiency of 85%. In addition to local fan coil system with an SFP of 0.2.
- Space Heating for the residential units will be provided by Communal ASHP with a COP of 3, the system will provide 100% of the load. Assumed as a low temperature (<35) system. Heat emitters are underfloor. Controls are programmers and TRVs, linked to use.
- The Restaurant and retail are to be serviced by all electric hybrid VRF system with a SCOP of 4.89 and SEER of 5.65. In addition to Local Air Handling Units with an SFP of 1.2 and Heat Recovery efficiency of 85%.
- The commercial units propose cooling to be supplied via a fan coil system with a SCOP of 3.9 and SEER of 5.65.
- The domestic hot water within the residential will be provided by the main system. Cylinder within dwelling, 250 l capacity with 80 mm factory insulation. Cylinder stat and water heating timed separately. All pipe work insulated.

- The domestic hot water within the commercial will be provided by electric water heaters.
- As the scheme is proposed to be accessed under Building Regulations 2020, all lighting for the residential units will ensure an average level of efficiency of 75 lamp lumens per circuit-Watt is achieved. Corridors and communal areas will have PIRs or daylight sensor controls.
- Lighting for the retail proposes 600 Lux, 8 W/m². Lighting Restaurant and BOH propose NCM Lux level and LED efficiency of 100 lm/W. Daylight dimming control has been assigned to Retail and Restaurant areas to reduce significantly the energy consumption and to achieve compliance
- Air Source Heat Pumps (The proposed restaurant and retail VRF system will have a SCoP of 4.89 and SEER of 5.65. The proposed residential Heat Pump will have a SCoP of 3.)

Ecology

Policy BNE37 of the Local Plan states that development will not be permitted unless:

- there is an overriding need for the development that outweighs the importance of these wildlife resources; and
- the development is designed to minimise the loss; and
- appropriate compensatory measures are provided.

Policy BNE39 of the Local Plan states that "Development will not be permitted if statutorily protected species and/or their habitats will be harmed" and requires conditions or obligations to be attached to permissions to "ensure that protected species and/or their habitats are safely guarded and maintained".

Paragraph 175 of the NPPF states that 'the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible.'

A Preliminary Ecology Report has been submitted in support of this application. The KCC Ecologist advises that this report provides sufficient information to assess the proposal. Measures to mitigate the impact of the increased residential pressure on the Medway Estuary and Marshes Special Protection Area (SPA) and RAMSAR site will need to be secured as a tariff payment within the S106 agreement.

No protected species are seen to be breeding or using the site. In respect to breeding birds generally an informative is advised to remind the applicant to clear scrub and trees outside of bird breeding season if not first advised to be clear of nests by an ecologist.

Ecological enhancement measures will be secured through the recommended planning conditions.

Subject to these the proposal complies with Policies BNE37 and BNE39 of the Local Plan.

Bird Mitigation/Appropriate Assessment

Policy BNE35 of the Local Plan requires that sites of international and national conservation should be given long term protection. Paragraphs 175 and 176 states that development which would have an adverse effect on a SSSI, SPA or RAMSAR site should not normally be permitted. Paragraph 177 of the NPPF indicates that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an Appropriate Assessment (AA) has concluded that the plan or project will not adversely affect the integrity of the habitats site.

As a 'competent authority' the Council as Local Planning Authority is required under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) to:

- (a) assess whether there would be likely significant effects (LSE) on a European Site;
- (b) if so, undertake an appropriate assessment (AA) of the implications of the project; and,
- (c) cannot grant permission if, having undertaken the AA, there could be adverse impacts on the integrity of the European Site, unless there are imperative reasons of overriding public interest

In this case, as the application site is very close to the river and within 6km of the Medway Estuary and Marshes SPA/Ramsar Site. 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 the appropriate tariff should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries.

In this case the applicant has agreed to the payment of an obligation to mitigate the cumulative impact of additional development on the Medway Estuary and Marshes SSSI, SPA and RAMSAR. As such the Appropriate Assessment concludes that the proposal would not have a significant effect on a habitats site.

As the applicants have agreed to pay the relevant tariff (£41,063.96) as part of the Section 106 agreement the Local Planning Authority is satisfied that the proposal would put in place adequate measures to mitigate potential significant adverse effects on the Medway Estuary and Marshes SSSI, SPA and RAMSAR and would comply with Policy BNE35 of the Local Plan and paragraphs 175 and 176 of the NPPF.

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 into 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 NPPF says that it is for the applicant to demonstrate whether circumstances justify the need for a viability assessment at application stage. In this case a viability assessment report has been produced which addresses the viability of development across the application site and the linked requirement for the off-site provision of 24 affordable rented dwellings. The viability assessment has been verified by an independent development consultant. For the two developments the applicant accepts a profit of a maximum of 13.925% on Gross Development Value [GDV] to enable the development to commence. This is a significantly lower return than would be expected from a market developer for development to commence. At such a return on GDV for the combined sites, the proposal is able to provide for the contributions set out below.

- Bird mitigation for the Mountbatten site
- Bird Mitigation for the off-site affordable rented housing.

No other obligations are considered to be viable for this development. But it must be emphasised that the applicant has made decisions which provide for a far greater affordable housing provision than could be secured on this site if they had taken forward options available to them under existing planning legislation.

Local Finance Considerations

No local finance considerations.

Conclusions and Reasons for Approval

The application site is one of the most important regeneration sites in Medway for which the principle of redevelopment to accommodate a residential led mixed use development was established in previous applications and the Chatham Centre and Waterfront Development Framework 2004 and the Chatham Centre and Waterfront Development Brief 2008. The recently adopted Chatham Centre master plan also supports the development of the site and its importance in the continued regeneration of Chatham Centre.

The proposed development will have a modern, contemporary design that is sympathetic to the character and appearance of the surrounding area and does not

cause significant harm to the setting of the Conservation Area and heritage assets, including Fort Amherst. It will also result in significant improvement of the presentation of Mountbatten House and the taxi rank/former bus station on The Brook as well as public realm betterment. In addition, the benefits of the delivery of high quality residential and commercial accommodation must be considered as an advantage to Medway and the long term aims of the regeneration of Chatham considering that the proposal will increase local activity improving the vitality of the centre supporting both the daytime and helping to develop the evening economy, while also enabling increased appreciation of surrounding built heritage assets.

The proposed development would not have a detrimental impact on neighbouring amenity of current or future occupiers in terms of daylight, sunlight, outlook and privacy. Subject to conditions the proposal will result in a good environment for future occupiers and would not have a detrimental impact on archaeology, contamination, flood risk and surface water management, air quality, noise or highways safety.

The proposal is acceptable in accordance with Policies S1, S2, S5, BNE1, BNE2, BNE6, BNE12, BNE18, BNE20, BNE21, BNE23, BNE24, BNE37, BNE39, BNE43, H4, H5, H10, R1, R2, R12, R17, T1, T2 and T13 of the Medway Local Plan 2003 and particularly paragraphs 109, 110, 127, 155 to 160, 163, 165, 175, 176, 181, 189 to 196 of the NPPF.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the significance of the proposal and importance to the Regeneration of the area.

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/>