

**MC/22/3002**

**Date Received:** 21 December 2022  
**Location:** Land Rear Of 161-163 High Street Strood  
Rochester Medway  
**Proposal:** Construction of a three-storey block comprising of six flats with associated landscaping and bin/cycle store  
**Applicant** SN Crest Ltd  
Mr Sola Noah  
**Agent** AH Designs Studio Ltd  
Mr T Alege  
4 Fennswood Close  
Bexley  
DA5 1QJ  
**Ward:** Strood South Ward  
**Case Officer:** Madeline Mead  
**Contact Number:** 01634 331700

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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 March 2023.**

**Recommendation - Approval with 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 21 December 2022:

221214-21 Proposed roof plan  
221214-22 Proposed north and south elevations.

Received 13 February 2023

221214-20A Proposed floor layout  
221214-23A Proposed east and west elevations  
221214-30A Proposed site layout  
221214-31A Proposed block plan

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

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

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

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

- 5 No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and

historical environment has been prepared and submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

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

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and 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 an Air Quality Emissions Mitigation Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall include full details of how the standard mitigation measures set out in section 5 of the Medway Air Quality Planning Guidance shall be addressed. The development shall be implemented, and thereafter maintained in accordance with the measures set out in the approved Mitigation Statement.

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

- 9 No development shall take place until a scheme of acoustic protection 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 (L<sub>Amax</sub>) 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: Required before commencement to ensure that the development does not prejudice the amenities of future occupants in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 10 No development including any excavation works shall take place until a specification and timetable for the implementation of archaeological field evaluation works have been submitted to and approved in writing by the Local Planning Authority. The archaeological field evaluation works shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard the archaeological interest in the site in accordance with Policy BNE21 of the Medway Local Plan 2003.

- 11 Following archaeological field evaluation works as required by condition 10, a programme of post excavation assessment and publication shall be submitted to and approved in writing by the Local Planning Authority. Any safeguarding, preservation and publication shall be implemented in accordance with the approved details.

Reason: To safeguard the archaeological interest in the site in accordance with Policy BNE21 of the Medway Local Plan 2003.

- 12 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.

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

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

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

- 14 No development above slab level shall take place until an energy efficiency and climate change statement has been submitted to and approved in writing by the Local Planning Authority. The development herein approved shall incorporate the approved measures to address energy efficiency and climate change.

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.

- 15 The development herein approved shall incorporate the measures to address energy efficiency and climate change as required and approved under condition 13 of this planning permission. The development shall not be occupied until a verification report prepared by a suitably qualified professional has been submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been implemented.

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

- 16 Notwithstanding the submitted drawings, no part of the development shall be occupied until details of cycle storage facilities (1 per each residential unit) including the provision of individual have been submitted to and approved in writing by the Local Planning Authority. The cycle storage facilities shall be implemented in accordance with the approved details prior to occupation.

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

- 17 Prior to the occupation of the flats herein approved, the refuse/recycling store as outlined on drawing number 221214-30, shall be implemented and thereafter retained in accordance with the approved plans.

Reason: To ensure the provision of satisfactory refuse/recycling storage in the interest of amenity and in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 18 Prior to occupation of any flat herein approved, details of any lighting to be installed within the site along with a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and thereafter maintained.

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

- 19 Prior to the occupation of any flat herein approved, details of all boundary treatments including a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be 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 occupation of any flat herein approved 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.

- 20 Prior to the occupation of any flat herein approved details of a scheme of hard and soft landscaping along with a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The landscaping shall be implemented in accordance with the approved details and shall be maintained thereafter.

Reason: To protect and enhance the appearance and character of the site and locality, in accordance with Policies BNE1 and BNE6 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 three-storey block comprising six flats with associated landscaping and bin/cycle store.

The building would have a depth of up to approx. 15m, width of up to approx. 10.5m and height of up to approx. 12.2m. The building would have a pitched roof and balconies are proposed to the south elevation.

The building would be located to the rear of 161-163 High Street, fronting the Temple Street car park. Access to the proposed development would be via either the passage to the side of 163 High Street or from Temple Street car park. All of the flats would comprise living room/kitchen, bedroom with en-suite.

### **Site Area/Density**

Site Area: 0.02 hectares (0.06 acres)

Site Density: 300 dph (100 dpa)

### **Relevant Planning History**

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|------------|--|
| MC/22/1533 | Application for a non-material amendment to MC/21/3554 to reduce the storeroom to provide separation between the shop and flats.<br>Decision: Approval with conditions<br>Decided: 20 July 2022                                    |
| MC/21/3554 | Demolition of the existing single storey rear store and construction of a new store and three flats over three floors to the rear of the storeroom<br>Decision: Approval with conditions<br>Decided: 9 February 2022               |
| MC/18/0141 | Outline planning application with some matters reserved (landscaping) for construction of a detached block comprising six 1-bedroom flats (Resubmission MC/17/2202)<br>Decision: Approval with conditions<br>Decided: 5 April 2018 |
| MC/17/2202 | Outline application with matters reserved (landscaping) for construction of a two-storey block comprising of seven 1-bedroomed self-contained flats.<br>Decision: Refusal<br>Decided: 15 September 2017                            |

### **Representations**

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

**One** letter of objection has been received with the following comments:

- Loss of outlook
- Loss of light
- Impact on emergency access to the rear of the existing properties

**Southern Water** have advised that the proposed development would lie over an existing public surface water sewer, which will not be acceptable, however, they have advised that it might be possible to divert the sewer, as long as it would not result in an unacceptable loss of hydraulic capacity. They have also advised that a sewer now deemed to be public could be crossing the development site.

## **Development Plan**

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2021 (NPPF) and are generally considered to conform. Where non-conformity exists, this is addressed in the Planning Appraisal section below.

## **Planning Appraisal**

### *Principle*

Policy H4 of the Local Plan states that residential development in the form of the use of vacant or derelict land is acceptable providing that a clear improvement in the local environment will result. Paragraph 11 of the NPPF states that decisions should also apply a presumption in favour of sustainable development. The site is located within the urban area of Strood on the edge of the core retail area, within a commercial area that has some residential accommodation above. Subject to compliance with the detailed matters of these policies which are subject to assessment below, the principle of the site for residential development is considered acceptable given the mixed residential and commercial character of the area.

### *Design*

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

The block of flats would be visible from Temple Street car park and a small area within Commercial Road. The existing properties within the immediate vicinity are two storey with either pitched or flat roofs and are either in full commercial use or commercial with residential above.



The design of the building has a staggered frontage and would be three storeys in height, with a gable ended roof. Balconies would be provided to the front of the building (facing Temple Street car park) to serve each of the flats.

Overall, in terms of the design it is considered the development is appropriate in relation to the character, appearance and functioning of the built and natural environment in terms of its use, scale, mass, layout and siting, It is also considered that the development would respect the scale, appearance and location of buildings, spaces and the visual amenity of the surrounding area in general conformity with the criteria set out in Policy BNE1 of the Local Plan and paragraphs 126 and 130 of the NPPF. A condition is recommended for the materials to be submitted.

### *Amenity*

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

### Neighbouring Residential Amenity

The building to the west of the application site is in commercial use at ground floor level and is in residential use at first floor level. The building to the east at ground floor level is in commercial use and at first floor level, appears to be in residential use, however, no planning history can be found for the conversion to residential. This residential unit has high level windows within the flank wall and to the rear, two windows and a door. Due to the siting and height of the proposed development there would be some impact on these residential units in terms of some loss of outlook, however, it is not considered to be significantly detrimental to the amenity of the occupiers.

The building to the north is two storeys with a single storey rear projection. The first floor of the building is separated into three flats. The windows to the rear of the building facing the development site are a mix of clear and obscure glazed and either serves bathrooms or kitchens. In consideration of the commercial use of this building and the rooms the windows serve on the residential units at first floor level, it is not considered that the development would have a detrimental impact on these buildings in terms of outlook, daylight, sunlight and loss of privacy. The single storey projection is not in residential use.

### Amenity of Future Occupiers

With regard to the amenities of the future occupiers, the proposed flats have been considered against the technical housing standards - nationally described space standard dated March 2015.

The proposed flats would comprise six 1B1P units. The national described standards

require a gross internal floor area of 37m<sup>2</sup> for a 1B1P unit with the single bedroom having a minimum gross internal floor area of 7.5m<sup>2</sup>. All of the proposed flats would meet with this standard. The proposal is therefore considered to provide adequately sized living accommodation for future occupants of the units.

Each of the flats are provided with private balconies that would have a floor area of either 6.5m<sup>2</sup> or 9.8m<sup>2</sup> and therefore it is considered that the future occupants would be provided with adequate private amenity space.

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

Overall, no objections are raised in terms of the impact on amenities of both the future occupiers and neighbours and the proposal is considered to comply with Policy BNE2 of the Local Plan and paragraph 130(f) of the NPPF.

### *Refuse Storage*

A refuse storage area is proposed to the east of the building to serve the flats. It is considered that the area proposed would be sufficient to provide adequate refuse storage provision for future occupants. A condition is recommended to secure this storage area.

### *Highways*

The site is in a town centre location with good access to public transport where the nearest bus stop is along London Road, approx. one minute walk from the site, and the nearest train station being Strood station, approx. a ten-minute walk from the site.

The Medway Council's Interim Residential Parking Standards require the provision of a minimum of one parking space per unit making a requirement of six parking spaces. The proposed development does not provide any parking spaces for the future occupants of the development. The application proposes a car free development due to the flats being in a sustainable location and this is considered acceptable.

Three cycle storage spaces, to serve the development, have been proposed underneath the ground floor balcony. Cycle storage is also proposed to the rear of the proposed building, and it is advised on the drawing that these spaces are for flats and the shop. A total of nine cycle parking spaces are proposed. For a development of six flats a total of six cycle parking spaces would be required, however, the cycle storage proposed would not be considered acceptable due to the dimensions, as the width between Sheffield stands would need to be a minimum of 1m and the offset distance from the wall of the cycle store would need to be 600mm. The cycle storage would also need to be completely covered.

A condition is recommended for details of cycle storage facilities (including the provision of individual cycle storage lockers) and the location of these to be submitted.

With the above recommended conditions imposed, the development is considered to be acceptable in terms of Policies T1, T2, T4 and T13 of the Local Plan and paragraphs 111 and 112 of the NPPF.

### *Archaeology*

The site lies towards the western extent of the historic core of Strood. The alignment of the Roman road extends down the High Street and there is potential for Roman roadside activity. Strood developed as a Medieval town and the High Street would have been a focus for Medieval and Post Medieval activity especially within c.60m of St Nicholas' Church. The 1<sup>st</sup> Ed OS map indicates buildings fronting the High Street in the 19<sup>th</sup> century with a smithy to the east.

The application site has been subject to historic groundworks and several phases of redevelopment, but the area of proposed works is towards the rear of main buildings and possibly within open space or garden areas. More recent development may have impacted on the survival of archaeology, but current information suggests there is potential for archaeology to survive.

The application is not supported by any assessment of archaeology; however, it is considered that archaeological issues could be addressed through a condition and therefore a condition is recommended to secure this.

With the abovementioned condition imposed, it is considered that the development would comply with Policy BNE21 of the Local Plan and paragraph 194 of the NPPF.

### *Contamination*

The application has been submitted with a Phase 1 Desk Study by Lustre Consulting Limited. The assessment comprises a review of historical data, a site walkover, conceptual site model and preliminary risk assessment. The report recommends further limited intrusive investigation due to the potential for made ground on the site and therefore conditions are recommended.

With the abovementioned conditions imposed, it is considered that the development would comply with Policy BNE23 of the Local Plan and paragraph 183 of the NPPF.

### *Air Quality*

The site is located adjacent to the Central Medway Air Quality Mitigation Area (AQMA). The proposed flats are set back from the road sufficiently, such that air quality is likely to be satisfactory. Indications show that levels of air pollution are unlikely to exceed

the relevant air quality objectives at the rear of the site. Therefore, mitigation to protect future occupiers is not required. However, it is recommended that the impact the development itself has on the air quality management area is mitigated against in accordance with the Medway Air Quality Planning Guidance. A condition is therefore recommended to secure this.

With the abovementioned condition imposed it is considered that the development would comply with Policy BNE24 of the Local Plan and paragraphs 174 and 186 of the NPPF.

### *Noise*

The application was submitted with a noise assessment by Lustre Consulting Limited. A number of assumptions have been made within the report and therefore a condition is recommended for a scheme of acoustic protection to be submitted.

With the abovementioned condition imposed, it is considered that the development would comply with Policy BNE2 of the Local Plan and paragraph 185 of the NPPF.

### *Climate Change and Energy Efficiency*

A climate change and energy efficiency statement has not been submitted with the application and therefore a condition is recommended for a statement to be submitted.

### *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 (SAMM) 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 applicant has submitted a SAMMS Mitigation Contribution Agreement and payment and therefore no objection is therefore raised under Policies S6 and BNE35 of the Local Plan and paragraphs 180 and 181 of the NPPF.

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.

### **Conclusions and Reasons for Approval**

The proposed development would respect the character of the area in terms of scale and design and neighbouring and future occupier amenity. The proposal would comply with Policies BNE1, BNE2, BNE21, BNE23, BNE24, BNE35, H4, S6, T1, T2, T4 and T13 of the Local Plan and paragraphs 111, 112, 126, 130, 154, 174, 180, 181, 183 and 185 of the NPPF.

The application would normally be determined under delegated powers but is being referred for Committee determination at the request of Councillor Hubbard.

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### **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/>