

MC/21/0440

Date Received: 16 February 2021

Location: Medway Bridge Marina Manor Lane
Rochester Borstal

Proposal: Construction of a four-storey building with undercroft parking comprising of forty 2-bedroom apartments together with new vehicle access from Manor Lane and associated landscaping

Applicant Agent Ground Projects Ltd
Hume Planning Consultancy Ltd
Innovation House
Discovery Park
Innovation Way
Sandwich
CT13 9ND

Ward: Rochester West Ward

Case Officer: Hannah Gunner

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 26 May 2021.

Recommendation

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

Approval subject to:

A. Section 106 agreement to secure the following:

- i) Secure a minimum of 25% affordable housing (no less than 10 units)
- ii) A financial contribution of £176,816.27 in total to be provisionally split in the following ways:
 - £15,339.05 toward Nursery provision
 - £46,016.93 toward Primary provision
 - £34,541.81 toward Secondary Provision
 - £11,517.28 toward Sixth form provision
 - £9,800.00 toward Public Realm improvements

- £6,736.00 toward improved library facilities at Rochester
- £25,791.60 toward Medway South Primary Care Network
- £7,058.00 toward waste and recycling
- £10,000 toward improvements of sustainable infrastructure
- £10,015.60 toward Habitats Regulations (mitigation for Wintering Birds - at £250.39 per dwelling)

B. And the following conditions: -

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

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

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

Drawing numbers: 19.069 220 P0 received 16 February 2021; 19.069 200 P1, 19.069 201 P1, 19.069 202 P1, 19.069 210 P1, 19.069 211 P1, 19.069 212 P1, 19.069 213 P1, 19.069 214 P1, 19.069 215 P1 and 19.069 230 P1, received 20 April 2021.

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

- 3 No development above slab level shall take place until details and samples of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

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

- 4 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Conditions 5 to 7 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the Local Planning Authority until Condition 8 has been complied with in relation to that contamination.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or water courses as a result of the

potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

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

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

(ii) an assessment of the potential risks to:

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

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

This must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management document (LCRM)'.

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

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

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

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

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

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

- 8 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 5, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 6, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out in Condition 6 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition 7.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 9 Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be 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, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

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

- 10 Prior to the commencement of the development hereby permitted, an acoustic assessment shall be undertaken to determine the impact of noise from transport related sources and shall be made in accordance with BS8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. The results of the assessment and details of a scheme of acoustic protection shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of acoustic protection sufficient to ensure internal noise levels (LAeq,T) no greater than 30dB in bedrooms and 35dB in living rooms with windows closed and a maximum noise level (LAm_{ax}) of no more than 45dB(A) with windows closed. Where the internal noise levels will be exceeded with windows open, the scheme shall incorporate appropriate acoustically screened mechanical ventilation. The scheme shall include details of acoustic protection sufficient to ensure amenity noise levels of not more than 55dB (LAeq,T). All works, which form part of the approved scheme, shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

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

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

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

- 12 No development shall take place until an Air Quality Emissions Mitigation Assessment and Statement has been submitted to and approved in writing by the Local Planning Authority. The Mitigation Assessment and Statement shall be prepared in accordance with the Medway Air Quality Planning Guidance and shall include full details of the measures that will be implemented as part of the development to mitigate the development related road transport emissions. The

total monetary value of the mitigation to be provided shall be demonstrated to be equivalent to, or greater than, the total damage cost value calculated as part of the Air Quality Mitigation Assessment. The development shall be implemented, and thereafter maintained, entirely in accordance with the measures set out in the approved Mitigation Statement.

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

- 13 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.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

- 14 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):

- i. Details of the design of the scheme (in conjunction with the landscaping plan where applicable).
- ii. A timetable for its implementation (including phased implementation).
- iii. Operational maintenance and management plan including access requirements for each sustainable drainage component.
- iv. 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 NPPF.

- 15 Prior to occupation (or within an agreed implementation schedule) 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: This condition is sought in accordance with paragraph 165 of the NPPF to ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere.

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

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

- 17 The development, hereby approved, shall not commence until a foul drainage strategy, detailing how the developer intends to ensure that appropriate foul drainage is implemented (with a connection to foul sewer), has been submitted to and approved by, the local planning authority. The development shall be constructed in line with the agreed detailed design and recommendations of the strategy. No occupation of any premises can take place until the installed scheme is confirmed as meeting the agreed specifications.

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

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

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

- 19 No development shall proceed above slab level until details of the improvements to Public Rights of Way RR14 within the red line have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out as approved prior to first occupation of the any part of the development.

Reason: To ensure that the development takes steps to encourage walking and cycling, in accordance with paragraph 91 of the NPPF.

20 Prior to the first occupation of the development herein approved, full details of a hard and soft landscape scheme should be provided:

- i. Plans and information providing details of existing and proposed finished ground levels, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, 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.
- ii. Details for the design and specification of tree planting to enable healthy establishment at maturity. Information should provide details for the planting environment (including within hard landscape, raised planters, podium decks and green roofs), calculated soil volume, tree support and tie specification, guards and grilles, aeration and irrigation systems, soil build-up information (avoiding the use of tree sand), tree cell systems (to street tree planting environments).
- iii. Detailed information should be provided for the design and specification of green roofs, terraces, and podium decks. Including drainage and soil build up, planting plans & plant schedules, the treatment for any tree planting (including tree pit details and tree supports), details of irrigation systems, all paving and hard surfacing, minor artefacts, and structures.

A timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be implemented in accordance with the approved details and timetable and any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a comparable 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 the first occupation of the development herein 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 hard and soft landscape areas, including play space, communal courtyard, and green roofs (except for small, privately owned, domestic gardens) for a minimum period of five years and arrangements for implementation. The document shall also include an appendix incorporating product specification sheets for all street furniture, covering installation and maintenance requirements. 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 No part of the building shall be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected including those along the terraces/balconies within the development has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be implemented in accordance with the approved details before any part of the building is occupied and shall thereafter be retained.

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

- 23 Prior to the installation of any external lighting on the site, 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 together with a report to demonstrate its effect on the landscaping of the site (including an overlay of the proposed lighting onto the site landscaping plans), the wider landscape, as well as nearby residential properties, bats (including reference to the recommendations of the Bat Conservation Trust) and of how this effect has been minimised. Any external lighting shall be implemented in accordance with the approved details.

Reason: To limit the impact of the lighting on the landscaping of the site, the surrounding landscape, nearby residents, and wildlife and with regard to Policies BNE1, BNE2, BNE5 and BNE39 of the Medway Local Plan 2003.

- 24 In this Condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs a) and b) below shall have effect until the expiration of 5 years from the date of occupation of the building for its permitted use.

a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars. Any pruning approved shall be carried out in accordance with British Standard 3998 (Tree Work).

b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.

c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this Condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written approval of the Local Planning Authority.

Reason: To protect and enhance the appearance and character of the site and locality, in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

Proposal

Construction of a four-storey building with under-croft parking comprising of forty 2-bedroom apartments together with new vehicle access from Manor Lane and associated landscaping.

The site is currently used for caravan storage and is accessed through the Medway Bridge Marina site, which is host to moorings of associated business.

The proposal comprises 4477.7sqm of residential development with associated parking and landscaping. The residential proposal is a single block of flats, made up of 4 floors.

The proposed parking is to be accommodated within 3 different areas (amounting to 74 spaces in total):

- 46 spaces within the under-croft parking area
- 8 visitor parking spaces at ground level
- 20 spaces within the marina

A cycle store is also accommodated within the under-croft parking area for residents with a second cycle storage being provided at ground floor level for residents and visitors to use.

The flats are spread over the 4 floors with 9 units on both the ground and third floors with 11 units on both the first and second floors.

The block measures 13.45m in height when measured from the rear (southern elevation) and 12.75m in height when measured from the ground floor level of the block on the northern elevation (not the ground level of the Marina). The proposal has its primary elevation facing north, to overlook the River Medway, with the southern elevation having a more modest number of windows and a simpler design. Due to the curved nature of the building, the block does not have side elevations as such, but wraps around from the front (north) elevation.

The size of the flats varies, with floor area ranging from 85sqm to 130sqm. Each flat is provided with a balcony or a larger private external amenity space (ground floor units), as well as access to the shared open space to the front of the block (north).

The main vehicular and pedestrian access to the site is from Manor Road. The pedestrian access is located where the pre-existing footpath is at the rear of the site, which heads out to the AONB which is located on the other side of the M2 bridge. The proposal would also retain the tree line that sits in this location.

A planning application is also currently with the Local Planning Authority for the redevelopment of Medway Bridge Marina, which is adjacent to the application site. The application by CLArchitects aims to redevelop the marina's operational buildings including the cafe, boat sheds and broker's offices. The adjacent application site also proposes a new road, that connects with this site.

Site Area/Density

Site Area: 0.5 hectares (1.24 acres)

Site Density: 80 dph (32.26 dpa)

Relevant Planning History

Medway Bridge Marina has an extensive history, much of which is not relevant to the consideration of the current application. This being the case, the planning history listed below only contains the most relevant history to the development site, which forms part of the wider Medway Bridge Marina site.

MC/15/2332 Outline planning application for residential development comprising 36 residential flats (32x 2 bed flats and 4 numbered x 3 bed flats) with all matters reserved for future consideration, except access (Resubmission of MC/14/3680).

Decision – Allowed at appeal

Date – 4 August 2017

MC/14/3680 Application for outline planning permission with some matters reserved (appearance, landscaping, layout and scale) for residential development

Decision – Withdrawn by Applicant

Date – 4 March 2015

MC/07/0921 Residential development comprising of 30 three-bedroom houses; 17 two-bedroom flats; 3 one-bedroom flats and erection of

replacement marine buildings to include boat showroom; boat shed and workshops (demolition of existing buildings)

Decision – Dismissed at Appeal
Date – 21 November 2008

MC/06/2045

Town and Country Planning (EIA) Regulations 1999 for a screening opinion to determine the need for an Environmental Impact Assessment to accompany a planning application for residential/commercial development

Decision Screening Opinion (EIA) not required
Decided 11 December 2006

Representations

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

The **Environment Agency, Natural England, KCC Archaeology, KCC Biodiversity, EDF, Southern Gas Networks, Southern Water, the RSPB, Kent Wildlife Trust and Kent Police** have also been consulted.

70 letters have been received raising the following objections:

- The land frequently floods – car park will be compromised at these times
- 80 additional cars using Manor Lane – unacceptable increase in traffic
- Parking in Manor Lane is already very limited – effectively a single-track road
- Road cannot accommodate construction vehicles
- Vehicles will become risk for pedestrian users – especially children
- The village is at capacity
- Borstal is a rat run
- Peters Village has had an impact on traffic through Borstal already- this will be worsened
- The school is already oversubscribed
- Will overlook immediate neighbours
- Will impact on privacy of neighbouring properties
- Outlook of properties Bramble Crescent will experience loss of view
- Appearance will be dominant and overbearing – excessive bulk
- 4 storeys are completely out of keeping
- Insufficient amenity space being provided
- Design is out of keeping with the area – visible eyesore
- There will be a loss of trees and associated shrubbery between the development and the houses that it backs on to
- Impact on wildlife habitats

- Concern over the impact this will have on Baty's Marsh
- Lack of social and leisure facilities at the marina
- Boat dwellers here could be made to move as a result
- Devastating impact on houseboat community
- This conflicts with the development plan for the area
- Air quality will be compromised
- Put add increased pressure to GPs surgery – already at capacity
- This will destroy people's lives
- The football team playing on the playing fields causes an issue with parking

Kelly Tolhurst (MP) has also registered her objections in relation to this application, reiterating the concerns expressed by the residents as set out above.

1 resident has written in support of the scheme stating that it will improve the whole quality of the area

A petition has also been received with 459 signatures. The main points raised in the petition are:

- inappropriate, unnecessary and alien structure on the basis that it will
- block light
- infringe privacy
- cause congestion
- increase traffic
- overlook alternative sites that are available
- create noise and pollution
- conflict with environment
- be excessive in bulk and scale
- be incompatible with existing structures
- damage natural environment
- risk flooding
- dominate nearby and existing buildings
- conflict with the council's own development plan
- be visually damaging
- conflict with the character of the village
- inconvenience pedestrians
- not benefit the locality
- burden the road system and increase parking that is already inadequate
- prejudice highway safety; fail to meet local housing needs

The Environment Agency have stated that they have no objection to the proposal, subject to a number of recommended conditions relating to contamination, surface water drainage, a foul drainage strategy, piling (or any other foundation design using penetrative methods).

The EA have also commented that the FRA submitted with the application (Herrington Consulting Ltd – July 2020) is satisfactory in identifying the high flood risk areas on site and have taken a sequential approach to positioning the residential properties on the site. The proposed flood risk mitigation measures are considered to be acceptable. The proposed Finished Floor Level of the basement is acceptable as it is set to a minimum level of 5.10mAOD – which is above the present day 0.5% flood level of 5m. Whilst below the 2115 0.5% design floor level the EA is satisfied that this car park is in Flood Zone 1. The flood resilience measures proposed are satisfactory.

Natural England do not raise any objection to this application as it will not have significant adverse impacts on statutory protected nature conservation sites.

KCC Biodiversity initially requested further information in relation to a bat emergence survey, reptile mitigation, assessments on the impacts on the Medway Estuary MCZ, Baty's Marsh Local Nature Reserve and the River Medway (between Cuxton and Temple Marsh) and light spill.

KCC Archaeology has commented that the submitted desk-based assessment appears to downplay the significance of predicted archaeological remains and overplays damage that may have been caused by past impacts at the site. Sedimentary sequences of Pleistocene and Holocene date are anticipated at the site, the latter including waterlogged alluvial deposits and peat formations that have the potential to be of palaeo-environmental interest. It is noted that the proposed development includes under-croft parking whilst the archaeological desk-based assessment suggests that piled foundations will be employed. This being the case it is likely that the development groundworks will impact these deposits and any archaeological and palaeo-environmental information preserved within them. KCC Archaeology have therefore recommend that provision be made in any forthcoming planning consent for a programme of archaeological and geoarchaeological works (to be secured by condition).

EDF, Southern Gas Networks, Southern Water, the RSPB, Kent Wildlife Trust and Kent Police have not responded to the consultation.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2019 and are considered to conform.

Planning Appraisal

Background

As can be seen in the site history for this site, outline planning permission was granted at appeal for 36 residential units (MC/15/2332). Due to the fact that this was an outline

consent, with all matters reserved there was little/no detailing about design, car parking provision, landscaping or access agreed as part of the appeal decision. It was however shown that the development was likely to comprise 3 blocks of accommodation, for which illustrative drawings were submitted. These help to give a picture of what could come forward should the outline permission have been taken to Reserved Matters stage.

The main issues that the Inspector considered within this previous scheme related to the impact of the buildings on the character and appearance of the area.

The Inspector comment that:

“Overall, the illustrative information demonstrates that the buildings could be arranged to sit comfortably in the street and river scape. The buildings would sit against the backdrop of housing to the south on higher land. In addition, the presence of existing trees would serve to lessen the visual impact of new buildings when viewed from a distance. Furthermore, whilst it would be a reserved matter, landscaping proposals could be used to integrate the scheme into the area.”

It is important to note, also through the previous appeal decision, that highways and parking was considered. On these matters, the Inspector comment that:

“The indicative information demonstrates that the scheme could accommodate parking on site and the officer report is clear that the level of movements would not have a severe highway impact. I have no substantive information that would lead me to a different conclusion. The planning obligations relate to key services and seek to make additional provision or improve facilities close to the site. The matter of managing access during construction can be managed through an appropriate condition”.

Principle

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.

As with the previous applications on this site, it is recognised that the application site lies within the urban area of Medway, as defined in the Policy H4 of the Local Plan, which allows for residential development within such areas including the use of vacant or derelict land or the change of use or redevelopment of existing buildings no longer required for non-residential use.

This site has previously been classified as being the redevelopment of a piece of land that is within an existing residential area. Infilling in such an area could be seen to result in a clear improvement in the local environment.

In addition, Policy H5 of the Local Plan supports high density housing in or close to town centres, near existing or proposed public transport access points or along routes capable of being well served by public transport and which are close to local facilities.

Policy H3 of the Local Plan requires development in urban areas over 25 units to provide affordable housing. A viability assessment has been submitted and the scheme would not be viable if it provided affordable housing.

Subject to compliance with the detailed matters of these policies which are set out in the assessment below, the principle of the site for residential development in this location is considered acceptable and in accordance with these policies.

Both National guidance and local policy support residential development within existing urban areas and in sustainable locations in favour over countryside sites. Paragraph 11 of the NPPF 2019 contains a presumption in favour of sustainable development, whilst Paragraph 59 seeks to boost the supply of housing.

In addition to the above, this site is also considered to be located in a relatively sustainable position and is thought to be an acceptable site for redevelopment for residential use in this sense. This being the case, the general principle of the development is considered to comply with the requirements of the NPPF and Policies S1, S2 and H4 of the Medway Local Plan 2003 and is considered to be acceptable in principle.

Members should be aware that there are two previous appeal decisions, dating back to 2015 and 2008, where it was concluded by the Planning Inspector that this site is previously developed urban land. It is therefore established firmly that this site is suitable for development.

Design

Paragraphs 124 and 127 of the NPPF emphasise the importance of good design and visual attractiveness as a result of good layout and Policy BNE1 of the Local Plan states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area.

In terms of design, it is noted that this proposal is very different to the 'standard' housing that surrounds the site to the south (from the river up toward the main road – Wouldham Road). It should also be recognised that despite this being the case, this proposal will sit quite separately from the surrounding area due to the fact that it is set lower to the existing developments and is separated by a prominent tree line.

The design of the building as a result of the above, can afford to be 'different' from regular housing developments, as it will not be readily viewed within the same vistas as the existing housing developments. From the adjacent housing development and the hills on which they sit, the trees will remain the viewable feature and the proposed building will not be visible. The roof design, which will be a green roof, will also aid in ensuring the building is less visible when viewed from the points within the main Borstal area.

The detailed architectural design for this development is well developed and respects the high-quality design expected for the area. The design is both innovative and respectful to the local context.

The connection of this project with the proposed project to the east (application MC/20/2011) is acceptable in scale, design, and visual and physical connections from the architectural point of view. Because of the level change and the width of the sites, having pedestrian and vehicular connection on both borders of the site is acceptable and there is no requirement to create further connections between the sites. The difference in scale is not significant enough to impact the users of either developments, but the use of vegetations would help to harmonize the two different scales.

As for the material choices, the use of metal cladding in the residential building helps to correlate to the use of containers in the office and café of application MC/20/2011. The more contemporary the architectural style of both buildings and the design reference to nautical and water uses further connects both projects.

Overall, this proposal is of a high quality of design, that is appropriate to the existing and planned surrounding. At this stage, the detailed information on the material palette is not clear, however this can be secured by condition to ensure that the materials used would be of high quality to deliver this exceptional building.

Taking the above into account this proposal is therefore appropriate in terms of scale, mass, proportion, layout, siting and design. Subject to condition, the proposed development is considered to be in accordance with Policy BNE1 of the Local Plan and paragraphs 124 and 127 of the NPPF.

Amenity

There are two main amenity considerations, firstly the impact of the proposed development on neighbours and secondly the living conditions which would be created for potential occupants of the development itself. Policy BNE2 of the Local Plan and paragraph 127f of the NPPF relates to the protection of these amenities.

Neighbouring Amenity

The closest residents are located in Brambletree Crescent (37 – 45 odd numbers) and Farmdale Avenue (26, 27 and 28). These properties are approximately 10m from the boundary with the application site, and 26m from the proposed building (closest). As well as these houses, it should be noted that there are also nearby residents within the marina, as there are a number of house boats present. These boats are located approximately 30m to the north of the site boundary. The proposed building will lie between 45-80m from the houseboats.

Both the residents to the south and the houseboat occupants to the north have expressed concern over the impacts of this application on privacy to their properties.

Firstly, it is considered that the houses to the south will be visually protected from the proposal by the existing tree line that is in place and is proposed to remain as part of this application. Taking this into account, the fact that the proposal lies to the north and that

the adjacent housing lies at higher ground levels than the application, it is considered that from a visual point of view, these neighbours will not be significantly impacted. The flat roof nature of the scheme with a green roof design incorporated will also help to alleviate any potential visual impacts that are of concern. The private amenity spaces of the neighbouring houses will not be detrimentally impacted by overshadowing of the building due to the orientation of the block in relation to them. If unobstructed, the closest back-to-back arrangement is 70m.

Given that the principle of 3 accommodation blocks has already been approved on this site at appeal it is considered that the proposed scheme is designed to ensure the least visual impact to the residents of neighbouring roads. Orientation of the building ensures that overshadowing will not occur, and the trees and distancing ensure that overlooking or loss of privacy would not be of a significant concern.

In relation to the houseboats, again the fact that there is an existing outline permission in place at this site has to be taken into account. When looking at the previous outline plans (indicative only) in comparison to this application, the proximity of the buildings and overall density of the site would have had a more severe impact on these occupants than this proposal. The design in front of us is of a high standard and has a good quality amenity space between the site and the houseboats. The current setting of the boats is not of a high standard and this scheme will help to improve the setting of the boats. The closest the building will come to the boats will be toward the western end of the site, however this is still to be separated by the access road as well as some landscaping. As you move toward the centre of the site, the distance between boats and building becomes closer to 80m. This is considered that the impact on the houseboats is to be acceptable when assessing visual impact and loss of privacy/daylight.

The construction of the development could lead to noise and dust emissions to nearby residential properties. However, details of how this impact would be mitigated can be secured by a construction environmental management plan (CEMP) condition.

Future Occupiers Amenity

In relation to the amenity of the future occupiers of these proposed units, all of the proposed 40 flats are to be 2-bedroom units. All of the units are well over the minimum housing standard of 70m² for a 2 bed/4-person single storey dwelling and are in fact to be spacious units on all accounts. The breakdown of unit sizes is as follows:

Unit size of 85m² - 14 units

Unit size of 90m² - 14 units

Unit size of 98m² - 4 units

Unit size of 101m² - 2 units

Unit size of 110m² - 2 units

Unit size of 121m² - 2 units

Unit size of 130m² - 2 units

All of the proposed units are provided with balconies or, for those on the ground floor level, with larger private amenity areas as well as having access to the communal amenity space located at the front of the building.

All bedrooms that are proposed are in excess of the minimum double or twin standard requirement of 11.5m².

The under-croft parking that is proposed is for 46 spaces however there are an additional 20 spaces within the marina (not including visitor spaces). The proposal also includes 2 cycle storage areas. One of which is within the under-croft to ensure secure resident use only whilst the second would allow for visitor use also and is located at ground floor level adjacent to the refuse storage area.

Overall, it is considered that the quality of units, sizes and layout being proposed is of a high quality and provides for large, desirable living accommodations. The provision of amenity space is considered to also be of a generous size and overall, the amenity of future occupiers is therefore acceptable.

Subject to conditions to ensure privacy is maintained between the private amenity spaces/balconies, no objection is raised in terms of the impact on amenities of both the future occupiers, and existing neighbouring and nearby occupiers. The proposal is considered to comply with Policy BNE2 of the Local Plan and paragraph 127f of the NPPF in this regard.

Affordable Housing Provision

It has been stated within the submitted Planning Statement that the required 25% affordable housing will be delivered within this scheme. This will be secured through the S106.

Highways

In considering the highways impacts of this proposed it is noted that the site has the benefit of previous approval under MC/15/2332 for 36 residential flats.

The site is located on the River Medway just east of the Medway Bridge where the M2 crosses the River giving the site excellent access to the strategic highway network. Access to the M2 is via Junction 3, a 10-minute (6.2km) drive from the site. The M2 extends from just east of Faversham to just west of Strood where it becomes the A2 which continues towards London. This allows for good highway connectivity around north Kent and London.

Manor Lane provides access to the site from Borstal Street. The road is on a minor decline in the northbound direction towards the site. It is roughly 5.5m wide and is bordered by residential dwellings and multiple minor priority junctions along its extent. There is on-

road parking along Manor Lane, particularly towards Borstal Street where housing is denser.

In terms of walking and cycling accessibility, pedestrian access from the proposed site into Borstal village with footways on both sides of Manor Lane. This allows for easy pedestrian access to all the local amenities. The Applicant has proposed footways on both sides of the Manor Lane access road. The proposed footway on the northern roadside would continue into the development area.

It is noted that sustainable infrastructure needs improving for example improving the nearby bus shelters to encourage modal shift from the private vehicle and therefore a contribution is requested.

Access

The site access will be via the existing access to the marina. The existing buildings would be moved/rebuilt as appropriate to provide sufficient width and to preserve the footpath (part of the Medway Valley Walk) that passes the perimeter of the site. The access road would be of 4.1m width, which is appropriate for two cars passing without conflict. It is noted the access arrangements are the same as previously approved.

Parking

The applicants for the development have proposed 46 residential spaces (1.15 spaces per dwelling) with additional 8 visitor spaces. It is also noted that an additional 12 spaces would be provided for the marina. It is considered that parking provision is acceptable.

In terms of cycle storage, the overall provision is acceptable, however It is considered that further consideration should be taken with regards to storage facilities. A mixture of communal stores with individual cycle lockers should be considered. As the recent Pandemic has illustrated, as more members of the public have taken up cycling, those willing to spend significant sums on their bike has increased and therefore they have a requirement for more secure storage.

Trip Generation and Traffic Impact

It is noted the site already benefits for planning permission for 36 residential units and therefore this proposal is for additional four units. This would result in an additional vehicle during both peak hours. It is not considered that the additional vehicle would result in a material impact to the highway function.

It is also considered there would be a minimal uplift in traffic generated from this proposal. However the applicants carried out a traffic assessment on the Borstal Street/Manor Lane junction after concerns raised by the Highway Authority. The applicants ran three scenarios, to cover existing traffic flows, 20% uplift and 40% uplift. It noted the junction

functions within capacity in all scenarios and therefore no objection would be raised in terms of impact to highways.

On the basis of the above considerations, no objection is raised in respect of Policies T1, T2 and T13 of the Medway Local Plan 2003 and paragraph 109 and 110 of the NPPF 2019.

Flood Risk

Due to its close proximity to the River Medway, the site sits within multiple flood zones. The site is only directly impacted by Flood Zones 1 and 2, where Flood Zone 1 is the lowest risk. The existing topography on the site gradually increases in level towards the Southern boundary and away from the River Medway, by approximately 1 metre. This benefits the site in cases of flooding, as the land raises away from the source of flood.

The application site comprises brownfield land and it is recognised that the site is situated mainly within Flood Zone 1 with a small element closest to the river considered Flood Zone 3 'High risk' in accordance with Environment Agency mapping. Additionally, the Environment Agency Mapping highlights that the main site is at very low risk of Surface water flooding and the small sections of the access road is considered high risk.

The proposed development has considered the flood risk on site in relation to any potential climate change event and has ensured that the less vulnerable use is situated on the basement level of the development with all habitable development located on suitable above any expected flood event through the use of land and development raising techniques.

Due to the proximity of the development in relation to the River Medway and the existing onsite surface water drainage it is noted that the development seeks the use of attenuation tanks to store the water before discharging into the river at a reasonable rate. This will need to be refined with any subsequent condition discharge application submitted to the LLFA.

It is noted that the runoff rate on site is significantly higher than the existing situation and therefore the use of SuDs on the site to ensure that there are not increased risks to the surrounding area is encouraged. Green and Blue infrastructure are proposed to be used on site in the form of Green Roofs and roof attenuation but where possible further measures will be required.

The flood and drainage proposals are considered acceptable, but a detailed scheme will be secured by conditions.

Bird Mitigation

As the application site is within 6km of the North Kent Marshes SPA/Ramsar Sites, the proposed development is likely to have a significant effect, either alone or in-combination,

on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest. Natural England has advised that an appropriate tariff of £250.39 per dwelling (excluding legal and monitoring officer's costs, which separately total £550) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. The strategic measures are in the process of being developed but are likely to be in accordance with the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM) produced by Footprint Ecology in July 2014. The interim tariff stated above should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation), in anticipation of:

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

The applicants have agreed to pay this tariff. No objection is therefore raised under Paragraphs 175 and 176 of the NPPF and Policies S6 and BNE35 of the Local Plan.

Public Right of Way

It should be noted that there is Public Right of Way situated directly on the northern boundary of the proposal, is the PROW RR14 that links Rochester to Wouldham.

There are aspirations for this path to form a continuous route from Aylesford to the Rochester as part of the project to provide riverside access throughout Medway.

The developments acknowledge the existence and retention of this path in their design and access statements and mention possible links to the apartments. After discussions throughout the application process amendments to the site plan have been made which now includes some of the PROW within the red line of the application site.

This impact is a material consideration during the planning process under the TCPA and forms part of Medway Council's remit under T2B.1 and T4B.5 statements of Actions of the Medway Council's Rights of Way Improvement Plan 2020-2030.

Having discussed the situation with the applicants of this site and also MC/20/2011 it has been agreed that a condition can be placed on any permission going forward so that works to the PROW are agreed and in place prior to occupation. This request links

directly to the Travel component of the Medway Council's Developers Contribution Guide 2018.

Paragraph 91 of the NPPF states 'that planning policies and decisions should aim to achieve healthy, inclusive and safe places which would enable and support healthy lifestyles and that encourage walking and cycling'.

Both national planning and Medway Council policy determines that the PROW network should be enhanced as a means to promote sustainable access and provide opportunities for exercise and recreation

As part of the mitigation against the extra footfall on the footpath as a result of these new developments we would ask for improvements to be made to the surfacing of this path.

Climate Change and Energy Efficiency

The NPPF identifies that good design "is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities" (paragraph 124). Paragraph 131 in particular refers to great weight being given to outstanding or innovative designs which promote high levels of sustainability.

In planning for climate change, plans should take a proactive approach to mitigate and adapt to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures; in line with the objectives of the Climate Change Act 2008. In order to support this, paragraph 150 of the Framework states that new development should be planned for in ways that:

- a) Avoid increased vulnerability to the range of impacts arising from climate change; and
- b) Can help to reduce greenhouse gas emissions, such as through its location, orientation and design.

All new buildings constructed in the UK must be designed and built to meet or better the requirements of Building Regulations Part L1a (2013) through the adoption of enhanced energy efficiency measures. The Government carried out consultation on changes to Part L (conservation of fuel and power) and Part F (ventilation) of the Building Regulations between October 2019 and February 2020 as part of introducing a Future Homes Standard for new build homes to be future-proofed with low carbon heating and world-leading levels of energy efficiency.

With regards to the above, the following sustainability points are relevant to the development proposal:

- The proposal represents the efficient use of brownfield land in a sustainable location,

- An energy efficient design that performs above the minimum compliance with the current Building Regulations 2013,
- The building design is adaptable and provides a high-quality standard of living through the provision of adequate outdoor communal and private amenity space, safe and secure cycle and recycling storage and meets National Space Standards,
- Sustainable layout and orientation to maximise solar gain, prevent overheating and achieve the best natural heat, light and ventilation in the building and individual units,
- Integration of drainage into the design through the use of natural and sustainable systems, such as the inclusion of the green roof which will provide flood resilience and ecological benefits,
- Consists of a high-quality design whereby the more efficient use of materials and sustainable construction measures will be explored at the detailed design stage in order to meet the latest building standards,
- Provision of public open amenity space,
- Inclusion of EV charging points within parking area,
- Improvement to the estuary footways within the site,
- Retains tree planting where possible and provides new landscaping offering biodiversity enhancements and an attractive environment,
- Minimisation of pollution (air, noise, dust) during the construction stage, delivered through a Construction Method Statement to be secured by appropriate planning condition,
- A travel information pack is to be issued to all residents which will include information on nearest bus stops and services available, map of local facilities, information and map showing cycle and pedestrian routes, and information on car sharing and cycle to work initiatives.

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 obligations proposed comply with these tests because they have been calculated based on the quantum and location of the proposal and are directly related to the development.

The following contributions are sought in accordance with Medway Council's Developer Contributions Guide 2019:

- £15,339.05 toward Nursery provision

- £46,016.93 toward Primary provision
- £34,541.81 toward Secondary Provision
- £11,517.28 toward Sixth form provision
- £9,800.00 toward Public Realm improvements
- £6,736.00 toward improved library facilities at Rochester
- £25,791.60 toward Medway South Primary Care Network
- £7,058.00 toward waste and recycling
- £10,000 toward improvements of sustainable infrastructure
- £10,015.60 toward Habitats Regulations (mitigation for Wintering Birds - at £250.39 per dwelling)

Local Finance Considerations

No additional consideration, other than those already identified under the S106, planning obligations.

Conclusions and Reasons for Approval

The proposal is considered acceptable in terms of principle, design, amenity and highway aspects and with regard to all other material planning considerations. The proposal accords with the provisions of Policies BNE1, BNE2, H3, H4, H5, T1, T2, T4 and T13 and paragraphs 11, 54, 56, 57, 59, 109, 110, 124 and 127 of the NPPF. Accordingly, the application is recommended for approval subject to the completion of the section 106.

The proposal also complies with the requirement of the Conservation of Habitat and Species Regulations 2010 and is in accordance with paragraphs 175 and 176 of the NPPF and Policy BNE35 of the Medway Local Plan 2003.

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

Background Papers

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

Any information referred to is available for inspection on Medway Council's Website <https://publicaccess1.medway.gov.uk/online-applications/>