

MC/22/2241

Date Received: 14 September 2022
Location: Rochester Riverside Rochester ME1 1NH
Proposal: Removal of condition 13 (which relates to the provision of a footbridge across Corys Creek) on planning permission MC/19/2812 (original ref no: MC/17/2333) Hybrid planning application seeking outline permission for the erection of up to 1,400 no. dwellings including a primary school and nursery (D1 use), up to 1,200sqm of commercial floor space (A1/A2/A3/A4/B1/D1 and D2 uses) together with a pedestrian footbridge, parking, open space and landscaping. Full permission for phase 1, 2 and 3 of the development consisting of the erection of 534 no. dwellings (of the 1,400 no. total), the provision of a hotel (use Class C1), 885sqm of commercial floor space (A1/A2/A3/A4/B1/D1 and D2 uses) along with site access spine road, parking, open space and landscaping.
Applicant Countryside Properties (UK) Ltd and The Hyde Group
c/o agent
Agent BPTW
Alex Storey
40 Norman Road
Greenwich
London
SE10 9QX
Ward: River Ward
Case Officer: Hannah Gunner
Contact Number: 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 14th December 2022.

Recommendation - Approval subject to:

- A) Subject to the applicants entering into a legal agreement under the terms of Section 106 of the Town and Country Planning Act 1990 to secure a financial contribution the equivalent of the cost of the previously approved footbridge across Cory's Creek, to be used directly for a comparable offer benefit within the community that could be considered to be fairly and reasonably related in scale and kind.

B) The following conditions:

- 1 Plans and particulars of the reserved matters referred to in Condition 3 shall be submitted in writing to the Local Planning Authority for approval. Such application for approval shall be made to the Authority before the expiration of ten years from the date of planning permission granted under MC/17/2333 (that date being 31 January 2018) and the reserved matters shall be carried out in accordance with the approved details.

Reason: To comply with Section 92(2) of the Town and Country Planning Act 1990.

- 2 The development to which the outline permission relates (phases 4 - 7 inclusive) must be begun no later than the expiration of 2 years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

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

- 3 With respect to the part of the application that seeks outline permission (phases 4 - 6), approval of the details of the layout, scale and appearance of the buildings, the means of access thereto and the landscaping (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

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

- 4 The development quantum granted under this permission and any subsequent reserved matters permissions, shall not:

Exceed more than 1400 units (inclusive of all units already granted permission)
Exceed more than an aggregate 5,135sqm of floor space falling within (Class E)
Provide less than 44,760sqm of Open Space

Reason: To ensure the development does not create environmental impacts above and beyond those identified in the submitted Environmental Impact Assessment.

- 5 The reserved matters submission shall be in accordance with the following approved parameters plans:

Received on 30 June 2017

Site Plan: CPL-ROC_HTA-A_DR-PP-0002 Rev B

Extent of Outline with Hybrid Application: CPL-ROC_HTA-A_DR-PP-0003 Rev A

Site Access: CPL-ROC_HTA-A_DR-PP-0004 Rev B

Route Network: CPL-ROC_HTA-A_DR-PP-0008 Rev C

Minimum Extent of Biodiverse Roofs : CPL-ROC_HTA-A_DR-PP-0010 Rev C
Land Uses: CPL-ROC_HTA-A_DR-PP-0011 Rev D

Received on 16 August 2017

Publicly Accessible Open Space: CPL-ROC_HTA-A_DR-PP-0006 Rev E
Heights: CPL-ROC_HTA-A_DR-PP-0007 Rev E

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

- 6 A draft of the updated design code (as agreed under permission MC/21/3485) shall be submitted for an independent design review process prior to the submission of each reserved matters application. The review shall be undertaken by an independent third party to be agreed in writing by the Local Planning Authority. The subsequent submission shall outline how the comments of the design panel have been taken into account in the submitted design code.

Reason: To ensure a satisfactory external appearance in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 7 Any reserved matters application seeking approval for 'scale' for any phase or sub phase hereby permitted, that includes any buildings that are proposed to exceed a height of 5 storeys and/or 20 metres shall be accompanied by accurate visual renditions (AVR's) and updated viewpoint visualisations showing how the design sits in its context, particularly in relation to the nearby heritage assets.

Reason: In the interests of visual amenity in accordance with Policy BNE1 of the Medway Local Plan 2003 and to protect the special character and appearance of nearby heritage assets in accordance with Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Area) Act 1990.

- 8 Any reserved matters application shall include a full sunlight and daylight analysis report for that phase or sub phase in accordance with the BRE Guide 'Site Layout Planning for Daylight and Sunlight' to demonstrate the proposed residential dwellings will achieve suitable sunlight and daylight levels in accordance with the BRE Guidance.

Reason: To ensure adequate levels of amenity for future residents in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 9 Any application seeking the approval of Reserved Matters pursuant to Condition 3 that affects the Grade I listed Roman Wall or its setting must be accompanied by a Heritage Assessment considering the impact of the proposed development on the heritage asset and its setting, providing details of how the Roman Wall will be conserved and measures for its long terms protection.

Reason: In the interests of visual amenity in accordance with Policy BNE1 of the Medway Local Plan 2003 and to protect the special character and appearance of nearby heritage assets in accordance with Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Area) Act 1990.

- 10 At the time of submission of each reserved matters application, an updated travel plan shall be submitted to and approved in writing by the Local Planning Authority. The updated travel plan shall be implemented in accordance with the approved details and maintained thereafter.

Reason: To accord with Policy T4 of the Medway Local Plan 2003.

- 11 No development shall take place above ground works within Phase 4 until details of the improvements to Star Hill/City Way Roundabout have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation within Phase 4.

Reason: To ensure the development does not have a prejudicial impact on the local road network in accordance with Policy T1 of the Medway Local Plan 2003.

- 12 The approved 'Strategy for Connecting the Riverside Walk to the Esplanade, Riverwalk Route' in conjunction with dwg no: CPL-ROC-HTA-A_DRR-XX-0006 Rev E (approved under ref MC/18/1707) shall be implemented and maintained thereafter as approved.

Reason: To provide a suitable means of pedestrian and cycle access in the interests of highway safety and connectivity in accordance with Policies T3 and T4 of the Medway Local Plan 2003.

- 13 The details submitted in MC/19/3302 (Location Plan 9T078/CW/130/01; Site Layout Plan 9T078/CW/140/01; MC/18/3362 Decision Notice; received 7th January 2020) relating to the relocation of the coach park to Curtis Way shall be implemented in accordance with the approval and retained thereafter.

Reason: To ensure the continued provision of a coach park serving Rochester as a tourist destination.

- 14 The Phase 1 - 3 development hereby permitted shall be carried out in accordance with the following approved plans:

Received on 13 July 2017

J16.078/D218 A House Type 05c - Shellduck - 3B5P - Plans and Elevations
J16.078/D242 A House Type 11b - Dunlin w/bay - 4B6P - Plans and Elevations

Received on 20 October 2017

| | |
|----------------|---|
| J16.078/D101 A | Street Elevation 01 & 02 |
| J16.078/D104 A | Street Elevation 09, 10 & 11 |
| J16.078/D105 A | Street Elevation 12, 13 & 14 |
| J16.078/D237 B | House Type 10b - Dunlin - 4B6P - Plans and Elevations |
| J16.078/D238 A | House Type 10c - Dunlin - 4B6P - Plans and Elevations |

Received on 30 November 2017

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|----------|----------------------------------|
| J16.078/ | RR Phase 1, 2 & 3 Tenure Diagram |
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Received on 23 October 2019

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|--------------------------|---|
| ROC-BPTW-ZZ-ZZ-DR-A-1016 | House Type 13.1b - Amherst II - 4B7P - Plans and Elevations |
| ROC-BPTW-ZZ-ZZ-DR-A-1017 | House Type 17a - Peacock - 4B6P - Plans and Elevations |
| ROC-BPTW-ZZ-ZZ-DR-A-1018 | House Type 17b - Peacock - 4B6P - Plans and Elevations |
| ROC-BPTW-ZZ-ZZ-DR-A-1019 | House Type 19a - Wren - 3B5P - Plans and Elevations |
| ROC-BPTW-ZZ-ZZ-DR-A-1020 | House Type 19b - Wren - 3B5P - Plans and Elevations |
| ROC-BPTW-ZZ-ZZ-DR-A-1021 | House Type 23 - Gadwell - 3B5P - Plans and Elevations |
| ROC-BPTW-ZZ-ZZ-DR-A-1022 | House Type 24 - Amherst Garage - Plans and Elevations |
| ROC-BPTW-02-ZZ-DR-A-1030 | Block 3A - Ground and Typical Floor |
| ROC-BPTW-02-ZZ-DR-A-1031 | Block 3A - Fifth Floor and Roof Plan |
| ROC-BPTW-03-ZZ-DR-A-1032 | Block 3B - Ground and Typical Floor |
| ROC-BPTW-03-ZZ-DR-A-1033 | Block 3B - Fifth Floor and Roof Plan |
| ROC-BPTW-04-ZZ-DR-A-1034 | Block 3C - Ground and Typical Floor |
| ROC-BPTW-04-ZZ-DR-A-1035 | Block 3C - Roof Plan |
| ROC-BPTW-05-ZZ-DR-A-1036 | Block 3D - Ground and Typical Floor and Roof Plan |
| ROC-BPTW-06-ZZ-DR-A-1037 | Block 3E - Ground and Typical Floor and Roof Plan |
| ROC-BPTW-07-ZZ-DR-A-1038 | Block 3F - Ground and Typical Floor |
| ROC-BPTW-07-ZZ-DR-A-1039 | Block 3F - Roof Plan |
| ROC-BPTW-08-ZZ-DR-A-1040 | Block 3G - Ground and Typical Floor and Roof Plan |
| ROC-BPTW-XX-XX-SH-A-0100 | Masterplan Drawing Issue Sheet |
| 6542-LD-PLN-001-E | Illustrative Landscape Masterplan |
| 6542-LD-PLN-100-E | Phase 1-3 Landscape Masterplan |
| 6542-LD-PLN-114-G | Landscape Proposal (sheet 5 of 9) |
| 6542-LD-PLN-115-G | Landscape Proposal (sheet 6 of 9) |
| 6542-LD-PLN-116-G | Landscape Proposal (sheet 7 of 9) |

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| 6542-LD-PLN-117-G | Landscape Proposal (sheet 8 of 9) |
| 11333-PH3-7000 P4 | Limits of Adoption |
| 11333-PH3-7001 P3 | Proposed Road Plan Geometry |
| 11333-PH3-7002 P4 | Target Road Levels |
| 11333-PH3-7003 P3 | Foul and Surface Water Drainage Strategy |
| 11333-PH3-7004 P2 | Proposed Impermeable Area Plan |
| 11333-PH3-7005 P3 | Retaining Walls |
| 11333-PH3-7006 P2 | Retaining Wall Details |
| 11333-PH3-7007 P2 | Typical Road Construction Details |
| 11333-PH3-7008 P2 | Vehicular Tracking |
| 11333-PH3-7009 P2 | Visibility Splay Information |
| 11333-PH3-7010 P2 | Existing Impermeable Area Plan |

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

- 15 The Management and Maintenance Plan, as approved under MC/19/2690 (Management and Maintenance Plan - received 9 October 2019) shall be implemented as approved.

Reason: To preserve an important part of the historic character of the site.

- 16 The car parking spaces provided within Phases 1-3 shall be retained as set out and shall remain available for such use at all times.

Reason: To ensure satisfactory parking arrangements for cars in accordance with Policies T1 and T13 of the Medway Local Plan 2003

- 17 The cycle parking spaces provided within Phases 1-3 shall be retained as set out and shall remain available for such use at all times.

Reason: To ensure satisfactory parking arrangements for cars in accordance with Policies T1 and T13 of the Medway Local Plan 2003

- 18 The servicing of the hotel must be carried out in accordance with the approved details (Drawing Number J16.078/D001 Rev B, Operational Management Plan and Servicing Management Plan, received 13th May 2019.) under ref MC/19/1237. The servicing of the hotel must be carried out in accordance with these approved details.

Reason: To protect the amenity of nearby residential properties in accordance with Policy BNE2 and to ensure the development does not have an adverse effect on the local road network by the generation of unacceptable levels of traffic in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

- 19 The servicing of the hotel must be carried out in accordance with the approved details (Drawing Number J16.078/D001 Rev B, Operational Management Plan and

Servicing Management Plan, received 13th May 2019) under ref MC/19/1237. The servicing of the hotel must be carried out in accordance with these approved details.

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

- 20 No development shall take place on any Phase of the Site as shown on approved drawing number CPL-ROC_HTA-A_DR-XX-0009 Rev B except for surveying, testing, sampling, soil tests, ground investigations, pegging out, tree protection, archaeological investigations, works of demolition, works of remediation and decontamination, site clearance, construction of temporary hoardings and boundary fences, construction of temporary haul roads, works to secure access to the Site and the existing Cory's Road multi-storey car park, the provision of temporary services to the Site, drainage and sewerage works, laying of services and service diversions and the erection of contractors' compounds unless and until all parties with any legal or equitable interest (including but not limited to all freehold and leasehold owners and mortgagees and charges) in any part of that Phase have entered into an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) in a form approved by the Council and consistent with the terms approved by the Council's Planning Committee on 25 October 2017 with the effect that the land in that Phase is bound by the obligations contained in that agreement.

Reason: Paragraph 010 of the National Planning Policy Guidance advises that a negatively worded condition limiting the development that can take place until a planning obligation has been entered into can be used in exceptional circumstances. The Council is satisfied that because it owns a substantial part of the application site and because there are legal difficulties that arise when a local planning authority seeks to enter into a Section 106 Agreement which purports to bind land which it owns it is reasonable and necessary to impose this condition.

- 21 Prior to the submission of each 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 and sub phase.

Specify the order and timing of the proposed phases and sub phases which shall be shown sequentially starting with Phase 1.

Include in relation to the phases for which reserved matters approval is being sought and phases where reserved matters have already been approved, details of the number and mix of residential units (including affordable housing and self-build plots).

The Phasing Plan shall also be accompanied by the following information:

Details of the order and timing of public realm, infrastructure works, highway works, pedestrian works and cycle works.

Indicative details of the number and mix of units (including affordable housing and self-build plots) for phases where reserved matters have not yet been approved.

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

Reason: To ensure that the development is comprehensively designed and phased.

- 22 No development shall take place above ground within any phase or sub phase, until details and samples of all finishing materials to be used in the construction of the buildings within that phase or sub phase, including glazing, have been submitted to and approved in writing by Local Planning Authority. Each building shall thereafter be constructed in accordance with the approved details.

Reason: To ensure a satisfactory external appearance in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 23 No development shall take place above ground within any phase or sub phase, until a detailed planting scheme has been submitted to and approved in writing by the Local Planning Authority for that phase or sub phase. This scheme must include the number, size, species and positions of all soft landscaping, including trees and shrubs.

This planting scheme must be implemented as approved by the end of the planting season immediately following first occupation of the development within the phase or sub phase (or within any other time limit as agreed in writing by the Local Planning Authority).

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 development shall take place above ground within any phase or sub phase until details and samples, where appropriate, of all boundary walls, railings, gates, fences and other means of enclosure relating to that phase or sub phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to first occupation of the phase or sub phase.

Reason: To ensure a satisfactory external appearance in accordance with Policy BNE1 of the Medway Local Plan 2003

- 25 No development shall take place above ground within any phase or sub phase, until samples of the materials to be used for the hard landscaping for that phase or sub phases, have been submitted to and approved in writing by the Local Planning Authority. The hard landscaping shall be implemented in accordance with the approved details prior to first occupation of that phase or sub phase.

Reason: To ensure a satisfactory external appearance in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 26 If any trees or plants either retained or provided as any part of any approved landscaping scheme die, are removed or become seriously damaged or diseased within a period of 5 years from the planting date, replacement(s) of a similar size and species shall be planted within the next planting season in accordance with the landscaping scheme approved pursuant to Condition 23.

Reason: In the interests of residential and visual amenity in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 27 No development shall take place within any phase or sub-phase, including any works of demolition, until a Construction and Environmental Management Plan (CEMP) for that phase or sub phase has been submitted to and approved in writing by the Local Planning Authority. The plan shall include, but not be limited to, the following information:

- i) A construction programme including a 24 hour emergency contact number;
- ii) Locations for loading / unloading and storage of plant and materials in constructing the development;
- iii) Erection and maintenance of security hoardings (including decorative displays and facilities for public viewing where appropriate);
- iv) Wheel washing facilities and measures to control the emission of dust and dirt during construction;
- v) Construction vehicle access and egress routes for each phase;
 - vi) A scheme for recycling/disposing of waste resulting from demolition and construction works;
- vii) Measures to control noise affecting nearby residents;
- viii) Pollution incident control and site contact details in case of complaints

The construction works shall be carried out in accordance with the approved CEMP.

Reason: Required prior to commencement of development to avoid any irreversible detrimental impacts to human health and amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 28 Prior to the occupation of each commercial unit (Class E (a)(b) and Sui Generis uses relating to the sale of food and drink), an operational statement shall be submitted to and approved in writing by the Local Planning Authority for that commercial unit (Class E (a)(b) and Sui Generis uses relating to the sale of food and drink) setting out the proposed method of operation including, but not limited to, the use, proposed hours of operation, proposed servicing strategy and where necessary, any management procedures for the unit that will reduce the potential impact of the use on residential amenity. The commercial unit shall be operated in accordance with the approved details.

Reason: To protect the amenity of nearby residential properties in accordance with Policy BNE2 of the Local Plan 2003.

- 29 No deliveries, refuse collection and/or any other commercial servicing activity related to non-residential premises shall be undertaken, except for the delivery of newspapers, between the hours of 23.30 and 06:00 Monday to Saturday and 18:00 and 08:00 Sundays and Public Holidays.

Reason: To protect the amenity of nearby residential properties in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 30 Full details of any plant to be installed within any phase or sub-phase, on any building (residential or commercial) or within the curtilage of a building hereby approved, shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of the plant on site. Details shall include:

Full scaled drawings of the plant, screening, enclosures and/or ducts in context with the building

A full acoustic report

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

Reason: To ensure the development is satisfactory in terms of visual and residential amenities in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 31 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The remediation shall be implemented in accordance with the approved details.

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.

- 32 Following completion of the measures identified in the approved remediation scheme and prior to the first occupation of any building within the relevant phase or sub phase, a verification report providing data demonstrating that the works set out in condition 31 are complete and identifying any requirements for longer- term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be submitted to and approved in writing by the Local Planning Authority.

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.

- 33 Prior to the stopping-up of Horse Wash Lane a programme for the design and delivery of a public right of way at footpath status running from the railway viaduct adjacent to Corporation Street (National Grid Reference 574211 168816) to Horse Wash Steps (National Grid Reference 574189 168841) shall be submitted to and approved in writing by the Local Planning Authority. The public right of way footpath shall be delivered in accordance with the approved programme and shall be provided to adoptable standards.

Reason: To provide a suitable means of pedestrian and cycle access in the interests of highway safety and the visual amenity of the local area in accordance with Policies T3, T4 and BNE2 of the Medway Local Plan 2003."

- 34 Prior to the occupation of any phase or sub phase of the development hereby permitted, a strategy for the access and movement of vehicles around the site for deliveries, refuse collection and/or any other commercial servicing for that phase or sub phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To provide a suitable means of access in the interests of highway safety and the visual amenity of the local area in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 35 Measures and initiatives to promote sustainable travel to future residents of the development, including the provision of a car club, shall be implemented and monitored in accordance with the details set out in the approved Travel Plan dated June 2017.

Prior to the final occupation of Phase 3 and then within each phase or subphase thereafter, a Travel Plan Monitoring Report shall be submitted to and approved in writing by the Local Planning Authority. The school phase shall however submit an annual Travel Plan Monitoring Report commencing after the 1st years intake and then every year after until all 6 years are occupied.

Reason: To accord with Policy T14 of the Medway Local Plan 2003.

- 36 No development shall take place above ground within any phase or sub phase, until an open space and landscaping management strategy and a timetable for the delivery of the open space for that phase or sub phase has been submitted to and approved in writing by the Local Planning Authority. The management of the open space and landscaping shall thereafter be undertaken in accordance with the approved strategy.

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

- 37 Prior to occupation of any residential dwelling in each phase or sub phase, full details of any play equipment and safe surfacing to be installed for 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 first occupation of any dwelling within that phase or sub phase and shall thereafter be retained.

Reason: To ensure the satisfactory provision of play equipment in accordance with Policy L4 of the Medway Local Plan 2003.

- 38 No development shall take place above ground within any phase or sub phase until full details of any public art and/or environmental interpretation boards to be incorporated within that phase or sub phase have been 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 first occupation of any building within that phase or sub phase and shall thereafter be retained.

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

- 39 Prior to occupation of any building within each phase or sub phase, details of all external lighting relating to that phase or sub phase, including for open parking courtyard areas, enclosed parking spaces, any individual covered parking area and areas of communal open space, shall be submitted to and approved in writing by the Local Planning Authority. The details of the lighting shall include design, the exact position, light intensity and spillage and be illustrated on the associated landscaping plans for that phase or sub phase. The lighting shall be installed in accordance with the approved details prior to the first occupation of any part of the phase or sub phase to which it relates. The approved lighting shall be retained thereafter.

Reason: To ensure a satisfactory external appearance and to ensure the provision of lighting does not result in glare or light overspill to surrounding properties in accordance with Policies BNE2 and BNE5 of the Medway Local Plan 2003.

- 40 No development shall take place above ground within any phase or sub phase until a 'Lighting Design Strategy for Biodiversity' has been submitted to and approved in writing by the Local Planning Authority. The Lighting Design Strategy for Biodiversity shall:

Identify those areas/features on site that are particularly sensitive for wildlife and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;
Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or have any detrimental impacts upon the nearby protected sites or habitats.

All external lighting shall be shown on the details required by condition 39 and shall be installed in accordance with approved details prior to the first occupation of any part of the phase or sub phase and these shall be maintained thereafter in accordance with the strategy.

Reason: In order to protect and enhance biodiversity on the site in accordance with Policies BNE22 and BNE37 of the Medway Local Plan 2003.

- 41 No development shall take place above ground within any phase or sub phase until an Ecological Design Strategy (EDS) addressing ecological enhancement of the site has been submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following:

- a) Purpose and conservation objectives for the proposed works;
- b) Review of site potential and constraints;
- c) Detailed design(s) and/or working method(s) to achieve stated objectives including generous bat/bird boxes, areas of green roofs/walls and any other clear indications to improve biodiversity;
- d) Extent and location/area of proposed works on appropriate scale maps and plans;
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) Persons responsible for implementing the works;
- h) Details of initial aftercare and long term maintenance;
- i) Details for monitoring and remedial measures;
- j) Details for disposal of any wastes arising from works (where relevant).

The EDS shall be implemented in accordance with the approved details and all features shall be retained thereafter.

Reason: In order to protect and enhance biodiversity on the site in accordance with Policies BNE22 and BNE37 of the Medway Local Plan 2003.

42 No development shall take place above ground within any phase or sub phase until an Ecological Design Strategy (EDS) addressing ecological enhancement of the site has been submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following:

- a) Purpose and conservation objectives for the proposed works;
- b) Review of site potential and constraints;
- c) Detailed design(s) and/or working method(s) to achieve stated objectives including generous bat/bird boxes, areas of green roofs/walls and any other clear indications to improve biodiversity;
- d) Extent and location/area of proposed works on appropriate scale maps and plans;
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) Persons responsible for implementing the works;
- h) Details of initial aftercare and long term maintenance;
- i) Details for monitoring and remedial measures;
- j) Details for disposal of any wastes arising from works (where relevant).

The EDS shall be implemented in accordance with the approved details and all features shall be retained thereafter.

Reason: In order to protect and enhance biodiversity on the site in accordance with Policies BNE22 and BNE37 of the Medway Local Plan 2003.

43 No development shall take place, within any phase or part phase, until details of foundations designs and any other proposals involving below ground excavation have been submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

44 Following completion of the archaeological investigation referred to in condition 42 above a Post Excavation Assessment Report shall be submitted to and approved in writing by the Local Planning Authority. The Post Excavation Assessment Report shall include an Updated Project Design which shall be submitted to and

approved in writing by the Local Planning Authority. The Updated Project Design shall set out a programme and timetable for the completion of the archaeological works through to publication and archive deposition. The archaeological publication shall be produced in accordance with the approved Updated Project Design.

Reason: To ensure appropriate assessment and recording of the archaeological implications of development proposals in accordance with Policy BNE21 of the Medway Local Plan 2003.

- 45 Prior to occupation of any building within each phase or sub phase detailed roof plans and cross sections showing the use of the PV panels to be installed shall be submitted to and approved by the Local Planning Authority. The PV panels shall be implemented in accordance with the approved details prior to first occupation of the building to which they relate and shall thereafter be retained.

Reason: To ensure a satisfactory visual appearance in accordance with Policy BNE1 of the Medway Local Plan 2003

- 46 The development shall achieve an overall site-wide 20% CO2 emission improvement from Part L 2013 target emissions using SAP 2012 in accordance with the Rochester Riverside: Energy Statement June 2017. The measures to achieve this target emission shall be implemented prior to the occupation of any part of the relevant phase or sub-phase of the development and retained in situ thereafter.

Reason: To ensure satisfactory arrangements are made for energy efficiency and for renewable energy in the interests of sustainability in accordance with Policies BNE4 and CF11 of the Medway Local Plan 2003.

- 47 Development shall be implemented in accordance with the approved RAMBOLL Air Quality Emissions Mitigation Statement (project number 1700001448, dated July 2018). Full details of the following standard air quality mitigation measures shall also be submitted for approval for each phase or sub phase:

- All gas fired boilers installed within the development shall meet a minimum standard of <40mgNOx/kWh;
- 1 electric vehicle charging point per dwelling with dedicated parking;
- 1 electric vehicle charging point per 10 unallocated parking spaces;
- 1 electric charging point per 10 non-residential parking spaces;
- Mitigation in accordance with the Institute of Air Quality Management (IAQM) Guidance on the Assessment of Dust from Demolition and Construction.

All works, which form part of the approved mitigation scheme, shall be completed before any individual building is occupied and shall be retained thereafter .

Reason: To safeguard conditions to amenity in accordance with Policy BNE24 of the Medway Local Plan 2003.

- 48 No development shall take place within any phase or sub phase, until details of the proposed means of surface water disposal for that phase or sub phase have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the adequacy of the means of surface water disposal from the site in accordance with Policy CF12 of the Medway Local Plan 2003.

- 49 Prior to occupation of any building within each phase or sub phase, a detailed Telecommunications Strategy for the relevant phase or sub phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: To ensure that such equipment is an integral part of the design of the development in accordance with Policies BNE1 and CF14 of the Medway Local Plan 2003.

- 50 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification) no mezzanine floor area shall be inserted into any commercial premises used for the purposes of Class E (a) retail.

Reason: To safeguard any future impact on nearby town centres.

- 51 No single retail unit falling within Class E (a) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Order revoking or re-enacting that Order) hereby permitted shall have a floorspace greater than 450sqm (gross internal area) at any point.

Reason: To safeguard against any future impacts on nearby town centres

- 52 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out within Schedule 2, Part 1, Classes A - E of that Order unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of amenity, in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 53 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2017 (or any order amending, revoking and re-enacting that Order with or without modification) all dwellinghouses herein approved shall remain in use as a dwellinghouse falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification) and no change of use shall be carried out unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of amenity, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 54 No development shall take place above ground within any phase or sub phase until details of secure private cycle parking provision (in the form of individual lockers) for any flat blocks within that phase have been submitted to and approved in writing by the Local Planning Authority. Cycle Parking for flat blocks within that phase shall be provided in accordance with the approved details prior to first occupation of the relevant flat block and retained thereafter.

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

- 55 No development shall take place above ground within any phase or sub phase until a scheme for protecting the proposed development from transport noise sources 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 (LAm_{ax}) of no more than 45dB(A) with windows closed. Where the internal noise levels will be exceeded with windows open, the scheme shall incorporate appropriate acoustically screened mechanical ventilation. The scheme shall include details of acoustic protection sufficient to ensure amenity/garden noise levels of not more than 55dB (LAeq,T). All works which form part of the approved scheme shall be completed before any part of the development within that phase or sub phase is occupied and shall thereafter be maintained in accordance with the approved details.

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

- 56 No development shall take place above ground within any phase or sub phase until an acoustic assessment has been undertaken to determine the impact of noise arising from commercial noise sources. The noise rating level (LAr,Tr) of these sources shall be at least 10dB below the background noise level (LA90,T) at the nearest residential facade. All measurements shall be defined and derived

in accordance with BS4142: 2014. The results of the assessment and details of any mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development within that phase is brought into use and thereafter be maintained in accordance with the approved details.

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

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

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

- 58 Prior to the occupation of any units accommodating Class E(b), Pub, Wine Bar or Hot Food Take Away (Sui Generis) Uses, 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 (LAeq,T) shall be at least 10dB(A) below the background noise level (LA90,T) at the nearest residential facade, when assessed in accordance with BS4142:2014. The approved scheme shall be implemented before the development is brought into use and thereafter be maintained in accordance with the approved details.

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

Proposal

Removal of condition 13 (provision of a footbridge across Corys Creek) on planning permission MC/19/2812 (original ref no: MC/17/2333). Hybrid planning application seeking outline permission for the erection of up to 1,400 no. dwellings including a primary school and nursery (D1 use), up to 1,200sqm of commercial floor space (A1/A2/A3/A4/B1/D1 and D2 uses) together with a pedestrian footbridge, parking, open space and landscaping. Full permission for phase 1, 2 and 3 of the development consisting of the erection of 534 no. dwellings (of the 1,400 no. total), the provision of a hotel (use Class C1), 885sqm of commercial floor space (A1/A2/A3/A4/B1/D1 and D2 uses) along with site access spine road, parking, open space and landscaping.

Condition 13 states:

No development shall take place above ground works within Phase 4, until full details for the construction of the Cory Creek footbridge have been submitted to and approved in writing by the Local Planning Authority. The details shall include detailed design and an assessment of any ecological impact and associated mitigation measures. The footbridge shall be constructed in accordance with the approved details prior to the occupation of 50% of the units within Phase 4.

Reason: In the interests of design and environmental quality in accordance with Policy BNE1 of the Medway Local Plan 2003 and the 2014 Rochester Riverside SPD.

Relevant Planning History

MC/19/2812 Variation of condition 16 on planning permission MC/17/2333 to allow a minor material amendment to phase 3 to increase from 130 to 171 dwellings together with amended public open space; bio diverse roof provisions and parking strategy.

Decision Date: 11/02/2020
Decision: Approve with conditions

MC/17/2333 Hybrid planning application seeking outline permission for the erection of up to 1,400 no. dwellings including a primary school and nursery (D1 use), up to 1,200sqm of commercial floor space (A1/A2/A3/A4/B1/D1 and D2 uses) together with a pedestrian footbridge, parking, open space and landscaping. Full permission for phase 1, 2 and 3 of the development consisting of the erection of 534 no. dwellings (of the 1,400 no. total), the provision of a hotel (use Class C1), 885sqm of commercial floor space (A1/A2/A3/A4/B1/D1 and D2 uses) along with site access spine road, parking, open space and landscaping.

Decision Date: 01/02/2018
Decision: Approved with conditions, subject to S106

Please note that there has been a significant number of applications for discharge of conditions as well as the Reserved Matters application for Phase 7 since the original 2017 permission. Given that these relate to Phases 1, 2, 3, the school site and the Independent Living accommodation (Phase 4a) it is not considered necessary to include this extensive list within this section.

Representations

The application has been advertised on site and in the press. No representations have been received in relation to this application.

Development Plan

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

Planning Appraisal

Principle

As part of the original and amended hybrid planning application (MC/17/2333), a masterplan which showed a “possible pedestrian and cycle bridge across Cory’s Creek” was produced. It was intended that this bridge would provide a link between phases 1 and 4 of the Rochester Riverside development.

The applicants have provided justification for the removal of this condition, which is as follows:

- It is anticipated that construction of the footbridge will cause disturbance to the existing wetland and protected species that live within the creek. This has caused concern with the Environmental Agency. The creek itself is owned by Medway Council and it was suggested that potential ongoing maintenance and management issues, particularly in the form of littering and anti-social behaviour, would be best avoided if possible.
- The design proposals have progressed significantly from the original hybrid masterplan, and as the Riverside Walk now extends across the perimeter of the site (2.5km in total), the footbridge is deemed redundant.
- The Riverside Walk can provide pedestrians and cyclists alike with a link between each of the phases of the development and ensures that footfall remains high within the station square, one of the central hubs of the development. Station Square provides easy access to Rochester Station and is the location of the key retail units, including the Co-Operative store and Costa Coffee. The provision of the footbridge would likely decrease the footfall to Station Square - as it provides a shortcut between phases 1 and 4 – while only reducing the walking time between the two phases by a marginal amount.

The current bridge proposals have been secured within the Section 106 for the overall development requiring implementation during the construction of Phase 4 of the development. The objective of the bridge was to create and encourage pedestrian activity through Rochester Riverside, creating a walk that can be utilised by all members of the public, not just residents of the scheme.

Through discussions with the applicant, it was agreed that the cost of the bridge construction would be redirected to improve the public realm within the vicinity. An appropriate use for the monies, has been identified by the Council through discussion and it has been indicated that a contribution will be made towards the restoration of the Rochester Pier.

Rochester Pier is currently closed owing to storm damage. Once re-opened, the ambition for the Pier is that it can be used for river boat services, river user hub location for historic vessels, Royal National Lifeboat Institution rescue point, Sea Scout access and events space.

Should the restoration of the Rochester Pier not be deemed feasible within the necessary timeframes, several alternatives have been tabled. These alternatives are all considered to offer benefit within the community that could be considered to be fairly and reasonably related in scale and kind to the footbridge provision. Namely:

- Public art in Chatham Intra to support High Street Heritage Action Zone;
- Interpretation facilities at Rochester Castle;
- Conservation works to Dickens Chalet;
- Sun Pier House Creative Heritage Centre.

The cost of the bridge construction has been calculated to be in the region of £130,000. This sum is therefore proposed to be redirected as above and secured within an amended Section 106.

Overall, it is considered that the proposal to remove this condition is acceptable subject to the completion of a legal agreement to secure a contribution towards public realm improvements and improvements to community facilities within the vicinity as stated above. Specifically identified projects, to help improve the public realm or other facilities will not only serve the occupants of Rochester Riverside but also residents of the wider community.

Design and Appearance

Apart from the footbridge not being constructed across the creek, there are no significant physical alterations occurring as a result of this application. Given that the scheme will still provide a significant pedestrian riverside walk throughout the scheme it is not considered that the removal of the footbridge will alter the design of movement patterns within the overall development.

Justification has been given by the applicants in relation to the fact that by not providing the bridge more users may pass through the main Station Square. This is seen as a positive consequence of the alterations.

The overall design of the Rochester Riverside development is not compromised or altered significantly as a result of this application, so it is therefore considered to be acceptable

in terms of design and appearance, in compliance with Policy BNE1 of the Local Plan and paragraphs 126 and 130 of the NPPF.

Amenity

It is considered that amenity of residents will be unaffected by this application as the scheme provides an extensive Riverside Walk which now extends across the perimeter of the site (2.5km in total).

Other advantages to the removal of the footbridge are that the ongoing maintenance and management of the Creek itself will be eased, particularly in the form of reduction/avoidance of littering within the creek and potential anti-social behaviour would potentially be avoided.

Therefore, in terms of amenity, it is considered that the removal of condition 13 is acceptable and is compliant with Policy BNE2 of the Local Plan and paragraph 130 of the NPPF.

Ecology

The Environment Agency have expressed concerns to the applicants in relation to the construction of the footbridge and the impact that it would have on Cory's Creek. The footbridge will cause disturbance to the existing wetland and protected species that live within the creek. It is also acknowledged that it could also lead to litter in the creek, which gain is detrimental to the ecology of the creek.

As a result of these discussions options to push the footbridge back, further toward Cory's Road were examined. It became apparent that the bridge would have to be pushed so far back that it would be close to the junction with Cory's Road and would not be worth implementing.

The removal of this condition is therefore considered to have ecological benefit as it will ensure that there is no unnecessary disturbance to the creek. This is supported by Policy BNE39 of the Local Plan and paragraphs 174 and 180 of the NPPF

Other matters

It is not considered that this proposal impacts Highways, Air Quality, Noise, Contamination, Flood risk or any other main topics in any way.

As this application is made under s73 of the Town and Country Planning Act (as amended), a decision to approve would result in a new planning permission in its own right. Therefore, any relevant conditions need to be reimposed.

Conclusions and Reasons for Approval

The removal of condition 13 of MC/19/2812 is considered reasonable in the overall wider development of this Rochester Riverside scheme. The decision to not provide the footbridge does not impact on the design, appearance or amenity of the overall scheme, but does alter the objective of the River Walk provision in a minimal way, particularly as a contribution will be secured to deliver improvements to the public realm or community facilities within the vicinity.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the scale of the overall proposal, and its importance in relation to the Council's regeneration commitment.

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/>