

MC/22/0687

Date Received: 16 March 2022
Location: Site At the Former Medway Fire Station, Watling Street
Gillingham Medway
Proposal: Construction of a food retail store (Class E) with 4 residential apartments above fronting Watling Street, including the construction of 5 two storey dwellings fronting Star Mill Lane with means of access, car parking, servicing and landscaping.
Applicant Kent Kraft Developments
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Ward: Watling Ward
Case Officer: Nick Roberts
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Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 8th February 2023.

Recommendation: Approval subject to:

- A) The submission of a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 to secure:
 - i. £2482.92 towards Designated Habitats Mitigation.
- B) 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 16 March 2022

1017.10 Rev B - Proposed Block Plan
1017.12 Rev B - Proposed Floor Plans

Received 1 June 2022

1017.11 Rev D - Proposed Site Plan
1017.13 Rev C - Proposed Elevations
1017.14 Rev C - Proposed Floor Plans
1017.15 Rev B - Proposed Elevations
1017.16 Rev C - Proposed Sections
1017.18 Rev A - Proposed Street Scene Elevations

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

- 3 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 4 to 6 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 7 has been complied with in relation to that contamination.

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.

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

- (i) a survey of the extent, scale and nature of contamination.
- (ii) an assessment of the potential risks to:

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

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

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

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.

- 5 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: 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.

- 6 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any part of the development. All submitted verification reports should be accompanied by an NQMS Declaration showing they have been reviewed by a registered SILC/SQP.

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.

- 7 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 4, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 5, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition 5 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 6.

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.

- 8 No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of hours of construction working; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

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

- 9 No development shall take place until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority in consultation with the LLFA. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

The approved CSWMP and shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:

- i. Temporary drainage systems.
- ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses.
- iii. Measures for managing any on or offsite flood risk

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

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 167 of NPPF.

- 10 No development shall take place until a scheme based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall include (where applicable):

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

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

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 167 of NPPF.

- 11 No development above ground floor slab level shall take place until a scheme for protecting the proposed development from noise that implements the measures described in the AAC noise assessment (ref; 100533, dated 6 July 2022), 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 is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To ensure the development does not prejudice occupier and neighbouring amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 12 No development above ground floor slab level shall take place until full details of the following air quality mitigation measures have been submitted to and approved in writing by the Local Planning Authority:

- All gas-fired boilers to meet an emissions standard of <40mgNO_x/kWh

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

Reason: Required prior to commencement of development to ensure the development does not prejudice conditions of amenity by way of poor air quality in accordance with Policies BNE2 and BNE24 of the Medway Local Plan 2003.

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

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

- 14 No development shall take place above ground floor slab level until details of the provision of 1 electric vehicle charging point per residential unit has been submitted to and approved in writing by the Local Planning Authority. Details shall include the location, charging type (power output and charging speed), associated infrastructure and timetable for installation. The development shall be implemented in accordance with the approved details and shall thereafter be maintained.

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

- 15 The proposed commercial unit shall not be brought into first use, until details of the provision of the electric vehicle charging points (33% active and 66% passive) have been submitted to and approved in writing by the Local Planning Authority. Details shall include the location, charging type (power output and charging speed), associated infrastructure and timetable for installation. The development

shall be implemented in accordance with the approved details and shall thereafter be maintained.

Reason: In the interests of sustainability in accordance with paragraph 112E of National Planning Policy Framework 2019.

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

Reason: This condition is sought in accordance with paragraph 167 of the NPPF to ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere.

- 17 No part of the development shall be occupied until a scheme to minimise the transmission of noise from mechanical plant 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_{A,r},T_r) emitted from the development shall be at least 10dB below the background noise level (L_{A90},T) at the nearest noise sensitive receptors. 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 the development does not prejudice occupier and neighbouring amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 18 The proposed development shall not be occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

- 19 The dwellings and commercial unit hereby approved shall not be occupied or brought into use until details of cycle storage facilities have been submitted to and approved in writing by the Local Planning Authority. The cycle storage facilities (including the provision of individual lockers) shall be implemented in accordance with the approved details prior to herein use approved being occupied and hereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown for cycle and refuse storage facilities.

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

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

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

- 21 No part of the development shall be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected have been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before the building to which they relate are first 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.

- 22 Notwithstanding the details hereby permitted and prior to the first occupation of any dwelling and/or commercial unit details of the refuse storage arrangements for the dwelling(s) and commercial units, including provision for the storage of recyclable materials, shall be submitted to and approved in writing by the Local Planning Authority. No dwelling and/or commercial unit shall be occupied until the approved refuse storage arrangements for that dwelling and/or building are in place and all approved storage arrangements shall thereafter be retained.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 23 No part of the development shall be occupied until full details of both hard and soft landscape works and a timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. These details shall include all public seating, footpaths, litter and dog bins, paving, underground utilities and recreation space. Soft landscape works shall include details of planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. The development shall be implemented in accordance with the approved details and any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

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

- 24 No part of the development shall be occupied until a Landscape Management Plan (LMP), has been submitted to and approved in writing by the Local Planning Authority. The LMP shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas (except for small, privately owned, domestic gardens) for a minimum period of five years and arrangements for implementation. The development shall thereafter be implemented 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.

- 25 The development shall be implemented in accordance with the measures to address energy efficiency and climate change as set out within the Climate Change and Energy Efficiency Statement (ref; 1017/ICM/CCEES) dated May 2022. Prior to first occupation of the development a verification report prepared by a suitably qualified professional shall be submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been undertaken and will thereafter be maintained.

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.

- 26 The ground floor commercial unit hereby permitted shall only operate between the hours of 07:00 to 23:00 Mondays to Sundays inclusive.

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

- 27 No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. 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 mobilised contaminants in line with paragraph 174 of the National Planning Policy Framework.

- 28 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which 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 mobilised contaminants in line with paragraph 174 of the National Planning Policy Framework.

- 29 Prior to the installation of any external lighting on the site in connection with the commercial use 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 proposed levels) and hours of use together with a report to demonstrate its effect on nearby residential properties. Any external lighting shall be implemented in accordance with the approved details.

Reason: In order to limit the impact of the lighting on the nearby residential amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

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

Proposal

This application seeks planning permission for the construction of a mixed-use building consisting of a food retail store (Class E) on the ground floor with four 2 bed maisonettes

split over the first and second floor of the building (fronting Watling Street), and five 3-bedroom dwellings to the rear of the site fronting Star Mill Lane. The proposal also includes private amenity areas, car parking, retail servicing arrangements and means of access. The site was formerly the Gillingham Fire Station which was demolished in 2017 following the construction of the new Fire Station on the adjacent site.

The building fronting onto Watling Street will comprise a three-storey building measuring approx. 10.7m in height at its highest point, approx. 24m in width, and approx. 17.5m in depth. The ground floor will contain a retail unit with an approx. gross internal floor area of 368m², with the 4 maisonettes distributed over the two storeys above. The layout of the maisonettes will consist of an open plan living/kitchen/dining area and WC on the first floor with stairs up to 2 bedrooms and a bathroom on the second floor. The building will then drop in height to the rear providing private amenity space for the maisonettes above the retail unit below. Access to the maisonettes will be via a stairwell at the southwest corner of the building.

The buildings fronting onto Star Mill Lane will be two storey houses constructed as a terrace of three and a semi-detached pair of dwellings. The dwellings will measure approx. 8.6m to the ridge, approx. 6m in width and approx. 9m in depth. Each dwelling will contain an open plan living/kitchen/dining area and WC on the ground floor, with a private garden to the rear, and three bedrooms (one with en-suite) and a bathroom on the first floor.

Vehicle access (ingress and egress) will be from Star Mill Lane and car parking will be provided to the rear for retail users, with a separate private courtyard parking area for the dwellings.

Site Area/Density

Site Area: 0.32 hectares (0.79 acres)

Site Density: 28 dph (11 dpa)

Relevant Planning History

MC/16/1502

Advertisement consent for the installation of 1 non illuminated post mounted flat panel sign and 1 non illuminated flagpole.

Decision: Approval with conditions

Date: 2 June 2016

MC/14/3035

Details pursuant to condition 3 and 4 of planning permission MC/13/1260 - Construction of full time Fire station with tandem two bay appliance garage together with construction of a two-storey building and four storey tower; New access to highway and

formation of new drill yard. (Part demolition of existing fire station and outbuildings).

Decision: Discharged

Date: 23 December 2014

MC/13/1260

Construction of full time Fire station with tandem two bay appliance garage together with construction of a two-storey building and four storey tower; New access to highway and formation of new drill yard. (Part demolition of existing fire station and outbuildings)

Decision: Approval with conditions

Date: 18 March 2014

Date: 23 December 2014

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties. Southern Water, The Environment Agency and Kent Police have also been consulted.

Seven letters of representation have been received from **four** different addresses objecting to the application for the following reasons.

- Insufficient parking
- Increased traffic on roads
- Highway safety
- Anti-social behaviour

One neutral letter of representation has also received.

The **Environment Agency** originally objected to the application as insufficient information had been submitted to demonstrate potential risks to controlled water due to contamination. Following the submission of a Phase I Desk Study, Phase II Intrusive Investigation, Phase III Site Investigation Report and a Supplementary PFOS/PFAS Investigation Report the EA have subsequently removed their objection subject to appropriate conditions.

Kent Police have welcomed further discussions with the applicant/agent about site specific designing out crime approaches and have provided additional advice with respect to lighting, boundary treatments, natural surveillance and other approaches that could be implemented within the development.

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 (the NPPF) and are considered to conform.

Planning Appraisal

Principle

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

The NPPF seeks to pursue sustainable development, in a positive way through a presumption in favour of sustainable development, unless the policies within the NPPF provide clear reasons for refusing development, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits (paragraph 11). Paragraph 60 of the NPPF also seeks to significantly boost the supply of housing by bringing forward a variety of land to meet specific housing requirements. In addition, paragraph 119 of the NPPF states that planning policies and decisions should promote the effective use of land in meeting the need for homes and other uses, and paragraph 120 gives substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs and encourages mixed use schemes. Furthermore, paragraph 81 of the NPPF also states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

The site is within the urban area as defined on the proposal maps to the Local Plan. As a site located within the urban area, the principle of the proposed development would comply with the development strategy as set out in the Local Plan, which directs development to brownfield sites. Policies S1 and S2 of the Local Plan seek to prioritise development within the existing urban fabric and strategically sustainable development using a sequential approach to location. Policy H4 of the Local Plan also states that residential development consisting of the use of vacant or derelict land will be permitted providing that a clear improvement in the local environment will result.

Policy R13 of the Local Plan also requires the sequential approach to site selection to be applied for retail development outside the main retail centres of Chatham, Strood, Gillingham and Rainham. The NPPF also sets out measures aimed at "ensuring the vitality of town centres". These include two key tests aimed at protecting town centres, a sequential test, and an impact assessment test. Under the sequential test (paragraph 87), the NPPF states that local authorities should require applications for main town centre

uses to be located first in town centres, then on the edge of centres, and only if suitable sites are not available in these locations, out of centre.

Within Annex 2 of the NPPF a Town Centre is defined as an *“Area defined on the local authority’s policies map, including the primary shopping area and areas occupied by main town centre uses within or adjacent to the primary shopping area. References to town centres or centres apply to city centres, town centres, district centres and local centres but exclude small parades of shops of purely neighbourhood significance”*.

The site is immediately adjacent to a local centre (Rainham Road/Watling Street) as defined within Policy R10 of the Local Plan, which stretches a distance of approx. 500m and offers a diverse mix of shops and services which includes restaurants, takeaways, estate agents, cafes, beauty salons, hairdressers, a pharmacy, a vets, a plumbing and bathroom suppliers and other retail offerings. When taking into account the range of services on offer within this local centre, it is highly likely that its customer base would draw on a much wider catchment area and therefore would not be considered a local centre of purely neighbourhood significance. As a result, it would satisfy the definition of a Town Centre in accordance with annex 2 of the NPPF.

In view of the above, and in recognition that our Local Plan is significantly out of date, the proposed retail use would be in a suitable location in accordance with paragraph 88 of the NPPF. In addition, the proposed ground floor retail use would be commensurate with nearby commercial uses in this area and would not require a retail impact assessment as defined within the NPPF, as the site would satisfy the definition of a Town Centre for the reasons explained in the paragraph above. Irrespective of this, and in the absence of a locally set floorspace threshold, at approx. 368m² it would fall significantly below the default threshold of 2500m² required by the NPPF anyway.

In view of the above, and subject to a further assessment of design, amenity, contamination, noise, air quality and highway considerations the principle of the proposal is therefore acceptable and in accordance with Policies S1 and S2 of the Local Plan and Paragraphs 11, 60, 81, 88, 119 and 120 of the NPPF.

Design

Policy BNE1 of the Local Plan states that the design of development should be appropriate in relation to the character, appearance and functioning of the built and natural environment by amongst other matters being satisfactory in terms of scale, mass, proportion, details, and materials. Paragraphs 126 and 130 of the NPPF also emphasises the importance of good design.

The application site is located on the south side of Watling Street adjacent and to the east of the junction with Star Mill Lane. Immediately adjoining the site to the east is the new Chatham Fire Station, with Camping International and a mix of other commercial properties located along the length of Watling Street. To the west the street scene is characterised by three storey buildings with commercial uses on the ground floor and with

residential apartments above. The buildings on this stretch have flat roofs set behind parapets. On the north side of Watling Street there is a mixture of two storey dwellings, some of which also have retail uses at ground floor level. Star Mill Lane then extends to the south from a traffic light-controlled junction on Watling Street. It is a residential area characterised by two storey, terraced dwellings located close to the back edge of the footpath with small front courtyard areas.

The proposed scheme has been designed in consideration of the prevailing character of development in this area, including the height, scale and design of neighbouring buildings. In this regard, and as demonstrated within the street scene elevations, the building fronting Watling Street would be proportionate in scale mass and height to the existing built form to the east and west. In addition, it would also follow the principle building line of the adjacent flats to the west, whilst providing an active frontage at ground floor level. Similarly, the proposed houses fronting Star Mill Lane would also be sympathetic to the existing residential street, and their scale, height and uniformity would not result in an incongruous form of development and would respect the prevailing pattern of development and existing dwellings in the area.

Unlike many other nearby properties, the proposal would also accommodate sufficient off-street parking for both the residential and commercial properties. Whilst from a design perspective this does result in a large area within the site dedicated to parking, it would be screened from the street scene by the placements of buildings and would also be softened by the addition of soft landscaping. Furthermore, the apartments and commercial properties to the east, and those located at Star Mill Court have a similar arrangement, with dedicated parking areas to the rear. Therefore, the proposed development and its arrangement would not appear out of character within its immediate surroundings.

Whilst when viewed alongside the new fire station the proposed materials shown on the elevations for the retail/residential building appear somewhat plain and bland, further details of the proposed external materials would be secured as a condition of the approval. In this regard there would be an expectation that a varied palette of good quality materials are used to ensure visual interest that complement the adjacent fire station. Overall, it is considered that the development would reflect the scale and height of other development nearby, and as detailed further within the amenity section would provide good quality living conditions both internally and externally. Furthermore, and when balanced against the location of the site in the urban area, and the Councils need to provide housing, the benefits of the scheme would outweigh any harm that may arise as a result of the proposal given the surrounding context.

In view of the above, and subject to a condition with respect to external materials, the proposed development is considered acceptable with regards to Policy BNE1 and H4 of the Local Plan and paragraph 126 and 130 of the NPPF.

Amenity

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

Neighbouring Residential Amenity

Due to the siting and scale of the proposed development, the distance between the principal elevations of the proposed buildings and the principal and flank elevations of the residential properties to the northern side of Watling Street (circa approx. 24m), and those on Star Mill Lane (circa approx. 14m), and when also considering the nature of the adjacent uses to the east and south (fire station and ambulance station) the proposal will not have a detrimental impact in terms of loss of outlook, privacy, sunlight or daylight. Moreover, and by virtue of the orientation of the buildings, and the location of neighbouring gardens the proposal will not have a detrimental impact with respect to overshadowing.

Due to the proximity of neighbouring properties and the potential for nuisances to be caused during the construction phase a Construction Environment Management Plan will be required and can be secured as a condition of the approval.

Amenity of Future Occupiers

The proposed new dwellings have been considered against the technical housing standards - nationally described space standard dated March 2015 (the national standard). Below is a table showing the proposed floorspace for each dwelling based on the number of bedrooms and number of bedspaces in comparison to the Technical Housing Standards Nationally Described Space Standard.

Dwelling	Number of bedrooms and bed spaces	National Standard (m ²)	Proposed (m ²)
Maisonette 1	2 Bed 3 Person	70	73
Maisonette 2	2 Bed 3 Person	70	73
Maisonette 3	2 Bed 3 Person	70	73
Maisonette 4	2 Bed 3 Person	70	73
House 1	3 Bed 4 Person	84	96
House 2	3 Bed 4 Person	84	96
House 3	3 Bed 4 Person	84	96
House 4	3 Bed 4 Person	84	96
House 5	3 Bed 4 Person	84	96

The table demonstrates that the proposed maisonettes and houses would exceed the requirements of the national standard. In addition, the bedrooms would also meet the

national standards area and width requirements and all habitable rooms would be provided with suitable outlook.

As guidance, the Medway Housing Standards (interim) November 2011 (MHDS) also states flats should have access to 5m² of private outdoor space in the form of a patio, terrace or balcony, and houses should have access to private gardens that are 10m in depth and 7m when constraints exist. The maisonettes would have access to a large private decked area measuring a minimum of 27m² in size and the houses would also have access to a private garden measuring approx. 10m in depth and as such would be considered acceptable. In view of the above the proposal is therefore in accordance with Policies BNE2 and H4 of the Local Plan and paragraph 130 of the NPPF.

Although the presence of the car park serving the commercial unit and residential properties will draw activity to the rear of the site, which in turn may impact the amenity of future occupiers, the impact from all noise related sources has been assessed and considered under the relevant section below. This also includes an assessment of the impact from existing uses (fire and ambulance station) on future occupier amenity.

Noise

The site is adjacent to a busy road, which will expose the site to high levels of road traffic noise. Other significant existing sources of noise include the adjacent fire station and ambulance station which is still currently operating from Star Mill Lane. The development will also introduce additional sources of noise associated with the proposed ground floor retail store, including plant, servicing, and delivery. These matters have been considered under the relevant headings below.

Road Traffic Noise and impact from adjacent Ambulance Station and Fire Station

The application has been submitted with a AAC Noise Assessment (ref; 100533, dated July 2022), which has considered the impact from noise from the adjacent ambulance and fire stations. It has also considered road traffic noise affecting the site, and this includes developing a propagation model for the development. The assessment also briefly considers the issues in relation to noise and ventilation, and noise in external amenity areas. The assessment of noise from the adjacent fire station indicates that plant noise is unlikely to affect the development given that the predicted noise rating levels are below the background sound level, which is indicative of a low impact in accordance with BS4142:2014. Detailed performance specifications have also been provided for glazing and background ventilation and mitigation will also be required around the amenity spaces over the ground floor commercial units (in addition to the parapet wall).

In recognition that there could also be a trade-off where achieving good internal levels requires windows to be kept closed, which during warm weather means occupants will have no control over thermal comfort with the provision of trickle vents, mechanical ventilation may also be required.

Subject to a condition requiring the submission of details of a scheme for protecting the proposed development from noise that implements the measures described in the noise assessment including further details of the proposed mechanical ventilation no objection is raised.

Car Park Noise Assessment

The application has been submitted with a NSL Car Park Noise Assessment (ref; 90814, dated 23 June 2022). Section 7 of the assessment has excluded the use of BS4142 for the consideration of car park noise, where the comings and goings of customers, and in particular vehicles is the prime concern, but noise from customers may also have an impact. Whilst it is correct that noise from people is not covered by the scope of the standard, noise from vehicles is within the scope of the standard if they form “an intrinsic part of the overall noise emanating from the premises”. This is because noise such as door slams, as well as general vehicle noise, and the particular acoustic characteristics will be accounted for in the determination of the noise rating level.

It is evident from the assessment that noise levels from customers arriving and leaving the store should be significantly lower than guideline levels with windows open. Furthermore, the predicted noise levels should be below the ambient noise levels, even during the quietest periods of trading for the store (Sunday evenings). Therefore, and subject to a condition to ensure opening hours are restricted to 07:00-23:00 Monday - Sunday no objection is raised with respect to the noise associated with the use of the car park or customers coming and going.

Delivery Noise Impact Assessment

The application has been submitted with a NSL Delivery Noise Impact Assessment (ref; 90814/DNIA, dated 23 June 2022). Following concerns raised by the Council regarding the impacts of delivery activities upon the proposed residential properties the applicant provided an updated Noise Delivery Technical Note (ref; 100533, dated 12 October 2022).

The technical note presented the delivery noise levels inside the proposed residential properties while taking into account the facade mitigation measures as detailed with AAC Noise Assessment (ref; 100533, dated July 2022). The results from the technical note demonstrate that the general mitigation determined in the AAC Noise Assessment would be sufficient for protecting residents from delivery noise when they occur. Therefore, no objection is raised subject to a condition requiring the submission of details of a scheme for protecting the proposed development from noise that implements the measures described in the noise assessment.

Plant Noise

The application has been submitted with a Plant Noise Guidance Report (ref; 90671, Rev 01, dated 23 August 2022). The Council typically require noise rating levels for

commercial noise sources to be no greater than 10dB below the background sound level to avoid noise creep, and this has not been taken into account in the assessment. As such plant noise limits have been recommended based upon a noise rating level equivalent to the background, which does not meet the Councils usual requirements, and therefore specific plant has not been assessed against the Councils noise rating level requirements. In view of this a scheme to minimise the transmission of noise from mechanical plant will need to be submitted and approved in writing prior to the occupation of the development.

As detailed within the noise section, the impacts of the proposal in relation to road traffic noise, noise from existing uses, car park noise, delivery noise and pant noise have been suitably addressed and subject to conditions as set out above no objection is raised with regards to Policy BNE2 of the Local Plan and paragraph 174 and 185 of the NPPF.

Air Quality

The site is located just outside the Central Medway AQMA and as such the application has been submitted with an Air Quality Assessment (ref; 1000533, dated June 2022). The air quality assessment has predicted that the air quality objectives are likely to be met at the worst-case receptor locations on the development site. There is also agreement between the final modelled and monitored concentrations, with the residual difference being well within the recommended +/-10%, which gives greater confidence in the conclusions of the assessment. The residual uncertainty is unlikely to affect the conclusions that the air quality objectives are likely to be met.

With the implementation of appropriate mitigation measures, which can be secured via a condition, no objection is raised with regards to Policy BNE24 of the Local Plan and paragraph 186 of the NPPF.

Contamination

The application has been submitted with a Phase 1 Geo-Environmental Desk Study and Phase 2 Report on subsoil investigations (ref; 3862/21, dated April 2021), Phase I Desk Study and Phase II Intrusive Investigation, (ref; LP2431, dated 1 February 2021), Phase III Site Investigation Report (ref; LP2431/Phase III, dated 28 June 2021) and Supplementary PFAS Investigation Report (ref; LP3092/PFOS, dated 18 November 2022).

The Environment Agency (EA) originally objected to the application as insufficient information had been submitted to demonstrate potential risks to controlled water due to contamination. However, during the course of the application, and in response to concerns raised by the EA regarding the possible presence on the site of polyfluoroalkyl and perfluoroalkyl substances (PFAS) associated with the former use of the fire station additional information was submitted by the applicant.

Following the receipt of this additional information the EA have confirmed that the recommendations and analysis of risks and liabilities detailed in the Supplementary PFAS Investigation Report (ref; LP3092/PFOS, dated 18 November 2022) are agreed in principle, however the report does show some areas of concern, especially related to PFAS contamination. The EA have confirmed that the proposed remediation works as set out in the report are also acceptable, however verification sampling in hotspot excavations will need to meet agreed target values and the extent of excavations will also need to be agreed with the EA. This may mean excavations need to be temporally backfilled, or made safe, until validation results are received from the laboratory and outcomes agreed with the regulators. On the basis of the additional information submitted the EA have now removed their objection.

Subject to conditions requiring the submission of a strategy to deal with the potential risks associated with any contamination, and further conditions with respect to surface water drainage and piling no objection is raised in regard to Policy BNE23 of the Local Plan and paragraphs 183 and 184 of the NPPF.

Highways

Policy T13 of the Local Plan and paragraph 111 of the NPPF states development proposals will be expected to make vehicle parking provision in accordance with the adopted residential parking standards. In addition, Policy T2 of the Local Plan states that where proposals involve the formation of a new access, they must not be detrimental to the safety of vehicle occupants, cyclists and pedestrians. Policy T3 of the Local Plan also requires development proposals to provide a safe and accessible pedestrian environment.

The development comprises the construction of a total of 9 residential units with a retail unit on the ground floor of the building fronting Watling Street. In terms of access, the proposal would include a new access along Star Mill Lane which would be situated a sufficient distance from the controlled junction with Watling Street and would provide adequate visibility splays. In this regard, it is not considered that any material impact on highway safety or function would result from the proposed new access, and the proposal would provide suitable arrangements for delivery and servicing vehicles in the form of a turning head and loading bay within the confines of the site.

In terms of parking, the proposal would provide a total of 18 parking spaces for the residential units. This would meet the adopted residential parking standards for a development of this size which would require a total of 16 spaces. In addition, the proposal would also provide a total of 2 visitor parking spaces. Gates would also be installed at the access to the residential parking area to prevent conflict and irresponsible parking by those visiting the retail unit. Further details of which would be secured as part of a parking management plan condition. This would also require further details of how the onsite parking provision will be managed.

In terms of the commercial aspect, 15 parking spaces would be provided for the ground floor retail unit with a loading bay of a sufficient size to accommodate HGV vehicles. Given the size of the retail unit and the number of spaces proposed, this provision is considered acceptable.

It should be noted that the NPPF has put sustainable development as a central core and Paragraph 112E outlines that development should provide electric charging facilities, therefore suitably worded conditions have been attached to fulfil this objective for both the residential and commercial aspects of the scheme. This includes 1 electric vehicle charging point per residential unit and for the commercial development to have at least 33% active EV charging points (5 spaces) with 66% passive EV charging points.

With regards to cycle storage, although limited details have been provided at this stage, there is sufficient capacity within the site to accommodate such provision for both the residential and commercial aspects of the development, further details of which can be secured by condition.

In view of the above, and with the aforementioned conditions with respect to EV charging points, cycle parking and a parking management strategy no objection is raised under Policies T1, T2, T4 and T13 of the Local Plan and paragraph 111 and 112 and 130 of the NPPF.

Flood Risk

The applicant has submitted a Flood Risk Assessment and Drainage Strategy (ref; 4410 FRA P01, dated 25 May 2022). The site lies within Flood Zone 1 according to the Environment Agency mapping and the mapping also shows that the site is not at risk of surface water flooding. An assessment of peak foul water flow has been carried out and it is proposed that the foul network is connected to the existing public foul sewer within Star Mill Lane. In addition, surface water will be connected indirectly to the public surface water sewer taking into account of a 40% allowance from increased rainfall intensities as a direct result of climate change.

Subsequently and in view of the FRA that has been submitted the proposal has adequately assessed the impacts of the development against the risk of flooding. Therefore, and subject to conditions requiring further information with respect to sustainable drainage principles, a construction surface water management plan and a drainage verification report no objection is raised in regard to Policy CF13 of the Local Plan and paragraph 167 of the NPPF.

Climate Change and Energy Efficiency

The Planning Agent has submitted a climate change statement (ref; 1017/ICM/CCEES, dated May 2021) which is summarised as follows:

- Dwellings will be constructed such as to achieve a minimum of Level 5 under the Code for Sustainable Homes (or current equivalent) whilst the retail shop unit will be constructed to achieve BREEAM “Very Good”.
- All construction materials will meet the requirements of the latest Building Regulations and in particular Part L (Energy Use). All materials used in the building construction will meet the BRE Green Guide A+ rating.
- Materials which have the lowest overall environmental impact over the lifecycle of a product as calculated by BRE will be used.
- Energy consumption will be reduced through energy saving devices. Fixed light fittings will be designated energy efficient fittings, e.g., using LED lamps. All kitchens/utility rooms will have white goods including fridge, freezers, washing machines, dishwashers and tumble dryers as ‘A+++’ rated as far as possible, while taps, fittings and WCs will be low water consuming.
- Domestic hot water will be provided by electric heat pump technology utilising under floor heating to provide energy efficient comfort conditions. The retail unit will also use heat pump technology for heating, cooling and domestic hot water.
- A whole home ventilation system will be installed for each dwelling to provide fresh air at all times of year without the need to rely upon opening windows. The system will incorporate heat recovery utilising heat from the exhaust air.
- Double-glazing will be used on all dwelling windows and doors, acoustic control type to the north elevation. Cavities between glass panels will be filled with Argon. This will provide a high standard of both sound and thermal insulation.
- Cabling for high rating electric car charging points will be installed at parking positions at the rate of 1 no. per dwelling.
- Provision is made in dedicated compounds for appropriate storage of refuse and recycling.
- As much use as possible will be made of recycled (and recyclable) materials including, wherever possible, materials arising from the clearance of the old built fabric (e.g., hardcore materials from crushing on-site concrete). Preference will also be given to recycled materials wherever possible.
- Surface water drainage will be by SUDS principles with porous paving and soakaways.

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 (excluding legal and monitoring officer’s costs, which separately total £550) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. This tariff should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation).

These strategic SAMMS mitigation measures are being delivered through Bird Wise North Kent, which is the brand name of the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) Board, and the mitigation measures have been informed by the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMB) produced by Footprint Ecology in July 2014. Further information regarding the work being undertaken is available at The Bird Wise website which can be found at <https://northkent.birdwise.org.uk/about/>.

The applicants have agreed to pay this tariff should a resolution to approve be agreed. No objection is therefore raised under Policies S6 and BNE35 of the Local Plan and paragraphs 180 and 181 of the NPPF, on the basis that this contribution can be secured before a decision is issued if a resolution to approve the application is made.

A decision from the Court of Justice of the European Union detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive. Given the need for the application to contribute to the North Kent SAMMS, there is a need for an appropriate assessment to be carried out as part of this application. This is included as a separate assessment form.

Local Finance Considerations

None relevant.

Conclusions and reasons for Approval

It is considered that the scale, mass and design of the proposal would respect the character of the existing streetscene and there would be no detrimental impact on the amenities of future occupiers, neighbouring residential amenities or highways safety. The application is therefore in accordance with Policies S1, S2, S6, BNE1, BNE2, BNE23, BNE24, BNE35, H4, CF13, T1, T2, T4 and T13 of the Local Plan, the advice set out in paragraphs 11, 60, 81, 88, 111, 112E, 119, 120, 126, 130, 167, 174, 180, 181, 183, 184, 185 and 186 of the NPPF.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the number of objections received contrary to this recommendation.

Background Papers

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

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