

MC/21/3671

Date Received: 29 December 2021
Location: Former Trafalgar Centre & Multi Storey Car Park, High Street/Rhode Street/Whittaker Street
Chatham ME4 4AL
Proposal: Outline application with some matters reserved (appearance, landscaping and layout) for a proposed mixed-use development comprising up to 175 residential apartments (1 and 2 bedrooms in 3 buildings), circa 1990 sq ft of creative arts studios, circa 2100sq ft of co-working space/offices (Class E), circa 1800 sq ft of flexible co-working space (Class E) and 152 car parking spaces with associated access, landscaping, cycle storage, dedicated storage for residential units and refuse storage. The development incorporates the demolition of the former Trafalgar Centre (High Street) and partial demolition of the multi-storey car park (Rhode Street), Chatham
Applicant Terrance Butler Real Estate Developments Ltd
Agent Mr H Buttle
Ward: River Ward
Case Officer: Tom Stubbs
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 27th July 2022.

Recommendation - Approved Subject to:

A. Section 106 agreement to secure the following:

- i. Up to £220,293.25 green space/public realm contribution towards improvements to the local area including Paddock and Chatham Waterfront.
- ii. Up to £105,896 towards community infrastructure in Chatham Centre including libraries and public realm.
- iii. Up to £114,390.50 towards health improvements in primary care networks in the local area.
- iv. Up to £20,000 towards transport improvements relating to Chatham Centre.
- v. Up to £44,420.25 towards strategic measures in respect of the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites.

B. And the following conditions:

- 1 Approval of the details of the layout, appearance of the buildings and the landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To accord with the terms of the submitted application and to ensure that these details are satisfactory.

- 2 Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted in writing to the Local Planning Authority for approval. Such application for approval shall be made to the Authority before the expiration of three years from the date of this permission and the reserved matters shall be carried out in accordance with the approved details.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

- 3 The development to which this permission relates must be begun no later than the expiration of 2 years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

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

Received 11 April 2022:

01051 Rev PL3 Parameter Plan Development Areas and Heights

The access arrangements within drawing 01052 Rev PL3 - Parameter Plan Access and Connectivity

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

- 5 Prior to the submission of or in conjunction with the submission of the first reserved matters application, a Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall:
 - o Define the extent of the area of each phase.
 - o Specify the order and timing of the proposed phases, which shall be shown sequentially starting with Phase 1.

The development shall be implemented in accordance with the approved Phasing Plan.

Reason: Required before commencement of development to avoid any irreversible detrimental impact to the historic character of the area in accordance with Policies BNE14 and BNE18 of the Medway Local Plan 2003.

- 6 Applications for the approval of reserved matters in relation to landscaping for a phase or sub-phase shall include full details of both hard and soft landscape works, any artefacts to be located within the public space of that phase or sub-phase and a timetable for implementation. These details shall include 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; decking; minor artefacts and structures (play equipment, seating, refuse receptacles, planters, tree grilles, any other decorative feature(s)). Soft landscape works shall include details of planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. Details of how the development will enhance biodiversity to include green roof habitat, a native species planting and integrated bird nest bricks.

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

- 7 Applications for the approval of reserved matters in relation to landscaping for a phase or sub-phase shall include full details of:
- a) A plan showing the location of all existing trees on site or on land adjacent to the site which have a stem with a diameter exceeding 75mm when measured over the bark at a point 1.5m above ground level. The plan shall provide a reference number for each tree and shall identify which trees are to be retained and the crown spread of each retained tree.
 - b) The species, diameter (measured in accordance with paragraph a), the approximate height and an assessment of the general state of health and stability of each retained tree.
 - c) Any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site.

- d) Any proposed alterations in existing ground levels and the position of any proposed excavation within the crown spread of any retained tree or of any tree on land adjacent to the site where the alterations and/or excavations are within a distance of 5m, from any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree.
- e) The specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

In this Condition "retained tree" means an existing tree which is to be retained in accordance with paragraph a) above.

Reason: To protect and enhance the appearance and character of the site and locality, in accordance with Policies BNE1 and BNE43 of the Medway Local Plan 2003.

- 8 No development shall take place within a phase or sub-phase until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development with the phase or sub-phase to which it relates. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development of development with the phase or sub-phase to which it relates. The report of the findings must include:
 - (i) a survey of the extent, scale and nature of contamination.
 - (ii) an assessment of the potential risks to:
 - o human health
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o archaeological sites and ancient monuments.
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

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

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

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

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

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

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

- 11 In the event that contamination is found at any time when carrying out the approved development within a phase or sub-phase 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 8, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 9, 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 9 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 9.

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.

- 12 No development (except for demolition) shall take place within a phase or sub-phase until a Construction Environmental Management Plan (CEMP) in relation to that phase or sub-phase has been submitted to and approved in writing by the Local Planning Authority. The CEMP 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, but mitigation measures indicated within the ecology report and site contact details in case of complaints. With regard to highways impact the CEMP should include numbers, frequency, type and routing of vehicles visiting the site and measures to ensure HGVs loads are adequately secured, travel plan and guided access/egress and parking arrangements. The construction works within that phase or sub-phase shall be undertaken in accordance with the approved CEMP.

Reason: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents, wildlife and to prevent detrimental impact on the strategic road network with regard to Policies T1, BNE2, BNE37 and BNE39 of the Medway Local Plan 2003.

- 13 No development shall take place, within a phase or sub-phase, 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.

- 14 No development shall take place within a phase or sub-phase 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 provide details of the measures that will be implemented as part of the development to mitigate the air quality impacts identified in the approved Air Quality Assessment, revision 1.1, dated 24 May 2022. The total monetary value of the mitigation to be provided shall be demonstrated to be equivalent to, or greater than, the total damage cost values calculated as part of the approved Air Quality Assessment. The development shall be implemented in accordance with the approved details measures set out in the approved Mitigation Statement prior to occupation of the phase or sub-phase to which it relates and shall thereafter be retained.

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.

- 15 No development shall take place within a phase or sub-phase 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 Lead Local Flood Authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction within the phase or sub-phase to which it relates.

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

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

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.

- 16 No development shall take place within a phase or sub-phase 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 shall include (if applicable):

- i. a timetable 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 undertaken in accordance with the approved details.

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 168 of National Planning Policy Framework 2021.

- 17 Applications for the approval of reserved matters in relation to layout and appearance within a phase or sub-phase shall include a scheme of acoustic protection against road traffic. 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/garden noise levels of not more than 55dB (LAeq,T). The development shall be implemented in accordance with the approved measures before any of the dwellings are occupied within a phase or sub phase to which the scheme of acoustic protection relates and shall thereafter be retained.

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

- 18 Applications for the approval of reserved matters in relation to layout and appearance within a phase or sub-phase shall include an acoustic assessment to determine the impact of noise arising from commercial related noise sources and shall be made in accordance with BS4142 2014: Method for rating and assessing industrial and commercial sound. 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. The development shall be implemented in accordance with the approved measures before any of the dwellings occupied

within a phase or sub phase to which the acoustic assessment relates and shall thereafter be retained.

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

- 19 Applications for the approval of reserved matters in relation to layout and appearance within a phase or sub-phase shall include a scheme to minimise transmission of noise from the uses of the premises. Noise from the premises should be controlled, such that the noise rating level (L_{Ar,Tr}) emitted from the development shall be at least 10dB below the background noise level (L_{A90,T}) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014. The development shall be implemented in accordance with the approved measures before any of the development is occupied within a phase or sub phase to which the scheme relates and shall thereafter be retained.

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

- 20 Applications for the approval of reserved matters in relation to layout and appearance within a phase or sub-phase shall include an acoustic assessment to determine the impact of noise (including low frequencies) from the electricity substation. The assessment shall include details of any mitigation measures required to achieve a satisfactory level of residential amenity. The development shall be implemented in accordance with the approved measures before any of the dwellings are occupied within a phase or sub phase to which the assessment relates and shall thereafter be retained.

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

- 21 Applications for the approval of reserved matters in relation to layout and appearance within a phase or sub-phase shall include an acoustic assessment of noise and vibration from the retained car park affecting the development above the retained car park. The assessment shall include details of any mitigation measures required to achieve a satisfactory level of residential amenity. The development shall be implemented in accordance with the approved measures before any of the dwellings are occupied within a phase or sub phase to which the assessment relates and shall thereafter be retained.

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

- 22 Applications for the approval of reserved matters in relation to appearance for any phase or sub-phase shall include details and samples of all materials to be used externally. 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 and the historic environment, in accordance with Policies BNE1, BNE14, BNE18 and BNE20 of the Medway Local Plan 2003.

- 23 No development within a phase or sub-phase shall take place above slab level until details of the following architectural elements have been submitted to and approved in writing by the Local Planning Authority:

Ridge, eaves, verge, dormers, brick bonding & joint types, mortar colours, scheme colourways, entrance recess soffits, solar panels & brackets, balcony structures, balustrades, handrails, parapets & capping's, balcony recesses, window and door cills - jambs - heads, ground connections, wall plane changes, junctions at material changes, visible flashings, roof vents, electricity cupboards, waste enclosures, boiler and other flume placements. Continuous annotated wall/roof sections at 1:20 or 1:10.

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

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity and the historic environment, in accordance with Policies BNE1, BNE14, BNE18 and BNE20 of the Medway Local Plan 2003.

- 24 No development shall take place above ground floor slab level within a phase or sub-phase until details of the provision of 15% active and 85% passive electric vehicle charging points 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 National Planning Policy Framework 2021.

- 25 Prior to the first use of any of the buildings within a phase or sub-phase (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 in writing by the Local Planning Authority to confirm that the approved surface water systems has been constructed as per the approved 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 a suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk on site or elsewhere in accordance with paragraph 168 of the National Planning Policy Framework 2021.

- 26 No part of the development within a phase or sub-phase shall be occupied until a Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Parking Management Plan shall contain details of how the on-site parking provision is to be managed and how residents and their visitors will be prevented from parking on street. The Parking Management Plan shall be implemented in accordance with the approved details for the phase or sub-phase to which it relates prior to the first occupation of the residential unit and shall thereafter be retained.

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

- 27 Applications for the approval of reserved matters in relation to layout for any phase or sub-phase shall include details of cycle storage facilities for that phase or sub-phase. The cycle storage facilities (including the provision of individual lockers) shall be implemented in accordance with the approved details prior to the occupation of that phase or sub-phase and thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown for cycle storage facilities.

Reason: All new residential development requires provision of adequate accommodation for cycle and refuse storage to accord with Policies BNE1 and T4 of the Medway Local Plan 2003.

- 28 Applications for the approval of reserved matters in relation to layout for any phase or sub-phase shall include details of refuse storage facilities including provision for the storage of recyclable materials for that phase or sub-phase. The refuse storage facilities shall be implemented in accordance with the approved details prior to the occupation of that phase or sub-phase and thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown for refuse storage facilities.

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.

- 29 No dwelling shall be occupied within a phase or sub-phase until a plan indicating the positions, design, materials and type of boundary treatment to be erected within that phase or sub-phase has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before any dwelling within that phase or sub-phase 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.

- 30 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within Climate Change Statement (dated December 2021). The development shall not be occupied within a phase or sub-phase 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 within the phase or sub-phase to which it relates.

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

- 31 Applications for the approval of reserved matters in relation to layout for any phase or sub-phase shall include areas shown as vehicle parking space. The vehicle parking areas shall be provided, surfaced and drained prior to the first occupation of the phase or sub-phase to which it relates. 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 or garaging of vehicles is likely to lead to hazardous on-street parking and in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

- 32 Prior to the first occupation of any phase or sub-phase within 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 communal courtyard, and green roofs (except for small, privately owned, domestic gardens) 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.

- 33 Prior to the installation of any external lighting within a phase or sub-phase 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: To limit the impact of the lighting on the Listed Buildings, the Conservation Area, the landscaping of the site, the surrounding landscape, nearby residents and wildlife and with regard to Policies BNE1, BNE2, BNE5, BNE12, BNE14, BNE34 and BNE39 of the Medway Local Plan 2003.

- 34 The demolition works, within a phase or sub-phase, shall be undertaken in accordance with the approved Construction Environment management Plan Phase 1 Demolition document ref CEMP Rev 0 dated June 2022.

Reason: In order to minimise the impact of the construction period on the amenities of local residents, wildlife and to prevent detrimental impact on the strategic road network with regard to Policies T1, BNE2, BNE37 and BNE39 of the Medway Local Plan 2003.

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

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

- 36 The separating partition between the ground floor non-residential and first floor 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 safeguard conditions amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

Proposal

This application seeks outline planning permission with some matters reserved (appearance, landscaping and layout) for a proposed mixed-use development comprising up to 175 residential apartments (1 and 2 bedrooms in 3 buildings), circa 1990 sq ft (185sqm) of creative arts studios, circa 2100sq ft (195sqm) of co-working space/offices (Class E), circa 1800 sq ft (167sqm) of flexible co-working space (Class E) and 152 car parking spaces with associated access, landscaping, cycle storage, dedicated storage for residential units and refuse storage. The development incorporates the demolition of the former Trafalgar Centre (High Street) and partial demolition of the multi-storey car park (Rhode Street), Chatham.

The proposed vehicle access and egress would be utilising the existing multi storey car park entrance and exits on Rhode Street. The multi storey car park is to be retained providing 152 parking spaces. These spaces would be allocated to residents at a ratio of 50% of the final number of flats and the remaining spaces to be used as a commercial car park for users of the town centre. For example, if the full 175 flats are provided at reserved matters this would equate to 88 residential spaces.

The parameters plan and indicative layouts show the development within 3 buildings referred to blocks A, B and C within the application supporting information.

Block A is a proposed mixed height building fronting High Street Chatham rising in height as it steps back towards the existing NCP multi storey car park. The parameter plans show the building to measure approx. 22.55m to the parapet fronting the High Street and the upper floors stepped up and back to approx. 30.48m at ridge height. A section of the building to the rear would measure approx. 31.25m.

The indicative floor plans show that Block A would equate to 8 storeys (including ground floor). The ground floor is proposed as mixed commercial uses of flexible working and art studios with residential access from the High Street and core with 7 storeys of residential above. The 44 flats shown would be a mix of 1- and 2-bedroom flats.

Block B is a new mixed height block of flats adjacent to Whittaker Street and located within the area of the partially demolished multi storey car park. The parameter plans show the building of the lower section to be approx. 28m and the highest section to be approx. 36.70m to the top of the parapet. During the life of this application this block was

amended to provide variation in height. It was originally proposed with the highest part being approx. 43.51m.

The indicative floor plans show that Block B would equate to part 6 and 9 storeys (including ground floor) comprising 67 flats of 1- and 2-bedrooms in size. The original proposed indicative scheme would have been 11 storeys high (including ground floor).

Block C is the proposed retention of the existing multi storey with additional mixed height residential development above. The parameters show the building to be approx. 32.80m to approx. 35.80m to the top of the parapet. During the life of this application this block was amended to provide the variation in height.

The indicative floor plans show that Block C would equate to 4 storeys of residential development above the existing multi storey car park. The top floor would be stepped back. These new residential floors would provide 52 flats comprising a mix of 1- and 2-bedroom flats.

It should be noted that the indicative scheme shows a layout of the residential flats totalling 163 flats.

Site Area/Density

Site Area: 0.65 hectares (1.61 acres)
Maximum Site Density: 269.23 dph (108.70 dpa)

Representations

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

Two letters of objection have been received raising the following concerns prior to the scheme being amended and reduced in scale:

- Too high inappropriate for a High Street confined space.
- Will block out the view of war memorial and blocking views of the escarpment whilst drawing attention away from designated heritage assets.
- Blocks A and B fail to adequately respond to the immediate low rise historic context of Chatham.
- Heights likely to provide shadowed amenity spaces.
- Development could be considered EIA development.

Historic England originally wrote to welcome the redevelopment of the Trafalgar Centre and NCP Car Park to contribute to the Councils wider regeneration aspirations and set

out the significance of how the shape of Medway was historically formed from the home of a Royal Naval dockyard and the major fortifications built for its defences which capitalised on undeveloped green ridges for maximum tactical advantage which are still present today in the form of the Great Lines Park which is the former fields of fire for the lines and Fort Amherst. This forms the Brompton Lines Conservational area and siting of the grade I listed Chatham Naval War Memorial. The War Memorial was designed to be a focal point in views from the surrounding townscape and intended to be widely seen from within Chatham and the wider area and for panoramic views across Medway.

They considered the application submitted in its original form causes harm to the significance of the grade I listed Naval War Memorial and the Brompton Lines Conservation Area. This was demonstrated by viewpoints 3 and 6 in the TVIA from blocks B and C as by virtue of their scale, would break the top of the green escarpment and add to the harm and compromise an appreciation of its significance. The scheme therefore was not considered to meet the requirements of paragraphs 195, 197, 200 and 206 of the NPPF. They recommended the scheme be revised to avoid and minimise the harm to significant heritage assets by reducing the scale.

Southern Gas Networks responded with a plan describing the location of SGN assets and guidance notes about locating pipes onsite and safe digging practices. An informative will be added to any decision to bring this to the applicant's attention.

UK Power Networks provided a copy of their records which show the electrical lines and/or plant, and a fact sheet with information regarding the use of their plans and working around their equipment. An informative will be added to any decision to bring this to the applicant's attention.

The Environment Agency (EA) have written to indicate that the site is covered by their Flood Risk Standing Advice. Due to the need to protect controlled waters the EA should be consulted if the proposal uses non mains connection for foul drainage and if unexpected contamination is found. The response provides informative information regarding contamination and sustainable surface water drainage. Finally, the response provides details of how the applicant can contact the EA to discuss matters if required. An informative will be added to any decision to bring this to the applicant's attention.

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.

KCC Biodiversity have written to indicate that due to the distance to the SPA and Ramsar sites the bird mitigation should be sought via the SAMMs. There is potential for habitats present on and around the site that propose opportunities for nesting birds and therefore any vegetation structure that may provide suitable nesting habitats should be carried outside of the bird breeding season (March to August) to avoid destroying or

damaging a nest. An informative is suggested to be added to any decision to cover this concern. Finally, biodiversity should be maintained or enhanced through the planning process. It is suggested that the flat roof space provides potential for a green roof and integrated Swift nest boxes and native landscaping only should be included. A condition to enhance biodiversity is recommended if the application were approved.

Kent Police have written to advise of their concerns with regards to security and have set out some issues that need to be considered. They have also suggested the developer contacts them to design out crime. An informative would be included within the application to bring this letter of representation to the applicant's attention.

Southern Water (SW) have provided records of their sewer showing existing foul water sewer, culvert water course and watermains within the development site. The existing car park lies over a public water culvert. Any changes to the building foundations will require Southern Water Approval. An investigation of the sewer is required to ascertain its condition, size and depth. The design and erection of additional floors and extensions need to take into account additional load of that construction that will be affecting public apparatus. SW object to Block B as there is limited opportunity to divert existing surface water culvert. Guidance on restrictions to the layout is also provided. The letter continues that SW have undertaken a desktop study for the impact on additional foul sewerage flows from the proposed development onto the existing network and there may be increased risk of foul flooding. Therefore, reinforcements deemed necessary to mitigate will need to be provided by SW. SW and the developer must work together to align the necessary works and occupation of the development. They also indicate the need for an application to SW for foul sewage disposal and connection to the water supply and condition for surface water runoff is required in accordance with SUDs principles. The applicants are aware of these issues, but they will also be included as an informative.

National Highways have indicated that the proposal may have the potential to impact on the safe and efficient operation of the Strategic Road Network due to the vicinity of the M2 if not mitigated regarding construction. They have requested a construction management plan condition is included with any permission and that they are consulted on its discharge. The CEMP would include the usual request for information and also the following information on numbers, frequency, type and routing of vehicles visiting the site and measures to ensure HGVs loads are adequately secured, travel plan and guided access/egress and parking arrangements. The applicants submitted a demolition CEMP in response to national highways request for a condition. National Highways found the demolition CEMP to be acceptable subject to a condition for the demolition to be in accordance with the document and a separate CEMP for the construction.

KCC Archaeology have submitted a desk-based assessment which provides a reasonable account of the archaeological potential on site but do not agree with the conclusions that there is a high chance they would have been lost from the building of the existing buildings. Consequently, a programme of archaeological works is recommended as a condition to be imposed if the application were to be approved. This should be done

via a trial trench first in first instance, then dependant on results the need for detailed excavations followed by post excavation assessment.

Responses Received Following Re-consultation

No further responses were received from the public after re-consultation being carried out on the reduced scheme.

Historic England have indicated that the scale of the tallest element has reduced harm to heritage significance by retaining views of key heritage assets including the grade I listed Naval War Memorial. The reduction in scale also helps ensure the development will not break the line of the green backdrop to Chatham, which forms the southern edge of the Lines field of Fire and a key militarised landscape feature. This also reduces impacts to an understanding and appreciation of the Brompton Lines Conservation Area therefore appears to address the concerns raised in Historic England's formal advice on this application.

There is a concern about the location of viewpoint 3 and if this is updated and views of the Naval War Memorial are blocked by the proposed development, it would be considered that the proposal still causes a very low level of harm to significance as an appreciation of the memorial's intended prominence from Chatham town would be slightly diminished and should be reassessed to fully understand the harm. That notwithstanding, the overall conclusion is that the proposed changes have reduced harm to heritage significance, and this is something welcomed by Historic England.

The view that Historic England indicated within their response has not been reconsidered.

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.

Chatham Town Centre Masterplan, Concept Masterplan and Delivery Strategy Report 2019

The Building Height Policy for Medway 2006

Medway Guide to Developer Contributions 2021

Planning Appraisal

Screening for Environmental Impact Assessment (EIA)

The EIA Regulations set out which types of development may require an Environmental Impact Assessment ("EIA"). Whilst development types listed in Schedule 1 of the Regulations always require EIA, types listed in Schedule 2 could potentially require EIA where the site is in a "sensitive area" or exceeds one of the relevant criteria or thresholds set out in Schedule 2 and has the potential to result in likely significant environmental effects.

In this case, it is considered that the location, scale and nature of the proposed development, notwithstanding the selection criteria in Schedule 3 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The proposed development falls within Schedule 2, part 10(b) of the EIA Regulations and is considered exceeding the threshold of 150 units. The application site is within 6km of Medway Estuary and Marshes SSSI, RAMSAR site and SPAs and within the Central Medway Air Quality Management Area (AQMA) and the development has potential impact on views of the Brompton Lines Conservation Area forming the setting of an ancient monument and grade I listed Chatham Naval War Memorial to the north and northeast.

Taking account of the potential cumulative effects, the site scale and characteristics, location and the relationship to the sensitive areas referred to above it is considered there would not be a significant environmental impact and therefore the proposal does not constitute EIA development.

Nevertheless, it is necessary to consider the potential impacts on the abovementioned sensitivities and the applicant has submitted a separate Heritage Statement, Town Visual Impact Assessment and Air Quality Assessment.

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.

The application site is in the urban area within the core retail area of Chatham consisting of land associated with a privately owned public car park and the large 'Trafalgar Centre' which has been closed and has remained empty for many years. The application proposes a mixed-use scheme of up to 175 dwellings and the reconfiguration of the site to provide approx. 1990 sq ft (185sqm) of creative arts studios, approx. 2100sq ft (195sqm) of co-working space/offices (Class E), approx. 1800 sq ft (167sqm) of flexible co-working space (Class E).

Retail Policies R1, R2 and R12 of the Local Plan support mixed use development in Chatham and look to ensure suitable vitality and viability of the centre from any proposed uses. The Chatham Masterplan (2019) identifies the application site as a development opportunity site and aims to provide the area as a creative hub which the proposed uses would reflect this ambition.

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. Policies H4 and H5 of the Local Plan states that residential development in the form of infilling and reuse of buildings no longer needed for non-residential purposes in such areas is acceptable providing that a clear improvement in the local environment will result whilst encouraging high density in town centres and areas near existing public transport. Paragraphs 86, 119 and 120 of the NPPF also encourages residential development in town centres ensuring vitality, efficient uses of brownfield sites, building over shops and car parks but seek to safeguard and improve the environment and ensuring safe and healthy living conditions.

Further to this, the Local Plan is of some age, being adopted in 2003; the Council does not currently have a five-year land supply; and as of the 2020-21 Housing Delivery Test, the Council had only delivered 55% of its target number of dwellings in the preceding 3 years.

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).

Given the application is outline with reserved matters of appearance, landscape and layout, the considerations of the final mix and type cannot be fully considered at this stage. This will be considered as part of the reserved matters applications that will follow should planning permission be forthcoming. However, a variety of 1- and 2-bedroom flats would be considered to be acceptable within this town centre location. Policy H3 of the Local Plan would require the securing of 25% affordable housing; however, the applicants have provided a viability assessment that demonstrates the scheme is not viable with affordable housing provision and therefore the 25% affordable housing is not requested in line with paragraph 58 of the NPPF.

There is no objection in principle to the mixed-use redevelopment of the site. The additional housing and commercial proposals would contribute to the vitality and viability of the local centre and would complement the existing creative hub of the adjacent Nucleus Arts Centre in line with the Chatham Masterplan. Subject to the assessment of other planning policies and material considerations included within the report below, the principle of the development is acceptable.

Design, Scale and Heritage Impact

The development would affect the setting of the Grade I Listed War Memorial and scheduled ancient monument of the Great Lines and Brompton Lines conservation area.

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. Policies

BNE14, BNE18 and BNE20 of the Local Plan seeks to ensure development is not detrimental to the setting of the conservation areas, listed buildings and scheduled ancient monuments. Paragraphs 194-207 set out how to assess the impact on heritage assets.

Chatham Town centre is located in a low laying bowl with backdrops of New Road Conservation Area to the west and then the historic back drop of the Brompton Lines Conservation Area which is the setting of the scheduled ancient monument of the Fields of Fire and Grade I Listed Chatham Naval War Memorial to the north and northeast.

The Naval War Memorial sits prominently atop the escarpment and is highly visible in most directions because of the topography of the land. It is significant as one of only three war memorials commissioned by The Imperial (now Commonwealth) War Graves Commission. It is considered a focal point in the townscape and the only one designed to be highly visible. It was conceived as a highly visible monument to the naval dead from both world wars, to provide panoramic views across Medway and to be a focal point in views from the surrounding townscape. It's prominence is further accentuated by its setting (of which the site is a part) – the green escarpment provides it with dignified surroundings, and lower rise development towards the bottom slope of the escarpment helps ensure that buildings do not compete with its prominence in views. Floodlighting extends this prominence to the night.

A fundamental component of Medway's historic character is its pattern of development with settlements focussed along valley bottoms and high ground exploited by the Royal Engineers for a network of fortifications (and their Fields of Fire) to protect the Royal Dockyard at Chatham. The resulting 'distinctive green backdrops' appreciable in an extensive number of views, are thus celebrated as an important historic landscape feature which help explain the areas development and contribute to the significance of the Fort Amherst Scheduled Monument and the Brompton Lines Conservation Area. Of relevance to this application, is the escarpment which is highly visible and contributes to an understanding and appreciation of these designated heritage assets. The Brompton Lines Conservation Area is based around the Chatham Lines and is significant for the way in which it illustrates military engineering from the 18th century onwards. A key part of the Conservation Area is the fortification's great Field of Fire (now known as the Great Lines Heritage Park), which has remained largely undeveloped in modern times. The southern edge of the Field of Fire is a steep escarpment which forms a distinctive green backdrop in key long views of the Conservation Area and Fort Amherst, and views of this thus contribute to an understanding and appreciation of the significance of the Conservation Area. A network of historic pathways within the Great Lines Heritage Park, used to cross the Lines from Chatham to Gillingham (and shown on historic OS maps), are also good vantage points from which to appreciate the open undeveloped character of the Field of Fire and its relationship to Chatham.

The Building Height Policy for Medway 2006 (SPD) sets out criteria for the determination of applications for tall buildings, which are specified as those between 6 and 20 storeys in height. The Policy document also goes on to provide specific guidance on appropriate

locations for taller buildings. The proposed development site is assessed in the Building Heights Policy document as The Brook Residential Quarter as an area that can accommodate modest height townscape buildings. The assessment also acknowledges the area's historic character, explaining that a proposed development for higher buildings in this location must be integrated with minimal effect on the green backdrop of the Great Lines. Special consideration is also needed in relation to different views from the Great Lines into the Town Centre due to historic nature of the Fields of Fire associated with the Great Lines and Fort Amherst. The Chatham Town Centre Masterplan states "*Chatham is in relative terms a low-rise town and should broadly remain so if the historic, landform and morphological context is to be understood and enjoyed by future generations.*"

It should also be noted that this application has been submitted and determined prior to the commencement of works on the Chatham Town Centre Design Code which will be brought forward under the Pathfinder Project funded by the Department of Levelling up. Therefore, future applications for other development sites in Chatham Town Centre area are likely to be required to be designed in accordance with the subsequent adopted design code, and in the interim in accordance with the developing findings of the design code process should be considered.

The application is at an outline stage with reserved matters of layout, appearance and landscaping. The application is supported by parameters plans showing building heights for the proposed three residential buildings.

With regards to the proposed scale and number of residential units and commercial area proposed, the indicative scheme demonstrates one way 163 flats can be provided within the proposed parameters and it is considered feasible to amend the number of one and two flats to achieve the 175 flats within those parameters subject to the impact of appearance and layout which would need to be considered at reserved matters stage. The indicative plans show areas for landscaping achievable at street level and within roof terraces. Reserved matters applications would provide further details of this. However, it is possible to secure replacement street tree planting and biodiversity enhancements at this stage and suitable conditions would be imposed if the application were considered acceptable.

The applicants have created a model of their indicative scheme utilising the heights parameters to use within a Townscape Visual Impact Assessment (TVIA) to assess the impact on the townscape and surrounding historic environment. There are some concerns about the provided TVIA as it has selected viewpoints behind hedges and using baseline photography containing trees which can downplay the significance of the buildings impact in these viewpoints. Also, viewpoint 3 is located on a piece of higher ground adjacent to New Road footpath so it would not be possible to assess the impact of the view at footpath level. However, it is noted that this view would provide consideration of views of the proposal from residents using this open space fronting The Mount.

The originally proposed scheme was for block B to be approx. 43m high. Views 3 and 6 of the supporting TVIA demonstrated that this building would block views of the War

Memorial and break the top of the green escarpment. This would have caused unacceptable harm and compromise an appreciation the historic significance of the escarpment and the scheduled ancient monument. There were also concerns that this 11-storey development would be at odds with the surrounding immediate townscape of the High Street currently predominantly comprising buildings that are 2-3 storeys in height as demonstrated by views 1, 7 and 9.

The applicant chose to reduce the proposed scale of block B to approx. 34m in height (reduction of approx. 2 storeys) to minimise any conflict with heritage assets in accordance with Paragraph 195 of the NPPF. The amended TVIA from the proposed redistribution of height demonstrates that the building would now not break the green escarpment, therefore reducing the harm to the setting of the identified heritage assets. However, as a result, the applicant has also demonstrated within their viability assessment that a scheme at a lower level would not be viable. There is still a small level of uncertainty as to whether the building would now not break the green escarpment and obscure views of the monument when viewed at ground floor level at New Road, however Historic England have confirmed that this would result in low level harm.

Although it has been demonstrated the impact on the heritage assets has been reduced and is considered acceptable, the proposal would still result in development ranging from 6-9 storeys in height which is at odds with the immediate townscape of the High Street. However, this alone is not necessarily harmful and therefore not necessarily a reason for refusal. The key to the acceptability of whether a development of such height can acceptably sit in this location, will depend on the architectural treatment of the elevations and the quality of the materials. Importance should be placed on the quality of the architecture seen from all sides (including at roof level), materials and silhouette as this development if approved would form a future landmark within Chatham and the surrounding area. These matters have been reserved and are for consideration at a later date should outline planning permission be granted. However, the Council is satisfied that a high quality of design can be achieved as part of this proposal.

In summary the development would cause some harm to the townscape and the impact on heritage assets due to the proposed scale which would be set by this outline application. The applicant has sufficiently demonstrated that they have minimised the harm to heritage assets by reducing the scheme in height. The Council agrees with Historic England that the harm is low and therefore to be considered as less than substantial within the NPPF guidance.

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

As this scheme is an outline application the details of overlooking would need to be considered at the reserved matters stage of the application when layout and appearance is to be considered. However, it is considered the internal layout of floors and flats within them can be achieved to ensure there is adequate privacy for neighbouring occupiers.

Concerns have been raised via consultation responses from the public regarding the shadowing of public amenity area. These comments were based on the originally submitted scheme which has subsequently been reduced by 2 storeys in height.

The application has been supported by a sunlight and daylight assessment for the amended scheme, which has reduced the impact on neighbours. The BRE assessment uses a number of different elements of assessment including the Average Daylight Factor (ADF) which assesses actual light distribution within defined room areas, whereas the Visual Sky Component (VSC) considers the proportion of the sky visible from a room and Daylight Distribution (DD) divides the areas of the working plane (above 850mm above floor level) which can receive direct skyline from which that cannot. The latter two assessments are considered the most appropriate for assessing the impact on neighbouring properties as the properties are physically there.

Paragraph 125 of the NPPF indicates when considering applications for housing and maximising the effective use of land authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards). The report has therefore used the guidance for target figures set out in the Greater London Authority Representation hearing report.

The primary VSC assessment indicates that the vast majority of all neighbouring windows and rooms will remain adequately lit as a result of the development proposals and will comply with the BRE criteria. This is further supported by the DD assessment achieving almost full compliance with the BRE guidelines.

The annual sunlight analysis indicates that the neighbouring habitable windows will remain adequately lit as a result of the development proposals and will comply with the BRE criteria for both APSh and winter assessments and are considered to be well lit with such small alterations to be in keeping the flexible intentions of the BRE Guidelines.

The results show that the majority of the rooms that fall short of meeting BRE criteria are bedrooms (with a lower requirement for daylighting) and considering the urban setting of this site, are considered well-lit and equivalent to acceptable developments in other dense and urban locations. Therefore, no objection is raised with regard to sunlight and daylight. This assessment may need to be further considered when the final design is submitted as reserved matters.

Due to the size and scale of the development the demolition and construction of the proposed application could impact on neighbours from noise and dust whilst there may

be implications on the road network. The applicants have submitted a Demolition Construction Environment Management Plan (CEMP) to be considered within this application. The demolition CEMP is considered to be acceptable a condition is required to be imposed to ensure the demolition takes place in accordance with the document. A further condition would be required for a separate CEMP during the construction phase.

Occupier Amenity

The application is outline and at reserved matters it would be required that the flats meet the technical housing standards – nationally described space standard 2015 (the national standard) for gross internal floor area (GIA) and bedrooms. The Medway Housing Design Standards (MHDS) requires flats to have at least 5m² additional private outdoor amenity space and if this could not be provided this should be included on top of the GIA as set out in the national standard. Furthermore, all habitable room should have sufficient outlook.

The indicative plans show that flats of a suitable size can be provided within the parameters proposed however the detailed layouts of flats and their windows and outlook hasn't been provided as it falls outside the scope of this outline application. This would need to be demonstrated within any forthcoming reserved matters application if outline planning permission is granted. The indicative plans also show a refuse area can also be provided within each block. The final layouts will need to be provided within the reserved layout matters and secured by condition.

The application has been submitted with a Residential Noise Assessment Revision Ver. 01 (dated 15 December 2021) in support of the application. The report focuses on the impact of the road transport impacts and concludes that standard thermal double glazing should be sufficient to achieve the guideline internal noise levels with windows closed. As per the standard guidance to ensure thermal levels are provided mechanical ventilation would be required to be secured by condition to provide an alternative to windows being open.

The report has failed to include other sources of commercial noise within the vicinity, including roof mounted plant, deliveries which may have more prevalent acoustic characteristic including tones, hums, and impulsive sounds and the Nucleus Arts outdoor seating area. The assessment also fails to consider the impact of noise and vibration from the retained car park, proposed non-residential elements of the development including the retained electric substation and its low frequency noise.

The applicant has provided further supporting information to overcome these concerns. It is considered subject to conditions to submit a further noise assessment against the final design within the reserved matters application(s) of appearance and layout including appropriate ventilations, most likely mechanical ventilation, no objection is raised in terms of the amenities of both the future occupiers and neighbour amenities under Policies BNE2 and H4 of the Local Plan and paragraphs 130 and 174 of the NPPF.

Highways

Paragraph 110 of the NPPF seeks development located in sustainable locations, limiting the need to travel and offering choice of transport modes to reduce congestion and emission and improve air quality and public health. National Policy also promotes the use of walking and cycle over private car.

The site is situated within Chatham town centre, close to the bus station and train station, and as such this is a highly sustainable location. The development would have one vehicular access entering and exiting the site directly into the car parking from Rhode Street. 152 car parking spaces are proposed with 50% of the final number of units being permits for residents. If the full 175 flats are provided at reserved matters stage this would result to 88 parking spaces for residents.

It is noted that in order to make the best use of previously developed land, and consequentially reduce the requirement for new housing to be built on greenfield land, it is necessary to increase densities which necessarily requires a relaxing of parking provision which accounts for significant proportion of land take on any site. Also increasing densities on complex brownfield sites, such as this, increases the value of the land and thereby makes them more viable and deliverable, directly contributing towards achieving Medway Council's regeneration objectives.

A Transport Assessment has been submitted as part of this application which concludes that an under provision of parking spaces would be acceptable in this location. This is common in such town centre high density sites close to transport nodes, services and facilities. There are many opportunities for sustainable travel in this very urban location, reducing the need and demand for private vehicle movements. By reducing parking on the site, densities can be increased in this highly sustainable location and thereby opportunities for sustainable travel can be maximised. A £20,000 s106 request has been made to further improve sustainable infrastructure within the Chatham Town Centre.

There are also substantial Control Parking Zones within the local vicinity that would prevent overspill onto residential roads. It is recommended that a condition is attached to any permission requiring a parking management plan that includes preventing prospective residents applying for residential parking permits.

It should be noted that the NPPF has put sustainable development as a central core and paragraph 112e of the NPPF outlines that development should provide electric charging facilities, therefore a condition would be required if recommended for approval to fulfil this objective for both the commercial and residential parking.

The proposal has been considered in the light of the level of proposed parking provision, the access and egress in relation to the existing access arrangement and highway and pedestrian safety generally especially due to the location of the site in close proximity to the town centre, bus station and railway station, which permits a reduction to the Council's minimum parking standards.

Paragraph 111 of the NPPF states that development should only be refused on highways grounds if there is an unacceptable impact on highways safety. Whilst it is considered that the development would result in an impact on the network, it is not considered to result in a severe impact that would be sufficient to warrant refusal of the application.

There could be the potential that a development this size could result in disruption to the M2 road network during construction, however National Highways have requested a CEMP condition to include numbers, frequency, type and routing of vehicles visiting the site and measures to ensure HGVs loads are adequately secured, travel plan and guided access/egress and parking arrangements to ensure the development during construction does not detrimentally impact the M2.

Subject to the abovementioned conditions the proposal would not result in any detrimental increase in risk to highway safety and is considered to be acceptable in terms of Policies, T1, T2, T4 and T13 of the Local Plan and paragraphs 110, 111 and 112 of the NPPF.

Flooding/SUDS

The application is supported by a Flood Risk Assessment (dated December 2021). The site lies within Flood Zone 1 (low risk) and partial within Flood Zone 2 (Medium Risk) according to the Environment Agencies Mapping and the Council do not have any records to suggest that flooding has affected the site.

The application form and assessment indicate that connection to a sewer being the most suitable option for this site. The proposed rates cannot be agreed by the Local Authority and need to be agreed as to whether Southern Water have capacity for the proposed surface water system. Southern Water's representation indicates that early investigations show that additional reinforcements are deemed necessary to mitigate which will be provided by Southern Water working with the developer to align the necessary works and occupation of the development.

It is encouraged for reserved matters application(s) to also include the use of the landscaped areas to provide an opportunity for SUDs in the form of rainwater harvesting, grey water recycling and water butts to reduce the demand on potable water supplies.

Subject to conditions regarding the submission of a suitable construction water management plan, SUDs scheme (including details of maintenance) and a verification report the proposed development is in accordance with paragraphs 167 and 169 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 be agreed.

A desk top study has been submitted in support of this application which recommendations cover the redevelopment of the Rhode Street NCP Car Park and the retention of its use. However, the proposal does seek to demolish part of the car park which as the site is over a SPZ3 and Principal Aquifer and has historic uses with the potential for contamination, a full set of contamination conditions including intrusive investigations, remediation and unexpected contamination would be required if the application were recommended for approval.

Subject to conditions requiring further investigation and mitigation where necessary, no objection is raised to the proposal under Policy BNE23 of the Local Plan and paragraphs 174 and 183 of the NPPF.

Ecology

The application is supported by a desk top ecology appraisal which is considered a suitable level of information for this proposed application. Habitats are present on or around the site that provide opportunities for breeding birds. Works to vegetation and structures that may provide suitable nesting habitats should be undertaken outside of bird breeding season (March to August). Works that do take place should be done so under mitigation measures including examination by experienced ecologist prior to starting works. An informative will be included within the decision notice to also inform the applicant.

The report recommends ecological enhancements including native planting, green roofs and provision of integrated nest boxes. A condition is required for this to be included within a reserved matters application(s) should outline planning permission be granted.

Subject to the suggested condition no objection is raised regarding Policy BNE37 of the Local Plan and paragraph 180 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 likely to contain remains of seventeenth, eighteenth and nineteenth century Chatham which would be illustrative of the civilian population and commercial and industrial activity associated with a major naval dockyard. There is also the potential for much earlier remains to be present with several Romano-British burials discovered in the vicinity of The Brook due to the site's proximity to the Roman Road Watling Street. There is also the potential for deeper buried multi phased geographical deposits with basal Late Devensian Last Glacial Maximum deposits overlain by Holocene colluvium as well the potential for Late Upper Palaeolithic remains and Late Devensian palaeosols.

The applicant has submitted an Archaeological Desk Based Study (dated December 2021). The report provides a reasonable account of the archaeological potential onsite. However, the report concludes that the construction of the existing buildings would have resulted in the loss of any remains. Although this conclusion is accepted for the multi storey car park it is considered there may be potential remains elsewhere onsite. Consequently, a condition is recommended for a programme of archaeological works. This should be done via trial trench in first instance, then dependant on results the need for detailed excavations followed by post excavation assessment.

Subject to the abovementioned condition the proposal is in accordance with Policy BNE21 of the Local Plan and paragraph 194 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 (ref: Rev 1.1) dated 24 May 2022 which is generally acceptable with regards to the air quality impact of the scheme and considering cumulative impacts on other applications such as Chatham Waterfront, Wiffen's Avenue, Kitchener Barracks and developments on The Brook. A condition is required to secure an air quality mitigation scheme to offset the calculated damage costs in accordance with the Medway Air Quality Planning Guidance.

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 applicant has provided a list of energy efficiency mitigation measures within the supporting Energy Statement. These include fabric first approach utilising passive design measures, well insulated and airtight building fabrics and space and water heating provided by high efficiency gas fire boilers. A PV array is also proposed on the roof to increase the reduction of CO₂ emissions. The application is also conditioned to provide electric charging points and cycle storage, while the s106 seeks to secure a contribution towards sustainable transport options in the area.

If the application were considered for approval a verification condition to ensure that these measures have been provided prior to occupation would be required 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.

Viability and affordable housing

S106 requests set out in the Medway Guide to Developer Contributions 2021 were requested in addition to other requests for public realm improvements, signage for public rights of way, a highways contribution for sustainable travel modes and 25% affordable housing. The applicant submitted a Viability Assessment which has been considered by the Council's viability advisor. The advisor concludes that the scheme is unable to provide full Section 106 requirements requested. However, a scheme without affordable housing and £505,000 of contributions would be viable.

The following contributions are sought from the reduced s106 monies available, and it should be noted that the totals are maximum figures which could be secured if a reserved matters application was successful in achieving all 175 dwellings. The actual s106 agreement would secure a contribution per dwelling, which is also stated below.

Greenspace Services/Public Realm improvements

A maximum contribution of £220,293.25 towards improvements in the area including the Paddock and Chatham Waterfront. This would be secured by a contribution of £1258.81 per dwelling.

Community Facilities/Libraries/Public Realm

A maximum contribution of £105,896 towards community facilities, libraries and public real within Chatham centre. This would be secured by a contribution of £605.12 per dwelling.

Health

A maximum contribution of £114,390.50 towards contribution towards improvements relating to Chatham Centre. This would be secured by a contribution of £653.66 per dwelling.

Highways mitigation

A maximum contribution of £20,000 towards sustainable transport improvements relating to Chatham Centre. This would be secured by a contribution of £114.28 per dwelling.

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.

Giving a maximum contribution of £44,420.25. Secured the contribution of £253.83 per dwelling.

The applicants have accepted the above requested contributions and are in the process of drafting a s106 agreement which will reflect the per unit number to cover any reduction on the up to number sought by this outline. Consequently, 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.

Other Matters

The applicant has requested that the conditions are worded so the scheme can be delivered in phases.

Southern Water (SW) have objected about the impact on the existing Sewer running across the site. This would be a matter to be resolved between the two parties and not be a reason for refusal under the planning process but could act as a barrier to bring forward the scheme if not resolved. The applicant has been made aware of SW comments and an informative will also be added to the decision notice.

*Presumption in Favour of Sustainable development and the Overall Planning Balance
(Having Regard to the Council's Position on its Five-Year Land Supply)*

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

The Council accepts that the current Local Plan is of age, being adopted in 2003. However, the assessment above refers to Local Plan policies where they are still considered relevant and applicable.

The Council cannot demonstrate a five-year supply of housing land sought by paragraph 74 of the NPPF. There is therefore a significant need for new housing in the Medway area, including affordable housing and as the development proposed would create new housing, the presumption in favour of sustainable development as set out in Paragraph 11(d) of the Framework is engaged. Paragraph 11(d)(ii) applies which states that:

- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Footnote 8 of the NPPF states that 11(d) also includes for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. As of the 2020-21 Housing Delivery Test, the Council had only delivered 55% of its target number of dwellings in the preceding 3 years.

In assessing the proposed development against the policies in the NPPF as a whole, as well as relevant Local Plan policies, the NPPF indicates that there are three dimensions to sustainable development: economic, social and environmental. It is, therefore, appropriate to balance the assessment of the development as set out above, against the Local Plan policies and policies in the NPPF in these terms and unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits, of doing so, planning permission should be granted.

Economic

New residents within this area will generate more demand for local services and facilities and this would contribute to boosting the local economy contributing to the vitality of the community and the local economy.

The application would provide employment opportunities in construction jobs and supporting local building trades, are also recognised throughout the build of the development albeit that this would be for a temporary period and therefore has limited weight.

Bringing the vacant Trafalgar Centre back into use, with co working and artist studios boosting the local economy contributing to the vitality of the community and the local economy.

Whilst the development would provide additional council tax income this would be used to mitigate for and deliver necessary services and infrastructure for the residents and would, therefore, be a neutral effect.

The planning obligations set out in the S106 include a range of financial contributions to make the proposal acceptable. These financial contributions are intended to mitigate the effects of the development and render it acceptable in planning terms. They, therefore, do not constitute economic benefits.

Social

The NPPF confirms that social objective is: “to support, strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future need and support communities, health, social and cultural wellbeing”.

The development would deliver up to 175 dwellings towards housing land supply on a brownfield site town centre. It is considered that significant weight can be attached to social benefits of the provision of 175 dwellings in accordance with the guidance in the NPPF.

Bringing the vacant Trafalgar Centre back into use, with co working and artist studios would enhance the vitality of this area of the town centre and should have a high weight.

Environmental

This outline application has landscaping as a reserved matters and considerations of biodiversity and ecological enhancements would be conditioned to be considered at reserved matters if considered for approval.

The proposed residential development would result in some harm to the townscape and heritage settings of scheduled ancient monument, grade I listed building and conservation area as indicated above. However, this is considered to be less than substantial, and it has been demonstrated that this has been minimised through the life of the application by reducing the proposed scale of the buildings where the main impact relates primarily to a viewpoint from New Road. As stated in paragraph 199 of the NPPF, due to the importance of the identified heritage assets great weight should be given whether any potential harm amounts to substantial harm, total loss or less than substantial harm.

The scheme would still be of height that would be at odds with the townscape. The development would have to be considered a landmark development and the acceptability of this scale is dependent on a sensitive, high quality final design to be submitted at reserved matters stage for landscape, appearance and layout.

Conditions regarding contamination, SUDs, air quality, noise and s106 contributions would offset the impact of the development and therefore considered neutral.

On balance, subject to a development of architectural quality (to be finalised at reserved matters stage), it is considered that the social and economic benefits of this application for the provision of up to 175 new dwellings which will contribute to the Councils five-year housing land supply and will bring vitality and viability to the town centre in place of a vacant brownfield site will demonstrably outweigh the harm in terms of impact of the townscape and the setting of the scheduled ancient monument, listed buildings and conservation areas which has been minimised.

For the reasons that have been demonstrated above, the proposal is recommended for approval.

Conclusions and Reasons for Approval

Overall, it is considered that this proposal is acceptable and will result in benefits to the wider community and improve the vitality of Chatham Town Centre as well as contribute toward the housing supply within Medway. These benefits have been considered in the planning balance against the negative impacts regarding the impact on the townscape and the impact of the setting of the above identified heritage assets and it is concluded that the proposals are acceptable.

The proposals are considered to comply with Policies R1, R2, R12, S1, S2, S6, H4, H5, BNE1, BNE2, BNE14, BNE18, BNE20, BNE21, BNE23, BNE24, BNE35, BNE37, T1, T2, T4 and T13 of the Local Plan and paragraphs 11, 55, 57, 58, 86, 110, 111, 112, 119, 120, 125, 136, 130, 154, 167, 169, 174, 183, 180, 183, 186 and 194-208 of the NPPF.

The application would normally be determined under delegated powers but has been called in, to be decided by the Planning Committee, due to the significance of the application and the impact it will have on the regeneration of Chatham Town Centre.

Background Papers

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

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