

MC/21/3055

Date Received: 19 October 2021
Location: Strood Service Station 3 London Road
Strood Rochester
Proposal: Demolition of existing buildings and removal of underground tanks. Redevelopment of the existing Petrol Filling Station and surrounding land to provide up to a five-storey building to comprise 48 residential units (Use Class C3) with ground floor commercial space (Use Class E) to include amenity space, refuse and bicycle storage, landscaping and associated works. The proposal includes the redevelopment of the seven arches within the site comprising commercial space (Use Class E)
Applicant: Park Garage Group PLC
Agent: Park Garage Group PLC
Mr Julian Mann
Build Studios
203 Westminster Bridge Road
Lambeth
London
SE1 7FP
Ward: Strood South Ward
Case Officer: Hannah Gunner
Contact Number: 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 1st June 2022.

Recommendation - Approval subject to:

- A. Section 106 agreement to secure the following:
- i) Secure a minimum of 25% affordable housing (no less than 12 units)
 - ii) The following contributions are sought in accordance with Medway Council's Developer Contributions Guide 2021:
 - £12,051.36 toward Nursery provision
 - £4,131.00 toward Primary provision
 - £26,363.00 toward Secondary Provision
 - £1,939.02 toward Sixth form provision
 - £11,760.00 toward Public Realm improvements
 - £8,194.08 toward improved library facilities at Strood Library
 - £31,375.68 toward Medway Primary Care Network

- £8,568.24 toward waste and recycling
- £2,400.00 toward improvements of PROW improvements in the immediate vicinity
- £120,267.72 toward enhancement of open space facilities in the vicinity of the development as well as outdoor sport and allotments in Medway.
- £6,329.88 toward Medway's Metropolitan Park (Great Lines Heritage Park)
- £12,183.84 toward Habitats Regulations (mitigation for Wintering Birds - at £253.83 per dwelling)

B. And the following conditions: -

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 - o Proposed Site Plan (drawing reference: DWG_00_101_P4);
 - o Proposed North and East Elevations (drawing reference: DWG_00_211_P1);
 - o Proposed South and West Elevations (drawing reference: DWG_00_211_P2);
 - o Proposed Arches -East and West Elevations (drawing reference: DWG_00_212_P1);
 - o Proposed Courtyard Elevations (drawing reference: DWG_00_213_P1);
 - o Proposed Section AA and BB (drawing reference: DWG_00_220_P1);
 - o Assembly Section 1 (drawing reference: DWG_00_500_P1);
 - o Assembly Elevation 1 (drawing reference: DWG_00_501_P1);
 - o Assembly Section 2 (drawing reference: DWG_00_502_P1);
 - o Assembly Elevation 2 (drawing reference: DWG_00_503_P1);
 - o Assembly Section 3 (drawing reference: DWG_00_504_P1);
 - o Assembly Elevation 3 (drawing reference: DWG_00_505_P1);
 - o Assembly Section 4 (drawing reference: DWG_00_506_P1);
 - o Assembly Elevation 4 (drawing reference: DWG_00_507_P1);
 - o Assembly Section 5 (drawing reference: DWG_00_508_P1);
 - o Assembly Elevation 5 (drawing reference: DWG_00_509_P1);
 - o Assembly Section 6 (drawing reference: DWG_00_510_P1);
 - o Assembly Elevation 6 (drawing reference: DWG_00_511_P1);

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 - o Site Location Plan Scale 1:1250 (drawing reference: DWG_00_001_P2);
 - o Proposed First Floor Plan (drawing reference: DWG_00_202_P3);
 - o Proposed Second Floor Plan (drawing reference: DWG_00_203_P4);
 - o Proposed Third Floor Plan (drawing reference: DWG_00_204_P4);
 - o Proposed Fourth Floor Plan (drawing reference: DWG_00_205_P4);
 - o Proposed Roof Plan (drawing reference: DWG_00_206_P4);
 - o Illustrative Landscape Plan (drawing reference: PLA 0002 SD 001 R02);
 - o Illustrative Landscape Sections 1&2 (drawing reference: PLA 0002 SD 002 R02);
 - o Illustrative Landscape Sections 3&4 (drawing reference: PLA 0002 SD 003 R02);
 - o Illustrative Landscape Sections 5&6 (drawing reference: PLA 0002 SD 004 R02);

- o General Arrangement and Levels Plan - Ground Floor (drawing reference: PLA 0002 SD 100 R06);
General Arrangement and Levels Plan - Podium (drawing reference: PLA 0002 SD 101 R04)
Received 18 January 2022
 - o Proposed Ground Floor Plan with car share (drawing reference: DWG_00_201_P4)
Received 6 May 2022
- 2 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).

- 3 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.

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

i. Plans and information providing details of existing and proposed finished ground levels, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, all paving and external hard surfacing, lighting and services (including drainage), tree grilles, minor artefacts and structures (seating, refuse receptacles and raised planters). Soft landscape works, including details of planting plans, tree positions, planting build ups, written specifications (including cultivation and other operations associated with grass, tree and planting establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes, root treatments and proposed numbers/densities where appropriate.

ii. Details for the design and specification of tree planting to enable healthy establishment at maturity. Information should provide details for the planting environment (including within hard landscape, raised planters and podium decks), 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 the podium deck. 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 green wall and climbing systems, including planting selection, specification and details of irrigation systems.

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

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

- 5 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 the communal courtyard podium deck for a minimum period of five years, with arrangements for implementation and future review. The document shall also include an appendix incorporating product specification sheets for all street furniture, covering installation and maintenance requirements. The development shall thereafter be managed in accordance with the approved details.

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

- 6 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. Any external lighting shall be implemented in accordance with the approved details.

Reason: In order to limit the impact of the lighting on the Listed Buildings, the landscaping of the site and nearby residents and with regard to Policies BNE1, BNE2, BNE5 and BNE12 of the Medway Local Plan 2003.

- 7 Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: hours of construction working; measures to control noise affecting nearby residents; wheel cleaning/chassis

cleaning facilities; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

(Informative: The working hours normally recommended by Environmental Protection are Monday- Friday 8am - 6pm, Saturday 8am -1pm and no working on Sunday and bank holidays.)

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

- 8 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 agreed 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

development shall be undertaken in accordance with the agreed details.

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 168 of NPPF.

- 9 No development shall take place until a scheme based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.

The scheme shall include (where applicable):

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

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

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 168 of NPPF.

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

Reason: This condition is sought in accordance with paragraph 168 of the NPPF to ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere.

- 11 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 12 to 14 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 5 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.

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

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

(ii) an assessment of the potential risks to:

human health

property (existing or proposed) including buildings, crops, livestock, pets, woodland and service

lines and pipes.

adjoining land,

groundwaters and surface waters,

ecological systems,

archaeological sites and ancient monuments;

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

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

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

- 13 Prior to commencement of the development, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, 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.

- 14 Prior to the commencement of any development (other than development required to enable the remediation process to be implemented), the approved remediation scheme must be carried out in accordance with its terms unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works. Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority prior to the bringing into use of the development.

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

- 15 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 12, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 13, 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 13 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 14.

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

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

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

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

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

- 18 No development shall take place until full details of the following air quality mitigation measures have been submitted and approved in writing by the Local Planning Authority:

Parking spaces shall be provided with electric vehicle charging points at the following rates:

- a) 1 electric vehicle charging point per dwelling with dedicated parking
- b) 1 electric vehicle charging point per 10 unallocated parking spaces

All works, which form part of the approved details, shall be completed before any part of the development is brought into use. Thereafter all approved electric vehicles charging facilities shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) 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 should make provisions for changes in car technology and in the interests of environmental benefits

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

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

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

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

- 21 Prior to the occupation of any commercial unit hereby approved, a scheme to minimise the transmission of noise from the use of the premises, shall be submitted and approved in writing by the Local Planning Authority. Noise from the premises should be controlled, such that the noise rating level (LAr,Tr) emitted from the development shall be at least 10dB below the background noise level (LA90,T) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014. All works which, form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

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

- 22 Prior to the occupation of any commercial unit hereby approved, a scheme for the extraction and treatment of cooking fumes, including details for the control of noise and vibration from the system, shall be submitted and approved in writing by the Local Planning Authority. Noise from the extraction system (LAeq,T) shall be at least 10dB(A) below the background noise level (LA90,T) at the nearest residential facade, when assessed in accordance with BS4142:2014. The approved scheme shall be implemented before the development is brought into use and thereafter be maintained in accordance with the approved details.

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

- 23 The development shall be implemented in accordance with the measures to address energy efficiency and climate change (Climate Change Statement - JMS Planning and Development Ltd) dated September 2021 and prior to first occupation of the development a verification report prepared by a suitably qualified professional shall be submitted to the Local Planning Authority confirming that all the agreed measures have been undertaken and will thereafter be maintained on site.

Reason: In the interests of sustainability and to positively address concerns regarding Climate Change in accordance with the NPPF.

- 24 Prior to the first occupation of any dwelling and/or building herein approved details of the refuse storage arrangements for the residential units, including provision for the storage of recyclable materials, shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved refuse storage arrangements for that dwelling are in place and all approved storage arrangements shall thereafter be 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.

- 25 No part of the development hereby approved shall be occupied until a Car Parking/Servicing Management Plan, has been submitted to and agreed in writing by the Local Planning Authority. The submitted details shall include the operational arrangements for residential vehicles, space sharing arrangements, disabled parking, car club arrangements and Parking Management Strategy review arrangements. The development herein approved shall operate in accordance with the approved plan.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency outside of the site and to accord with policies BNE2, T13 and T2 of the Medway Local Plan 2003.

- 26 The commercial units hereby permitted shall only operate between the hours of 7:00am to 7:00pm on any day of the week, including on Sundays and Public Holidays. Any unit wishing to open beyond these hours will require a separate consent specific to that unit.

Reason: To ensure that the development does not prejudice the amenities of neighbouring property in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 27 All commercial units hereby approved shall operate within Class E (Commercial, Business and Service) of the Use Classes Order 1987 (as amended).

Reason: To regulate and control the permitted development in the interests of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 28 No dwelling shall be occupied until details of secure private cycle parking provision in the form of individual lockers for have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be implemented in accordance with the approved details before any dwelling is occupied and shall thereafter be retained.

Reason: To ensure the provision and permanent retention of bicycle spaces in accordance with Policy T4 of the Medway Local Plan 2003.

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

Reason: To ensure that the development does not prejudice the amenities of neighbouring property in accordance with Policy BNE2 of the Medway Local Plan 2003.

Proposal

This application is for the demolition of existing buildings and removal of underground tanks. Redevelopment of the existing Petrol Filling Station and surrounding land to provide up to a five-storey building to comprise 48 residential units (Use Class C3) with ground floor commercial space (Use Class E) to include amenity space, refuse and bicycle storage, landscaping and associated works. The proposal includes the redevelopment of the seven railway arches within the site comprising commercial space (Use Class E).

The proposal is to be a single building that is between 3 and 5 storeys. The ground floor of the building is to have commercial uses fronting London Road wrapping round to the corner with Cuxton Road. On the south-western side of the building will be 2 x 3-bedroom units and the lower level for 2 x 2-bedroom maisonette units. Refuse, recycling and cycle storage is also located at ground floor level along the south-eastern and north-western.

Central at ground floor is the parking area, which is proposed to accommodate 19 parking spaces. The access to the parking area is located off Cuxton Road.

There are to be 4 stair and lift cores within the building and 4 residential access points from street level (2 along the south-eastern elevation and 2 along the north-eastern elevation).

At first floor level the flats are proposed on all sides of the development with a private communal 'podium' garden located in the centre (above the parking). As the property goes up the layout and configuration of the flats varies, with a central void overlooking the communal garden.

The overall breakdown of proposed flats is:

- 1 bed x 17
- 2 bed x 20
- 3 bed x 11

The commercial space on the ground floor is proposed to be a total of approx. 415sqm. The 'podium' garden is proposed to be approx. 108sqm.

Also forming part of this proposal are the seven railway arches located to the west of the main development. These total approx. 350sqm of proposed commercial space.

Relevant Planning History

MC/04/1229 Redevelopment of site including construction of new forecourt shop, car wash and associated crossover (demolition of existing buildings)
Decision: Approved with conditions
Date: 20 July 2004

Site Area/Density

Site Area: 0.35 hectares (0.87 acres)
Site Density: 137 dph (55.2 dpa)

Representations

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

KCC Archaeology, NHS Medway, Lead Local Flood Authority, Network Rail, Kent Police, National Highways (formerly Highways England), Southern Water, Southern Gas Networks (SGN) and EDF Energy have also been consulted.

KCC Archaeology has stated that the desk-based assessment suggest that the site's archaeological interest could be mitigated through a phased programme of works involving evaluation by trial trenching in the first instance, with further mitigation measures being informed by the results of the evaluation. Such an approach seems reasonable and could be secured by means of an appropriately worded planning condition.

Kent Police have confirmed that they are happy with the points that have been listed in the revised Design and Access Statement, subject to a condition that addresses CPTED detailing in full.

National Highways (formerly Highways England) have stated that no objection is raised to this application on the basis that the proposals will generate minimal additional traffic on the strategic road network (SRN) in peak hours. It is therefore considered that the development will not materially affect the safety, reliability and / or

operation of the SRN (the tests set out in DfT C2/13 paras 8 to 11 and MHCLG NPPF 2021 Paras 110 to 113), in this location.

SGN maps show the site to be near to a low-pressure gas main (approx. 4m away). It is stated that there should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system. Given the distance of the pipeline from the site there is no concern here.

Southern Water have stated that whilst the exact position of the public assets must be determined on site, however:

- The 150 mm public foul sewer requires a clearance of 3 metres on either side of the public foul sewer to protect it from construction works and to allow for future maintenance access.
- No development or tree planting should be carried out within 3 metres of the external edge of the public foul sewer without consent from Southern Water.
- No soakaway, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public foul sewer.

12 objections have been received from neighbouring residents. They have objected on the following grounds:

- Design is an eyesore and not in keeping with the area
- Building too high
- Listed Buildings will be overpowered
- Parking issues will be exacerbated in surrounding streets
- Naïve to think residents will not have cars – possibly more than 1 car for each unit
- Construction noise and traffic will cause disruption to residents in Cuxton House
- Will not be able to open windows of flats in Cuxton House for noise and dust
- Loss of light into Cuxton House flats
- Loss of privacy to Cuxton House residents
- Increase on strain to local schools

1 letter of support has been received from a local resident stating the following:

- Style of development is innovative and modern
- Building in town centres helps to limit urban sprawl
- Community aspect is welcomed
- Understand reasons for restricted parking provision and people buying/renting should be made aware that it is effectively 'car free'
- Electric Vehicle parking provisions should be made
- Good access to trains and buses – sustainable location

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.

Strood Town Centre Masterplan 2019 is also relevant.

Planning Appraisal

Background

The site is currently predominantly a petrol filling station with car wash and convenience shop within. There is also an element of car sales taking place on part of the site and 1 of the railway arches is currently being used by a car tyre company.

The petrol filling station has been established at this site for many years and the car sales is also a well-established use.

Pre-application advice was sought at this site for an 8-storey building comprising up to 69 units of accommodation with commercial space at ground floor and associated landscaping. Whilst the principle of redeveloping the site was supported the design of the building was considered to be too large in scale and not in character with the surrounding area or the adjacent listed buildings. This was re-iterated by Design South East – Design Review Panel and as a result the scheme has been significantly redesigned with more attention being paid to bulk and appearance in relation to its setting.

Principle

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

It is recognised that the application site lies within the urban area of Strood, within close proximity, but outside of, the core retail area. Policies S1 and S2 of the Local Plan seek to prioritise development within the existing urban fabric and then strategically sustainable development using a sequential approach to location.

The NPPF seeks to pursue sustainable development in a positive way through a presumption in favour of sustainable development, unless the policies within the NPPF provide clear reasons for refusing development, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits (paragraph 11).

A key element of national housing policy within the NPPF is to minimise the loss of greenfield sites for residential use by making the best use of development opportunities within existing urban areas. Policy S1 and S2 relate directly to development to brownfield sites, then sustainable sites.

Policy H4 of the Local Plan allows for residential development within such areas including the use of vacant or derelict land or the change of use or redevelopment of existing buildings no longer required for non-residential use. Whilst outside of the core

retail centre as defined on the Local Plan, the site is included in the Strood Town Centre Masterplan and therefore paragraph 86 of the NPPF is relevant. Paragraph 86 of the NPPF states that decisions should support the role of the town centres encouraging a mix of uses including housing, recognising that residential development often plays an important role in ensuring vitality of centres.

The Strood Town Centre Masterplan supports proposals for the railway arches to be used for workspace, leisure or retail as well as providing an active frontage to London Road which is to be predominantly commercial.

It should also be noted that as part of the new Local Plan process, this site has been deemed suitable and available for development in Medway Council's Strategic Land Availability Assessment (SLAA), site 603.

Overall, the principle of developing this site for residential and commercial purposes is considered acceptable and is viewed as a positive move to regenerating this area of Strood in accordance with Policies S1, S2 and H4 of the Local Plan and paragraphs 11, 60 and 86 of the NPPF and the objectives of the Strood Town Centre Masterplan 2019.

Design

The Government attaches great importance to the design of the built environment. Paragraph 126 of the NPPF emphasises the importance of good design and paragraph 130 is key to achieving well designed places. Policy BNE1 of the Local Plan requires the design of development to be appropriate in relation to the character, appearance and functioning of the built and natural environment and states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area.

Siting and Layout including Impact on Heritage and Listed Buildings

This application site sits on a busy corner plot within a mixed commercial and residential area and opposite a series of Grade II Listed Buildings, Crispin and Crispianus Public House and 10, 12, 14, 16 and 18 London Road.

Whilst there is no direct historic link between the Listed Buildings and the site, nor does it contribute to their setting; there is a visual connection between the two which has been appropriately addressed in the submitted Heritage Statement.

The Listed Buildings can be considered on the individual merit, but also collectively as a group of vernacular historic buildings, due to their surviving historic fabric and architectural detailing.

It is noted that the design approach to the proposed development acknowledges and responds to the Listed Buildings, in terms of its scale, how it addresses the street, and elements of its form – such as the pitched roof and the subdivision of the façade to give the sense of slim plots and a vertical emphasis.

It is felt that this is a clever and well-considered response to the Listed Buildings in order to deliver a sustainable, high-quality development in this location.

The layout of the building itself, with the four access cores is an improvement to earlier schemes. On a floor-by-floor basis, this results in a fewer number of units accessed from any one core, which in turn results in shorter travel distances, together with fewer single aspect units. The amenity space at podium level is a very welcome aspect within the design and creates an additional outlook to a number of the flats within the scheme.

The proposed development includes the railway arches to be reused and refurbished to a high quality for commercial space, in order to create a destination.

The arches as part of the high-level railway line do present some historic significance, forming an important part of the townscape. The Council are therefore supportive of their proposed reuse, which if successful, could be replicated within other areas of Medway.

With the above in mind, the proposed development, is supported in terms of the relationship and setting of/with the Listed Buildings opposite. It is felt that the proposal will provide an improved visual response to the Listed Buildings compared to the existing situation. The reuse of the arches too is something that is fully supported, making use of an under-utilised asset which could be replicated elsewhere. The proposal therefore complies with Policy BNE18 of the Local Plan 2003 and Paragraphs 192, 194, 195 and 197 of the NPPF 2021.

Heights

The building geometry renders lower facades along street frontages (3.5 storey) along London Road to the north and the newly created street frontage to the southwest. The taller facades where height can more easily be accepted are located to the northwest facing the railway arches and to the southeast fronting Cuxton Road. This configuration aides the building to sit within the London Road street scene without detrimentally harming the listed buildings opposite or the overall commercial High Street feel. Though designed with a part of the site taller than the 3 storeys outlined within the Strood Town Centre Masterplan the scheme configures the corner site well in terms of massing and offers a good quality end point to the High Street assisting legibility of the town.

The heights and views of this scheme have been tested using a SketchUp model. It is therefore with confidence that the Council can confirm this has informed the design and demonstrated the scheme as a well thought through addition to the town.

Window Detailing

In design terms, this scheme has been thoroughly developed with the level of detail provided at this stage being sufficient enough to provide confidence that the scheme can be delivered as drawn. The windows are configured with varying treatments and reveal depths. These relationships are considered to form part of the DNA of the

design and must be adhered to. Any subsequent amendment at a later date is likely to be strongly resisted.

It is recommended that a condition be applied to ensure the quality comes forward and window samples will still need to be submitted. These should be timber, powder coated aluminium or similar but clearly of a type that suits the design language as opposed to plastic.

Balconies

Much like the windows, the design of the balcony types varies and form part of the design DNA of the overall building. These have been demonstrated in section drawings within the submission and give confidence they can be delivered as shown on the elevations. The varying types of balconies include recessed styles that are either within the building itself or recessed within the roof, contrasting with some of the proposed dormers.

Balcony samples will still need to be submitted to ensure the quality that is demonstrated within the submission is reflected within the scheme itself. This will be secured by condition which is likely to require on-site component samples.

Ground Floor Commercial and Railway Arches

The commercial space within the building creates a positive relationship with London Road and the corner with Cuxton Road. It has found a satisfactory geometric end point to the High Street's commercial activity as part of a low rise discreet, yet landmark form that promises to be of considerable quality.

This commercial space within the building has been configured to be flexible through movable walls, regular door positions and a regular faceted façade at ground floor level, which will help to manage out voids in use and maximise the opportunity to succeed in filling the units.

The commercial uses as proposed within the railway arches would provide a pleasant, animated courtyard with the ability of uses to spill-out into it. This can provide a much needed, small scale commercial space while helping to support a safe environment through courtyard activity and natural surveillance.

To ensure a high standard of development, detailed drawings at 1:5, 1:10 and 1:20 will be required by condition to secure the architectural quality shown. These details are likely best demonstrated for this project as continuous annotated wall / roof sections at 1:20 (1:10 if necessary) and related to annotated part elevations of the same scale coordinated with material / component samples. It is important to demonstrate all finished floor levels and how they relate to corresponding land levels and external treatments across the site. Such information should be provided as a discreet package in a form that can be easily understood. Simple lodging of uncoordinated detailed and shop drawings for construction will not be adequate.

Overall and subject to conditions, this scheme is considered to be of a high quality design, which will benefit the wider Strood area going forward. The scheme is

considered to comply with Policy BNE1 of The Local Plan and paragraphs 126, 130 of the NPPF.

Landscaping and Ecology

Broadly, the landscape proposals appear well-considered, and create a number of defined spaces, offering opportunity for social gathering and enjoyment, to private residents and the wider public.

To ensure the successful establishment and long-term benefits of tree planting proposals, consideration has been given to their placement, species selection and predicted canopy size at maturity. Changes have been made from the original submission as trees have been 'thinned out' from the original drawings. The aim of doing this is to ensure that not only would it help for longevity, but it would also improve light levels to the ground floor apartments.

The podium deck courtyard offers a communal amenity space to residents. It is acknowledged that the tree planting in this location can be expected to impact the space as it may result in a relatively heavy shaded environment. However on balance, the landscaping for the podium deck is considered to be acceptable and will provide an important amenity space for residents that is completely separate from the public surrounds of the building.

It is part of the application proposals to install bird boxes and bug hotels within the landscaping scheme and within planting beds. It is also proposed that native species are planted to provide rich habitats for local flora and fauna. The existing site and its current uses provide no meaningful ecology habitats. As such, there are ecological benefits arising from the proposal.

The development provides additional active frontages and a positive environment for the activities of future businesses within the railway arches.

There is a requirement for further detailed landscape information to be provided, but this can be done via condition. This will include the detailed design of the internal podium deck, hardscape detailing, soil profile information, planting, ecological enhancement measures, street furniture specification, lighting and long-term landscape maintenance and management.

To conclude, the landscape and open space provision within this scheme is considered to be of a good quality and manages to get a communal garden in a town centre scheme. The proposed development is considered to comply with Policies BNE1 and BNE2 of The Local Plan and paragraphs 126, 130 and 174 of the NPPF.

Amenity

Policy BNE2 of the Local Plan relates to the protection of the amenities of future occupiers of the development and of neighbours in terms of privacy, daylight, sunlight, noise, vibration, heat, smell, airborne emissions. Paragraph 130 of the NPPF requires

that development functions well over its lifetime and provides a high standard of amenity for neighbours.

There are two main amenity considerations, firstly the impact of the proposed development on existing neighbours and secondly the living conditions which would be created for potential occupants of the residential part of the development itself.

Neighbouring Amenity

The closest neighbouring residents are to either the flats at Cuxton House, the flats opposite the site on London Road or the houses the other side of the Railway line on London Road.

In terms of the physical impact of the proposed building from a daylight/sunlight perspective, the applicants have submitted a Daylight/Sunlight report that shows the neighbouring daylight assessment demonstrates that there are isolated instances of non-compliance to a number of neighbouring properties in both Vertical Sky Component (VSC) and No-Skyline (NSL) terms. However, the impact from this is not considered harmful and given that the site is low lying and mostly clear, it is considered inevitable that there is likely to be instances of non-compliance occurring.

In terms of privacy, it is considered that the proposed units are located a sufficient distance from the residential flats within the immediate locality to not result in a detrimental impact.

Consideration is also given in relation to the potential noise impact from the commercial units that are being proposed at ground floor and within the railway arches and how the uses within these may impact on these neighbours.

Given the size of the proposed units and the location of them it is thought that the business will attract smaller businesses/studio spaces etc. This being the case, it is not considered that there would be a concern with noise from these units. To ensure that this remains, a condition is recommended to restrict hours of operation and the playing of amplified music.

Future Occupants Amenity

The proposed units within this development have all been assessed in terms of the internal space that is being provided and the accessibility to amenity space. In relation to flat sizes, each of the units is compliant with National Housing Standards both in terms of overall unit size and bedroom provision size (see below table).

Each of these units has a private amenity area with the provision of balconies/recessed balconies as well as most units being dual aspect. This is mainly possible due to the existence of the internal courtyard/podium communal garden.

With regards to the availability of private amenity space it is considered that the provision of balconies, the podium garden and the proximity to the recreation ground in Northcote Road ensure that access to sufficient open space is adequate.

All units would have sufficient outlook from habitable room windows and the separation distances of habitable room windows within the internal courtyard is considered acceptable to ensure privacy.

In terms of the proposed daylight/sunlight for the new units, the commissioned report shows that 48 of the 49 rooms tested met BRE guidelines for Average Daylight Factor (ADF). The room falling short received 0.96% ADF (0.04% shy of the 1% ADF target value). 40 of the 49 rooms satisfy NSL guidelines. 8 of the 9 that do not meet the guidelines are courtyard facing bedrooms. Given that ADF criteria and room depth are satisfactory, this is acceptable for rooms that are predominantly occupied at night.

Refuse storage facilities are shown as enclosed areas within the ground floor of the building and in locations adjacent to the entrances. It is recommended that a condition be included to secure the provision of these refuse storage areas for both residential and commercial units.

Overall, for both neighbouring and future residents it is considered that the proposed development is acceptable and will not result in detrimental harm to outlook, daylight, privacy or disturbance. From an amenity perspective this application is considered to comply with Policies BNE1 and BNE2 of the Local Plan and paragraph 130 of the NPPF.

Highways

The application is for 48 flats along with commercial on the ground floor and commercial within the 7 arches. 19 car parking spaces are proposed at ground floor within the block, beneath the podium garden. No spaces are provided for visitors nor for the employees for the commercial units.

The site is however, within a highly sustainable location, close to public car parks and public transport and within walking distance of a dense residential area. The scheme proposes significant cycle parking and also a residents car club on site. .

The cycle storage is proposed for the residents via 4 secure cycle storage areas, containing a locker option in 2 of the 4 areas. In total the number of cycle spaces that are to be available for residents is 66. The commercial users are also to have access to a cycle store, separate from the residents to ensure user safety. These provisions are considered to be acceptable for this site and are noted.

Parking surveys submitted with the application outline current capacity in the neighbouring council car parks. The car parks are located within walking distance to the site (Commercial Road and Temple Street) and there is sufficient parking capacity to accommodate short term visitors. In relation to employees, the site is well located to a dense residential area which it is anticipated will provide the main catchment for staff, who could then arrive at work by sustainable measures – walking, cycling or public transport. It is recognised that there may be some impact on nearby residential roads where there are no parking controls currently. It is anticipated that where staff do park on these roads rather than in the public car parks, this will generally be at times where there is capacity, however this will need to be monitored and there may be a need to bring in controls in the future..

Provision for electric vehicle charging points can be accommodated within the proposed car parking area on site and an appropriate condition is recommended.

Vehicular access and egress to and from the residential parking area within the centre of the residential block, will be from Cuxton Road and will be via a controlled access and egress system. Due to the proximity to the traffic lights on Cuxton Road, with slow moving or queuing traffic it is considered that the access/egress will be safe. A condition is recommended to secure further details of the controlled access gates.

Vehicular access for service vehicles and vehicles required in relation to the commercial units will be from slightly further away from the traffic lights on Cuxton Road. In terms of safety and visibility this access is considered acceptable. While there will be the possibility of an access from London Road in front of the arches, the desire is for this to be predominantly for pedestrians and cycles, along with occasional refuse and emergency vehicles. To ensure that the desire is secured a drop bollard will be incorporated and secured by condition on the London Road access point. This will ensure that the road is not used as a cut through but is maintained as an access for refuse and energy vehicles only, helping the area in front of the arches to remain pedestrian.

It is considered that the proposed access and egress to serve both the residential and commercial units is appropriately located and acceptable in terms of highway safety. In terms of car parking, while not meeting the Council's adopted parking standards for either the residential nor the commercial, it is considered that in this sustainable location, with provision of significant cycle storage for both residential and commercial, and provision of a car club, that the parking levels proposed are acceptable. The impact on adjacent residential streets will need to be monitored though.

Subject to the recommended conditions this proposal is considered to comply with the objectives of paragraphs 111, 112E of the National Planning Policy Framework 2021 and Policies T1, T2, T4 and T13 of the Local Plan.

Flooding and Drainage

The submitted FRA and SuDS Strategy Report, EB7 October 2021, and details submitted with the application have all been reviewed.

The site is situated within Flood Zone 1 'low risk' in accordance with Environment Agency mapping. It is noted that the site is subject to low, medium and high surface water flooding risk as highlighted by the most up to date Environment Agency Mapping. Additionally, London Road and Cuxton Road are also subject to a high risk of surface water flooding and any application should ensure that the proposed development would not increase flooding within the highway. Latest Environment Agency flood maps indicate there is a small area at (low and Medium) risk of surface water flooding with potential depths below +300mm. Floor levels of affected properties should be raised a minimum of 150mm and suitable flood resilience measures adopted to manage residual risk via solid floor construction, and raised sockets and services.

Inspection of the British Geological Mapping indicated the presence of Lewes Nodular Chalk (Bedrock and Head (Superficial) Deposits, which may allow the use of

infiltration. It is noted within the submitted FRA and SuDs Strategy Report that the site is located within a Sensitive Drainage Area and a Ground Water Protection Zone which may preclude the use of infiltration. Infiltration has been discounted at the site on the basis of the above and the potential contaminants from the previous use. Following confirmation from the applicant it is understood that due to the sites previous use contamination has been found on site and therefore soakaways are not deemed suitable.

The proposal seeks to connect to the existing southern water surface sewer located on London Road. Permeable Paving, green roofs, attenuation tanks, a hydro brake and rainwater harvesting is proposed on the site. It is noted that the proposed discharge rate for this site is 21.3l/s.

Although the LLFA are able to set discharge rates, the LLFA are not able to make comment as to whether the receiving system has the capacity to receive agreed discharge rates unless already established as part of a Surface Water Management Plan. In the absence of which, discharge rates will be set at levels to satisfy National non statutory Technical Standards for Sustainable Drainage.

The SuDs components proposed offer appropriate water quality mitigation in accordance with the most up to date guidance contained within the CIRIA SuDs Manual C753. Where proprietary systems are proposed the LLFA expect details about the level of mitigation provided to be consistent with the Simple Index Approach.

Subject to conditions that ensure the additional information relating to the sustainable drainage and a Construction Surface Water Management Plan (CSWMP) are submitted and agreed, it is considered that the proposals comply with paragraphs 159, 167 and 169 of the NPPF 2021 and are acceptable.

Archaeology

The archaeological desk-based assessment provides a good account of the archaeological background of the area and the archaeological potential of the proposed development site. It notes that the site lies alongside London Road, which follows the line of Roman Watling Street towards London from a crossing point over the Medway at Strood. The desk-based assessment notes the potential for burials and other road-side activity along Watling Street. It also notes that several Anglo-Saxon (or likely Anglo-Saxon) burials have been found within Strood, probably representing one or more cemeteries positioned alongside the road to London. In addition to this potential for Roman and Anglo-Saxon archaeology the applicant's desk-based assessment also considers the site to have a moderate potential for medieval archaeology and a high potential for post-medieval remains.

KCC Archaeology have reviewed the submissions and have confirmed that the necessary additional works can be carried out via an appropriately worded condition and that the works carried out to date are satisfactory. Subject to the recommended condition the application complies with Policy BNE21 of the Local Plan and section 16 of the NPPF.

Air Quality and Noise

The assessment submitted as part of this application has failed to take into account guidance issued by the IOA/ANC on acoustics and ventilation in relation to thermal comfort and overheating. Section 7 briefly touches on this issue, but no more detail has been provided in the context of the published guidance. Where windows have to be kept closed to maintain guideline internal noise levels, appropriate acoustically screened mechanical ventilation should be provided as an alternative of using an open window to control thermal comfort. Background ventilation, for example using trickle vents, is unlikely to be sufficient for this purpose.

No detailed noise break in calculations have been provided, and a more detailed assessment will therefore be required. This can be secured through the recommended conditions.

As noted in Section 7.5, noise levels in amenity areas are likely to exceed the upper guideline level of 55dB. Measures can be taken to reduce noise levels in these spaces, but no firm considerations have been included. The internal courtyard space being created should provide a quieter alternative amenity space, so long as commercial noise does not impinge on its use.

The assessment has ignored an important area of the proposed development, the commercial units. These units have the potential to affect existing and proposed residential amenity, depending on the end user. External and internal noise transfer will need to be considered so that amenity is protected. Other issues to consider include noise from plant, customers, deliveries etc..

It is, however, considered that all of the above can be properly addressed and considered through the recommended conditions.

Due to the potential for noise and vibration issues occurring during construction it is also recommended that a condition is imposed requiring the submission of a Construction Environmental Management Plan.

The detailed air quality assessment submitted indicates that the air quality objectives should not be exceeded at relevant receptors on the development site. The Council is satisfied with the conclusions of the assessment and no mitigation will be required to protect future occupiers of the development.

The trips generated by the development are likely to lower than the current use(s), and gas fired boilers are not going to be used. In this respect the development should be of benefit in terms of local air quality. However, in accordance with the Medway Air Quality Planning Guidance standard mitigation in the form of the provision of electric vehicle charging points should be secured and an appropriate condition is recommended...

Subject to the recommended conditions it is considered that the scheme complies with Policies BNE2, BNE3, and BNE24 of the Local Plan, the requirements of the Council's adopted air quality guidance note and the aims of The NPPF relating to air quality.

Contamination

Given that this site is currently in operation as a garage and Petrol Filling Station it is identified that a number of potential contamination sources are found within the site itself. The Preliminary Risk Assessment as submitted with the application by The Swan Environmental Services Ltd highlights this and recommends further intrusive investigation works. This is agreed with and as a result conditions are recommended to ensure these works come forward prior to the commencement of development. Subject to this the proposal accords with Policy BNE23 of the Local Plan

Climate Change

The NPPF identifies that good design “is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities” (paragraph 126). Paragraph 134 in particular refers to great weight being given to outstanding or innovative designs which promote high levels of sustainability.

In planning for climate change, plans should take a proactive approach to mitigate and adapt to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures; in line with the objectives of the Climate Change Act 2008. In order to support this, paragraph 154 of the Framework states that new development should be planned for in ways that:

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

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

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

- Optimising the site’s layout and orientation to take full advantage of the sun’s position;
- Incorporating energy conservation measures such as highly insulated building fabric and ensuring low air permeability;
- Using environmentally-friendly building materials sourced locally or as close to the site as possible;
- Using energy efficient lighting and appliances;
- Protecting and conserving water;
- Enhancing indoor environmental quality;

- Incorporating extensive planting; and
- Optimising operation and maintenance practices.

A 'Lean, Clean, Green' has been adopted and the development achieves an overall improvement (DER/TER) in regulated emissions at over 52% above Part L 2013 standard, through the adoption of high standards of insulation and electrical heat pump driven heating/hot water systems.

The above is set out in more detail within the submitted Climate Change Statement (JMS Planning and Development Ltd) dated September 2021.

Conditions are recommended to secure all the proposed measures to address climate change and energy efficiency and to submit a verification report that the agreed measures have been delivered on site. Subject to this the proposal complies with the objectives of the Council's climate change action plan and section 14 of the NPPF.

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) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. The strategic measures are in the process of being developed, but are likely to be in accordance with the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM) produced by Footprint Ecology in July 2014. The interim tariff stated above should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation), in anticipation of:

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

The applicants have agreed to pay this tariff and it will be incorporated within the S106. No objection is therefore raised under Paragraphs 180 and 181 of the NPPF and Policies S6 and BNE35 of the Local Plan.

S106 Matters

The Community Infrastructure Levy Regulations 2010 provide that in relation to any decision on whether or not to grant planning permission to be made after 6 April 2010,

a planning obligation (a s106 agreement) may only be taken into account if the obligation is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

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

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

- £12,051.36 toward Nursery provision
- £4,131.00 toward Primary provision
- £26,363.00 toward Secondary Provision
- £1,939.02 toward Sixth form provision
- £11,760.00 toward Public Realm improvements
- £8,194.08 toward improved library facilities at Strood Library
- £31,375.68 toward Medway Primary Care Network
- £8,568.24 toward waste and recycling
- £2,400.00 toward improvements of PROW improvements in the immediate vicinity
- £120,267.72 toward enhancement of open space facilities in the vicinity of the development as well as outdoor sport and allotments in Medway.
- £6,329.88 toward Medway's Metropolitan Park (Great Lines Heritage Park)
- £12,183.84 toward Habitats Regulations (mitigation for Wintering Birds - at £253.83 per dwelling)

Local Finance Considerations

None.

Conclusions and Reasons for Approval

The proposal is considered acceptable in terms of principle, design and amenity. The design is considered to be innovative and manages to create a good level of commercial opportunity whilst still tackling the current issue within Medway of delivering a good density of much needed housing on this site.

The scheme is acceptable in highway safety terms and while car parking is below standards, it is considered acceptable in this sustainable location subject to the recommended conditions particularly relating to car club and cycle storage..

The proposal accords with the provisions of Policies S1, S2, BNE1, BNE2, BNE3, BNE18, BNE21, BNE23, BNE24, H3, H4, H5, T1, T2, T4 and T13 of the Local Plan and paragraphs 111, 112, 126, 130, 131, 132, 134, 1544, 159, 167, 169, 192, 194, 195 and 197 of the NPPF. Accordingly, the application is recommended for approval subject to the completion of the section 106.

The proposal also complies with the requirement of the Conservation of Habitat and Species Regulations 2010 and is in accordance with paragraphs 180 and 181 of the NPPF and Policy BNE35 of the Local Plan.

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

Background Papers

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

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess1.medway.gov.uk/online-applications/>