

MC/22/1810

Date Received: 20 July 2022
Location: Bardell Wharf Rochester, Medway ME1 1NG
Proposal: Mixed use development comprising residential units (Class C3) and commercial floorspace (Class E) together with vehicular access off Bardell Terrace, vehicle (including on site and on street spaces) and cycle parking provision, private amenity space, landscaping, engineering works, public realm, and associated works. Highway works to the junction of Corporation Street and High Street and alterations to pedestrian crossing - demolition of all buildings on site
Applicant Zirconia Rochester Unit Trust (Donard)
Mr Steven Flannery
Agent Savills
Mr John Ainsworth
74 High Street
Sevenoaks
TN13 1JR
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 14th December 2022.

Recommendation - Approved Subject to S106

A. Section 106 agreement to secure the following:

- i. £103,179.12 towards strategic measures in respect of the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites
- ii. 10% affordable housing
- iii. Restriction to the occupation of phase including the central area until the works to Star Hill Roundabout have been undertaken.

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 20 July 2022:

239_POD_C1_00_DR_A_STAGE3_TPP_1010_A1 Rev 0 - Proposed Central Area North Basement Plan
239_POD_C1_01_DR_A_STAGE3_TPP_1011_A1 Rev 0 - Proposed Central Area North Ground Floor Plan
239-POD-C1-02-DR-A-STAGE3-TPP-1012-A1 Rev 0 - Proposed Central Area North First Floor Plan
239-POD-C1-03-DR-A-STAGE3-TPP-1013-A1 Rev 0 - Proposed Central Area North Second Floor Plan
239-POD-C1-04-DR-A-STAGE3-TPP-1014-A1 Rev 0 - Proposed Central Area North Third Floor Plan
239-POD-C1-05-DR-A-STAGE3-TPP-1015-A1 Rev 0 - Proposed Central Area North Fourth Floor Plan
239-POD-C1-06-DR-A-STAGE3-TPP-1016-A1 Rev 0 - Proposed Central Area North Fifth Floor Plan
239-POD-C1-07-DR-A-STAGE3-TPP-1017-A1 Rev 0 - Proposed Central Area North Sixth Floor Plan
239-POD-C1-08-DR-A-STAGE3-TPP-1018-A1 Rev 0 - Proposed Central Area North Seventh Floor Plan
239-POD-C1-09-DR-A-STAGE3-TPP-1019-A1 Rev 0 - Proposed Central Area North Eighth Floor Plan
239-POD-C1-11-DR-A-STAGE3-TPP-1021-A1 Rev 0 - Proposed Central Area North Tenth Floor Plan
239-POD-C1-12-DR-A-STAGE3-TPP-1022-A1 Rev 0 - Proposed Central Area North Roof Plan
239-POD-C1-XX-DR-A-STAGE3-TPP-2006-A1 Rev 0 - Proposed Central Area North Elevation E
239-POD-C1-XX-DR-A-STAGE3-TPP-2007-A1 Rev 0 - Proposed Central Area North Elevation F
239-POD-C1-XX-DR-A-STAGE3-TPP-2008-A1 Rev 0 - Proposed Central Area North Elevation G
239-POD-C1-XX-DR-A-STAGE3-TPP-2009-A1 Rev 0 - Proposed Central Area North Elevation H
239-POD-C1-XX-DR-A-STAGE3-TPP-3005-A1 Rev 0 - Proposed Central Area North Section EE
239-POD-C1-XX-DR-A-STAGE3-TPP-3006-A1 Rev 0 - Proposed Central Area North Section FF
239-POD-C2-00-DR-A-STAGE3-TPP-1023-A1 Rev 0 - Proposed Central Area South Lower Ground Floor Plan
239-POD-C2-01-DR-A-STAGE3-TPP-1024-A1 Rev 0 - Proposed Central Area South Ground Floor Plan

239-POD-C2-02-DR-A-STAGE3-TPP-1025-A1 Rev 0 - Proposed Central Area
South First Floor Plan

239-POD-C2-03-DR-A-STAGE3-TPP-1026-A1 Rev 0 - Proposed Central Area
South Second Floor Plan

239-POD-C2-04-DR-A-STAGE3-TPP-1027-A1 Rev 0 - Proposed Central Area
South Third Floor Plan

239-POD-C2-05-DR-A-STAGE3-TPP-1028-A1 Rev 0 - Proposed Central Area
South Fourth Floor Plan

239-POD-C2-06-DR-A-STAGE3-TPP-1029-A1 Rev 0 - Proposed Central Area
South Fourth Floor Plan

239-POD-C2-07-DR-A-STAGE3-TPP-1030-A1 Rev 0 - Proposed Central Area
South Sixth Floor Plan

239-POD-C2-08-DR-A-STAGE3-TPP-1031-A1 Rev 0 - Proposed Central Area
South Seventh Floor Plan

239-POD-C2-09-DR-A-STAGE3-TPP-1032-A1 Rev 0 - Proposed Central Area
South Eighth Floor Plan

239-POD-C2-10-DR-A-STAGE3-TPP-1033-A1 Rev 0 - Proposed Central Area
South Ninth Floor Plan

239-POD-C2-11-DR-A-STAGE3-TPP-1034-A1 Rev 0 - Proposed Central Area
South Roof Plan

239-POD-C2-XX-DR-A-STAGE3-TPP-2010-A1 Rev 0 - Proposed Central Area
South Elevation J

239-POD-C2-XX-DR-A-STAGE3-TPP-2011-A1 Rev 0 - Proposed Central Area
South Elevation K

239-POD-C2-XX-DR-A-STAGE3-TPP-2012-A1 Rev 0 - Proposed Central Area
South Elevation L

239-POD-C2-XX-DR-A-STAGE3-TPP-2013-A1 Rev 0 - Proposed Central Area
South Elevation M

239-POD-C2-XX-DR-A-STAGE3-TPP-3007-A1 Rev 0 - Proposed Central Area
South Section GG

239-POD-C2-XX-DR-A-STAGE3-TPP-3008-A1 Rev 0 - Proposed Central Area
South Section HH

239-POD-N1-00-DR-A-STAGE3-TPP-1001-A1 Rev 0 - Proposed Northern Area
Ground Floor Plan

239-POD-N1-00-DR-A-STAGE3-TPP-1002-A1 Rev 0 - Proposed Northern Area
First Floor Plan

239-POD-N1-02-DR-A-STAGE3-TPP-1003-A1 Rev 0 - Proposed Northern Area
Second Floor Plan

239-POD-N1-02-DR-A-STAGE3-TPP-1004-A1 Rev 0 - Proposed Northern Area
Third Floor Plan

239-POD-N1-04-DR-A-STAGE3-TPP-1005-A1 Rev 0 - Proposed Northern Area
Fourth Floor Plan

239-POD-N1-05-DR-A-STAGE3-TPP-1006-A1 Rev 0 - Proposed Northern Area
Fifth Floor Plan

239-POD-N1-06-DR-A-STAGE3-TPP-1007-A1 Rev 0 - Proposed Northern Area
Sixth Floor Plan

239-POD-N1-07-DR-A-STAGE3-TPP-1008-A1 Rev 0 - Proposed Northern Area Seventh Floor Plan
239-POD-N1-08-DR-A-STAGE3-TPP-1009-A1 Rev 0 - Proposed Northern Area Roof Plan
239-POD-N1-XX-DR-A-STAGE3-TPP-2002-A1 Rev 0 - Proposed Northern Area Elevation A
239-POD-N1-XX-DR-A-STAGE3-TPP-2003-A1 Rev 0 - Proposed Northern Area Elevation B
239-POD-N1-XX-DR-A-STAGE3-TPP-2004-A1 Rev 0 - Proposed Northern Area Elevation C
239-POD-N1-XX-DR-A-STAGE3-TPP-2005-A1 Rev 0 - Proposed Northern Area Elevation D
239-POD-N1-XX-DR-A-STAGE3-TPP-3003-A1 Rev 0 - Proposed Northern Area Section CC
239-POD-N1-XX-DR-A-STAGE3-TPP-3004-A1 Rev 0 - Proposed Northern Area Section DD
239-POD-S1-00-DR-A-STAGE3-TPP-1035-A1 Rev 0 - Proposed Southern Area Ground Floor Plan
239-POD-S1-01-DR-A-STAGE3-TPP-1036-A1 Rev 0 - Proposed Southern Area First Floor Plan
239-POD-S1-02-DR-A-STAGE3-TPP-1037-A1 Rev 0 - Proposed Southern Area Second Floor Plan
239-POD-S1-03-DR-A-STAGE3-TPP-1038-A1 Rev 0 - Proposed Southern Area Third Floor Plan
239-POD-S1-04-DR-A-STAGE3-TPP-1039-A1 Rev 0 - Proposed Southern Area Fourth Floor Plan
239-POD-S1-06-DR-A-STAGE3-TPP-1041-A1 Rev 0 - Proposed Southern Area Sixth Floor Plan
239-POD-S1-07-DR-A-STAGE3-TPP-1042-A1 Rev 0 - Proposed Southern Area Seventh Floor Plan
239-POD-S1-08-DR-A-STAGE3-TPP-1043-A1 Rev 0 - Proposed Southern Area Eighth Floor Plan
239-POD-S1-09-DR-A-STAGE3-TPP-1044-A1 Rev 0 - Proposed Southern Area Ninth Floor Plan
239-POD-S1-10-DR-A-STAGE3-TPP-1045-A1 Rev 0 - Proposed Southern Area Roof Plan
239-POD-S1-XX-DR-A-STAGE3-TPP-2014-A1 Rev 0 - Proposed Southern Area Elevation N
239-POD-S1-XX-DR-A-STAGE3-TPP-2015-A1 Rev 0 - Proposed Southern Area Elevation O
239-POD-S1-XX-DR-A-STAGE3-TPP-2016-A1 Rev 0 - Proposed Southern Area Elevation P
239-POD-S1-XX-DR-A-STAGE3-TPP-2017-A1 Rev 0 - Proposed Southern Area Elevation Q
239-POD-S1-XX-DR-A-STAGE3-TPP-3009-A1 Rev 0 - Proposed Southern Area Section JJ

239-POD-S1-XX-DR-A-STAGE3-TPP-3010-A1 Rev 0 - Proposed Southern Area Section KK

239-POD-XX-XX-DR-A-STAGE3-TPE-0001-A1 Rev 0 - Proposed Wider Site Plan

239-POD-XX-XX-DR-A-STAGE3-TPE-0002-A1 Rev 0 - Proposed Master Plan

239-POD-XX-XX-DR-A-STAGE3-TPE-0003-A1 Rev 0 - Proposed Block Plan

239-POD-XX-XX-DR-A-STAGE3-TPP-2001-A1 Rev 0 - Proposed Street Elevation

239-POD-XX-XX-DR-A-STAGE3-TPP-3001-A1 Rev 0 - Proposed Long Section AA

239-POD-XX-XX-DR-A-STAGE3-TPP-3002-A1 Rev 0 - Proposed Long Section BB

Received 4 August 2022

239_POD_S1_05_DR_A_STAGE3_TPP_1040_A1 Rev 0 - Proposed Southern Area Fifth Floor Plan

Received 20 October 2022

239_POD_C1_10_DR_A_STAGE3_TPP_1020_A1 Rev 1 - Proposed Central Area North Ninth Floor Plan

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

- 3 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:

- Define the extent of the area of each phase.
- 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.

- 4 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.

- 5 No development shall take place within a phase or sub-phase, until details of foundations designs and any other proposals involving below ground excavation have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

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

- 6 No development 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, bat 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.

- 7 Unless otherwise agreed by the Local Planning Authority, development within a phase or sub-phase other than that required to be carried out as part of an approved scheme of remediation and archaeological works must not take place until conditions 8 to 11 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the Local Planning Authority until condition 9 has been complied with in relation to that contamination for that particular phase.

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.

8 No development shall take place within a phase or sub-phase other than archaeological works until an intrusive site investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development of that particular phase. 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 that particular phase or sub-phase. The report of the findings must include:

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

(ii) an assessment of the potential risks to:

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

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

This must be conducted in accordance with DEFRA and the Environment Agency's '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 other than archaeological works 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 phase 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 and archaeological works 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 for that particular phase or sub-phase.

Following completion of the measures identified in the approved remediation scheme, a verification report for each phase 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 that particular phase or sub-phase.

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 within a phase or sub-phase when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. Development shall cease for that particular phase and an investigation and risk assessment must be undertaken in accordance with the requirements of condition 8, and where remediation is necessary a remediation scheme for that particular phase must be prepared in accordance with the requirements of condition 9, which shall be submitted to and approved in writing by the Local Planning Authority.

The remediation must be completed in accordance with the approved scheme and following completion of the measures a verification report for that particular phase or sub-phase 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 10.

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 Piling or any other foundation designs using penetrative methods within a phase or sub-phase shall not be permitted unless details are first submitted to and

approved in writing by the Local Planning Authority. Written approval may be given for those parts of the site where it has been demonstrated by a piling risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilisation and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 13 No infiltration of surface water drainage into the ground other than within the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 174 of the National Planning Policy Framework 2021.

- 14 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 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 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.

- 15 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 .

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.

- 16 No development shall take place above slab level within a phase or sub-phase until a scheme of acoustic protection against transport noise within that phase or sub-phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of acoustic protection sufficient to ensure internal noise levels (LAeq,T) no greater than 30dB in bedrooms and 35dB in living rooms with windows closed and a maximum noise level (LAmxF) of no more than 15 events exceeding 45dB(A) at night time in bedrooms with windows closed. Where the internal noise levels will be exceeded with windows open, the scheme shall incorporate appropriate acoustically screened mechanical ventilation. The development shall be implemented in accordance with the approved details prior to the occupation of any part of the development to which the phase or sub-phase relates and shall thereafter be retained.

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

- 17 No development shall take place above slab level within a phase or sub-phase until detailed elevations and sections through external walls taken at ground, mid and roof levels for each building within that phase have been submitted to and approved in writing by the Local Planning Authority.

The details should include windows, eaves, parapets, verges, lintels, cills, balconies, entrances and any other architectural detailing requested by the Local Planning Authority.

The details are to be submitted using a combination of plan, section, mood boards, models and component assemblies at a scale to be agreed in writing with the Local Planning Authority. The development within the phase or sub-phase to which it

relates shall be implemented in accordance with the approved details 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 and conservation area in accordance with Policies BNE1 and BNE12 of the Medway Local Plan 2003.

- 18 No development shall take place above the fourth floor of any building framework within a phase or sub-phase until sample panels of brickwork including mortar colours, joint types and pointing finishing for each brick type at a size of no less than 2sqm per panel have been constructed and made available for inspection at agreed secure locations within the site for approval in writing by the Local Planning Authority. The development within the phase or sub-phase to which it relates shall be implemented in accordance with the approved details.

The sample panels shall thereafter be retained on site for the duration of the construction activity for the phase or sub-phase to which it relates.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality and conservation area in accordance with Policies BNE1 and BNE12 of the Medway Local Plan 2003.

- 19 No development shall take place above slab level within a phase or sub-phase until details and samples in the form of sample panels (of an agreed size), and component assemblies 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 and conservation area in accordance with Policies BNE1 and BNE12 of the Medway Local Plan 2003.

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

- Bardell Terrace drawing 21169/001 Rev A

The approved details shall thereafter be implemented in full prior to first occupation of the any phase or sub-phase of the development.

Reason: 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.

- 21 No development shall take place above slab level within any phase or sub-phase including the Central area, the details of the following highway works shall be submitted to and approved in writing by the Local Planning Authority:

- Star Hill Junction improvements drawing numbers 43370_5501_009 Rev C and 43370_5501_023

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

Reason: 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.

- 22 No development shall take place above slab level within a phase or sub-phase until a Soil Resource Survey is provided that confirms analysis of the condition of existing site topsoil, subsoils, and its appropriateness for landscape use; the sourcing, quality and use of imported material; with outline recommendations for the stripping, stockpiling, remediation, amelioration, movement, profile and use of soils, relative to the planting proposals.

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

- 23 Prior to the first occupation of each phase or sub-phase of development herein approved, full details of a hard and soft landscape scheme shall be provided:

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

decks), calculated soil volume, tree support and tie specification, guards and grilles, aeration and irrigation systems, soil build-up information (avoiding the use of tree sand), tree cell systems (to street tree planting environments).

- iii. Detailed information should be provided for the design and specification of green roofs, terraces, and podium decks. Including drainage and soil build up, planting plans & plant schedules, the treatment for any tree planting (including tree pit details and tree supports), all paving and hard surfacing, minor artefacts, and structures.
- iv. Detailed information for the design and specification of green wall and climbing systems, including planting selection, specification, and details of irrigation systems.
- v. Detailed information should be provided for the design and specification of the podium deck/ public realm play spaces including detailed specification of play equipment, safety surfacing and any minor artefacts and structures.

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.

- 24 No dwelling or building 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 has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be implemented in accordance with the approved details before any dwelling or building 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.

- 25 Prior to the occupation of any building with a phase or sub-phase, final details of secure private cycle parking provision (including individual lockers) and information for commercial cycle provision for that phase or sub-phase shall be submitted to and approved in writing by the Local Planning Authority. The cycle

parking shall be implemented within that phase or sub-phase in accordance with the approved details before the building to which it relates is first occupied and shall thereafter be retained.

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

- 26 No part of the development shall be occupied within any phase or sub-phase until a Car Parking/Servicing Management Plan, has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the operational arrangements for residential and commercial vehicles, space sharing arrangements, disabled parking, car club arrangements, arrangements for a Parking Management Strategy review and removal of entitlement for residents of the approved development to apply for street parking permits. The development within the relevant phase or sub-phase shall operate in accordance with the approved Car Parking/Servicing Management Plan.

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

- 27 No part of the development within any phase of sub-phase shall be occupied until details of the provision electric vehicle charging points (20% active and 80% passive) 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 for each phase or sub-phase and shall thereafter be maintained.

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

- 28 No part of the development shall be occupied within any phase or sub-phase until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall contain details of sustainable measures to encourage walking, cycling, using public transport, car sharing and a timetable for review. The Travel Plan shall be implemented in accordance with the approved details upon the first occupation of the development.

Reason: to assess the proposed development in terms of traffic generation and the impact on the local highway network and in accordance with Policy T1 of the Medway Local Plan 2003.

- 29 No part of the development shall be occupied within any phase or sub-phase including the central parcel, until a timetable for the delivery of the signal timing adjustments for the network has been submitted to and approved in writing by the

Local Planning Authority. The approved details shall thereafter be implemented in full prior to first occupation of the Central area phase.

Reason: 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.

- 30 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within Sustainability and Energy Strategy. 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 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.

- 32 No commercial unit within a phase or sub-phase to which it relates shall be occupied until the following details have been submitted to and approved in writing by the Local Planning Authority:-

- (i) The use
- (ii) Hours of opening
- (iii) Hours of delivery

The development shall be implemented in accordance with the approved details before the first use of the commercial unit(s) to which the phase or sub-phase relates and shall thereafter be retained.

Reason: To ensure no long term detrimental harm to conditions of amenity and vitality of street scene in accordance with Policies BNE2 and R8 of the Medway Local Plan 2003.

- 33 No commercial units within a phase or sub-phase to which it relates shall be occupied until a scheme to minimise the transmission of noise from the use of the premises, has been submitted to and approved in writing by the Local Planning Authority. Noise from the premises should be controlled, such that the noise rating level (L_{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. All works which, form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To ensure no long-term detrimental harm to conditions of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 34 Prior to the occupation of the any Class E(b) commercial unit within a phase or sub-phase to which it relates, a scheme for the extraction and treatment of cooking fumes, including details for the control of noise and vibration from the system, shall be submitted to and approved in writing by the Local Planning Authority. Noise from the extraction system (L_{Aeq,T}) shall be at least 10dB(A) below the background noise level (L_{A90,T}) at the nearest residential facade, when assessed in accordance with BS4142:2014. The approved scheme shall be implemented before the Class E(b) unit is brought into use and shall thereafter be maintained and retained in accordance with the approved details.

Reason: To ensure no long-term detrimental harm to conditions of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 35 Prior to the occupation of any flat within an individual building, details of the privacy screens related to the private terraces and/or balconies of that building shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the occupation of the flat to which the private terrace(s)/balcony(ies) relates and shall thereafter be retained.

Reason: To ensure adequate privacy for the occupiers of the development in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 36 No external lighting to be installed within each phase or subphase, until 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 and heritage features, nearby residents and wildlife, and with regard to Policies BNE1, BNE2, BNE5, BNE12 and BNE14 of the Medway Local Plan 2003.

- 37 Prior to occupation of any phase or sub-phase full details of a wayfinding and interpretation scheme shall be submitted to and approved in writing by the Local Planning Authority. This should include plans and information providing details of the location, materiality and visual appearance of wayfinding aids, artwork and interpretation boards/ signage, and a timetable for implementation. The approved scheme shall be implemented in accordance with the approved details within each phase or sub-phase.

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

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

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

- 39 The separating partitions between the bedrooms and living/kitchen/dining 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 of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 40 The northern flank windows on the Northern Block shall be fitted with obscure glass and apart from any top-hung light, that has a cill height of not less than 1.7 metres above the internal finished floor level of the room it serves, shall be non-opening. This work shall be completed before the room it serves is occupied and shall be retained thereafter.

Reason: To ensure the development does not prejudice conditions of amenity by reason of unneighbourly overlooking of adjoining property, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 41 The flat roof areas of the Southern Area Building (except for the flat roof at first floor level), shall only be used for the purposes of access to any plant and for maintenance only and shall not be used for any other purpose.

Reason: To ensure no conflict in terms of amenity with the adjacent College use in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 42 No development within a phase or sub-phase to which it relates shall be occupied until the area shown on the approved plans as vehicle parking spaces for that phase or sub-phase has been provided, surfaced and drained. 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 and garaging.

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.

- 43 Prior to the first occupation within a phase or sub-phase, refuse storage arrangements as set out within the Operational Waste Strategy Rev 01 (dated 30 June 2022) shall be implemented on site in relation to the phase or sub-phase to which it relates and shall be retained thereafter.

Reason: To ensure the provision and permanent retention of refuse storage in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 44 Prior to the first occupation of the development within a phase or sub-phase, a Landscape Management Plan relevant to that phase or sub-phase 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 landscape areas including green roofs and climbing systems (except for small, privately owned, domestic gardens) for a minimum period of five years and arrangements for implementation. 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.

- 45 Prior to occupation of each phase or sub-phase an Ecological Enhancement Plan detailing what ecological enhancements will be incorporated, relevant to that phase or sub-phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the occupation of any part of the development to which the phase or sub-phase relates and shall thereafter be retained.

Reason: In order to limit the impact of the lighting on the wildlife and with regard to Policy BNE39 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 seeks planning permission for a mixed-use development comprising of 374 residential units (Class C3) and 357m² commercial floorspace (Class E) together with vehicular access off Bardell Terrace, vehicle (including on site and on street spaces) and cycle parking provision, private amenity space, landscaping, engineering works, public realm, and associated works. Highway works to the junction of Corporation Street and High Street and alterations to pedestrian crossing. The application also includes conservation consent for the demolition of all buildings on site.

The proposed flat mix is 164 1-bedroom flats, 194 2-bedroom flats and 16 3-bedroom flats in 4 blocks. There are also 3 flexible Class E commercial/retail units proposed and highways alterations at the junction of Star Hill and the High Street including the relocation of the pedestrian crossing. The scheme also provides additional public realm improvements and street tree planting.

A summary of each block is provided referenced as per the supporting information:

Northern Area – Fronting Corporation Street

This would consist of an eight storey (including ground floor), contemporary mixed brick built, flat roofed building with recessed balconies to the front and projecting balconies to the rear. The seventh floor is stepped back from the remainder of the building and is proposed to be of grey metal standing seam. The front elevation has a brickwork design to screen the ground floor car parking and plant with no flats at this level due to flood risk. The flank elevations are blank with some brick detailing. To prevent any issues with regards to the potential redevelopment of the site next door.

The property would have a ground floor consisting of an entrance, car parking spaces, cycle storage area, associated refuse and plant. The residential flats would be located on the upper floors. This block would contain 41 flats with a mix of 10 x 1-bedroom flats and 31 x 2-bedroom flats.

This block would have 32 parking spaces to the rear and at ground floor level accessed from Bardell Terrace. To the front is a section of footpath and planting area.

Central Area North Building - Fronting Corporation Street, Bardell Terrace and Furrell's Road

This would consist of a maximum of eleven storeys (including ground floor) which fronts Corporation Street. The remainder of the building would be ten storeys (including ground floor). Materially this block would consist of contemporary mixed brick built for eight to nine storeys with to additional set back standing seam roofs floors with a mix of projecting balconies and inset in the upper levels.

The property would have a ground floor consisting of an entrance onto Bardell Walk (landscaped public realm between the central north and south buildings), cycle storage area and associated refuse and plant. The residential flats would be located on the upper floors. This block would contain 138 flats with a mix of 59 x 1-bedroom flats, 74 x 2-bedroom flats and 5 x 3-bedroom flats of which 2 are over two storeys.

This block would have 42 parking spaces at ground floor level accessed from Bardell Terrace. A further 8 on street parking spaces and 2 loading bays along Bardell Terrace. With regards to landscaping, street trees are proposed along Bardell Terrace and a public realm landscaped area, Bardell Walk, is proposed between the central north and south building.

Central Area South Building - Fronting Corporation Street and High Street

This contemporary block would be six storeys in height (including ground floor) adjacent the court building on the High Street rising to ten storeys (including ground floor) on Corporation Street. This long corner building is broken down into seven different material areas using different material palettes to make it seem as different blocks: one reflecting the adjacent listed building, the others with different brick colouring and use of other features such as stone. This element also includes the red brick tower with coping stone roof feature fronting Corporation Street (the ten-storey element).

The property would have a ground floor comprising 3 flexible Class E commercial/retail units, bin stores, cycle stores and plant as well as 47 car parking spaces accessed from Bardell Terrace and a crossing over Bardell Walk. The first floor is a mixture of flats and a further 39 parking spaces. This block would contain 119 flats with a mix of 53 x 1-bedroom flats, 57 x 2-bedroom flats and 9 x 3-bedroom flats.

This block would have a total of 134 parking spaces at lower ground, ground and first floor level. With regards to landscaping, street trees are proposed along Corporation Street. A podium garden including play, seating and communal dining areas are proposed on the second floor above the parking area.

Southern Area –Fronting Furrell’s Road

This contemporary mixed brick built, part flat roofed building is broken down into three sections with a differing material palette and heights: a blond brick nine storey element, a slimmer 10 storey dark brick element and an eight-storey red brick with two storeys of recessed standing seam metal.

The property would have a ground floor comprising an entrance, car parking spaces, cycle storage area, associated refuse and plant. The residential flats would be located on the upper floors. This block would contain 75 flats with a mix of 42 x 1-bedroom flats, 31 x 2-bedroom flats and 2 x 3-bedroom flats.

This block would have 33 parking spaces at ground floor level accessed from Bardell Terrace. Street trees are proposed to the front of the building and a podium garden including play, seating and communal dining areas are proposed on the first floor above the parking area.

Site Area/Density

Site Area: 1.0 hectares (2.47 acres)
Maximum Site Density: 374 dph (151.42 dpa)

Relevant Planning History

Application site

MC/22/2045	Details pursuant to conditions 11 (Construction Environmental Management Plan) and 12 (Protective Boundary for County Court) of planning permission MC/20/2825 - Application for non-material amendment to planning permission MC/19/0038 to enable the condition wording to be amended to allow for phasing of the development Decision: Conditions discharged Decided: 3 October 2022
MC/22/1816	Demolition of existing building in a conservation area Decision: Under Consideration
MC/22/1298	Town and Country Planning Act (Environmental Impact Assessment) Regulations 2017 - request for a screening opinion for up to 380 residential dwellings and flexible commercial space (Class E) Decision: EIA not required Decided: 13 June 2022

- MC/20/2825 Application for non-material amendment to planning permission MC/19/0038 to enable the condition wording to be amended to allow for phasing of the development
Decision: Approved with conditions
Decided: 14 April 2021
- MC/19/0038 Residential - led mixed use development comprising 331 residential units, non-residential floor space comprising 1,894 sqm of Class A1, A2, A3, A5 and D2 floorspace associated car parking (258 car parking spaces and 8 on street spaces) landscaping, engineering works, highway works to the junction of Corporation Street and High Street and alterations to pedestrian crossing - Including demolition of all buildings on site apart from the buildings East of Furrell's Road fronting onto the High Street which is proposed to be partially demolished
Decision: Approved with conditions
Decided: 5 December 2019
- MC/18/2554 Town and Country Planning Act (Environmental Impact Assessment) Regulations 2017 - request for a screening opinion for residential development scheme
Decision: EIA not required
Decided: 20 September 2018

Adjacent site covered under the original scheme

- MC/22/1973 Variation of condition 2 (approved drawings) and 19 (climate verification) to allow a minor material amendment on planning permission MC/21/2271 for removal of substation enclosure and associated amendments to external area, alterations to roof plant area, change in elevations and external materials, amendment to energy strategy and minor ground floor courtyard amendments
Decision: Under consideration
- MC/21/2271 Partial demolition of existing buildings and construction of a 4-storey residential student accommodation building (Class C2) comprising 85 bedrooms (including 2 for staff), with parking, amenity space and associated infrastructure
Decision: Approved subject to s106 and conditions
Decided: 6 April 2022

Representations

The application has been advertised on site, in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties. KCC Archaeology, NHS, EDF Energy, Southern Gas Networks, Southern Water, National Highways, Environment Agency, Historic England, Network Rail and Kent Police have also been consulted.

Six letters of objection have been received raising the following concerns:

- Poor quality, too large and detrimental to the Conservation Areas and adjacent listed building.
- Features such as pop out windows and facades treatments are out of character and detrimental to the conservation area.
- Changes in design from consented scheme such as the inclusion of Juliet balconies and residential at a lower height within the southern block could have greater impact and privacy of students in the approved (yet implemented) adjacent building.
- Rochester becoming a concrete jungle with high rise buildings. With another ten-storey block together with the Rochester Independent College would constitute an overdevelopment. Concerns about the safety of Star Hill Crossing not being safe in its current form not allowing people to cross in time.
- Loss of light to ground floor flat currently only receive light until 10:30am only this will restrict that further with the need for the use of electric lights all day.
- Impacts on roads and local infrastructure.

City of Rochester Society have objected on the grounds the scheme is poor quality in terms of the architecture, grossly oversized and out of keeping for the conservation area detrimental to the High Street and Chatham Intra.

Historic England (HE) have stated the site location has the potential to impact on the townscape of near conservation areas and taller elements are capable of affecting the understanding and appreciation of Rochester historic skyline which is dominated by Rochester Castle and Cathedral.

With regards to the impact of the development they indicate the demolition of the buildings would not make a positive contribution or harm its heritage significance. The replacement blocks would range in scale from six to ten storeys would be at odds in scale and massing with the historic townscape in surrounding conservation areas causing harm by eroding the understanding and appreciation of heritage in and around the development site within the Star Hill to Sun Pier Conservation area. The following low-level harms are identified:

- Views of Castle and Cathedral obscured from the High Street and Victoria Gardens views. The development would erode the dominance of the Cathedral and Castle of Rochester.
- View of Jackson Field from Corporation Street eroding the understanding of Fort Pitt and its former fields of fire which survives as a landscaped park.
- Dominant terminating view along Victoria Street. The sharp contrast in scale and massing would be incongruous relationship with surrounding historic townscape and the prevailing domestic scale of architecture which characterises the Rochester Conservation Area and Sun Hill to Star Pier Conservation Area.
- Upper levels visible from Church of St Nicholas in winter months which could impact on the appreciation of the architectural value of the church.

Overall, HE considers the harm to designated heritage, including Rochester Conservation Area, the Star Hill to Sun Pier Conservation Area and Rochester Castle and Rochester Cathedral would be low.

The letter provides guidance on the NPPF for considering harm under paragraphs 190, 194, 200 and 202 and the need to weigh the harm against the public benefits of the proposal.

HE's stance is that it acknowledges that a development of a similar scale has been consented on-site and that it was taller, though at a different distribution of massing. They request an effort to reduce harm in line with paragraphs 190 and 194 of the NPPF including ways to break up massing and bulk of development. HE advises that if the Council are minded to approve the application, it is essential to control the fine construction details and materials though conditions which HE are content to defer to in-house design officers to comment on.

HE also notes the application proposes an upgrade to the Star Hill junction. HE considers this could be a heritage benefit in NPPF terms because it would enhance the permeability along the High Street encourage increased pedestrian usage into the Star Hill to Sun Pier Conservation area and suggest its delivery is secured via condition and early in the delivery of the wider scheme.

The Applicant have since provided a response letter to Historic England that the massing had been carefully considered and reduced during the pre-application process. The viability assessment demonstrates that the scheme would not be viable with further reductions.

HE provided a further response confirmed that there is a low level of harm from the scheme. The additional information about the quantum of development not being able to be reduced due to viability would allow the Council to conclude the requirements of paragraph 195 of the NPPF are met. HE are unable to comment on the benefit of new housing but the scheme could deliver a heritage benefit from the improved Star Hill

Junction allowing permeability into the Star Hill Sun Pier Conservation Area. If the recommendation is for approval then further construction details and materiality are required (condition).

The Environment Agency (EA) have written to raise no objection subject to the inclusion of planning conditions to avoid unacceptable impacts to controlled waters on the principal aquifer overlain by a secondary aquifer. The submitted reports provide confidence to manage risks proposed to these controlled waters by the development. It would place unreasonable burden on developers to provide more details prior to granting planning permission. The conditions include a preliminary risk assessment, remediation, verification reports, previously unidentified contamination, no infiltration of surface water drainage other than agreed with consent from authority and details of piling or other foundation designs using penetrative measures.

Kent Police have written to advise of their recommendations with regard 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 public foul water and surface water sewer, water mains assets within the development site. They set out the need for clearances needed for the various sewers and equipment ranging from between 3-6m and the associated restrictions on tree planting, soakaways and other drainage details in their proximity. SW require a NRSWA enquiry for changes to the highway access. A condition to protect public sewers is requested. SW indicate any reinforcements from additional pressure of sewers and will need to work with the developer. They aim for these to be done within 24 months of planning permission being granted but request a condition for occupation to be phased and implemented in line with any sewerage network reinforcements. SW provide guidance on SUDS requirements and details the applicants need to apply formal for connection to the water supply. The representation will be flagged 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.

KCC Archaeology have not commented on this application however the application is supported by the same reports as the previous approval. Consequently, a programme of archaeological works is recommended as a condition to be imposed if the application were to be approved.

Rochester Independent College within their letter of comment have requested conditions that the flat roof of southern block is not used for amenity purpose, a management plan for the block and there is a need for a Construction Management Plan (CEMP) and logistics plan to liaise with the College to avoid conflict with their operation.

The applicants has written to confirm their acceptance of any conditions on these matters and will engage with them during production of the CEMP and logistics plan.

Network Rail have written to indicate they have no objection to the proposal.

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.

The Building Height Policy for Medway 2006

Medway Guide to Developer Contributions 2021

Planning Appraisal

Background

This site has the benefit of an extant planning permission for 331 residential units and 1,894sqm of commercial uses on-site with 258 parking spaces. This scheme included the refurbishment of 217-219 High Street building. The refurbishment of this building is not part of this application as it now has a separate planning permission to be brought forward by Rochester Independent College for 85 student rooms. The previous approval included building heights ranging from 6 to 10 storeys.

The previous planning application went through the Design Review Panel from its original form when it consisted of a 15 storey tower. This resulted in serious concerns from Historic England and was subsequently reduced to the approved scale and mass with close working with both Council Officers and Historic England.

This application remains predominantly between six and ten storeys (with a small element at eleven storeys). The layout and massing are amended to provide a greater distance between the central blocks and the space between these blocks is now proposed to be public realm instead of car parking. The floor space has been more efficiently used to provide the proposed 374 flats. This scheme introduces 3-bedroom flats into the housing mix where the previous approval only included 1- and 2-bedroom units. Both schemes include the redevelopment of the Star Hill junction.

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 site is within the existing urban area bordering the core retail area of Rochester and located predominantly within the Star Hill to Sun Pier Conservation Area. The site also adjoins the Historic Rochester and the Star Hill Conservation Areas. Fronting the High Street is the Grade II listed building, the former County Court, bordering the development area referred to as the central area within the submission. The proposal includes the demolition of the non-listed buildings in the conservation area. These buildings have already been demolished under the previously approved scheme. These buildings did not have any significance and the previously approved scheme secured redevelopment of the site, as does this current proposal.

The development site previously consisted of various commercial uses which had ceased. The site was not within a specifically designated employment policy area as defined by the proposals map accompanying the Local Plan. Policy ED3 (Other Employment Sites) of the Local Plan is applicable in this regard. This policy states that proposals for the alteration, extension or replacement of existing premises will be permitted where they are not detrimental to local amenity. The proposal is not to replace the employment uses with other uses but with a mixed-use scheme of predominantly residential units with some retail and leisure uses under Class E. Consideration will be given to the proposed uses and their suitability in this location as well as in any impact with regard to amenity.

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 and around 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).

The application proposes a mix of 1-, 2- and 3-bedroom flats which is considered acceptable within this location in close proximity to Rochester train station in this area and introduces 3-bedroom units which the extant permission did not include. 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 at policy compliant level or with contributions which is in line with paragraph 58 of the NPPF. However, the applicant has offered to provide 10% affordable housing at local Housing Allowance compliant levels as the applicant would like to contribute to the delivery of affordable housing.

In summary, given that the site is not allocated for employment uses, there is no objection to the redevelopment of this site to mixed use subject to the detailed assessment of other planning policies and material considerations included within the report below.

Design, Scale and Heritage Impact

Paragraphs 126 and 130 of the NPPF emphasises the importance of good design and Policy BNE1 of the Local Plan states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area. 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.

The proposed development site is located on a number of currently vacant parcels of land within the Star Hill to Sun Pier Conservation Area and is adjacent to the Historic Rochester and Star Hill Conservation Areas. The site surrounds an existing Grade II Listed Building (the former County Court building) and is near to several others on the High Street and opposite on Star Hill. A number of non-designated heritage assets are also located in the vicinity, including the former Missions to Seamen Institute (most recently used as a Peugeot car showroom) located on the corner of Furrell's Lane, and the former A.F Smith and Sons building on the corner of the former train station car park; both of these were included in the previously approved scheme but now form part of the Rochester Independent College planning permission.

The application is supported by a heritage statement and TVIA assessment. The TVIA is generally considered acceptable, and the views are reflective of the ones used for the consideration of the previously approved scheme. It is noted within the assessment part of the document that the significance of the views have been downplayed by including the planning balance within the assessment and this should fall separate to the TVIA process. Albeit the remainder of the document and the accuracy of the images are not disputed.

The layout scale and mass of the development

Concerns have been raised that the scale and features such as pop out windows are detrimental to the conservation area. The scale with regards to heights is generally reflective of the previous approved scheme. The biggest change is to the proposed layout and massing within the central south building. This allows for an increase in space between frontages from the previously approved approx. 11-15m to the currently proposed approx. 33-41m. This would provide more daylight into the Bardwell Walk area and provide a greater external public podium area. This change is welcomed.

The applicant has aimed to break up the volume into clusters of various buildings through the recess and extrusion of walls, different material areas and by stepping back the upper storeys of building with different material treatments. This is considered to be an improvement to the previously approved scheme.

There are more active frontages with residential on lower levels within the northern block than in the previous scheme.

The impact upon the historic townscape that characterises the Conservation Areas

Within their original response Historic England raised some concerns regarding the impact on the Conservation Areas with regards the views from Victoria Street, loss of views of Castle and Cathedral and loss of understanding of the fields of fire of Jacksons field when travelling down Corporation Street and requested that further investigations on the massing should be considered. It should be noted that these harms are also reflected in the previously approved scheme when comparing the TVIA assessments. The applicant provided a letter of comment on Historic England's comments and a further response from Historic England has been received commenting on the low level of harm and that this should be balanced against the heritage benefit the scheme could deliver from the improved Star Hill Junction allowing permeability into the Star Hill Sun Pier Conservation Area.

It is important that information of sufficient detail is submitted to ensure the delivery of a high-quality development that functions well and adds to the overall quality of the area whilst remaining sympathetic to the local character and history. It is therefore recommended that conditions be attached to require details of materials and architectural detailing.

The impact upon the setting of the Grade II Listed former County Court building and non-heritage assets

With regards to scale, the South-Central building steps down from Corporation Street to five storeys adjacent to the listed building. This includes a four-storey brick element and additional stepped back storey of standing seam metal. Materials proposed to be used are reflective of the area including red brick, stone and the material of the stepped back section to appear similar to the spire of the former County Court building. The scale of the

step down is considered to be well proportioned and the clever use of materials limits the impact on the setting of the listed building. The TVIA analysis shows that some of the taller elements will be visible above the building within the High Street, but similar projections were within the previously approved scheme and therefore not a new harm.

The long and medium distance views of Rochester Castle and Cathedral

Historic England have indicated that views of the Castle and Cathedral are obscured from the High Street and Victoria Gardens views within the TVIA. The development would erode the dominance of the Cathedral and Castle of Rochester and therefore a low-level harm to the significance of Historic Rochester Conservation Area.

The previously approved scheme had a similar impact with the loss of views from the Victoria Gardens and High Street. With regards to the High Street locations, it should be noted that these views would have been lost by previous buildings located in this area prior to the removal for the redevelopment of Corporation Street in the 1980s and are therefore incidental views instead of planned.

Summary on Harm to Historic Assets

In summary of this section, Historic England have identified a low level of harm similar to the previously approved scheme. Although Historic England have requested considerations to amend the scale and mass to minimise the harm this has been undertaken within the pre-app process and is at a level where viability of the scheme cannot be reduced further, which Historic England are now satisfied would meet the requirements of paragraph 195 of the NPPF. The key to minimise harm would be to control the quality of materials. As such, conditions are recommended to require material samples and architectural detailing.

The proposal would have low levels of harm to the setting of the Conservation Areas, the setting of Listed buildings within the Conservation Area and the Grade I Cathedral and Scheduled Castle. Paragraph 199 of the NPPF states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This applies to conservation areas as well as listed buildings, the Castle and Cathedral irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 200 of the NPPF requires the Council to be satisfied that the harm has clear and convincing justification. In accordance with paragraph 200 of the NPPF, it is considered that the low harm to the setting of the heritage assets has clear and convincing justification with regards to the provision of much needed housing.

In accordance with paragraph 202 of the NPPF, where a development proposal will lead to low level of harm to the significance of a designated heritage assets, this harm should be weighed against the public benefits of the proposal. The proposal provides public

benefits, most notably the provision of market and affordable housing and would bring forward a sustainable form of development as well as securing an improvement to the junction and crossing at the bottom of Star Hill which would aid pedestrian usage along the High Street. This is considered a heritage benefit in its own right. It is considered that the public benefits of the proposal outweigh the low harm, to the heritage assets, even when applying the statutory and policy weighting to such harm as set out above. The proposal is therefore considered to be in accordance with Policies BNE1, BNE14, BNE18 and BNE20 of the Local Plan and paragraphs 199, 200 and 202 of the NPPF.

Landscaping and Public Realm

Integral to the quality of the overall development is the landscaping and public realm proposals. This is highlighted in Policies S4 and BNE6 of the Local Plan and paragraphs 130 and 131 of the NPPF.

The application is supported by a landscape masterplan and soft and hard landscaping plans. A series of public realm and streetscape enhancements that are held predominantly to the periphery of the development, along current road infrastructure and between the southern block forming Bardell Wharf which was previously a car park in the previously approved scheme. Other benefits over the previously approved scheme are the inclusion of rain gardens, two landscaped podium decks with public realm and play areas and general planting character areas.

Although the applicant has provided detailed planting plans, further details are required to ensure that the correct sized trees and planting is located within the correct locations with more details on services in the area and details of the hard landscaping to reflect the Corporation Street SPD and forthcoming Heritage Action Zone. Conditions requiring full details of soft and hard landscaping are recommended rather than approving the submitted plans.

With the suggested conditions, the proposal is considered to be in accordance with Policies S4 and BNE6 of the Local Plan and paragraphs 130 and 131 of the NPPF.

Amenity

There are two main amenity considerations, the impact on neighbouring occupiers in terms of sunlight, daylight, outlook and privacy, and the standard of amenity which would be experienced by future residents of the site itself. Policy BNE2 of the Local Plan and paragraph 130 of the NPPF relates to the protection of these amenities. Paragraph 125(c) of the NPPF indicates when considering applications for housing, 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).

Neighbouring Amenity

Impact of Central blocks on Residential Accommodation in the High Street

Daylight & Sunlight assessments have been undertaken and submitted as part of the application. 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 No Skyline (NSL) divides the areas of the working plane 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. The ADF method is featured in the BRE guide for assessing rooms within a proposed development (as seen below).

Under the BRE criteria a window may be adversely affected if the (VSC) measured at the centre of the window is less than 27%. If the existing window is already under 27% it should not be less than 0.8 times its former value. Under (NSL) a room may be adversely affected if, following development, the value greater than 20% of the total.

The neighbouring properties have been assessed against the criteria above. With regards to VSC and NSL the assessment shows that most pass the BRE Standards. However, there are some that fail the most affected being properties in close proximity of the site and predominantly in only one category, this is similar to the previously approved scheme.

With regards to sunlight no windows would be affected by sunlight within the area as assessed under annual probable sunlight hours and no significantly detrimental amenity spaces overshadowed.

It is considered as per the previously approved scheme that the impact in terms of sunlight and daylight on neighbouring amenity is not significantly detrimental and taking account of the overall benefits that the development of the site would bring to this urban location and in consideration with paragraph 125(c) of the NPPF, no objection is raised in this regard.

Impact on Northern Area building on the adjacent MHS housing block

The building would be located adjacent to existing MHS housing on Corporation Street. As a consequence of the siting of there would be a lower level of daylight reaching habitable room windows on the south-eastern flank of the MHS building as currently enjoyed as indicated within the supporting sunlight and daylight assessment. However, this reduction would be similar to the impact of the previously approved block of flats under the previously approved scheme. The oblique nature of the relationship means that the impact on residential amenity would be minimized, and this juxtaposition (approx. 5m) is reflective of previously approved scheme and the relationship within the existing MHS scheme further to the north-west along Corporation Street. It is also considered that this

type of relationship is to be expected in an area of taller buildings and is therefore considered acceptable.

With regards to privacy and overlooking, the proposed flank windows fronting the MHS building are proposed to be obscured and will be required to be secured by condition. The inset balconies to the front would provide no overlooking of this development, whilst there is limited potential for overlooking from the projecting balconies to the rear of the northern area block due to the relationship to windows to rear of the MHS scheme.

Impact on Southern Area building on the adjacent approved Rochester Independent College Scheme (and current live application for amendment)

Concerns have been raised within the consultation responses regarding the impacts of changes to the southern block building from the previous permission MC/19/0038 and the relationship on the adjoining 217-219 High Street building with its approval (and current amended scheme under consideration) for the use for Rochester College with regards to concerns of privacy. It should be noted that Rochester Independent College did not formally object to the scheme.

It is agreed that the provision of residential at first floor and the Juliet balconies under this current proposal may result in some additional impact on the college building compared to the previously approved scheme by bringing residential down to the first floor. However, this wouldn't be sufficient to warrant refusal for this application as these are existing relationships between the two uses that would have existed when the original permission for the college was approved and considered acceptable.

The college have requested conditions be included that prevent the flat roof of the southern block being used for amenity purposes, that a management plan for the block is required and that a Construction Management Plan (CEMP) and logistics plan be required where there has been liaison with the College to avoid conflict with their construction operation. The applicants have written to confirm their acceptance of any conditions on these matters and will engage with the college during production of the CEMP and logistics plan.

Noise and disturbance

Due to the size and scale of the development the construction activity could impact on neighbours' amenities and there may be implications on the road network as raised by National Highways. Accordingly, a condition is recommended for a Construction Environment Management Plan (CEMP).

The impact of the proposed commercial units is assessed in more detail below.

Occupier Amenity

Flat areas and external amenity

All 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. All flats have access to a balcony or roof terrace complying with these requirements. In addition to the private external amenity, two blocks also benefit from a communal external roof terraces which would provide young children play, communal seating areas in addition to landscaped areas.

With regards to privacy the distances between blocks has improved when compared to the previously approved scheme. With regards to flats facing onto the two amenity areas the landscaping conditions should ensure that the buffer planting provides sufficient privacy as per the landscape masterplan.

An internal daylight and sunlight assessment has been submitted in support of the application. As stated above 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 No Skyline (NSL) considers a horizontal work plane in a room beyond the sky is not visible.

The Average Daylight Factor is a reliable daylight test as it takes into account a range of variables, for example, the size of the window and whether the room has more than one window. These are important factors which affect the level of illumination within a room. British Standard 8206:2-2008, Code of Practice for Daylighting recommends ADF values of 1% in bedrooms, 1.5% in living rooms and 2% in kitchens. For other uses, where it is expected that supplementary electric lighting will be used throughout the daytime, such as in offices, the ADF value should be 2%.

When assessed using the factors described above, the majority of rooms will receive enough light to be considered adequately lit for their room usage; but not all will automatically comply with the BRE target values. The results show that of the rooms tested, 80.6% meet the target values when the kitchens are removed as part of a larger open plan arrangement where living areas are given more priority. The rooms on the 1-5 storeys of the central blocks are the main areas that fall short to the BRE guidance with a combination of large room depths, overshadowing from external obstructions and use of insert balconies contribute to the lower ADF figures. The BRE guidance recognises there is a balance between light levels within a room and the important pleasant amenity that a balcony provides the occupier and therefore on balance, no objection is raised in this regard.

The results are reflective of the previously approved scheme and the majority of the rooms are considered to be well lit and equivalent to acceptable developments in other dense and urban locations whilst making effective use of land with regards to paragraph 125(c) of the NPPF.

Noise Impact

With regards to noise there are a variety of sources, the proposed commercial uses, noise from transport sources and also the proposed flat layouts. The application has been supported by noise and vibration assessment.

The end users/tenants for the commercial units have not been identified at this stage and there is a possibility of a wide range of end users from Class E use. As such, noise will need to be carefully considered prior to occupation of any of the commercial uses and its impacts on residents above. Potential noise issues include amongst other things external plant, entertainment, patron noise, internal noise transfer and ventilation systems. Any uses that involve cooking of food on the premises are likely to require the provision of a commercial kitchen extract system. Noise, vibration and odour from such systems will require specific consideration. A set of conditions similar to the previously approved scheme would be required in relation to the commercial uses so the final use, opening hours and deliveries hours and associated noise assessment to assess impact of use and associated plant are required. A further condition to control separating partitions between commercial floor spaces and residential units to resist a suitable level of airborne transmission will also be required.

With respect to noise from transport, the assessment has comprehensively considered noise from road and rail links and has also considered vibration from the railway line. A noise model has been used to determine indicative glazing specifications with assumptions made on the designs. Due to the high external noise levels across parts of the site it is likely that windows on certain facades will need to be kept closed to meet internal guideline noise levels. This introduces issues with respect to control of thermal comfort and overheating. In these circumstances acoustically screened mechanical ventilation is usually required as an alternative to using an open window. The noise model shows that it will not be possible to achieve external guideline noise levels in amenity spaces, however alternative amenity space is to be provided where noise levels are generally lower due to screening, and this is acceptable in principle. A condition to provide a scheme of acoustic protection would be required to assess the final materials.

Finally, the layout of the flats results in some bedrooms being adjacent to living areas of other flats and therefore a condition to ensure a suitable level of separation between these areas to resist airborne sound is required.

Waste

The submitted drawings show areas within the ground floor of the development for the storage for both residential and commercial properties. The application is also supported

by an operational waste strategy which is considered acceptable, and a condition would be imposed to ensure the development operates in accordance with it when occupied.

Subject to the abovementioned conditions the proposal would not result in any significantly detrimental impact on either neighbour or future occupiers' amenity and is considered to be acceptable in terms of Policies H4 and BNE2 of the Local Plan and paragraphs 125, 130 and 174 of the NPPF.

Highways

Car and Cycle Provision and sustainable location

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 on the edge of Rochester town centre, close to Rochester train station, within 200m of two bus stops and situated between a local and national cycleway which provide a continuous route into either Chatham or Rochester and as such this is a highly sustainable location. 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.

The application proposes 249 spaces on-site spaces and on-street bays along Bardell Terrace. The plans show that the existing on-street car parking along the northern side Bardell Terrace will be removed as part of the public realm enhancement works. New car parking bays will be provided on the southern side of Bardell Terrace, adjacent to the approx. 2m wide footway. Of the re-provided bays, two will be provided as 'Car Club' bays. In terms of electric charging, 20% of these spaces will be provided as 'active' chargers with the remainder provided as 'passive' infrastructure. The proposal would also provide 376 long stay cycle spaces equivalent of 1 per dwelling and Sheffield style short stay spaces for the commercial. A travel plan has been given some thought to maximise the potential of sustainable travel opportunities.

The parking provision would be 0.7 per residential dwelling. For comparison the previously approved scheme had a ratio of 0.8 per dwelling but to achieve this had to turn the space between the central development area into car parking spaces, whilst this scheme secures public realm in Bardell Walk. Due to the sustainable location, car ownership is considered to be lower for the location and type of development. Therefore, the number of spaces proposed for residential units is acceptable subject to suitably worded conditions for a Parking Management Plan that includes preventing prospective

residents applying for residential parking permits and the potential to allocate parking spaces to prevent pressure on existing parking spaces, details of electric charging points, details of the management and provision of cycle storage (including individual lockers) and the travel plan.

Access, traffic impact and mitigation

Vehicular access would be provided independently for each development zone. Access will be provided from Bardell Terrace, Furrell's Road and the High Street. The north area is proposed to be served via a modified give-way priority junction off the north-western side of Bardell Terrace. The access will be provided with 4m kerb radii and a 5.5m wide carriageway, providing access to the at-grade parking and undercroft spaces.

The Central area is proposed to be served via a modified give-way priority junction off the southern side of Bardell Terrace. The access will be provided with 4m kerb radii and a 6m wide carriageway, providing access to the internal parking area. The access will also be provided with dropped kerbs and tactile paving tiles on either side, to enhance the pedestrian environment for mobility impaired individuals

The Southern area is proposed to be served via a modified give-way priority junction off the south-eastern side of Furrell's Road. The access will be provided with a 3m and 4m kerb radii on the southern and northern kerb line respectively. A 5m wide carriageway will provide access to the internal parking area. All three accesses are considered acceptable.

The plans show Bardell Terrace, and Furrell's Road would be amended to move the current parking arrangements along the northern edge to the southern edge, these changes would be secured via S278 and include the necessary Traffic Regulation Orders. Whilst in principle the scheme is acceptable, final details (including speed reduction measures) would need to be approved prior to the implementation and occupation of the proposed development.

With regards to trip generation, the supporting transport statement provides a table comparing the previously approved scheme to the proposed. Although the proposed reduction in trips would be an over estimation and methodology in the calculation flawed (for example no trips have been assigned for the commercial uses), nevertheless, it is not considered that the difference in vehicle trips from the previously approved scheme to the proposed would result in a material difference in the functioning of the highway and no severe impact would equate subject to the securing of the off-site highways works via an appropriately worded condition which includes:-

- Upgrade to the pedestrian crossing at the signal-controlled junction of High Street / Eastgate / Corporation Street / Star Hill.
- Signal timing adjustments for the network identified in the TRANSYT model corridor; and
- Widening the City Way arm of the Star Hill roundabout by 0.3m"

The Star Hill Junction works which involves relocating the pedestrian crossing north which would consequently provide additional capacity with an amendment to the signals.

The Star Hill roundabout works were shown in the previous application as a drawing which makes minor amendments to the set-up of the roundabout. It should be noted the planning decision notice for Rochester Riverside also contains a condition that no above ground works can take place for Phase 4 of that development until the details of this upgrade have been submitted and approved. It therefore recommended a condition/legal agreement is made that if this development is occupied before Rochester Riverside Phase 4 comes forward the full works to this roundabout will be carried out by this applicant.

The applicant has also outlined that signal timing adjustments for the network identified in the Transyt Model Corridor would be carried out.

It is considered that whilst the wider benefit for the mitigation schemes listed above would be limited, the schemes would mitigate the proposed development and therefore considered acceptable. The schemes should be delivered by applicant via S278 agreements and not via S106 as the Transport Assessment incorrectly asserts.

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 severe impact to the highways network or significantly impact highways safety and is considered to be acceptable in terms of Policies, T1, T2, T4, T13 and T14 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 July 2022). The site lies within Flood Zone 1 (low risk) according to the Environment Agencies Mapping, however the site is at high risk of surface water flooding and therefore measures should be taken to ensure that flooding is not increased at the site or within the surrounding area.

British Geological Mapping indicates the presence of Lewes nodular Chalk at bedrock which would likely allow the use of infiltration. It is noted that due to the presence of a surface water sewer crossing the site and site constraints infiltration is not considered acceptable. Therefore, the proposal seeks to connect to the existing surface water sewer.

It is noted that the development discharge has multiple discharge rates. The levels have been set to the proposed brownfield rate, however it is expected surface water drainage

schemes on brownfield development sites to follow the same principles as if the site is greenfield. If it is unfeasible to restrict runoff rates back to the 1 in 1-year greenfield runoff rate or the alternative flow matching approach, then discharge rates to be restricted to as close as feasibly possible to the 1 in 1-year greenfield runoff rate or flow matching rates with limiting to a 50% betterment of the brownfield 1 in 1-year runoff rate or flow matching rates as a last resort. If this approach is to be chosen, then it should be clearly evidenced that restricting to the greenfield rate is unfeasible. If this alternative approach is used, then there should also be an inclusion of long-term storage.

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 to 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, 168 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.

The site is located upon a principal aquifer overlain by a secondary aquifer and is near the River Medway. The site presents a risk of residual contamination that could be mobilised during construction. A preliminary risk assessment review and preliminary site investigation scope, which identifies the need for further intrusive site investigation including an assessment of ground gas. The report is also satisfactory and have provided the Environment Agency with confidence that the risk to controlled waters can be managed subject to conditions.

These conditions would include an intrusive site investigation and risk assessment, remediation scheme, verification reports and dealing with unexpected contamination. To protect the controlled waters further suitably worded conditions regarding no infiltration of surface water drainage other than agreed with consent from the local planning authority and details of piling or other foundation designs using penetrative measures will also need to be secured.

Subject to conditions mentioned above, no objection is raised to the proposal under Policy BNE23 of the Local Plan and paragraphs 174 and 183 of the NPPF.

Archaeology

Policy BNE21 of the Local Plan relates to archaeological sites and directs that development should not be permitted unless an archaeological field evaluation has been carried out by an approved archaeological body in advance of development.

The application is supported by the resubmission of planning application MC/19/0038 Interim Archaeology Evaluation Report. The site lies on what would have been lower lying floodplain. Fluvial deposits within the vicinity and potentially at the site contain within them a detailed record of sea-level and climatic change, the evolution of the natural environment and evidence for man's interaction with this environment over some 12,000 years and therefore are of significant paleo-environmental interest. The site's location on the edge of the floodplain, at the interface between higher, drier land and the wetter marshland of the flood plain is potentially significant as it is within this zone where it might be expected to find archaeological remains associated with the past exploitation of the Medway.

Evidence elsewhere within the vicinity suggests there is also potential for archaeological remains from the Iron Age, and the Romano-British, Medieval and Anglo-Saxon periods that could be of high or even very high significance.

Subject to suitably worded conditions to secure a programme of archaeological works and details of foundation design for below ground excavation 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 an air quality assessment, further additional supporting information and an Air Quality Emissions Mitigation Statement. The proposed air quality mitigation is considered to be acceptable, with the mitigation being in the form of electric charging points and no natural gas use on site for heating which is to be provided by zero emission electric with Air Source Heat Pumps. As these elements are to be secured under highways and climate change conditions no air quality specific conditions are required.

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 Sustainability and Energy Strategy document. Sustainable heating and energy generation measures are incorporated into the scheme, and it is noted that the use of air source heat pumps as low zero carbon technologies would result in a reduction of approx. 35.05% of carbon over the requirements of Part L of building regulations for gas boilers. The design uses resilient materials and where possible materials with low carbon impact. Sustainable waste management during construction and a waste strategy to maximise waste and recycling for end users. The scheme is designed to be water efficient, and the additional public realm and landscaping would likely result in a biodiversity net gain. The application is also conditioned to provide electric charging points and cycle storage.

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 including 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 unviable even with full market housing and the provision of full Section 106 requirements. The applicant has proposed a minimum of 10% affordable housing and no other contributions other than the bird mitigation below. The applicant has also provided a letter to confirm that they are happy to enter into a nominations agreement for the 10% and that they seek to work with the Council to find a suitable Registered Provider (RP) to take the remainder of the site, which is also likely to include market housing.

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 £275.88 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.

The proposal would result in a contribution of £103,179.12.

It is accepted that the proposal is not financially viable for all s106 contributions. The applicants have agreed to the above requested financial contribution towards bird disturbance mitigation and the provision of a percentage of affordable housing at a range of 10%-25%. This will be secured by s106. Consequently, no objection is raised under paragraphs 55, 57, 58, 180 and 181 of the NPPF and Policies BNE2, S6 and BNE35 of the Local Plan.

Conclusions and Reasons for Approval

The site has been vacant and underused with a series of small scale incremental and temporary uses for some thirty years. It is considered that the current proposal is an improvement on the previously approved scheme. The proposal for a dense urban form with a mix of uses, represents an appropriate, sustainable response to the location taking account of the townscape, with particular regard paid to the historic environment and heritage issues. The proposal offers economic, social and environmental benefits in terms of the re-use of previously developed land, the visual benefits associated with bringing the site back into active use, employment, provision of 374 new homes and improvements to the pedestrian connectivity within the locality.

The proposal is considered to represent a high quality residential and commercial development that substantially contributes to the urban regeneration of Corporation Street

and provides a key link between historic Rochester and Chatham to the east. The compromises in terms of residential amenity are considered acceptable when taking into account the overall regenerative benefit of the proposal and reflective of the previous approval.

The proposals are considered to comply with Policies S1, S2, S4, S6, H3, H4, H5, BNE1, BNE2, BNE6, BNE14, BNE18, BNE20, BNE21, BNE23, BNE24, BNE35, T1, T2, T4, T13 and T14 of the Local Plan and paragraphs 11, 55, 57, 58, 86, 110, 111, 112, 119, 120, 126, 130, 194-207, 125, 126, 130, 131, 154, 167, 168, 169, 174, 180, 181 183 and 186.

The application would normally be determined under delegated powers but has been called in, to be decided by the Planning Committee, due to the number of representations contrary to the officer's recommendation.

The application was due to be heard at the 16 November 2022 planning committee but was deferred due to additional information submitted by the applicant the morning of the meeting. The letter was a summary of the planning application and offered a limit on any affordable housing if considered appropriate by the committee

Background Papers

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

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