

MC/23/0685

Date Received: 20 March 2023
Location: 20 Broom Hill Road and land to the rear, Strood, Rochester
ME2 3LE
Proposal: Outline application with some matters reserved (appearance and landscaping) for the demolition of existing buildings and construction of 26 flats set across 3 blocks of flats with associated access, refuse storage and parking.
Applicant Freshbloom Ltd
Freshbloom
Agent Ubique Architects
Mr Joel Jenkins
Ubique Architects
11 Ashford House,
Beaufort Court
Sir Thomas Longley Road
Rochester
ME2 4FA
Ward: Strood North and Frindsbury Ward
Case Officer: Tom Stubbs
Contact Number: 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 23rd October 2024.

Recommendation - Approved Subject to:

- A. The applicant entering into a legal agreement under the terms of Section 106 of the Town and Country Planning Act 1990 to secure:
- £88,684.96 green spaces contribution. Split £84,250.712 would go towards improvements within the vicinity of the development and £4,434.248 (5%) would go towards the Great Lines Heritage Park.
 - £23,983.17 Education contribution. Broken down:
 - (i) £5,492.94 for nursery provision within 2 miles of the application site or SEND education in Medway.
 - (ii) £6,120.70 for primary provision within 2 miles of the application site or SEND education in Medway.
 - (iii) £12,369.53 for secondary provision within Medway.
 - £6,368.96 community contribution towards community facilities within the vicinity of the site.

- £5,740.28 libraries contribution towards equipment and facilities at Strood Library.
- £21,979.62 health contribution towards extension/refurbishment or upgrading of existing proactive premises within the vicinity or contribution to a new facility.
- £2,722.20 youth services contribution towards youth services facilities and events across Medway.
- £6,014.84 waste contributions towards waste and recycling services.
- £8,462.74 sports contribution towards sports facilities improvements to Strood Sports Centre.
- £9,895.34 Heritage and museums contribution towards Rochester Castle.
- £8,085 towards public realm improvements to Strood Town Centre.
- £8,535.02 towards strategic measures in respect of the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites.
- 25% Affordable Homes provision.
- Meeting the Council's costs.

B. The imposition of the following conditions:

- 1 Approval of the details of the appearance of the buildings 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.

- 2 Plans and particulars of the reserved matters referred to in Condition 1 above 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 three years from the date of this permission and the reserved matters shall be carried out in accordance with the approved details.

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

- 3 The development to which this permission relates 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.

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

Received 9 April 2024:

PL-10 Rev P6 - Proposed Site Plan - First Floor
PL-11 Rev P6 - Proposed Site Plan - Ground Floor
PL-12 Rev P3 - Proposed Block A Floor Plans - Ground to 3rd Floor
PL-13 Rev P3 - Proposed Block A 4th Floor and Roof Plan
PL-14 Rev P3 - Proposed Block B Floor Plans
PL-15 Rev P4 - Proposed Block C Floor Plans
PL-16 Rev P7 - Location and Block Plan, Site Sections
PL-17 Rev P3 - Block A - Proposed Elevations
PL-18 Rev P3 - Block B - Proposed Elevations
PL-19 Rev P3 - Block C - Proposed Elevations
PL-20 Rev P2 - Pepy's Way Proposed Street Scene

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

- 5 Applications for the approval of reserved matters in relation to landscaping for a phase or sub-phase shall include full details of both hard and soft landscape works, any artefacts to be located within the public space of that phase or sub-phase and a timetable for implementation. These details shall include existing and proposed finished ground levels; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; all paving and external hard surfacing; decking; minor artefacts and structures (play equipment, seating, refuse receptacles, planters, tree grilles, any other decorative feature(s)). 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. Details of how the development will enhance biodiversity to include green roof habitat, a native species planting and integrated bird nest bricks.

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.

- 6 Applications for the approval of reserved matters in relation to appearance shall include details and samples of all materials to be used externally. 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 and the historic environment, in accordance with Policies BNE1, BNE14, BNE18 and BNE20 of the Medway Local Plan 2003.

- 7 No development shall take place until the implementation of a programme of archaeological work has been secured in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority. The archaeological works shall thereafter be carried out in accordance with the approved specification.

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

- 8 No development shall commence until a review and update of the bat mitigation strategy informed by updated bat surveys has been submitted to and approved in writing by the Local Planning Authority. The updated mitigation strategy must be based on the information within the Ecological Appraisal (Bioscan; March 2023). The mitigation must be implemented in accordance with the approved details and the bat mitigation zone identified in the approved strategy 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 (as amended) (or any order amending, revoking or re-enacting that Order) shall be carried out within the bat mitigation zone so shown or in such a position as to have a detrimental effect on the approved mitigation zone. The final landscaping is to be confirmed within the landscaping reserved matters condition and retained thereafter in accordance with the approved details.

Reason: Required prior to commencement in order to minimise the impact of the construction period on the amenities of local residents, the countryside, wildlife and habitat and with regard to BNE37 and BNE39 of the Medway Local Plan 2003.

- 9 No development shall take place until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of working, parking of operatives vehicles, deliveries to the site, noise, dust and lighting the effect on wildlife and habitats arising from the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The construction works shall thereafter be undertaken in accordance with this approved plan.

Reason: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents, the countryside, wildlife and habitat and with regard to Policies BNE2, BNE37 and BNE39 of the Medway Local Plan 2003.

- 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 thereafter be undertaken in accordance with the approved scheme.

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 168 of NPPF

- 11 No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

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

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

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

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

- 12 No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority.

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.

- 13 No Piling or any other foundation designs using penetrative methods shall 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 180 of the National Planning Policy Framework.

- 14 No development shall take place above ground floor slab level until details of the provision of 1 electric vehicle charging point per dwelling 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 the charging points shall thereafter be maintained in working order.

Reason: In the interests of sustainability in accordance with paragraph 116(e) of National Planning Policy Framework 2023.

- 15 No development within shall take place above slab level until details of the following architectural elements have been submitted to and approved in writing by the Local Planning Authority:

Ridge, eaves, verge, dormers, brick bonding & joint types, mortar colours, scheme colourways, entrance recess soffits, solar panels & brackets, balcony structures, balustrades, handrails, parapets & capping's, balcony recesses, window and door cills - jambs - heads, ground connections, wall plane changes, junctions at material changes, visible flashings, roof vents, electricity cupboards, waste enclosures, boiler and other flume placements. Continuous annotated wall/roof sections at 1:20 or 1:10.

The development shall be implemented in accordance with the approved details and shall be retained thereafter.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity and the historic environment, in accordance with Policies BNE1, BNE14, BNE18 and BNE20 of the Medway Local Plan 2003.

- 16 No part of the development shall be occupied until the final details of the Travel Plan, including the use of car clubs, have been submitted to and approved in writing by the Local Planning Authority. Implementation of those parts identified in the approved Travel Plan as being capable of implementation shall then be implemented in accordance with an approved timetable.

Reason: To ensure the sustainable transport objective related to the development of this site and to reduce potential impact on the surrounding area in accordance with Policy T14 of the Medway Local Plan 2003.

- 17 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 unit and shall thereafter be retained.

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

- 18 Prior to the first occupation of the development herein approved, a landscape management plan, shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include long term design objectives, management responsibilities and maintenance schedules for all 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. Prior to any handover of the maintenance of the public landscape areas to a management company, there must be a site visit involving the LPA, the proposed landscape management company and the developer. The site visit will include a review of the site area proposed to be transferred to the management company and will assess whether the approved landscape plans have been implemented as approved, the condition and maintenance of all planting and what measures are necessary prior to a handover to the management company. The results of the site visit/walk over shall be submitted to and approved in writing by the Local Planning Authority and the agreed requirements in terms of re-planting/maintenance shall be undertaken prior to any hand over to the management company.

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

- 19 No dwelling shall be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before any dwellings are 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.

- 20 Prior to the first use of any of the buildings (or within an agreed implementation schedule), a signed verification report carried out by a qualified drainage

engineer (or equivalent) must be submitted to and approved in writing by the Local Planning Authority to confirm that the agreed surface water systems 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: To ensure a suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk on site or elsewhere in accordance with paragraph 175 of the National Planning Policy Framework 2023.

- 21 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the Sustainable Design section of the design and access statement. 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 159 the National Planning Policy Framework 2023.

- 22 No dwelling shall be occupied until the s278 works regarding the junction and tactile paving have been completed.

Reason: Development without provision of would the junction improvements would likely to lead to highway safety issues and in accordance in accordance with Policy T1 of the Medway Local Plan 2003.

- 23 No part of the development shall be occupied until the final details of the cycle storage facilities have been submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be implemented in accordance with the approved details and thereafter retained.

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

- 24 Prior to the occupation of any dwelling herein approved, the area shown on the submitted drawing PL-11 Rev P6 as vehicle parking spaces shall be provided, surfaced and drained. Thereafter the vehicle parking spaces 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/garaging.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking and in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

- 25 No part of the development shall be occupied until details of how the development will enhance biodiversity have been submitted to and approved in writing by the Local Planning Authority. This should include integrated and/or wall-mounted bird and/or bat boxes and native species planting. Wall-mounted boxes will be made of woodcrete to secure a suitably long-term and low maintenance biodiversity enhancement for the site. Any boxes for birds will be targeted at red or amber listed species (as per the latest British Trust for Ornithology Birds of Conservation Concern list). The approved measures will be implemented and retained thereafter.

Reason: To provide ecological enhancements in accordance with paragraph 180 of the NPPF.

- 26 Prior to the installation of any external lighting on the site, details of such lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include height, position, external appearance, any shielding, light intensity, colour, spillage (such as light contour or lux level plans showing the existing and proposed levels) and hours of use] together with a report to demonstrate its effect on the landscaping of the site (including an overlay of the proposed lighting onto the site landscaping plans), the rural landscape, nearby residential properties, bats (including reference to the recommendations of the Bat Conservation Trust) and of how this effect has been minimised. Any external lighting shall be implemented in accordance with the approved details.

Reason: In order to limit the impact of the lighting on the landscaping of the site, the surrounding landscape, nearby residents and wildlife and with regard to Policies BNE1, BNE2, BNE5, and BNE39 of the Medway Local Plan 2003.

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

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003 and 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 from previously unidentified contamination sources at the development site in line with paragraph 180 of the National Planning Policy Framework.

- 28 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) 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.

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 outline planning permission with some matters reserved (appearance and landscaping) for the demolition of existing buildings and construction of 26 flats set across 3 blocks of flats with associated access, refuse storage and parking. The mix would include 10 one bedroom units and 16 two bedroom units of which 6 units (3x1 bed and 3x2 bed) would be of an affordable provision.

The application would redevelop the existing dwelling at 20 Broomhill Road, the residential garden of 18 Broomhill Road and the garage blocks on site which are to be demolished. The existing entrance is to be utilised to provide an access road through the site to the 3 blocks of flats, 36 parking spaces, play areas and amenity spaces. Three blocks of flats are proposed. Block A would be located to the rear of the site with an undercroft for access to parking to the rear of the site. Blocks B and C would be located towards the Western boundary of the quarry and Broom Hill Road.

Block A is flat roof building with a mixture of four and five storeys (including ground floor) measuring approx. 24m wide, approx. 16.2m in depth and maximum heights of approx. 12.6m for the four storey section and approx. 15.6m for the five storey section. There are proposed to be 14 flats in this block including 4 one bedroom flats and 10 two bedroom flats. Cycle storage and bin storage will be within the ground floor.

Block B is a flat roof building with a mixture of three and four storeys (including ground floor) measuring approx. 20.5m in width, approx. 9.6m in depth and maximum heights of approx. 9.6m for the three storey section and approx. 12.5m for the four storey section. There are proposed to be 14 flats in this block including 4 one bedroom flats and 10 two bedroom flats. Cycle storage and bin storage will be within the ground floor.

Block C is a flat roof three storey building (including ground floor) measuring approx. 18.7m wide, approx. 9.7m in depth and a maximum height of approx. 9.6m.

Landscaping is a reserved matter. However the applicants have submitted a landscape master plan which shows indicative areas for play space, planting and a bat mitigation zone.

The scheme was originally submitted for 33 flats but subsequently amended to remove a storey on each block and thereby reduce the number of flats proposed to 26.

Site Area/Density

Site Area: 0.359 hectares (0.887 acres)
Site Density: 72.423 dph (23.312 dpa)

Relevant Planning History

Application site

- MC/23/0068 Application for approval of reserved matters being appearance and landscaping pursuant to outline planning permission MC/20/3293 with some matters reserved (appearance and landscaping) for construction of 8 houses and widening of existing vehicular entrance and drive.
Decision: Approved with conditions
Decided: 7 July 2023
- MC/20/3293 Variation of condition 4 of planning permission MC/19/1708 to enable minor material amendments to raise ground levels of lowest part of site by 0.9m to create a more level development and to improve on FFL in relation to flood levels. Introduce a small sleeper retaining wall as a boarder to gardens to increase garden sizes. Minor adjustments layouts and roof heights for all dwellings. Slight increase to building foot print to make Houses 2-5, 4 beds. Slight increase to building foot prints of House 6-8 to make them 3 beds. Shifting House 1 to the South and alteration to make a 4 bed, moving parking space 3 and 4 to correlate better with House 2 and to give space for visitor parking spaces. Adjustment to site entrance to locate parking spaces allocated for no 18 next to no 18 and to improve size of House 8 garden.
Decision: Approved
Decided: 28 June 2021
- MC/19/1708 Outline application with some matters reserved (appearance and landscaping) for construction of 8 houses and widening of existing vehicular entrance and drive - demolition of existing garages.
Decision: Approved with conditions
Decided: 7 February 2020
- MC/17/2921 Outline application with some matters reserved (appearance and landscaping) for construction of nine dwellings with associated widening of existing vehicular access and hardstanding.
Decision: Withdrawn
Decided: 4 July 2018

1 Pepys Way

MC/21/1823

Construction of a two storey side extension, part single storey, part two storey rear extension and a single storey front extension together with excavation to form a lower ground floor level, to create nine, 1-bed flats with associated car and cycle parking and refuse storage.

Decision: Refused

Decided: 30 September 2021

MC/21/3392

Construction of a two storey side extension; part single/part two storey rear extension and a single storey front extension together with excavation to form a lower ground floor level, to create 7 self-contained flats with associated car and cycle parking and refuse storage - resubmission of application MC/21/1823.

Decision: Refused

Decided: 14 January 2022

Appeal Dismissed: 18 August 2022

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties. Environment Agency, Natural England, KCC Archaeology, KCC Biodiversity, UK Power Networks, Southern Water, Southern Gas Networks, Kent Police, NHS, National Grid, Kent Wildlife Trust and the RSPB have also been consulted.

89 letters of objection have been received from 58 different addresses/households. Duplicate letters of objection from objectors have been received following re-consultation on the revised plans. The representations raise the following concerns:

- Flats out of character with the area and overdevelopment of the site. Site more suited for the approved housing schemes of MC/19/1708 and MC/20/3293).
- Impact on neighbours including overlooking, sunlight, daylight, noise and disturbance.
- Concerns with junction safety, traffic generation, lack of parking and impact that would have on existing parking pressure in both Broomhill Road and Pepys Way and at its junction. This was a reason for refusal for the 2021 application for flats at 1 Pepys Way. Questioning accuracy of trip generations set out.
- Air quality issues from the increased traffic.
- Site more appropriate for family homes/bungalows (similar to previous approvals) than flats.
- Impact on wildlife including bats within the caves. Land cleared of vegetation.
- Lack of local infrastructure to cope with additional residents (schools, GPs etc)
- Impact on listed buildings and conservation area.
- Stability of pit faces.
- Concerns over waste provision/management.

Cllr Field (prior to being a Cllr) objected to the scheme, prior to the reduction of units, raising the following concerns.

- Provision of poor visual amenity and housing provision for the location.
- Concerns of the transport assessment (*which was updated when the scheme was revised*).
- Concerns about overflow parking onto Broom Hill Road and Pepys Way.
- Concerns over the poor amenity and landscaping provided which could result in anti social behaviour, (*this has been updated in the revised scheme*).
- The originally consented development would be better suited for the site.

The City of Rochester Society have written to object that it is an overdevelopment of the site, out of character and scale to the surrounding area. It will result in overlooking of surrounding neighbours, loss of habitat and add to flood risk in the area.

Southern Water have objected raising concerns about the hydrological assessment of the site and concerns about any sustainable drainage strategies including infiltration due to the sensitive nature of the site within a source protection area and enhanced treatment mitigations would be required. They indicate if an application is recommended for approval an informative should be imposed that pre commencement of development means of foul water and surface water details shall be submitted to and discharged by the Local Planning Authority in consultation with Southern Water.

The letter also provides details of their equipment onsite and provides details of what can be provided within the vicinity of their equipment. The letter also indicates that Southern Water can facilitate the water supply for the proposed development but this would require a formal application to be made by the applicant. *An informative will be added to any decision bringing the applicants attention to all Southern Water comments.*

The Environment Agency have written to indicate that planning permission could be granted for the proposed development subject to conditions and informative. The first condition is unexpected contamination. Secondly a piling condition to control the design and type of piling undertaken to prevent risk of mobilised contaminants onto ground water sources. They indicate that surface water drainage could be difficult to achieve infiltration on site and suggest a condition is imposed that no surface water infiltration is permitted unless express consent is granted from the local planning authority. They indicate that only clean uncontaminated water should drain to the surface water system and appropriate pollution controls will be required. A foul drainage strategy is required for the same reasons. The advice goes on to provide technical advice from the submitted reports and indicates how the applicant could engage in pre-application advice from the EA to meet the requirements of their recommended conditions. *An informative will be added to the decision.*

National Grid have written to indicate that there are no National Grid apparatus to impact.

Southern Gas Networks responded with a plan describing the location of SGN assets and guidance notes about locating pipes onsite and safe digging practices. *An informative will be added to any decision.*

Natural England have written to indicate no objections subject to appropriate mitigation for recreational pressures on habitat.

Kent Police have written to advise of their concerns with regard to security and have set out some issues that need to be addressed/considered; they have also suggested the developer contacts them to ensure compliance with Secure by Design (SBD). *An informative will be added to any decision.*

KCC Biodiversity have written to indicate that the ecological appraisal indicates that a bat emergence survey is required. The previous surveys detailed that 5 species are using the two caves as winter night roosting spaces and likely to be used as a mating site. The cave should be retained in situ and a mitigation strategy is required to retain the caves onsite. The proposal is to retain the caves within the site and create a dark vegetated area in front of the caves to minimise /avoid impacts from lighting. This was similar mitigation to what was proposed for application MC/19/1708. However the previous application was for houses and this development is for flats and Block A is adjacent to the mitigation area, has 4 floors and therefore there is likely to be light spill from the balconies and windows on the side of the building adjacent to the caves. While they acknowledge the building has been designed to minimise the number of windows on that side of the building, they previously had concerns that there will still be light spill. A lighting assessment has been submitted demonstrating the light being installed within the area surrounding the bat mitigation area. They suggest a condition must be included to prevent any lighting being installed within the area surrounding the bat mitigation area and that a further condition regarding ecological enhancements is required.

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 2023 (NPPF) and are generally considered to conform. Where non-conformity exists, this is addressed in the Planning Appraisal section below.

Planning Appraisal

Background

Most of the application site has an extant approval for residential development in the form of eight properties. The current application differs by also including the property at 20 Broom Hill Avenue. This bungalow restricted the heights that the surrounding units could go to due to its retention and relationship with the proposed scheme.

With this being included and to be demolished the applicant now seeks development in the form of a block of flats rather than the previously approved houses and chalet bungalows.

Principle

The site itself is within the urban boundary of Strood.

Policy H4 of the Local Plan states that residential development in the form of infilling in such areas is acceptable providing that a clear improvement in the local environment will result. Paragraphs 11, 60, 70, 123 and 124 of the NPPF also encourage effective use of land, windfall sites, and the presumption in favour of sustainable development when a five year land supply cannot be demonstrated

Policy H3 of the Local Plan would require the securing of 25% affordable housing for major development of over 15 units within urban areas. This application seeks to provide 6 units being a mixture of 3 two bedroom and 3 one bedrooms within blocks B and C.

The broad principle of infill residential development has been established through the grant of the previous permissions on site.

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 and satisfactory in terms of scale, mass, proportion, details, and materials. Paragraphs 131, 135 and 136 of the NPPF emphasise the importance of good design and tree lined streets.

The surrounding area of Broom Hill Road and Pepys Way are a mixture of two storey dwellings. The application site is located within a quarry at lower ground levels to these roads and could be considered to have both its own character and be capable of greater height without impacting unacceptably on the wider street scene.

The retention of no.20 Broomhill restricted the heights that the previously approved scheme of 8 houses could go to due to the relationship with that property. This application differs by including no 20 within the application site and proposing to demolish it.

Notwithstanding that, in considering the current application, while recognising that the site being at a lower level to Broomhill and Pepys Way means a greater height could be achieved on the site without negatively impacting on the street scene and character of the area, it was considered that the original height proposed was too great. As a result, one storey has been removed from each of the proposed 3 blocks so the blocks of flats would not exceed the ridge height of the adjacent houses when viewed from the street scene.

With regard to layout, the proposed blocks are considered to be suitably located with a parking network allowing spaces of landscaping. While appearance is a reserved matter, the indicative material indicates the blocks have some architectural interest to them and therefore can be considered acceptable subject to conditions to secure appropriate materials and finer architectural details within any reserved matters submission.

Policy BNE43 seeks to retain where possible existing trees, hedgerows and other valuable landscape features within any development. The proposed plans shows that

while trees are proposed to be removed these trees do not benefit from tree preservation orders and could have been removed at any time. The landscape master plan shows the trees to be removed and also significant new tree planting along with indicative areas of landscaping and including opportunities for green roofs on top of each block. Final details of landscaping and appearance would be subject to a reserved matters application. This reserved matters application must demonstrate suitable tree replacements based on the right tree in the right place principle and details of planting and their maintenance within the site itself and ensure suitable appropriate planting is possible along the Broom Hill Road frontage section.

The proposal is therefore considered to be acceptable subject to the recommended conditions and is in accordance Policies H4, BNE1 and BNE43 of the Local Plan and paragraphs 11, 71, 131, 135 and 136 of the NPPF.

Amenity

There are two main amenity considerations. The impact on neighbouring occupiers in terms of sunlight, daylight, outlook and privacy, and the standard of amenity which would be experienced by future residents of the site itself. Policy BNE2 of the Local Plan and paragraph 135 of the NPPF relates to the protection of these amenities.

Neighbouring Amenity

By virtue of the reduced scale of this proposal, the relationship with the top floors of blocks B and C and roof garden of block B onto Broom Hill Road would be reflective of mutual overlooking of houses further up the road. The impact of Block A upper floors and roof garden onto Pepys Way would be equally similar and acceptable.

With regard to the proposed habitable windows and balconies of block A and impact onto the rear gardens of 64 and 64 Broomhill Road, there would be some potential for overlooking of these properties. However as this is an outline application, with appearance reserved, within any reserved matters application it would be possible to control any flank windows to only be high level to secure light into the flats but restrict overlooking, while balconies could be suitably screened to protect overlooking of these properties. Similarly, the roof garden to Block A can be designed to prevent overlooking.

Due to the reduced heights, distance to neighbouring properties and their gardens and the orientation of the site there would be no significantly detrimental impacts with regard to a loss of sunlight, daylight, and outlook to neighbouring properties.

In terms of air quality, road movements onto the AQMA are mitigated by the securing of electric charging points and the proposed climate change mitigation. While it is not considered there would be any noise over and above what is and would be expected in a residential area.

The waste strategy is considered to be acceptable and tracking is provided to show that a waste vehicle can enter and exit the site.

It is likely that there will be potential disturbance during construction from noise, vibration and dust. While the applicants have submitted a Construction Environmental Management Plan (CEMP) it mainly focuses on mitigation on effects of ground water and not fully on nuisance on neighbours. Accordingly a condition for a more detailed CEMP is recommended.

Occupier Amenity

With regard to the amenities of future occupants of the development itself, the proposed flats have been assessed with regard to the technical housing standards – nationally described space standard 2015 (the national standard). The Medway Housing Standards (interim) November 2011 (MHDS) indicates that private outdoor amenity space should be provided.

All of the bedrooms exceed the requirements for a one bedroom 2 person flat, two bedroom three or four person flat in terms of gross internal floor area and with regards to widths and room sizes. Each property would also include a balcony in line with the Medway Design Housing Standards.

Subject to the recommended conditions, no objection is raised in terms of the amenities of both the future occupiers and neighbour amenities under Policy BNE2 of the Local Plan and paragraphs 135 and 174 of the NPPF.

Highways

The application is supported by an updated transport statement to cover the reduction of the number of flats from 33 to 26 which is considered to be acceptable. With regard to traffic generation, the updated TRIC site selection indicates that 7 two way trips are forecast in both the AM and PM peak hours which would not be considered to cause a significant increase in vehicle traffic.

The existing site access from Broom Hill Road is proposed to be widened to accommodate increased pedestrian and vehicular traffic. Pedestrian access to the development would be provided via a 1.8m wide footway on the northern side of the site access, connecting to the existing footway on Broom Hill Road and tactile paving is proposed. Internal to the development, the footway would transition into a shared surface which is considered acceptable for a development of this size.

The access provides sufficient visibility splays to the north but not to the south. The Stage 1 Road Safety Audit (RSA1) identifies visibility as a safety concern and the audit team recommended that “measures should be introduced to control parking at the crossing point”. However, the highway designer has not proposed any mitigation with the justification that Manual for Streets paragraph 7.8.5 states that "Parking in visibility splays in built-up areas is quite common, yet it does not appear to create significant problems in practice". The Highway Authority is tasked with the maintenance of safe access (for motorised and non-motorised users) and the need to preserve parking spaces as on-street parking along Broom Hill Road is considered to be high. The visibility splay is not fully compliant; however it has been demonstrated by the Automatic Traffic Count survey that vehicles speeds and traffic flows are relatively low in this location (with the 85th percentile speed under 30mph). Broom Hill Road also

has no incident recorded in the past 5 years of CrashMap data and access was previously approved under MC/20/3293. On this basis (and reflective of Manual for Streets 2 paragraphs 10.4.1 and 10.6.1-2), a departure from standards can be considered acceptable. A condition is recommended for the s278 works for the junction including tactile paving and addressing responses to the Road Safety Audit 1 within the future design stage.

The layout of the road network would provide adequate turning for refuse vehicles and is therefore considered acceptable.

With regard to car parking the interim parking standards would require 34 spaces and 6 visitor spaces. The development would provide 36 parking spaces being 34 spaces for the flats (with electric charging points for each flat) and 2 visitor parking space. The application would provide secure cycle storage for 34 cycle spaces within the ground floor units of blocks A and B. While the proposal would be short of 4 spaces from the standards, the provision of cycle storage and the location of the site in a sustainable location close to facilities, public transport and the Town Centre it is considered acceptable in parking terms subject to appropriate conditions for a travel plan, details of the cycle provision, electric car charging and a parking management plan.

Subject to the above-mentioned conditions the application is considered to be acceptable with regard to parking and highways safety and in accordance with Policies T1, T2, T4, T13 and T14 of the Local Plan and paragraphs 115 and 116 of the NPPF.

Archaeology

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

The site is known and has potential to contain archaeological remains including complex sequences of deposits. The supporting archaeology reports indicates there is a high archaeological potential onsite and with a potential of a high impact.

Subject to the recommended condition for archaeological works the proposal is in accordance with Policy BNE21 of the Local Plan and paragraph 200 of the NPPF.

Ecology

The application is supported by an Ecological Appraisal. The information indicates that bat activity is present within the caves onsite and a bat emergence survey will need to be undertaken and inform a condition on mitigation measures to limit the impact of the development. This will be secured by an appropriate condition.

The proposed layout plans show an enclosed area for a bat dark zone in front of the caves similar to the previous approvals. Within this application the site plan shows a bat mitigation zone. The final details of this area will need to be considered in conjunction with the mitigation measures and landscape details to be finalised within the landscaping reserved matters scheme. The previous advice from the housing application was that this should be a hard landscaped area that includes a fence

behind the hedge to prevent access. This scheme as flats has more units fronting this zone from Block A. Windows and balconies are proposed near to this area and a lighting assessment has been submitted demonstrating that the light levels would be less than 0.1 lux. However, as appearance is a reserved matter the final location of any flank windows and their design along with an updated light assessment will be finalised within the reserved matters application to minimise the impact on the bat mitigation zone.

The application was submitted prior to the need to provide a biodiversity net gain. However, it is still a requirement to maintain and enhance biodiversity through the NPPF. Consequently, the landscaping reserved matters should also allow provisions for ecological enhancements including, but not limited to, integral or wall mounted bat/bird boxes and native species planting.

Subject to the suggested conditions, no objection is raised regarding Policy BNE37 of the Local Plan and paragraph 181 of the NPPF.

Contamination

Policy BNE23 of the Local Plan requires that land known to be or likely to be contaminated should be accompanied by detailed site examination and appropriate remedial measures to reduce or eliminate risk to human health and the wider environment.

The application has been supported by both a Preliminary Geo-Environmental Investigation Report (ref.13201) dated February 2024 and a Pilling Risk Assessment (ref.13201/PRA) dated February 2024. The details are considered acceptable and include intrusive investigations. Consequently, only a watching brief condition would be required for any unexpected contamination found.

Subject to the recommended watching brief condition no objection is raised to the proposal under Policy BNE23 of the Local Plan and paragraph 180 of the NPPF.

Flooding/ Sustainable Drainage Systems (SUDS)

The application is supported by a Flood Risk Assessment and drainage strategy.

The site is situated within Flood Zones 1 'Low risk' per Environment Agency mapping. Additionally, it is noted that sections of the site experience a Low risk of surface water flooding and it should be ensured that any application will improve the flooding experienced at the site.

British Geological Mapping indicates the presence of Lewes Nodular Chalk, Seaford Chalk and Newhaven Chalk which suggests that infiltration may be likely. A Site Investigation including infiltration testing in accordance with BRE 365, including geotechnical assessment, should accompany any final drainage strategy. Southern Water have indicated that the supporting reports do not adequately cover the impact on the Source Protection Zone and an informative should be placed on the application about securing appropriate foul and drainage strategy. The Environment Agency, who are the statutory body for advice on impacts on ground water sources, are however

satisfied with the reports which they consider sufficient to allow recommendation for approval subject to conditions to control the piling methods used and restrict infiltration until agreed and a sustainable drainage solution.

It is therefore recommended that appropriate Sustainable Drainage Solution conditions should be imposed but if infiltration is considered unacceptable due to the source protection zone then another suitable SUDs scheme will need to be proposed.

Accordingly subject to the recommended conditions regarding the submission of a suitable SUDs scheme, a Construction Surface Water Management Plan (CSWMP) and a verification report the proposed development is in accordance with paragraphs 167 and 169 of the NPPF.

Climate change and energy efficiency

The application is supported by a Climate Design Statement, which lists mitigation measures and appropriate condition is recommended to secure this along with a verification report in accordance with paragraph 154 of the NPPF.

S106 Matters

The Community Infrastructure Levy Regulations 2010 provide that in relation to any decision on whether or not to grant planning permission to be made after 6 April 2010, a planning obligation (S106 agreement) may only be taken into account if the obligation is:

- (a) necessary to make the development acceptable in planning terms.
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The obligations proposed comply with these tests because they have been calculated based on the quantum and location of the proposal and are directly related to the development.

The following contributions are sought in accordance with Medway Council's Developer Contributions Guide:

25% of the proposed homes to be affordable homes

Greenspace Services

A contribution of £88,684.96 based on a contribution of £3,410.96 per dwelling. The contribution would split that £84,250.712 would go towards on improvements to open spaces facilities within the vicinity of the development and £4,434.248 (5%) towards Great Lines Heritage Park.

Schools

A maximum contribution of £23,983.18 broken down to £5,492.94 for nursery provision within 2 miles of development site or SEND education within Medway, £6,120.70 for

primary provision within 2 miles of development site or SEND education in Medway. £12,369.53 towards Secondary School provision within Medway.

Community Facilities

A maximum contribution of £6,368.96 towards community facilities within the vicinity of the site based on a contribution of £244.96 per dwelling.

Libraries

A contribution of £5,740.28 towards equipment and facilities at Strood Library. Based on a contribution of £220.78 per dwelling.

Health

A maximum contribution of £21,979.62 towards contribution towards extension/refurbishment or upgrading of existing proactive premises within the vicinity or contribution to a new facility if required based on a contribution of £845.37 per dwelling.

Youth Provision

A contribution of £2,722.20 based on a contribution of £104.70 per dwelling towards programme delivery for young people across Medway.

Waste

A contribution of £6,014.84 towards waste containment for the development, maintenance and improvement of location bring centres and waste education and protection based on a contribution of £231.34 per dwelling.

Sport Provision

A contribution of £8,462.74 towards improvements to Strood sports centre based on a contribution of £325.49 per dwelling.

Heritage

A contribution of £9,895.34 towards Heritage and Museums towards improvements at Rochester Castle. Based on a contribution calculated of £380.59 per dwelling.

Public Realm

A contribution of £8,085 towards public realm improvements towards improved civic space and gateway to Strood Town Centre.

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.

The required mitigation is therefore £8,535.02 (35 x £328.27).

The applicants have accepted the requested contributions and are in the process of drafting a s106 agreement. No objection is therefore raised under paragraphs 55, 57, 58, 180 and 181 of the NPPF and Policies BNE2, S6 and BNE35 of the Local Plan.

Local Finance Considerations

There are no local finance considerations.

Conclusions and Reasons for Approval

The proposal is considered acceptable in terms of principle, design, amenity and highway aspects and with regard to all other material planning considerations. The proposal accords with the provisions of Policies S6, H3, H4, BNE1, BNE2, BNE21, BNE23, BNE37, BNE43, T1, T2, T4, T13 and T14 of the Local Plan and paragraphs 11, 55, 57, 58, 60, 70, 71, 115, 116, 123, 124, 131, 135, 136, 154, 167, 169, 174, 180, 181, 200 of the NPPF. Accordingly, the application is recommended for approval subject to conditions.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the number of representations received

expressing a view contrary to officer's recommendation and a call in from the ward councillor.

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/>