

**MC/21/2271**

**Date Received:** 30 July 2021  
**Location:** 209 - 217 High Street Rochester  
Medway ME1 1HB  
**Proposal:** Partial demolition of existing buildings and construction of a part 4 storey residential student accommodation building (Class C2) comprising 85 bedrooms (including 2 for staff), with parking, amenity space and associated infrastructure  
**Applicant Agent:** Rochester Independent College  
DWD LLP  
Mr James Smith  
71  
**Ward:** River Ward  
**Case Officer:** Tom Stubbs  
**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 9th March 2022.**

**Recommendation - Approved Subject to S106**

A. Subject to the applicant entering into a legal agreement under the terms of Section 106 of the Town and Country Planning Act 1990 to secure:

- £22,865 towards health improvements in capacity in primary care premises.
- £8,500 towards public realm improvements to Rochester High Street.
- £15,229 towards strategic measures in respect of the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites.
- Meeting the Council's costs.

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:

Received 18 January 2022:

29826B\_008 Rev A Demolition Ground Floor Plan  
29826B\_009 Rev A Demolition First Floor Plan  
29826B\_010 Rev A Demolition Second Floor Plan

29826B_011 Rev A	Demolition North and West Elevations
29826B_012	Demolition South and East Elevations
29826B_013 Rev A	Proposed Site Plan
29826B_101 Rev H	Proposed First Floor Plan
29826B_102 Rev H	Proposed Second Floor Plan
29826B_103 Rev G	Proposed Third Floor Plan
29826B_105 Rev E	Proposed Roof Plan
29826B_201 Rev E	Proposed South and East Elevations
29826B_202 Rev D	Proposed Street Elevations
29826B_203 Rev A	Proposed North Elevation Facade
29826B_204 Rev B	Proposed West Elevation Facade
29826B_206 Rev A	Proposed East Elevation Facade

Received 8 February 2022:

29826B_200 Rev G	Proposed North and West Elevations
29826B_300 Rev E	Proposed Sections

Received 15 February 2022:

29826B_100 Rev M	Proposed Ground Floor Plan
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Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 No development, other than above ground demolition, shall take place until the implementation of a programme of archaeological work has been secured in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority. The archaeological works shall thereafter be carried out in accordance with the approved specification.

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.

- 4 No development, other than above ground demolition, shall take place until details of foundations designs and any other proposals involving below ground excavation 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: 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 No development including demolition works, ground works and vegetation clearance shall take place until a construction environmental management plan: Biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity will incorporate the mitigation measures outlined in section 6.1 of the Ecological Appraisal

prepared by Aspect Ecology and dated November 2018, will be informed by up-to-date ecological surveys and will include the following:

- a) Risk assessment of potentially damaging construction/demolition activities
- b) Identification of 'biodiversity protection zones'
- c) Practical measures (both physical measures and sensitive working practises) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- d) The location and timing of sensitive works to avoid harm to biodiversity features
- e) The times during construction when specialist ecologists need to be present on site to oversee works
- f) Responsible persons and lines of communication
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
- h) Use of protective fences, exclusion barriers and warning signs.

The demolition and construction work shall be undertaken in accordance with the approved Construction Environmental Management Plan: Biodiversity.

Reason: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents, wildlife and habitat and with regard to Policies BNE2, BNE37 and BNE39 of the Medway Local Plan 2003.

- 6 No development including demolition works but other than archaeological works shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of hours of construction working; measures to control noise and vibration affecting nearby residents; dust and air pollution control measures; pollution incident control, piling details, bat mitigation measures indicated within the ecology report and site contact details in case of complaints. The demolition and construction works shall be undertaken in accordance with the approved Construction Environmental Management Plan.

Reason: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents, wildlife and habitat and with regard to Policies BNE2, BNE37 and BNE39 of the Medway Local Plan 2003

- 7 No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

The approved CSWMP and shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:

- i. Temporary drainage systems.
- ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses.
- iii. Measures for managing any on or offsite flood risk

Reason: Required prior to commencement of development to manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 167 of the National Planning Policy Framework 2021.

- 8 No development shall take place other than demolition and archaeological works until a scheme showing details of the disposal of surface water, based on sustainable drainage principles, including details of the design, implementation, maintenance and management of the surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. Those details should be submitted in conjunction with the site Landscape Plan, and shall include (if applicable):
- i. a timetable and construction method statement for its implementation (including phased implementation where applicable).
  - ii. appropriate operational, maintenance and access requirements for each sustainable drainage component are adequately considered.
  - iii. proposed arrangements for future adoption by any public body, statutory undertaker or management company.

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

Reason: Required prior to commencement of development to manage surface water post construction and for the lifetime of the development as outlined at Paragraph 167 of the National Planning Policy Framework 2021.

- 9 No development shall take place other than demolition, archaeological works and earthworks until an Air Quality Emissions Mitigation Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall be prepared in accordance with the Medway Air Quality Planning Guidance and shall specify the measures that will be implemented as part of the development to mitigate the development related road transport emissions. The development shall be implemented, and thereafter maintained and retained in accordance with the measures set out in the approved Mitigation Statement.

Reason: Required prior to commencement of development to ensure no long-term detrimental harm to conditions of amenity in accordance with Policies BNE2 and BNE24 of the Medway Local Plan 2003.

- 10 The works of demolition hereby permitted shall not be carried out before a

contract for the carrying out of the approved works of redevelopment of the site has been awarded and details of the timing of demolition and commencement of development have been submitted to and approved in writing by the Local Planning Authority.

Reason: To understand the significance of any heritage assets to be lost in accordance with paragraph 204 of the National Planning Policy Framework 2021.

- 11 Notwithstanding the approved plans, no development above slab level shall take place until details 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.

- 12 No development above slab level shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority:

- Details of new and replacement windows.
- Details of the new ground floor façade to 209 High Street.
- Details of the glazing system at ground floor level of 211-213 High Street.
- Details of the zinc cladding and new windows for the mansard roof at 211-213 High Street.
- Details of the roof lights to 215-217 High Street.
- Details of the bricks, the brick bond pattern (likely to be a Flemish bond) and the lime mortar mix to be used.

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 and BNE14 of the Medway Local Plan 2003.

- 13 No development shall take place above slab level until an acoustic assessment to determine the impact of noise from use of the external courtyard, has been submitted to and approved in writing by the Local Planning Authority. The results of the assessment and details of a scheme of acoustic protection sufficient to protect existing and consented adjoining residential amenity. The scheme must demonstrate that the internal and external noise levels will conform to the noise levels for dwellings identified by BS8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

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

- 14 No development shall take place above slab level until a scheme to minimise the transmission of noise from the use of the premises and plant has been submitted to and approved in writing by the Local Planning Authority. Noise from the premises should be controlled, such that the noise rating level (L<sub>Ar,Tr</sub>) emitted from the development shall be at least 10dB below the background noise level (L<sub>A90,T</sub>) at the nearest residential facade (including the consented scheme MC/19/0038). All measurements shall be defined and derived in accordance with BS4142: 2014. The development shall be implemented in accordance with the approved details prior to the occupation of any part of the development to which the phase relates and shall thereafter be retained.

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

- 15 No development shall take place above slab level until a scheme of acoustic protection against transport noise has been 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 (L<sub>Aeq,T</sub>) no greater than 30dB in bedrooms and 35dB in living rooms with windows closed and a maximum noise level (L<sub>Amax</sub>) of no more than 45dB(A) with windows closed. Where the internal noise levels will be exceeded with windows open, the scheme shall incorporate appropriate acoustically screened mechanical ventilation. The scheme shall include details of acoustic protection sufficient to ensure amenity/garden noise levels of not more than 55dB (L<sub>Aeq,T</sub>). 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 amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 16 No development shall take place above ground floor slab level until details of the provision of an electric vehicle charging point has been submitted to and approved in writing by the Local Planning Authority. Details shall include the location, charging type (power output and charging speed), associated infrastructure and timetable for installation. The development shall be implemented in accordance with the approved details and shall thereafter be maintained in working order.

Reason: In the interests of sustainability in accordance with paragraph 112e of the National Planning Policy Framework 2021.

- 17 No development shall take place above ground floor slab level until the detailed locations, specifications and long-term management proposals of the ecological enhancement measures and swift bricks, have been submitted to and approved in writing by the Local Planning Authority. The approved details

will be implemented and thereafter retained in accordance with the agreed management strategy.

Reason: To provide ecological enhancement with regards to paragraph 180 of the National Planning Policy Framework 2021.

- 18 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: To ensure that a suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere in accordance with paragraph 167 of the National Planning Policy Framework 2021.

- 19 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the Sustainability and Energy Statement reference RSOL2104RIC01 (updated January 2022). The development shall not be occupied until a verification report prepared by a suitably qualified professional has been submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been implemented.

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 154 of the National Planning Policy Framework 2021.

- 20 The proposed development shall not be occupied, until the area shown on the approved layout as cycle storage and vehicle parking space has been provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking and in accordance with Policies T4 and T13 of the Medway Local Plan 2003.

- 21 The proposed development shall not be occupied, until a Parking/Operation Management Plan, has been submitted to and approved by the Local Planning Authority in writing. The agreed details shall include measures for pupil arrivals

and departures and how on-site parking will be managed. The development shall operate within accordance with the approved Parking/Operation Management Plan thereafter.

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

22 Prior to the first occupation of the development herein approved, full details of a hard and soft landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

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, any 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 any 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), all paving and hard surfacing, minor artefacts and structures.

iv. Detailed information for the design and specification of any green wall(s) and climbing systems, including planting selection, specification and details of irrigation systems.

V. A timetable for implementation.

The development shall be implemented in accordance with the approved details and timetable and any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.



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

- 23 Prior to the first occupation of the development herein approved a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be implemented in accordance with the approved details before the development 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.

- 24 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 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 and play equipment, 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.

- 25 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), nearby residential properties and of how this effect has been minimised. It should also be in accordance with the Ecological Appraisal prepared by Aspect Ecology (dated November 2018). Any external lighting shall be implemented in accordance with the approved details and thereafter retained.

Reason: In order to limit the impact of the lighting on the Listed Buildings, the Conservation Area, wildlife, the landscaping of the site, the surrounding landscape and heritage features and nearby residents and with regard to Policies BNE1, BNE2, BNE5, BNE12, BNE14 and BNE37 of the Medway Local Plan 2003.

- 26 If, during development, contamination not previously identified is found to be present at the site, no further development shall take place until a method statement has been submitted to and approved in writing by the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with. The development shall thereafter be implemented in accordance with the approved Method Statement.

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.

- 27 In this Condition "retained tree" means an existing tree which is to be retained in accordance with the Arboricultural Impact Assessment and Method statement reference CAS/2021/189; 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**

This application seeks planning permission and consent for demolition in a conservation area for partial demolition of existing buildings and construction of a 4storey residential student accommodation building (Class C2) comprising 85 bedrooms (including 2 for staff), with parking, amenity space and associated infrastructure.

The application seeks demolition of part of the rear of the A.F Smith building and car workshop to allow the construction of a 4-storey modern, part brick, cladded and mesh

flat roof building to create a courtyard. The High Street elevation will be restored at ground floor level with the inclusion of a zinc second storey roof addition and the rear of the building facing Furrell's Road would have additional fenestration. This development would aid the change of use of the existing commercial premises into a residential student accommodation building (Class C2) for 82 students and 3 staff as part of Rochester Independent School College.

The ground floor would consist of common room, café, laundry, medical rooms, offices, w/c's, plant rooms, staff room, offices, stores and reception and external courtyard. The first floor would consist of the 32 student bedrooms, 1 staff bedroom, study room, kitchen and laundry. The second floor would consist of 37 student bedrooms and 1 staff bedroom. The third floor would consist of 14 student bedrooms.

To the rear there would be a parking space, bin stores and covered cycle store for 20 cycles, as well as a raised planter landscaped area with potential for tree planting.

This application was previously reported to planning committee on 8 December 2021 for:

Partial demolition of existing buildings and construction of a part 4 storey part 5 storey residential student accommodation building (Class C2) comprising 103 bedrooms (including 3 for staff), with parking, amenity space and associated infrastructure

Planning Committee agreed a resolution to approve the development subject to the completion of s106. The applicants reviewed their scheme and found it no longer viable and have therefore amended the plans. The amendments have resulted in the following changes from the previous scheme considered:

- New build element reduced in depth and height. More of the existing building on the Furrell's Road elevation is to be retained and the new build is reduced in height from five to four storeys with a green roof area.
- Amenity areas have been amended. Removal of ground floor cinema, gym and first floor external amenity space. Amenity area now in internal ground floor courtyard where the cinema was previously to be located.
- Reduction from 103 to 85 rooms.
- Reduced parking spaces from 2 to 1.
- Additional raised landscape planting areas in courtyard.

### **Relevant Planning History**

MC/20/2825	Application for non-material amendment to planning permission MC/19/0038 to enable the condition wording to be amended to allow for phasing of the development. Decision: Approval with conditions Decided: 14 April 2021
MC/19/0038	Residential - led mixed use development comprising 331

residential units, non-residential floor space comprising 1,894 sqm of Class A1, A2, A3, A5 and D2 floorspace associated car parking (258 car parking spaces and 8 on street spaces) landscaping, engineering works, highway works to the junction of Corporation Street and High Street and alterations to pedestrian crossing - Including demolition of all buildings on site apart from the buildings East of Furrell's Road fronting onto the High Street which is proposed to be partially demolished

Decision: Approval subject to s106

Decided: 5 December 2019

## Representations

The application has been advertised on site, in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties. Historic England, KCC Archaeology, EDF Energy, Southern Gas, Southern Water, National Highways, Environment Agency, RSPB, Natural England, Kent Wildlife Trust, KCC Biodiversity, and Rochester Airport Ltd were also consulted.

**One** A letter of support has been received from the adjacent landowner raising no objection requesting a management plan of outdoor amenity space to be conditioned.

A noise assessment and mitigation condition has been imposed on the application.

**One** letter of objection and **two** petitions of objection (one consisting of 25 people and the other consisting of 27 people – some of which have signed both) have been received 'making a total of 26 different residents raising the following concerns: -

- Disturbance to neighbours, specifically the adjacent retirement flats opposite.
- Pedestrian pavements would be blocked by students travelling to the main college and increased issues using pedestrian crossings.
- Impact on loss of approved facilities within previous planning application MC/19/0038.

**Kent Police** have written to advise of their concerns with regard to security and have set out some issues that need to be addressed/considered; they have also suggested the developer contacts them to ensure compliance with Secure by Design (SBD). An informative would be included within the application to bring this letter of representation to the applicant's attention.

**The Environment Agency** have written to raise no comments on the application.

**Natural England** have written to advise that the application would result in a net increase in residential accommodation which would impact the Special Protection Areas and Ramsar sites and the need for mitigation and an appropriate assessment under the Conservation of Habitats & Species Regulations 2017 as amended. It also informs of the impact of the People over Wind judgement. They also indicate that this area would benefit from enhanced multifunctional green infrastructure.

**National Highways** have written to raise no objection.

**KCC Biodiversity** have written to advise that the submitted ecological appraisal from the applicants is based mainly on the larger scale application carried out in 2018 but sufficient information has been submitted to determine this application and the mitigation measures proposed are appropriate. Conditions would be imposed to secure a Construction Environment Management Plan: Biodiversity, lighting design details and to secure ecological enhancements such as the green roofs and possible swift bricks within the north elevation.

**Southern Water** (SW) have written requesting the relocation of the attenuation tank within 5m of a public surface waste sewer giving information of requirements of development near sewers. It requests investigation works are required to locate a possible public sewer now crossing the site. They have undertaken a desktop study for the impact that the additional foul sewerages flow from the proposed development will have on the existing public sewer network and this indicates that increased flows could result in increased risk of foul flooding. Any network reinforcements deemed necessary to mitigate this will be provided by SW. However, SW and the developers will need to work together to ensure the mitigation comes forward with the proposed occupation. The representation indicates the need for an application to SW to connect to the public sewer and information has been included on how to do this, as well as the need for long term maintenance for Suds schemes, and a condition for a SUDS scheme.

**Historic England** have commented regarding the positive contribution the proposed unlisted buildings have within the conservation area. They believe the changes broadly follow the previous planning approval but with notable improvements with a more rhythmic and successful pattern of fenestration. Similar levels of demolition and the new build if detailed successfully could be a positive contribution to the conservation area. The changes provide limited harm, but the harm could be clearly justified under paragraph 200 of the NPPF. Conditions suggested by the Councils Conservation Officer should be imposed if approved.

**KCC Archaeology** have written that the site is known or has the potential to contain complex sequences of deposits including organic rich waterlogged sediments, peats and alluvium of high paleoenvironmental value, evidence of buried ancient land-surface withing flood plans associated with archaeological remains spanning from Mesolithic to Romano-British/early Medieval period. Evidence of historic river defences and post medieval settlement. Conditions should therefore be imposed regarding a programme of archaeological works and foundation designs.

**KCC Archaeology** has responded with a further representation to advise that the archaeological Evaluation Report (ref; 15363) dated July 2021 is not sufficient to remove the previously requested conditions as subsequent mitigation measures are required to form a programme of archaeological works. This can only be agreed when the Evaluation has been completed.

The application was amended in January 2022 and re-consultation letters sent. There were no further representations from the public, while **The Environment Agency, Natural England, Historic England, Highways England** and **KCC Biodiversity** all

responded with no further comments from their previous advice.

**KCC Archaeology** agreed the amendments to the previously worded condition from the applicant that demolition above slab level could take place.

## **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 (NPPF) and are considered to conform.

## **Planning Appraisal**

### *Background*

The application site formed one of the phases of the planning application MC/19/0038 which sought the redevelopment of a wider area. The MC/19/0038 application approved two flexible commercial uses (Class A1, A2, A3, A5 and D2 within the previous use class order) units measuring approx. 386m<sup>2</sup> and 25 flats. This application also included the additional dormer to the front and new part 4- / part 5 storey contemporary building to the rear. This application is sought its own right and not a variation to this planning permission.

This current application seeks permission for a similar front dormer and a contemporary rear building but reduced in massing, a different end use and materials. This application would need to consider the impacts on the remaining phases of the MC/19/0038 application.

### *Principle*

The site is within the existing urban area and located within the Star Hill to Sun Pier Conservation Area and adjacent to a Grade II listed building (former county court). The proposed buildings are also non-designated heritage assets, including the former Missions to Seamen Institute at 209-213 High Street (most recently used as a Peugeot car showroom) located on the corner of Furrell's Road, and the former A.F Smith and Sons (215-217 High Street) building on the corner of the former train station car park.

The provision of learning facilities would be considered under Policy CF7 of the Local Plan which permits further education facilities on appropriate sites in Chatham town centre or other town centres which are accessible by a variety of means, including public transport, cycling and walking. Paragraph 95 of the NPPF states It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.

The application is sited on the edge of the town centre and accessible to a variety of means of transport. Therefore, in principle the development would be acceptable subject to the acceptability of the detailed considerations below.

It is noted within the objections there are concerns regarding the loss of commercial uses at the ground floor from the previous planning approval. However, the proposed use is also considered acceptable in principle and no objection is raised from the loss of these previously approved elements.

### *Design and Heritage Impact*

Paragraphs 126 and 130 of the NPPF emphasises the importance of good design 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. Paragraphs 195, 197, 199, 200, 202 and 203 of the NPPF set out the criteria for assessing planning applications with potential harm to heritage assets and non-designated heritage assets. Policies BNE14 and BNE18 of the Local Plan also seek to achieve a high quality of design to preserve or enhance the areas historic character or appearance including the reinstatement of traditional materials and boundary treatments. The visual appearance of new development should also be sympathetic to existing buildings and their settings and that development that adversely impacts the setting of a conservation area and listed buildings will not be permitted.

The existing buildings located within the application site are considered non-designated heritage assets and provide a positive contribution to the conservation area. The principle for part demolition is considered acceptable as this minimal harm would be considered to allow the overall enhancement of the conservation area by bringing the important vacant non designated heritage assets back into a sustainable use, with the ability to sensitively restore the High Street elevation.

With regards to siting, size and scale the proposal is similar to the building approved under MC/19/0038 with a similar second floor dormer, though there is some deviation within the new build to the rear. More of the elevation of the non-designated heritage asset fronting Furrell's Road is to be retained making the new build narrower. The overall height of the new build has predominantly been reduced which has an even greater positive impact on the setting of the adjacent listed building compared to the consented scheme and that considered by Planning Committee on 8 December 2021. It is noted that some elements are higher than the previous approved scheme such as the central access core, but this is similar to that considered by Planning Committee on 8 December 2021 and no objection is raised.

With regard to design, the new build is considered to be acceptable and adds some additional variation in elevational treatments to the wider approved scheme. Conditions of materials would be required, if approved including, the specific details of the bricks, the brick bond pattern (likely to be a Flemish bond) and lime mortar mixes.

With regard to 209-213 High Street (former Mission Seamen Institute building) the careful reinstatement of the ground floor based on original appearance and

architectural detailing is welcomed and seen as an improvement to the previously approved scheme. The second-floor mansard roof addition is also acceptable subject to details of the zinc cladding and windows. With regard to windows, the use of a mix of new double glazing, aluminium glazing systems and secondary glazing is welcomed subject to conditions for their final detailing to be submitted for approval.

With regard to 215-217 High Street the retention of the two-storey glazing is also welcomed. This retains the character of the shopfront that is important to the conservation area and reason for this building being considered a non-designated heritage asset. A condition is recommended for the final detailing of the secondary and new double glazing.

Paragraph 131 of the NPPF seeks to protect trees where possible and Policy BNE14 of the Local Plan seeks to retain trees that form a positive contribution to the conservation area. The application is supported by an arboricultural impact assessment and method statement, reference CAS/2021/189(dated June 2021) that seeks to retain and protect the four trees within the adjacent former Rochester train station car park. The details are acceptable subject to a condition for the works to take place in accordance with this document.

The development also proposes rear raised planters over the easement, however as full details are not provided a set of landscaping conditions would be required if recommended for approval to ensure appropriate planting is secured.

Subject to the abovementioned conditions the application is considered to be acceptable in size, scale, design and impacts on heritage assets, in accordance with Policies BNE1, BNE14 and BNE18 of the Local Plan and paragraphs 126, 130, 131, 195, 197, 200, 202, 203, 204 and 205 of the NPPF.

### *Amenity*

There are two main amenity considerations, the impact on neighbouring occupiers in terms of sunlight, daylight, outlook and privacy, and the standard of amenity which would be experienced by future residents of the site itself. Policy BNE2 of the Local Plan and paragraph 130 of the NPPF relates to the protection of these amenities.

### Neighbouring Amenity

Concerns have been raised within letters of representation regarding the impact on neighbours at the retirement flats opposite from noise and general disturbance in relation to the proposed use.

By virtue of the proposed massing being reduced from the approved residential scheme of MC/19/0038 and the proposed relationship to the proposed student bedroom windows of both existing neighbours and consented flat windows and balconies (which is the same distance in MC/19/0038), no objection is raised with regards to the impact on neighbouring amenities with regards to a loss of sunlight, daylight, outlook or privacy.

With regard to the concerns raised within the consultation responses in relation to



activity and impact on neighbouring uses it is considered that the application would not result in any significant detrimental impact on neighbours particularly given the mixed-use High Street location.

With regards to noise, the application has been supported with an acoustic assessment, version 1-1, (dated 16 July 2021), which indicates the need for future plant which at this stage cannot be identified although the plans indicate a sub-station will need an application at a later date. Consequently, a condition to control mechanical plant noise impact would be required if the application were recommended for approval. With regard to the noise itself the proposed internal courtyard with access directly off the common room could result in noise impacts on the neighbouring approved flats, however this could be controlled by the use of a condition for a noise assessment with suitable mitigation if recommended for approval.

It is also considered that there is potential disturbance from noise, vibration and dust as a result of construction activity. The applicants have submitted a Construction Environmental Management Plan (CEMP) in support of this application to minimise this harm. However, although elements are acceptable such as the proposed hours of operation and measures to be implemented to control dust, the report fails to provide details of the proposed piling and as this is a significant source of noise and vibration a condition for a CEMP would still be required if the application were considered for approval to cover those impacts.

### Occupier Amenity

With regard to the amenities of future occupants of the development itself, the proposed student and staff bedrooms have been assessed with regard to the technical housing standards – nationally described space standard 2015 (the national standard). All student bedrooms exceed the requirements for a single bedroom with regards to widths and room sizes whilst also containing en-suites which is therefore considered acceptable. Furthermore, each habitable student room would have suitable outlook.

The student bedrooms would not have any private external space, and this would not be expected of a development of this kind. However, the students would also have access to common rooms, a café and external areas such as the rear garden, raised courtyard area and fourth floor terrace, as well as other open space available on sites across the Rochester campus.

The noise assessment submitted with the application covers the impact of noise on future occupiers by utilising computer modelling which is acceptable. The assessment predicts that guideline noise levels should be achieved through careful design of the façade, however as no specific details or detailed noise break down calculations have been provided, this will be required by condition. This condition would also require consideration of acoustics and ventilation.

Subject to these suggested conditions, no objection is raised in terms of the amenities of both the future occupiers and neighbour amenities under Policy BNE2 of the Local Plan and paragraphs 130 and 174 of the NPPF.

## *Highways*

With regards to highway safety, it is noted that the application site benefits from an extant permission and this application would seek a change from a residential development to a local educational establishment. Taking this into account the proposal would not have any further impact on the highway network that would raise any objections with regard to highways safety including the concerns raised in the consultation responses such as blocked footpaths and crossings.

The application proposes one parking space, however considering the type of development and its users with further parking available for staff across the remaining college campus, it is not considered that the provision is unacceptable. It is noted that the NPPF has put sustainable development as a central core and paragraph 112e outlines that development should provide electric charging facilities and therefore should be conditioned. Furthermore, a School Operation Management Plan would also be required to manage the parking space and to oversee the arrival/departure of students at the start and end of terms which could cause disruption. Although the transport statement submitted in support of the application does allude to this, it is requested that a formal document is provided which can evolve over time.

With regard to cycle storage the provision is considered sufficient and has the potential to increase if demand requires.

Subject to the abovementioned conditions the application is considered to be acceptable with regards to parking and highways safety and in accordance with Policies T1, T2, T4 and T14 of the Local Plan and paragraphs 111 and 112 of the NPPF.

## *Contamination*

Policy BNE23 of the Local Plan requires that land known to be or likely to be contaminated should be accompanied by detailed site examination and appropriate remedial measures to reduce or eliminate risk to human health and the wider environment.

The application has been supported by both a Preliminary Geo-Environmental Assessment and a Main Investigation Report reference 15363 (dated July 2021). The main investigation report includes results of an expanded intrusive investigation which has not detected contamination above acceptable levels for the proposed end use. Due to the result of this acceptable report and the footprint covered by the building and hardstanding, it is considered, only a watching brief condition would be required rather than a full contamination land condition, if the application were recommended for approval.

Subject to a watching brief condition no objection is raised to the proposal under Policy BNE23 of the Local Plan and paragraphs 174 and 183 of the NPPF.

## *Archaeology*

Policy BNE21 of the Local Plan relates to archaeological sites and directs that

development should not be permitted unless an archaeological field evaluation has been carried out by an approved archaeological body in advance of development.

The site is known and has potential to contain archaeological remains including complex sequences of deposits, including organic rich waterlogged sediment, peats and alluvium of high paleo-environmental value. Evidence of buried remains land-surfaces within the floodplain associated with archaeological remains spanning from Mesolithic to Romano-British/early medieval period. Evidence of Romano-British occupation and buildings close to the line of Watling Street as well as burials/cemeteries of both Romano-British and Anglo Saxon. Evidence of historic river defences/flood walls and for the management of the inter tidal marshland. Finally, archaeological remains of medieval and post medieval settlement, including houses, storehouses and industrial buildings. Consequently, any planning application would need to be conditioned for appropriate details of foundation design to allow preservation of archaeological remains in situ and for an appropriate programme of archaeological works.

The applicant has submitted an Interim Archaeological Evaluation Report reference: 15363 (dated July 2021) to overcome the need for the archaeological works condition. However, this document does not sufficiently cover proposed mitigation required which can only happen when the evaluation takes place. Therefore, the archaeological works condition is still required.

Subject to the abovementioned condition the proposal is in accordance with Policy BNE21 of the Local Plan and paragraph 194 of the NPPF.

### *Ecology*

This application is supported by an Ecological Appraisal reference 15363 (dated July 2021) based on the submission of the previous scheme for the wider development. The ecological impacts from the wider site are impacts on the SPA and Ramsar sites (see bird mitigation section of this report), impact on foraging and commuting bats, badgers and nesting birds. The mitigation within the report is considered acceptable although some may be less relevant due to the smaller footprint of this application. If the application were considered acceptable conditions would be required to provide a CEMP: Biodiversity, further lighting details in regard to bats, and also ecological enhancements.

Subject to the suggested conditions no objection is raised regarding Policy BNE37 of the Local Plan and paragraph 180 of the NPPF.

### *Flooding/SUDS*

The application is supported by a Flood Risk Assessment reference 332510639/4001 (dated July 2021). The application site lies within Flood Zone 1 as recognised by the most up to date mapping from the Environment Agency. The Environment Agency's updated surface water flood risk mapping indicates that the site is at low risk of surface water flooding meaning that the chance of flooding in any one year is between 0.1% (1 in 1000) and 1% (1 in 100).

Estimated flood depths across the site for a medium risk event are between 300-900mm. Therefore, habitable accommodation needs to be above this level, and this has been achieved by locating habitable student rooms at first floor level.

With regards to possible surface water flooding, the proposal seeks the use of cellular storage tanks, which will be located within the parking area of the development. In addition, permeable paving, trapped gullies and catch pits are proposed for the development. With respect to the water quality measures proposed these are in line with the features in Table 4.3 of the CIRIA SuDS Manual 2015 and it is noted that the application seeks to connect into the existing Southern Water Surface Sewer located within Furrell's Road. There are further opportunities in the form of rainwater harvesting, grey water recycling and water butts where practical to provide additional means of surface water attenuation as well as a reduced demand on potable water supplies.

A set of SUDs conditions would be required if the application were considered acceptable, to ensure the submission of a SUDs scheme, verification report and construction surface water management plan. Subject to these conditions, the proposed development is in accordance with paragraphs 167 and 169 of the NPPF.

#### *Air Quality*

Policy BNE24 of the Local Plan and paragraphs 174 and 186 of the NPPF requires new development to take account of the impact on air quality.

The application site is located adjacent to Medway Central Air Quality Management Area (AQMA) and as such poor air quality in the area could affect new residents and adjacent developments.

The application has been supported by a revised air quality assessment reference Rev 3.4 (dated 18 October 2021) which mainly focuses on discharging the wider development conditions. The submission is broadly considered to be acceptable however this site will only need to mitigate a small proportion of the wider Bardell Terrace development and a separate air quality mitigation condition would be required if recommended for approval.

Subject to the abovementioned condition no objection is raised to the proposal under Policies BNE2 and BNE24 of the Local Plan and paragraphs 174 and 186 of the NPPF.

#### *Climate change and energy efficiency*

The application is supported by a Sustainability and Energy Statement reference RSOL2104RIC01 (updated January 2022), which lists mitigation measures including utilising high performing super insulated building fabric, air source heat pumps and roof PVs. The proposed mitigation would result in a 21% reduction in regulated energy demand and 17% reduction in CO2 emissions. The application is considered in accordance with paragraph 154 of the NPPF. A verification condition would be required if the application were considered acceptable in accordance with paragraph 154 of the NPPF.

## *S106 Matters*

The Community Infrastructure Levy Regulations 2010 provide that in relation to any decision on whether or not to grant planning permission to be made after 6 April 2010, a planning obligation (a s106 agreement) may only be taken into account if the obligation is (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. The obligations proposed comply with these tests because they are necessary to make the development acceptable in planning terms, they are directly related to the development and are fair and reasonable in scale and kind. The following contributions are sought:

### Health

A contribution of £22,865 towards additional capacity in primary care premises required as a result of increased patient registrations. Based on a contribution of £269 per student room.

### Public Realm

A contribution of £8,500 towards public realm improvements to Rochester High Street included HASZ projects. Based on a contribution of £100 per student room.

### 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 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.

It is noted that 25 contributions have historically been received. The required mitigation is therefore £15,229.80 (65 x £253.83).

The applicants have accepted the requested contributions and are in the process of

drafting a s106 agreement. No objection is therefore raised under paragraphs 55, 57, 58, 180 and 181 of the NPPF and Policies BNE2, S6 and BNE35 of the Local Plan.

## **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 S6, CF7, BNE1, BNE2, BNE14, BNE18, BNE21, BNE23, BNE24, BNE35, BNE37, T1, T2, T4 and T14 of the Local Plan and paragraphs 95, 111, 112, 130, 131, 154, 167, 169, 174, 180, 181, 183, 186, 194, 195, 197, 199, 200, 202, 203, 204 of the NPPF. Accordingly, the application is recommended for approval subject to conditions, officers' delegation for final archaeology condition and the completion of the section 106 agreement.

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 the officer's 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 in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess1.medway.gov.uk/online-applications/>