

MC/20/2815

Date Received: 6 November 2020  
Location: Dental Surgery 1-4 Eastgate Court  
Rochester Medway  
Proposal: Demolition of the existing surgery building and the construction of  
5 terraced properties with associated refuse and cycle storage.

Applicant: Mr M Singh  
Agent: Synergy

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Ward: Rochester West Ward  
Case Officer: Nick Roberts  
Contact Number: 01634 331700

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 8th December 2021.**

**Recommendation - Approval with 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:

Received 23 July 2021  
20/288/05 - Proposed First and Second Floor Plans

Received 7 September 2021  
20/288/02 - Proposed Block Plan  
20/288/04 - Proposed Ground Floor Plan

Received 8 September 2021  
20/288/03 - Proposed Elevations

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

- 3 No development shall take place until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of working, noise, dust, access for construction traffic into the site and lighting arising from the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The construction works shall be undertaken in accordance with this approved plan.

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

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

Reason: Required before commencement of development to avoid any irreversible detrimental impact on any archaeological interest and in accordance with Policy BNE21 of the Local Plan 2003.

- 5 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not take place until conditions 6 to 8 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 9 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.

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

The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include:

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

(ii) an assessment of the potential risks to:

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

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

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

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

- 7 No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared and submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

- 8 No development shall take place (other than development required to enable the remediation process to be implemented) until the approved remediation scheme has been carried out in accordance with its terms. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

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

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.

- 9 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 6, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 7, 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 7 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 8.

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.

- 10 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.

- 11 No development above slab level shall take place until the following details have been submitted and approved in writing by the Local Planning Authority.
- o 1:20 elevation of all proposed timber doors and windows and 1:10 sectional details both horizontal and vertical through all new joinery.
  - o 1:10 details showing how weather 'blind' windows will be set within timber cladding.
  - o 1:20 elevation showing proposed brick detailing to east facing flank elevation, cant plinth, dog tooth coursing under eaves and fascia detail.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to the appearance of the Conservation Area in accordance with Policy BNE14 of the Medway Local Plan 2003.

- 12 No part of the development shall be occupied until details of the species, tree positions, sizes, root treatment and maintenance plan of the 3 replacement trees has been submitted to and approved in writing by the Local Planning Authority. The replacement trees shall be planted in the first planting season following removal of the original trees (T01 - T03) as identified in the Tree Condition Report(CAS/2020/182) received 7 September 2021. The development shall be implemented in accordance with the approved details and any trees which within 5 years of planting become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species.

Reason: To ensure the replacement of suitable trees to mitigate the impact of the approved works on the amenity of the area in accordance with Policy BNE43 of the Medway Local Plan 2003.

- 13 The existing hard surface within the root protection area of the retained trees and as shown on tree protection plan CAS/2020/182 received 25 October 2021, shall be used for contractor parking only. The use of this area for any other purpose will not be permitted until details have first been submitted to and approved in writing by the Local Planning Authority. This should include a detailed method statement that addresses the treatment of the surface to ensure the root protection areas of the retained trees will not be impacted.

Reason: To ensure no irreversible detrimental harm to the existing tree and in accordance with Policy BNE43 of the Medway Local Plan 2003.

- 14 No part of the development shall be occupied until a Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Parking Management Plan shall contain details of how residents and their visitors will be deterred from parking on street. 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.

- 15 No part of the development shall be occupied until details of cycle storage facilities have been submitted to and approved in writing by the Local Planning Authority in the form of individual lockers. The cycle storage facilities shall be implemented in accordance with the approved details prior to herein use approved being occupied and hereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2018 (or any order amending,

revoking and re-enacting that Order) shall be carried out on the land so shown for cycle and refuse storage facilities.

Reason: All new residential development requires provision of adequate accommodation for cycle and refuse storage to accord with Policies BNE1 and T4 of the Medway Local Plan

- 16 No part of the development shall be occupied until the refuse storage arrangements as proposed on drawing number 20/288/02 received 18 August 2021 have been implemented on site. The storage arrangements shall be maintained in accordance with the details approved and thereafter retained.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 17 No part of the development shall be occupied until details of a Waste Management Strategy have been submitted to and approved in writing by the Local Planning Authority. The Waste Management Strategy shall provide details of how waste collection vehicles are able to enter and exit the site as well as the frequency of collection of both recyclable materials and general household waste. The management of waste within the site shall thereafter be carried out in accordance with the approved details.

Reason: Required prior to commencement of development to ensure adequate waste collection without prejudice to the amenities of existing and future residents in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 18 The construction works in relation any new utility connections required to service the development shall be undertaken in accordance with paragraph 3.3.3 of the Arboricultural Impact Assessment and Method Statement (amended October 2021) received 25 October 2021. Where this guidance cannot be followed no further development shall take place until details have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure no irreversible detrimental harm to the existing tree and in accordance with Policy BNE43 of the Medway Local Plan 2003.

- 19 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 the 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 nearby residential properties and of how this effect has been minimised. Any external lighting shall be implemented in accordance with the approved details.

Reason: In order to limit the impact of the lighting on nearby residents and with regard to Policies BNE1, BNE2 and BNE5 of the Medway Local Plan 2003.

- 20 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) no development shall be carried out within Schedule 2, Part 1, Classes A, C, D, F, G and H of that Order unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of visual and neighbouring amenity in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 21 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification), the dwelling herein approved shall remain in use as a single family dwelling house falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification) and no change of use to C4 shall be carried out unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of amenity, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 22 The development shall be implemented in accordance with the measures to address energy efficiency and climate change as set out within the Climate Change Statement received 28 October 2021. Prior to first occupation of the development a verification report prepared by a suitably qualified professional shall be submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been undertaken and will thereafter be maintained.

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 152 the National Planning Policy Framework 2021.

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

## **Proposal**

This is an application for the demolition of the existing dental surgery and the construction of five terraced properties. The terrace would be approx. 25m in length, approx. 8.3m in depth, with a staggered eaves height ranging from approx. 4.7m – 6m and a staggered ridge height ranging from approx. 8.7 – 9.6m. Its design would consist

of a mix of a hipped and gabled roof and would be finished with a combination of red / yellow facing bricks, dark stained timber weatherboarding, traditional plain handmade clay roof tiles, timber sliding sash windows and brick detailing.

The layout would consist of 3 x one bedroomed terraced houses, and 2 x two bedroomed terraced houses with accommodation in the roof space. The proposal also includes secure cycle and bin storage. Due to the constraints of the site, there is no outside amenity space provided.

### **Site Area/ Density**

Site Area: 0.042 hectares (0.10 acres)

Site Density: 119 dph (48 dpa)

### **Relevant Planning History**

MC/18/2467	Construction of a two-storey building comprising of a Class D1 clinic and studio flat at ground floor level; three 1-bedroomed flats at first floor level and one 2-bedroomed flat within roof space with associated parking (demolition of existing building) Decision: Withdrawn Decided: 3 January 2019
82/801	Change of use from offices to Dental Surgery Decision: Approval with conditions Decided: 10 January 1983

### **Representations**

The application has been advertised on site, in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties. Southern Water, Historic England and KCC Archaeology were also consulted.

**Four** letters of representation were received objecting to the application on the following grounds.

- Insufficient parking
- Loss of light to offices
- Impact during construction
- Overlooking
- Development is out of character with the conservation area

**Southern Water** have advised that a foul sewer is located within the site and its exact position would need to be determined by the applicant. They have also confirmed that it is also possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any



further works commence on site. In addition, they have also provided general standing advice with regards to planting adjacent to sewers and confirmed that the proposed development would lie within a Source Protection Zone.

## **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 2021 and are considered to conform.

## **Planning Appraisal**

### *Principle*

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

The application site is located within an urban area and in the Historic Rochester Conservation Area. Policy H4 of the Local Plan supports residential development within the urban area and paragraph 60 of the NPPF seeks to boost the supply of housing by bringing forward a variety of land to meet specific housing requirements. Paragraph 86f of the NPPF states that planning policies should also recognise that residential development often plays an important role in ensuring the vitality of centres and encourages residential development on appropriate sites. Paragraph 11 of the NPPF also states that decisions should apply a presumption in favour of sustainable development.

Policy CF1 of the Local Plan is also applicable and seeks to retain community facilities except for in exceptional circumstances when it would be beneficial to redevelop the site. Within the supporting text to the Local Plan community services include healthcare facilities such as dentists. Paragraph 93c of the NPPF also states that planning policies and decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. However, paragraph 93d goes on to recognise that such facilities may need to develop and modernise, if they are to be retained for the benefit of the community.

In this case the applicant has submitted a personal declaration in which he has confirmed that the Eastgate Dental Practice currently holds an NHS contract to provide Dental services in the ME1 high street region. Therefore, there is the need to provide a continuity of service, and as such the current site cannot be redeveloped until a new site has been secured. The applicant also states that the current location for the dental practice is undesirable from a business perspective, as it has no active frontage, and it is located in an area that is relatively enclosed and not particularly inviting. Furthermore, the applicant has also confirmed that he has already purchased another property which is located more favourably on Rochester High Street, and in a more accessible location for its patients. Its relocation into the High Street would therefore retain the dental practice and would also contribute towards sustaining the positive

occupancy of commercial units on the Rochester High Street frontage. This is subject to gaining planning consents and approvals for the required building conversion if applicable. As such the redevelopment of the site would provide an opportunity to improve and enhance the Historic Rochester Conservation Area and allow the dental surgery to modernise and expand the service provision by moving to a more accessible location on the High Street. In addition, it will secure the long-term business use of a prominent commercial building that may otherwise remain unused.

Whilst although this application would not result in the loss of the dental surgery as it would be relocated to the High Street, also of relevance is the 2020 Amendment to the Town and Country Planning (Use Classes) Order 1987. As of the 1 September 2020, a Dental Practice would fall under new use class E(e) Provision of medical or health services. Where a building is used for a purpose of any class specified in the Schedule, the use of that building for any other purpose within the same class would not be considered development. As such a dental practice could change to any use falling within Class E without a requirement for planning permission.

In this context whilst in principle the construction of additional dwellings in this location may be acceptable with regard to Policy H4 and CF1 of the Local Plan and paragraphs 11, 60, 86f and 93 of the NPPF, the impact of the development with respect to design, and its impact on amenity and highways still needs to be considered.

### *Design*

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 and paragraphs 126 and 130 of the NPPF emphasises the importance of good design. Policy BNE14 of the Local Plan also states that development within Conservation Areas, or affecting their setting, should achieve a high quality of design which will preserve or enhance the area's historic or architectural character or appearance. Policy BNE18 also states that development which would adversely affect the setting of a listed building will not be permitted. This is consistent with paragraphs 197 and 200 of the NPPF.

The original submission was for 7 units, which included 4 terraced properties over two storeys with a further two flats with dormers in the roof space. This was revised to 5 units following concerns raised regarding the density of the development and its impact on occupier amenity with respect to minimum space standards.

The application site is roughly rectangular in shape and is bounded by a private car park serving the commercial units on Rochester High Street to the north, buildings that front Rochester High Street to the east, a vehicular access track to the south which wraps around and adjoins East Terrace to the west, with a block of flats known as The Chimes further to the southwest. In general, Policy BNE13 seeks to resist proposals to demolish buildings in conservation areas which make a positive contribution to the character or appearance of the area. However, in this case the existing surgery building is a brick built single storey, flat roof building which has no architectural merit. To a degree the site is also blighted by the presence of parked cars in connection with the buildings existing use and although the view from the High Street to Eastgate Court

is limited by the opening between the buildings in the High Street, the existing building is not attractive and does not invite pedestrians to walk through to Eastgate Court.

In this regard the proposed development, and indeed the proposed design, is considered to assist in enhancing the local character of the conservation area. The proposed development has also taken a sensitive approach to the existing constraints of the site in relation to the existing topography and the use of an existing access, which will assist with the integration of the surrounding built environment. This includes making use of the sites slope to produce stepped units with elevations, eaves and ridges that are graduating in scale. Furthermore, the terrace has been designed to have a variety of vernacular materials in-keeping with the surrounding area, which would include a combination of red/yellow facing bricks, dark stained timber weatherboarding, traditional plain handmade clay roof tiles, timber sliding sash windows and brick detailing, which will complement the Conservation Area and the adjacent listed buildings on Rochester High Street.

Although, by virtue of the nature of this proposal, the majority of the site will be occupied by buildings at least two storeys in height, it is not uncommon to have higher density development in town centre locations. Rochester High Street is characterised by its high density and tight urban grain and is a High Street that has grown out from its original linear formation in an organic way. Over a long period of time, many of the properties within close proximity to the High Street have been extended and altered with varying styles and designs. As a result, the appearance of the High Street area is of varied development that contributes to the historic feeling, character and the vibrancy of the High Street. This also includes examples of more modern residential led schemes including the Chimes and Davy Court. Furthermore, it is not uncommon within Rochester High Street and the surrounding roads to have habitable rooms with windows close to a path or road where pedestrians and vehicles can pass. In this regard, the proposed terraced houses would therefore represent an improvement to the overall character and composition of the site and would have uniformity and cohesion as a group of buildings which would be laid out in a traditional townscape.

Overall, the application comprises the redevelopment of a brownfield site to provide a residential scheme which will create a sustainable living environment, in line with Government objectives, for future residents of the site without causing detriment to the visual amenity of the Conservation Area and surrounding area as a whole. Therefore, and subject to conditions requiring further details with respect to external materials and joinery, the proposal is in accordance with Policies BNE1, BNE13, BNE14 and BNE18 of the Local Plan and paragraphs 126, 130 and 197 of the NPPF.

### *Amenity*

There are two main amenity considerations, firstly the impact of the proposed dwelling 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 130 of the NPPF relates to the protection of these amenities.

## Neighbouring Residential Amenity

Due to the siting of the proposed development the main consideration would be the impact on the amenity of the properties directly to the northeast, and most notably 156 – 166 Rochester High Street. Following a review of Council Tax and planning records, 156, 160 and 164 High Street would appear to be entirely in office/commercial use. In addition, both the ground floors of 158 and 162 High Street would also appear to be in office/commercial use, with one flat situated across the first and second floors of both of these respective properties.

In this regard although it is accepted that the proposed terrace will clearly have a visual presence when seen from the rear facing windows of 156 – 162 Rochester High Street, in comparison to the existing single storey building, an approx. 10.3m separation distance has been retained between the flank elevation of the proposed terrace and the rear facing habitable windows of the nearest affected properties at 158 - 162 High Street. In addition, a 25° daylight assessment was completed to assess the impact of the proposal on the rear facing windows of the first and second floors of these residential properties and there was found to be no impact. This was mainly as a result of the proposed hipped roof design at this end of the terrace, which would aid in reducing its prominence in comparison to a gabled roof design.

Furthermore, although concerns have been raised with respect to overlooking, the windows on the principal elevation of the terrace would overlook the rear of 164 – 166 High Street, which is used in connection with the ground floor commercial use and not as a private garden, and the rear facing windows would overlook the parking area and part of the building of 156 High Street, which is also in commercial use as offices. Whilst there would inevitably be an impact on the ground floor windows of 156 – 162 High Street with respect to sunlight, daylight and outlook, as previously mentioned, these would be in commercial/office use and therefore this would be far less sensitive in comparison to a residential use. In addition, whilst there would also be windows located within the flank elevation of the block of flats to the southwest, the habitable rooms affected would benefit from alternative outlook, and the residential properties on Eastgate Terrace would be at a sufficient distance that the proposal would not have a detrimental impact on the amenity of the occupiers of these properties.

Consequently, and on balance, it is therefore considered that the relationship between the proposal and adjacent properties would be satisfactory, when taking into account the tight urban grain of Rochester High Street where it is not uncommon to have higher density development in town centre locations.

It is considered appropriate to impose a condition requiring the submission of a Construction Environment Management Plan due to the nature of the proposal and the impact that the construction period could have on the amenities of local residents and neighbouring properties.

In these circumstances it is also necessary to remove certain householder permitted development rights that are not restricted on Article 2(3) land. This restriction is justified in this case due to the sites constrained location and its proximity to listed buildings. There is also potential for the dwellings to be converted to small HMOs in the future, which in turn may result in a harmful impact to the amenity of neighbouring

residents and highway safety. It is therefore recommended that permitted development rights also be removed with regard to the change of use between use class C3 and C4.

Subject to the above-mentioned conditions the development is considered to be in accordance with Policy BNE2 of the Local Plan and paragraph 130 of the NPPF.

#### Amenity of Future Occupiers

The proposed new dwellings have been considered against the technical housing standards - nationally described space standard dated March 2015 (the national standard). Below is a table showing the proposed floorspace for each dwelling based on the number of bedrooms and number of bedspaces in comparison to the Technical Housing Standards Nationally Described Space Standard, discounting any area with a headroom of less than 1.5m.

Unit Number	Number of bedrooms and bed spaces	National Standard (m <sup>2</sup> )	Proposed (m <sup>2</sup> )
Unit 1	1 Bed 2 Person	58	69
Unit 2	2 Bed 4 Person	79	92
Unit 3	2 Bed 4 Person	79	92
Unit 4	1 Bed 2 Person	58	69
Unit 5	1 Bed 2 Person	58	69

In the absence of any standards for a 2 bed 4-person three storey dwelling in the national standards, which both units 2 and 3 would be, the table above reflects the GIA requirements for a 2 bed 4-person two storey dwelling. However, as a comparison a 3 bed 4-person three storey dwelling would require a GIA of 90 m<sup>2</sup>, which both units 2 and 3 would exceed. In addition, the bedrooms would also meet the national standards area and width requirements.

Although due to the constraints of the site the dwellings do not have a private garden area, in the absence of any outdoor amenity space the dwellings are able to provide a surplus internal GIA of approx. 11 m<sup>2</sup> in relation to units 1,4 and 5 and approx. 13 m<sup>2</sup> in relation to units 2 and 3. Furthermore, when taking into account that the number of bedrooms for each unit would not necessarily make them appropriate as family homes and they would be located in a highly accessible location within easy walking distance to public open space, including The Vines and Rochester Castle Gardens, on balance the lack of any outdoor space is considered to be acceptable.

Consequently, and in view of the above the proposal is in accordance with Policy BNE2 of the Local Plan and paragraph 130 of the NPPF.

#### *Refuse and Recycling*

Although the Councils refuse vehicles would not be able to enter the site due to the narrow streets, the applicant has confirmed that a private refuse collection company would be used to collect both recycling and general household waste using smaller collection vehicles. This approach has previously been considered acceptable by an

Inspector following an appeal decision at 15-17 Doddington Road, Twydall (APP/A2280/3234660). In this regard, and subject to a condition requiring a waste management strategy, no objection is raised.

### *Contamination*

The application has been submitted with a Geo-Environmental Land Contamination Desk Top Study (3723 20 08 03 Rpt 01 REV A SA MS) received 19 November 2020. The report includes the site history, site walkover, information on the geology and hydrogeology of the site and also includes a conceptual site model. The findings of the report appear acceptable and recommends that further site investigations are undertaken to support the conceptual site model.

In view of the above and subject to conditions requiring further intrusive site investigations, no objection is raised in regard to Policy BNE23 of the Local Plan and paragraphs 183 and 184 of the NPPF.

### *Highways*

Policy T13 of the Local Plan and paragraph 111 of the NPPF states development proposals will be expected to make vehicle parking provision in accordance with the adopted residential parking standards. A scheme of this size would therefore normally be required to provide 6 parking spaces. However, the standards do state that reductions will be considered if the development is within an urban area that has good links to sustainable transport and where day-to-day facilities are within easy walking distance. The site is located within the core retail area of Rochester and close to bus links and Rochester train station. In these circumstances and subject to a condition requiring the submission of a parking management plan detailing measures that will be put in place to prevent residents from obtaining parking permits no objection is raised.

With respect to cycle storage, the applicants have indicated 5 spaces with details to be agreed. The overall provision is acceptable, however the Highway Authority would expect the provision of individual lockers to provide secure cycle storage in this town centre location. Subject to a condition requiring further details of the cycle storage facilities no objection is raised on highways grounds and the development is acceptable in terms of policies T1, T2 and T13 of the Local Plan and paragraph 111 of the NPPF.

### *Trees*

There are a number of trees located to the rear of 164 High Street, which by virtue of their location within a Conservation Area would be protected. As such, and given the sites proximity to these trees, the applicant has submitted a Tree Condition Report (CAS/2020/182) and Arboricultural Impact Assessment and Method Statement (Amended October 2021). In total seven individual trees (sycamores) were surveyed in accordance with BS 5837:2012 - Trees in relation to design, demolition and construction – Recommendations. Three of these trees T01-T03, had been subjected to poor quality heavy pruning, and as a result trees T01 and T02 were almost devoid of any foliage, and T03 had been heavily pruned on one side resulting in an

unbalanced asymmetric canopy. The survey also noted that the trees had not been cut to target pruning points leaving numerous stubs from which future regenerative growth would sprout from. In these instances, the union between the stubs and regrowth is notably weaker with increased potential for branch failure at these points.

The Tree Condition Report therefore recommends that trees T01-T03 are removed, which would then give opportunity for replacement trees with specimens with more upright form, which would require less intervention/pruning. In addition, an opportunity would also exist to diversify tree species to include native specimens such as Field Maple which would not only enhance the aesthetic contribution of the site within the public realm but would also increase habitat provision particularly for pollinators. The recommendations as detailed within the Tree Condition Report would be considered acceptable, and subject to a condition requiring details of the species, tree positions, sizes, root treatment and maintenance plan of the replacement trees no objection is raised in this regard.

The Arboricultural Impact Assessment and Method Statement also includes measures that will be implemented during construction to protect trees T04-T07 which will be retained. This includes utilising existing service runs and locating any new service runs or ducts outside the root protection area of the retained trees, as well as using the existing hardstanding under the retained trees for contractor parking to ensure there is minimal impact on the rooting area. These measures are considered acceptable, however in recognising that this may evolve during construction, a condition has been imposed requiring the submission of additional details in the event that this guidance cannot be followed.

With respect to future pressures, there would be habitable rooms serving the development that would be in close proximity to the trees to the rear of 164 High Street. However, the proposed replacement trees will have more upright form, which as previously mentioned would require less intervention. This would also allow daylight to pass under the canopy, whilst also allowing views through. Furthermore, there will be times of the year when the trees will not be in leaf, and therefore the impact on outlook and daylight will be improved when daylight is at its scarcest during winter months. In addition, the applicant has also proposed self-cleaning glazing for the roof windows, with fixtures that would allow cleaning from the inside. The bin and cycle store would also be covered which would protect them from sap and tree deposits.

In view of the above, no objection is raised with regard to Policy BNE2 and BNE43 of the Local Plan and paragraphs 130 and 131 of the NPPF.

### *Climate Change and Energy Efficiency*

The Planning Agent has submitted a Climate Change and Energy Efficiency Statement which is summarised as follows:

- The development will use high levels of insulation to retain heat and avoid cold bridging.
- The development will use low voltage LED lighting.
- The development will use highly efficient boilers and heating systems.

- The development will use efficient ventilation systems, such as mechanical systems which run at low speeds.
- New build construction would offer the opportunity to construct buildings that are thermally very efficient using high levels of insulation.
- The use of solar control glazing will be incorporated to reduce heat gain by utilising double or triple glazing which is argon filled.
- The new houses are likely to be constructed in timber frame which is naturally thermally efficient.
- A timber frame construction will assist in reducing cold bridging and the frames will be highly insulated using PIR insulations installed under factory conditions.
- Timber will be sourced from local suppliers where possible minimising transport impacts on the environment.
- The use of white goods with an A plus rating will be encouraged.
- Replacement Trees will be planted of a higher amenity value which will flower and produce fruits suitable for invertebrates and birds to feed on.
- A private waste contractor will be contracted to collect refuse, composting waste and recycling. The waste contractor will be considered carefully based on their sustainability credentials.
- The houses are to be located in a highly sustainable location and the development will be car free which will promote more sustainable modes of transport.

### *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 £253.83 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 applicant has submitted a SAMMs Mitigation Contribution Agreement and payment and therefore no objection is raised under Policies S6 and BNE35 of the Local Plan and paragraphs 180 and 181 of the NPPF.

#### *Local Finance Considerations*

None relevant to this application

#### *Other Matters*

Although one of the letters of representation has raised concerns with respect to daylight, and reference has been made to the fact that they may decide to convert their offices to residential in the future, each application must be assessed on its own merits and the current committed developments known or under consideration at that time.

#### **Conclusions and reasons for Approval**

The principle of the proposed development is acceptable, and on balance no objection is raised in terms of design, amenity, parking, contamination or the impact on trees. The proposal would, therefore, comply with Policies BNE1, BNE2, BNE13, BNE14, BNE35, BNE43, CF1, S6 and T13 of the Local Plan and paragraphs 11, 60, 86, 93, 111, 126, 130, 131, 180, 181 and 197 of the NPPF.

The application would normally fall to be determined under delegated powers but has been referred to Committee due to the number of representations received contrary to the officers' recommendation.

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#### **Background Papers**

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

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