

MC/21/3405

Date Received: 24 November 2021

Location: 24 Gun Lane Strood
Rochester Medway

Proposal: Construction of a 5/6 storey building comprising of two ground floor retail units (use class E), 5 x one-bedroom and 8 x two-bedroom flats along with parking, amenity space and landscaping.

Applicant Mr Chopra

Agent Barron Edwards Lt
Miss Ebcin
Barron Edwards, Whitehall Place
47 The Terrace
Gravesend
DA12 2DL

Ward: Strood North Ward

Case Officer: Madeline Mead

Contact Number: 01634 331700

Recommendation – Approval subject to:

- A. A Section 106 Agreement under the terms of the Town and Country Planning Act 1990 being entered into to secure the following developer's contributions:
- i) £3,185.00 towards the development of improved civic space and gateways to Strood town centre (greening projects, bollards, safety measures and signage).
 - ii) £2,219.23 towards improved equipment and facilities at Strood library.
 - iii) £8,497.58 towards supporting the creation of additional capacity in Primary Care premises required as a result of the increase in housing and resulting patient registrations. This can be, by the way of extension to, refurbishment of, or upgrade to existing practice premises within the vicinity of the development, or contribution towards a new facility if this is required to support the population growth.

- iv) £2,325.44 towards the provision, improvement and promotion of waste and recycling services to cover the impact of the development.
- v) £7,500.00 towards the development of sustainable transport infrastructure to encourage modal shift from the private motor vehicle within the local vicinity.
- vi) £34,286.85 towards the enhancement of open space facilities within the vicinity of the development including Strood North ward and Great Lines Heritage Park.
- vii) £3,825.64 Towards improved landscaping within the grounds at Temple Manor.
- viii) £3,299.79 towards Designated Habitats Mitigation.

B. And the following conditions:-

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

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

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

Received 27 January 2022:

001 Revision A - Proposed site layout

002 Revision A - Proposed floor plans

003 Revision A - Proposed elevations

004 Revision A - Site sections

Energy statement for planning - By Base Energy (Energy Statement Report Rev4.0)

Sustainability statement for planning - by Base Energy

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

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

- o All gas fired boilers to meet a minimum standard of <40mgNOx/kWh.

All works, which form part of the approved details, shall be completed before any individual building is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: Required prior to commencement to ensure that the development does not prejudice the amenities of future occupants in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 4 No development shall take place until a scheme showing how noise and vibration created by the ductwork serving the clean air ventilation system will be adequately controlled, shall be submitted and approved in writing by the Local Planning Authority. All works, which form part of the approved scheme, shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: Required prior to commencement to ensure that the development does not prejudice the amenities of future occupants in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 5 Prior to the commencement of any residential part of the development hereby permitted, the details of a clean air ventilation system (which provides both passive and rapid ventilation) necessary to ensure an appropriate level of air quality within the development shall be submitted and approved in writing by the Local Planning Authority. All works, which form part of the approved system, shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: Required prior to commencement to ensure that the development does not prejudice the amenities of future occupants in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 6 No development shall take place, until an acoustic assessment has been undertaken to determine the impact of noise from transport related sources and shall be made in accordance with BS8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. The results of the assessment and details of a scheme of acoustic protection shall be submitted and approved in writing by the Local Planning Authority. The scheme shall include details of acoustic protection sufficient to ensure internal noise levels (LAeq,T) no greater than 30dB in bedrooms and 35dB in living rooms with windows closed and a maximum noise level (LAmax) 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. All works, which form part of the approved scheme, shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: Required before commencement to ensure that the development does not prejudice the amenities of future occupants in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 7 Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of hours of construction working;

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

Reason: Required before commencement in order to protect residential amenities in relation to Policy BNE2 of the Medway Local Plan 2003.

- 8 No part of the development shall commence until full details of the following highway improvements have been submitted to and approved in writing by the Local Planning Authority:

Access arrangements as outlined in planning permission drawing MC/21/0675(drawing H-01 P1)

The approved details shall thereafter be implemented in full prior to first occupation of the development.

Reason: Required prior to commencement to ensure the development preserves conditions of highway safety, pedestrian safety and the free flow of traffic, in accordance with Policies T1, T2 and T3 of the Medway Local Plan 2003.

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

The scheme shall include (where applicable):

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

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

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

- 10 No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter

managed and maintained in accordance with the approved plan for the duration of construction.

The approved CSWMP 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 agreed details.

Reason: Required prior to commencement to manage surface water during and post construction and for the lifetime of the development as outlined at paragraph 168 of the National Planning Policy Framework.

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

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

- 12 The proposed development shall not be occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country

Planning (General Permitted Development) Order 2018 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

- 13 No part of the development shall be occupied until details of cycle storage facilities (including the provision of individual lockers) have been submitted to and approved in writing by the Local Planning Authority. The cycle storage facilities shall be implemented in accordance with the approved details.

Reason: to ensure satisfactory cycle storage in accordance with Policy T4 of the Medway Local Plan 2003.

- 14 Notwithstanding the submitted drawings, prior to occupation of any part of the residential development, details of the refuse storage area at ground floor level, needs to be submitted to and approved by the Local Planning Authority. The refuse storage shall be implemented in accordance with the approved details before any part of the residential development is occupied.

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

- 15 The proposed commercial unit shall not be occupied, until details of the provision of the electric vehicle charging points (4 units) have 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.

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

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

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

- 17 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the energy statement for planning, by Base Energy (ref: Energy Statement Report Rev4.0) and sustainability statement for planning, by Base Energy received 27 January 2022. The development shall not be occupied until a verification report prepared by a suitably qualified professional has been submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been implemented.

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

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

- i. Plans and information providing details of existing and proposed finished ground levels, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, all paving and external hard surfacing, lighting, and services (including drainage), tree grilles, minor artefacts, and structures (seating, refuse receptacles and raised planters). Soft landscape works, including details of planting plans, tree positions, planting build ups, written specifications (including cultivation and other operations associated with grass, tree and planting establishment, aftercare, and maintenance); schedules of plants, noting species, plant sizes, root treatments and proposed numbers/densities where appropriate.
- ii. Details for the design and specification of tree planting to enable healthy establishment at maturity. Information should provide details for the planting environment (including within hard landscape and raised planters), calculated soil volume, tree support and tie specification, guards and grilles, aeration and irrigation systems, soil build-up information (avoiding the use of tree sand), tree cell systems (to street tree planting environments).

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

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

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

- 19 Prior to the first occupation of the development herein approved, a Landscape Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include long-term design objectives, management responsibilities and maintenance schedules for all hard and soft landscape areas, including communal amenity (except for small, privately owned, domestic gardens) for a minimum period of five years, with arrangements for implementation and future review. 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.

- 20 No part of the building shall be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected 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 and/or building is occupied and shall thereafter be retained.

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

- 21 The residential units shall not 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 parking spaces are to be managed for residents and their visitors. The Parking Management Plan shall be implemented in accordance with the approved details prior to the first occupation of the residential unit and shall thereafter be retained.

Reason: In the interests of sustainability and residential amenity in accordance with Policy T13 and BNE2 of the Medway Local plan 2003.

- 22 Prior to the installation of any external lighting on the site, details of such lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include height, position, external appearance, any shielding, light intensity, colour, spillage (such as light contour or lux level plans showing the existing and proposed levels) and hours of use (including an overlay of the proposed lighting onto the site landscaping plans), nearby residential properties. Any external lighting shall be implemented in accordance with the approved details and thereafter retained.

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

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

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

- 24 The separating walls between flats 4-5; 7-8; and 10 - 11 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 ensure that the development does not prejudice the amenities of future occupants in accordance with Policy BNE2 of the Medway Local Plan 2003.

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

contamination shall be dealt with. The development shall thereafter be implemented in accordance with the approved Method Statement.

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

- 26 The ground floor commercial units hereby permitted shall only operate between the hours of 7am to 6pm Mondays to Sundays and Public Holidays.

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

- 27 The ground floor commercial units of the development hereby permitted shall exclude any use falling within sub category (a) (the display or retail sale of goods) of Class E of the Schedule to the Town and Country Planning (Use Classes) 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

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

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

Proposal

This application relates to a site on the south-east side of Gun Lane, opposite the junction with Brompton Lane. The site was previously occupied by a two-storey building with a single storey addition to the rear, which was last used as a dance studio. The building has now been demolished.

The proposed building would be set back approx. 5m from the public footpath, would project approx. 1.6m in front of the neighbouring flat block, Newark Court and would project to the rear approx. 3m beyond Newark Court.

The building would have a width of approx. 15m, 14.3m in depth, a height of up to approx. 14m at the front and 17m to the rear, due to land level changes to the rear of the site.

Balconies are proposed at first, second, third and fourth floor level at the rear of the building. The building is of flat roofed design with the top-level set back from the front, rear and sides of the main building.

Four car parking spaces are proposed to the front of the building.

The layout of the building would comprise the following accommodation at each level:

Lower Ground Floor

Cycle storage, storage, waste storage and two 1-bedroom flats

Ground Floor

Two commercial units

First Floor

3 flats – 1 x 1-bed and 2 x 2-bed

Second Floor

3 flats – 1 x 1-bed and 2 x 2-bed

Third Floor

3 flats – 1 x 1-bed and 2 x 2-bed

Fourth Floor

2 flats – 2 x 2-bed

The two commercial units at ground floor level are proposed to fall within the Class E use. No details of the number of staff or opening hours have been submitted as part of the application.

Site Area/Density

Site Area: 0.038 hectare (0.093 acre)

Site Density: 342 dph (139.7 dpa)

Relevant Planning History

MC/21/0675 Part retrospective application for excavation of site and construction of a part 4 storey part 5 storey building comprising of ground floor retail space, two 1-bedroom apartments (lower ground floor) and six 2-bedroom apartments with associated communal amenity space, retail parking, storage, refuse and cycle store

Decision: Approval with Conditions

Decided: 10 May 2021

MC/20/0875 Part retrospective application for excavation of site and construction of a part four storey/part 5 storey building comprising of underground parking, retail space on ground and first floor with 4 x two-bedroom apartments on second and third floors with amenity space on roof – re-submission of

MC/20/0183

Decision: Refused

Decided: 27 August 2020

MC/20/0183 Construction of a block comprising of five 2-bedroom flats with retail (Class A1) at ground and part first floor levels and associated parking
Decision: Refused
Decided: 20 March 2020

MC/14/2829 Construction of a three-storey block comprising 5 x one-bedroom self-contained flats with associated parking (demolition of existing buildings)
Decision: Approval with Conditions
Decided: 2 April 2015

Representations

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

Three letters of representation have been received with the following comments:

- Disturbance to the community.
- Inadequate parking provision to serve the flats.

EDF Energy, Southern Water, Natural England, Kent Police and Southern Gas Networks have also been consulted.

UK Power Networks have provided a copy of their records which show the electrical lines and/or electrical plant and a fact sheet which contains important information regarding the use of their plans and working around their equipment.

Southern Gas Networks have provided an extract from their mains records for the proposed work area. They have also advised that a low/medium/intermediate pressure gas main is near the site and given advice regarding excavations with the proximity of this gas main.

Natural England advises that subject to the appropriate financial contribution being secured, they are satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site.

Kent Police advise that the development should follow SBD Homes 2019 guidance to address designing out crime.

Southern Water have provided an extract of their records that show the approximate position of water distribution main in the immediate vicinity of the development site. Southern Water have advised that the submitted drainage layout (050) indicates foul and surface water being combined onsite, however, this would not be considered acceptable and would prefer that onsite foul and surface water discharges to the dedicated public sewer system.

The site is located on the boundary of the Groundwater SPZ1 for our Strood public groundwater supply. Any construction or operational related contamination of the groundwater has the potential to impact our abstraction source within 50 days. Impacts from site construction and operation have not been considered in the current documentation and there is a risk that the construction of the proposed development will impact the Strood groundwater abstraction. Southern Water would require hydrogeological assessment(s) to ensure that risks to groundwater are identified and appropriately mitigated. Southern Water would also like to review and approve the proposed piling risk assessment.

They have also advised that it is possible that a sewer now deemed to be public could be crossing the development site.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2021 and are considered to conform.

Planning Appraisal

Principle

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

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). Paragraph 60 of the NPPF also seeks to boost the supply of housing by bringing forward a variety of land to meet specific housing requirements.

The site is within the urban area as defined on the proposal maps to the Local Plan. Policies S1 and H4 of the Local Plan promotes the best use of development opportunities within the urban areas and directs development to such areas. In view of the above the principle of the proposal is therefore acceptable and in accordance with Policy S1 and H4 of the Local Plan and paragraphs 11 and 60 of the NPPF.

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

The site is just outside the core retail area of Strood. The immediately surrounding area is mixed use with flats to the south, three small shops opposite (25-29 odd Gun Lane) and a health centre and Salvation Army Hall in the vicinity. Policy R12 of the

Local Plan supports the development of mixed-use development, at an appropriate scale within or on the edge of the Core Area of Strood, incorporating high design standards which contribute to the vitality and viability of the centre. Paragraph 87 of the NPPF states that when considering edge of centre proposal, preference should be given to accessible sites which are well connected to the town centre.

The retail units would be relatively small with a total floorspace of 161m² (one-unit 75m² floorspace and the other 86m² floorspace).

The proposed commercial units would fall within Class E (Commercial, Business and Service). This would mean that the unit could be used for a number of uses and therefore a condition would be recommended to restrict the uses within Class E for the two commercial units.

The site is within walking distance of the town centre, but also close to a predominantly residential area to the north, and the proposed development would serve the immediate area. No objection, is therefore, raised to the retail element of the proposal under Policy R12 of the Local Plan and paragraph 88 of the NPPF.

Design and Layout

Policy BNE1 of the Local Plan states that the design of development should be appropriate in relation to the character, appearance and functioning of the built and natural environment and be satisfactory in terms of use, scale, mass, proportion, details materials, layout and siting, and should respect the scale and appearance of the surrounding area. paragraphs 126 and 130 of the NPPF emphasises the importance of good design.

The area has a varied character with a four-storey flat block (1-22 Newark Court) with a flat roof immediately to the south-west. To the north of the application site is an area of vacant land formerly occupied by the Tug and Shovel PH, which has now been demolished. That site was the subject of a planning application for the construction of a block of 9 apartments (MC/19/2211) which was approved on 7 November 2019. That application proposes a stepped building rising to a height of five storeys, including undercroft parking, on the Gun Lane frontage.

Having regard to the existing and proposed development in the vicinity, it is considered that a proposed four/five storey building in this location would not be out of character with its surroundings, in terms of height, scale and mass.

The submitted drawings indicated that the building would be constructed in brick and cladding, with the top storey of the building being wholly clad, with glass balustrade to the balconies and grey aluminium windows and doors. A condition is recommended to ensure that appropriate materials are used. Subject to this condition, no objection is raised under Policy BNE1 of the Local Plan and paragraphs 126 and 130 of the NPPF.

Amenity

There are two main amenity considerations, firstly the impact of the proposed development on neighbours and secondly the living conditions which would be created for potential occupants of the development itself. Policy BNE2 of the Local Plan and paragraph 130f of the NPPF relates to the protection of these amenities.

Neighbours Amenity

The development has been sited and designed in such a manner that the amenities of surrounding residents are maintained. Aveling Court is located approx. 14m to the south-west of the proposed building, which would maintain a suitable distance and angle between buildings and as such would not result in a loss of amenity to the occupiers of the building.

The neighbouring block to the west, Newark Court, would be approx. 1.6m behind the front building line of the proposed building and the building would project to the rear approx. 3m beyond the rear elevation of Newark Court. The proposed building would have a slight impact on some of the habitable room windows on the rear elevation of Newark Court in terms of loss of daylight, however, it is not considered that this would have a significantly detrimental impact on the occupiers of the rooms affected.

The land to the east of the application site has the benefit of planning permission for a block of nine flats. These flats would have bedroom windows that would face onto the application site. The proposed building would be in quite close proximity to these windows and therefore would have an impact in terms of outlook, however, an extant permission exists on the application site and this proposal would slightly improve the situation as the building would be further away from these windows. It is also noted that as bedroom windows these would mainly be used during night time hours and therefore the impact of the loss of outlook would be reduced. The only windows that are proposed on the side elevation of the new building, would serve bathrooms and therefore a condition is recommended for these to be obscure glazed to avoid any direct overlooking and loss of privacy.

Occupier Amenity

With regard to the amenities of future occupants of the development itself, the proposed flats have been assessed with regard to the technical housing standards – nationally described space standard dated March 2015.

The proposed dwellings would comprise 1b2p and 2b3p flats. The space standards would require a gross internal floor area of 50m² for a 1b2p flat and 61m² for a 2b3p flat. A double bedroom should have a floor area of 11.5m² and a single bedroom should have a floor area of 7.5m². All of the flats would meet the standards.

The Medway Housing Design Standards (MHDS) requires properties to have at least 5sqm additional private outdoor amenity space for flats.

All of the two-bedroom flats would be provided with balconies and are considered to provide these flats with adequate private amenity space. The one bedroom flats (five in total) are not provided within any private external amenity space and this in itself would not normally be acceptable, however, as a small shared amenity space has been provided to the rear of the flats and the site is in walking distance to Northcote Road Recreation Ground, Canal Road play area and Frindsbury Park and play area, in this case, on balance it is considered acceptable for these five flats not to have private amenity space.

A refuse storage area, to serve the flats would be provided at lower ground floor level. This refuse storage would not be suitable to serve the development due to the need for the refuse storage to be located at ground level in order for the development to meet the requirements of the Waste Management Requirements new developments and Terms and Conditions 2019. Therefore, a condition is recommended for alternative refuse storage to be provided.

The construction of the development itself could lead to noise and nuisance dust emissions to nearby residential properties and therefore a condition is recommended requiring the submission of a Construction Environmental Management Plan be submitted.

Subject to conditions, 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 paragraph 130f of the NPPF.

Highways

This site has previously received permission for the construction of eight-, 1- and 2-bedroom flats with commercial. This application would significantly increase the residential provision on the site by providing fourteen 1- and 2-bedroom flats.

In terms of the proposed access, this application follows the previously permitted scheme and therefore no objection would be raised subject to conditions to follow the access arrangements for the previous approval.

In relation to vehicle parking, four parking spaces are proposed to the front of the building. Concerns are raised that due to the uplift in residential units compared to the previously approved application, residential amenity would be impacted as parking pressure is likely to increase (particularly at the weekends).

However, due to the location of the site being in a sustainable location, in close proximity to a range of facilities with good bus links from the site to the wider Medway area it is considered that a reduction of parking spaces on the site would be acceptable, subject to recommended conditions.

The NPPF has put sustainable development as a central core and paragraph 112(e) outlines that development should provide electric charging facilities, therefore a

condition is recommended to fulfil this objective for the residential part of the development.

With regards to cycle storage, it is noted that the provision proposed, would fall short of the requirements by one cycle storage space and therefore would need to increase the cycle storage provision on the site. As the recent pandemic has illustrated, as more members of the public have taken up cycling, those willing to spend significant sums on their equipment has increased and therefore they have a need for more secure storage. Therefore, it is expected that as part of the cycle storage provision, some individual lockers are provided. It is recommended that these are secured via a condition.

Subject to the recommended conditions, the proposed development is acceptable in highway terms and would comply with Policies T1, T2, T4 and T13 of the Local Plan and paragraphs 111 and 112(e) of the NPPF.

Contamination

Due to historical uses at the site, there is the potential for unidentified soil contamination at the site, therefore a condition is recommended to address any unexpected contamination. Subject to this condition, no objection is raised under Policy BNE23 of the Local Plan and paragraph 183 of the NPPF.

Noise

Due to the proximity of the site to nearby main roads and the junction of Gun Lane to North Road there is the potential for transport noise to impact the amenity of the dwellings especially to the front of the property. A condition is therefore recommended to ensure that noise from these sources is assessed and mitigated as required. While the development has not provided amenity spaces in the form of gardens, there are balconies situated to the rear of the site that would need to be included in the assessment and the assessment must account for the Air Quality mitigation system as outlined within the Air quality section below.

The development is proposing to have retail on the ground floor with residential both above and below. There is therefore the potential for this to have a negative impact in respect of noise on the residential properties. A condition is, therefore recommended requiring appropriate soundproofing between the floors.

With the above conditions imposed, no objection is raised in terms of noise under Policy BNE23 of the Local Plan and paragraph 185 of the NPPF.

Air Quality

The site lies close to an Air Quality Management Area (AQMA). Due to the size of the retail units and the number of dwellings proposed, the development is unlikely to cause a deterioration of air quality within the AQMA, therefore an Air Quality Emission Mitigation Statement is not required and standard mitigation requirements to reduce emissions from the site may be secured via a condition.

The development will introduce new receptors in proximity to the AQMA, there is a concern that poor air quality may have an adverse impact on these receptors and as such the application will need to include a scheme of protection to ensure that an appropriate level of air quality can be maintained within the residential dwellings.

A scheme of mitigation shall include a clean air ventilation system, it may be possible for such a scheme to be designed to also achieve the aims/recommendations of any acoustic assessment and provide heating and cooling (especially where non-opening windows are used). The ventilation system must be capable of treating the incoming air to remove air pollutants such as nitrogen dioxide and fine particulates. Therefore, a condition is recommended to secure a scheme of mitigation.

Subject to recommended conditions, no objection is raised in terms of air quality under Policy BNE24 of the Local Plan and paragraph 186 of the NPPF.

Trees

Although there are no trees on the application site, there are trees on land immediately to the south-east, which forms part of Aveling Court. In the event of planning permission being granted, a condition would be recommended requiring the submission and approval of appropriate tree protection measures, prior to any work taking place on site. Subject to this condition, no objection would be raised under Policy BNE43 of the Local Plan and paragraph 174 of the NPPF.

Drainage and Surface Water Flood Risk

The site is situated within Flood Zone 1 'low risk' in accordance with Environment Agency mapping. It is noted that the site is subject to localised high risk of surface water flooding and the highway surrounding the site is also subject to high risk of surface water flooding.

Paragraph 079 of National Planning Policy Guidance: Flood and Coastal Change states that when considering major development, sustainable drainage systems should be provided unless demonstrated to be inappropriate.

Paragraph 80 presents a hierarchy of drainage options to follow with the aim being to discharge surface runoff as high up the hierarchy as possible. This is also reiterated within Part H of the Building Regulations. The options are:

- 1 Into the ground.
- 2 To a surface body.
- 3 To a surface water sewer, highway drain, or another drainage system.
- 4 To a combined sewer.

This is reflected also of Part H3 of (Part H) of the Building Regulations.

British Geological Mapping indicates the presence of Lewes Nodular Chalk at bedrock which suggests that infiltration may be likely at the site. A Site Investigation including infiltration testing in accordance with BRE 365, has been undertaken which shows

suitable infiltration rates are considered acceptable. The proposal seeks to use rainwater harvesting, a green roof, Permeable paving and rain gardens.

The Flood Estimation Handbook (FEH) should be used for the design storms and runoff, as opposed to FSR. Micro Drainage outputs (or other industry appropriate software) should be provided for the critical duration for a 2-year, 30 year and 1 in 100 year + 40% intensity climate change scenarios.

Overall, no objection is raised to the proposed site drainage subject to the recommended condition and the development is considered to be in accordance with paragraph 168 of the NPPF.

Climate Change and Energy Efficiency

An energy statement has been submitted with the application. The statement outlines how the building would be constructed to address energy efficiency and climate change. A condition is recommended for an energy efficiency and climate change verification report to be submitted. With the abovementioned condition imposed the proposal is in accordance with paragraph 154 of the NPPF.

Bird Mitigation

As the application site is within 6km of the North Kent Marshes SPA/Ramsar Sites, the proposed development is likely to have a significant effect, either alone or in combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest. Natural England has advised that an appropriate tariff of £253.83 per dwelling (excluding legal and monitoring officer's costs, which separately total £550) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. The strategic measures are in the process of being developed but are likely to be in accordance with the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM) produced by Footprint Ecology in July 2014. The interim tariff stated above should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation), in anticipation of:

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

The applicant paid the tariff in respect of four flats when application MC/20/0875 was considered on 29 May 2020. The applicant paid for four further flats as part of the application MC/21/0675 on 7 May 2021. The tariff for the further five flats would be

secured as part of the Section 106 Obligation. No objection is therefore raised under Paragraphs 180 and 181 of the NPPF and Policies S6 and BNE35 of the Local Plan.

S106 Matters

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

Based on a net increase of 13 flats, the following contributions are sought and agreed by the applicant in accordance with Medway Council's Developer Contributions Guide 2019:

- i) £3,185.00 towards the development of improved civic space and gateways to Strood town centre (greening projects, bollards, safety measures and signage).
- ii) £2,219.23 towards improved equipment and facilities at Strood library.
- iii) £8,497.58 towards supporting the creation of additional capacity in Primary Care premises required as a result of the increase in housing and resulting patient registrations. This can be, by the way of extension to, refurbishment of, or upgrade to existing practice premises within the vicinity of the development, or contribution towards a new facility if this is required to support the population growth.
- iv) £2,325.44 towards the provision, improvement and promotion of waste and recycling services to cover the impact of the development.
- v) £7,500.00 towards the development of sustainable transport infrastructure to encourage modal shift from the private motor vehicle within the local vicinity.
- vi) £34,286.85 towards the enhancement of open space facilities within the vicinity of the development including Strood North ward and Great Lines Heritage Park.
- vii) £3,825.64 Towards improved landscaping within the grounds at Temple Manor.
- viii)£3,299.79 towards Designated Habitats Mitigation.

Conclusions and Reasons for Approval

The principle of the proposed development is acceptable and subject to conditions, no objection is raised in terms of design and appearance, amenity, highways, contamination, noise, air quality and bird mitigation. The proposal is acceptable and

would comply with Policies BNE1, BNE2, BNE23, BNE24, BNE35, BNE43, H4, H5, R12, S1, S6, T1, T2, T4 and T13 of the Medway Local Plan 2003 and paragraphs 11, 60, 88, 111, 112(e), 126, 130, 154, 168, 174, 180, 181, 183, 185 and 186 of the NPPF. The application is, therefore, recommended for approval.

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

Background Papers

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

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