

## **MC/24/1033**

Date Received: 20 May 2024  
Location: Former St John Fisher RC Comprehensive School, Ordnance Street, Chatham, Medway  
Proposal: Demolition of existing buildings and construction of 139 dwellings (Class C3) together with associated public open space, landscaping and biodiversity areas, parking, access and associated works.  
Applicant Agent: Eutopia Homes (Kent) Ltd  
Pegasus Group  
Barry Cansfield  
21 Ganton Street  
London  
W1F 9BN  
Ward: Fort Pitt  
Case Officer: Nick Roberts  
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 20th November 2024.**

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

**Recommendation: Approval subject to the below and following conditions.**

- A. Referral to the Secretary of State in view of Sport England's objection.
- B. The applicant entering into a Section 106 agreement to secure the following:
  - a) To allocate 5 units (3 bed, 5 person units) from the total number of proposed housing units within the development as affordable private rent.
  - b) An obligation to operate all 139 housing units under a Build to Rent scheme in perpetuity.
  - c) Financial contributions as follows.
    - i) £45,629.53 towards Designated Habitats Mitigation.

- ii) £20,850 for the provision of travel vouchers to be issued to each dwelling to the value of £150 per voucher per dwelling.
- iii) £32,156.26 for the provision, improvement and promotion of waste and recycling services to cover the impact of the development.
- iv) £90,325.42 towards mitigating the impact of the additional pupils generated by the development on Primary Education.
- v) £11,038.79 towards enhancement and/or expansion of community facilities which will serve the new residents of the development.

**And the following conditions:**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

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

Received 20 May 2024

22017-00000 Rev P1 - Site Location Plan  
22017-A03101 Rev P1 - Block A Level 00/Block B level 01  
22017-A03102 Rev P1 - Block A Level 01/Block B level 02  
22017-A03103 Rev P1 - Block A Level 02/Block B level 03  
22017-A03104 Rev P1 - Block A Level 03/Block B Roof  
22017-A03105 Rev P1 - Apartment Block Roofs  
22017-03202 Rev P1 - Proposed GA Elevations - Apartments (E)  
22017-03203 Rev P1 - Proposed GA Elevations - Apartments (W)  
22017-03204 Rev P1 - Proposed GA Elevations - 3B Houses (N&S)  
22017-03205 Rev P1 - Proposed GA Elevations - 2B & 3B Houses (W)  
22017-03206 Rev P1 - Proposed GA Elevations - 4B Townhouses  
22017-03207 Rev P1 - Proposed GA Elevations - 4B Townhouses (Rear)  
22017-05101 Rev P1 - Floor Plans (2B Townhouse)  
22017-05102 Rev P1 - Floor Plans (3B Townhouse Type 1)  
22017-05103 Rev P1 - Floor Plans (3B Townhouse Type 2)  
22017-05104 Rev P1 - Floor Plans (3B Townhouse Type 3)  
22017-05105 Rev P1 - Floor Plans (4B Townhouse)  
22017-05106 Rev P1 - Floor Plans (Apartments 1B)  
22017-05107 Rev P1 - Floor Plans (Apartments 2B Type 1)  
22017-05108 Rev P1 - Floor Plans (Apartments 2B Type 2)  
22017-05201 Rev P1 - Proposed Elevations (2B Townhouse)

22017-05202 Rev P1 - Proposed Elevations (3B Townhouse Types 1&2)  
22017-05203 Rev P1 - Proposed Elevations (3B Townhouse Type 3)  
22017-05204 Rev P1 - Proposed Elevations (4B Townhouse)  
22017-05301 Rev P1 - Proposed Sections (2B Townhouse)  
22017-05302 Rev P1 - Proposed Sections (3B Townhouse Type 1)  
22017-05303 Rev P1 - Proposed Sections (3B Townhouse Type 2)  
22017-05304 Rev P1 - Proposed Sections (3B Townhouse Type 3)  
22017-05305 Rev P1 - Proposed Sections (4B Townhouse)  
VN232717-D100 - Charles Street Access Arrangement and Swept Path  
VN232717-D101 Rev A - Ordnance Street Access Arrangement and Swept Path  
VN232717-D102 - Perry Street Access Arrangement and Swept Path  
VN232717-TR100 - Swept Path Internal Route & Turning Space (Refuse)  
VN232717-TR101 - Swept Path Internal Route & Internal Tracking (Large Car)

Received 19 September 2024

22017-03201 Rev P2 - Proposed GA Elevations - Apartments (N&S)  
22017-A03100 Rev P2 - Block B Level 00  
22017-A03100LG Rev P2 - Block B Level LG  
22017-A03201 Rev P2 - Proposed Sections (Apartments)

Received 4 November 2024

22017 - 03100LG Rev P3 - Proposed Lower Ground Floor Plan  
22017 - 03100 Rev P3 - Proposed Ground Floor Plan  
22017 - 03000 Rev P2 - Proposed Site Plan  
22017 - 03104 Rev P2 - Proposed Fourth Floor Plan  
22017 - 03105 Rev P2 - Proposed Roof Plan  
22017 - 03101 Rev P2 - Proposed First Floor Plan  
22017 - 03102 Rev P2 - Proposed Second Floor Plan  
22017 - 03103 Rev P2 - Proposed Third Floor Plan

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

- 3 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.

- 4 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 175 of NPPF.

- 5 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) 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 173 of NPPF.

- 6 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 condition 7 has been complied with. If unexpected

contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the Local Planning Authority until condition 9 has been complied with in relation to that contamination.

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 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.

- 8 The remediation scheme approved under Condition 7 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 bringing into use of any part of the development.

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.

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

condition 7, 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 7 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 prior approval in writing of the Local Planning Authority in accordance with condition 8.

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.

- 10 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 Piling Risk Assessment must be written in accordance with Environment Agency guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73". 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.

- 11 No development shall take place until details of earthworks have been submitted to and approved in writing by the Local Planning Authority. Details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed grading, and mounding with existing vegetation and surrounding landform. The development shall thereafter be implemented in accordance with the approved details.

Reason: Required prior to commencement of development 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.

- 12 No development shall take place, until an arboricultural method statement to ensure the satisfactory protection of retained trees, hedgerows and vegetation has been submitted to and approved in writing by the Local Planning Authority. The

matters to be included within the arboricultural method statement shall include the following:

- i. A specification for the pruning of, or tree surgery to, trees to be retained.
- ii. The specification of the location, materials and means of construction of temporary protective fencing and/or ground protection in the vicinity of trees to be retained, in accordance with the recommendations of BS 5837 'Trees in relation to design, demolition and construction' and details of the timing and duration of its erection.
- iii. The definition of areas for the storage or stockpiling of materials, temporary on-site parking, site offices and huts, mixing of cement or concrete, and fuel storage.
- iv. The specification of the routing and means of installation of drainage or any underground services in the vicinity of retained trees.
- v. The details and method of construction of any other structures such as boundary walls, retaining walls and fencing in the vicinity of retained trees and how these relate to existing ground levels.
- vi. The details of the materials and method of construction of any roadway, parking, pathway or other surfacing within the RPA, which is to be of a 'no dig' construction method in accordance with the principles of Arboricultural Practice Note 12 "Through the Trees to Development", and in accordance with current industry best practice; and as appropriate for the type of roadway required in relation to its usage.
- vii. Provision for the supervision of ANY works within the root protection areas of trees to be retained, and for the monitoring of continuing compliance with the protective measures specified, by an appropriately qualified arboricultural consultant, to be appointed at the developer's expense and notified to the Local Planning Authority, prior to the commencement of development; and provision for the regular reporting of continued compliance or any departure there from to the Local Planning Authority.

Thereafter the development shall be carried out in accordance with the approved details and the approved measures shall be kept in place during the entire course of construction activity.

Reason: To ensure that reasonable measures are being taken to protect trees and hedgerows during construction in line with Policy BNE43 of the Medway Local Plan 2003.

- 13 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 be prepared in accordance with the Medway Air Quality Planning Guidance and shall give full details of the measures that will be implemented as part of the development to mitigate the development related road transport emissions. The total monetary value of the mitigation to be provided shall be demonstrated to be equivalent to, or greater than, the total damage cost values

calculated as part of the approved Air Quality Assessment. The development shall be implemented, and thereafter maintained, entirely in accordance with the measures set out in the approved Mitigation Statement.

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.

14 No development shall take place (including site clearance) until a Landscape and Ecological Management Plan (LEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The Plan will include the following:

- Description and evaluation of features and habitats to be established and managed.
- Detailed methodology /timetable to establish habitat on site.
- Constraints on site that might influence management.
- Aims and objectives of management.
- Appropriate management prescriptions for achieving aims and objectives (once established).
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period.
- Details of the body or organisation responsible for implementation of the plan, and
- Ongoing monitoring and remedial measures.

The LEMP will include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

Reason: To safeguard ecological interests and adjacent wildlife habitats in accordance Policies BNE37 and BNE39 of the Medway Local Plan 2003.

15 No development shall take place (including site clearance) until an Ecological Mitigation Strategy has been submitted to, and approved in writing by, the Local Planning Authority. It must be based on the information outlined within the Preliminary Ecological Appraisal (PEA) (Ref; 794-ENV-ECO-20983 A, dated May 2024) unless it is over 2 years old prior to the commencement of development. If the PEA is over 2 years old, then an updated preliminary ecological appraisal (and recommended surveys) will need to be carried out to inform the mitigation strategy. The approved plan must be implemented in accordance with the approved details.

Reason: To safeguard ecological interests and adjacent wildlife habitats in accordance Policies BNE37 and BNE39 of the Medway Local Plan 2003.



16 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.

17 No development shall take place above ground floor slab level until details of the electric vehicle charging points 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 retained.

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

18 No development above slab level shall take place until details of the construction and finish of retaining elements/walls have been submitted to and agreed in writing with the Local Planning Authority. The agreed measures shall be implemented prior to the first occupation of any of the units.

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

19 No part of the development shall be occupied until details of the following highway works have been completed in accordance with details agreed and consents obtained by the Highways Authority.

- Proposed access arrangements as outlined on drawings VN232717-D100, VN232717-D101 Rev A, VN232717-D102 and Highway Technical Note (VN232717, Rev 01a, dated 3 October 2024).

- New footway connection along the southern side of Charles Street.

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

Reason: To ensure the development is sustainable and in accordance with Policies T1, T2 and T3 of the Medway Local Plan 2003.

20 No part of the development shall be occupied until the visibility splays at the site access points on Charles Street, Ordnance Street and Perry Street have been provided in accordance with the details provided on drawing numbers VN232717-D100, VN232717-D101 Rev A and VN232717-D102. Once provided, the splays

shall thereafter be retained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level.

Reason: In the interests of highway safety and in compliance with Policy T2 of Medway Local Plan 2003.

- 21 No part of the development shall be occupied until the Council has approved the Car Club Scheme. The approved Car Club Scheme shall be implemented prior to occupation and shall include a minimum of two cars to be delivered prior to occupation of 50% of the dwellings within the scheme, information on the location of the car club parking spaces and any discounts to be provided to residents. The Car Club scheme shall also include information on how the use of the Car Club will be monitored including the submission of annual monitoring reports for a minimum of two years from first implementation of the car club on site.

Reason: to allow a reduction of the standard set out in the Interim Residential Parking Standards in this sustainable location in accordance with Policy T13 of the Medway Local Plan 2003.

- 22 No part of the development shall be occupied until the details of a Travel Plan have been submitted to and approved in writing by the Local Planning Authority. This should include the objectives of the Travel Plan, together with a programme of implementation, monitoring, regular review and update. Thereafter the development shall be implemented in accordance with the approved details.

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.

- 23 No part of the development shall be occupied until details of the Locally Equipped Area for Play (LEAP) have been submitted to and approved in writing by the Local Planning Authority. The details shall include the layout, drainage, equipment, landscaping, fencing and future management of the areas to be provided. The play area shall be provided and available for use in accordance with the approved details prior to the occupation of the 75th dwelling to be so occupied within the development or in accordance with an alternative timetable which has been agreed in writing by the Local Planning Authority. The play area shall be maintained in accordance with the approved details thereafter.

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

- 24 Prior to the first occupation of any dwelling herein approved (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 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: To ensure that a suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere in accordance with paragraph 173 of the National Planning Policy Framework 2023.

- 25 No part of the development shall be occupied until details of cycle storage facilities 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 the relevant building 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 storage to accord with Policies BNE1 and T4 of the Medway Local Plan.

- 26 No dwelling herein approved 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 parking spaces, including disabled bays, are to be allocated and managed for residents and their visitors, how any offsite parking impacts will be mitigated, and how visitor and resident parking will be monitored and allocated and how any breaches will be enforced. The Parking Management Plan shall also confirm that residents are not able to apply for permits within Controlled Parking Zone areas off the site. The Parking Management Plan shall be implemented in accordance with the approved details prior to the first occupation of any dwelling and shall thereafter be retained.

Reason: In the interests of sustainability and residential amenity in accordance with Policy T13 and BNE2 of the Medway Local Plan 2003.

- 27 No part of the development shall be occupied until the areas shown on the submitted layout as vehicle parking spaces have been provided, surfaced and drained. Thereafter they 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 these parking spaces.

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.

- 28 No part of the development 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 the building to which they relate is 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.

- 29 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 hard and soft landscape areas, including play space, communal amenity, and green roofs (except for small, privately owned, domestic gardens) for a minimum period of five years, with arrangements for implementation and regular future review for the lifetime of the development. The document shall also include an appendix incorporating product specification sheets for all street furniture and play equipment, covering installation and maintenance requirements. 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. The development shall thereafter be managed in accordance with the approved details.

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

- 30 Prior to the first occupation of the development herein approved, full details of a hard and soft landscape scheme should be submitted to and approved in writing by the Local Planning Authority. As applicable the scheme should include.

- i. Plans and information providing details of existing and proposed finished ground levels, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, all paving and external hard surfacing, lighting, and services (including drainage), tree grilles, minor artefacts, and structures (seating, refuse receptacles and raised planters). Soft landscape works, including details of planting plans, tree positions, planting build ups, written specifications (including cultivation and other operations associated with grass, tree and planting establishment, aftercare, and maintenance); schedules of plants, noting species, plant sizes, root treatments and proposed numbers/densities where appropriate.
- ii. Details for the design and specification of tree planting to enable healthy establishment at maturity. Information should provide details for the planting environment (including within hard landscape), calculated soil volume, tree support and tie specification, guards and grilles, aeration and irrigation systems, soil build-up information (avoiding the use of tree sand), tree cell systems (to street tree planting environments).
- iii. Detailed information should be provided for the design and specification of green roofs. Including drainage and soil build up, planting plans & plant schedules, the treatment for any tree planting (including tree pit details and tree supports), all paving and hard surfacing, minor artefacts, and structures.
- iv. Detailed information for the design and specification of green wall and climbing systems, including planting selection, specification, and details of irrigation systems.
- v. Detailed information should be provided for the design and specification of the central play space. Including detailed specification of play equipment, safety surfacing and any minor artefacts and structures.

A timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be implemented in accordance with the approved details and timetable and any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

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

- 31 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; EJ1870 Rev P2, dated May 2024) and a Renewable Energy Assessment (Ref; EJ1870 Rev P3, dated May 2024). 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 159 the National Planning Policy Framework 2023.

- 32 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. The lighting plan will show how and where external lighting will be installed, as well as the expected light spill in lux levels, so that it can be clearly demonstrated that areas to be lit will not impact protected species. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and be maintained thereafter.

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, of the Medway Local Plan 2003.

- 33 Within 6 months of works commencing on the site an Ecological Enhancement Plan must be submitted to, and approved in writing by, the Local Planning Authority. The plan must demonstrate how the site will enhance biodiversity through planting which will benefit pollinators, and/or native species planting and ecological enhancement features within the site and integrated in to the buildings. The plan must thereafter be implemented as approved.

Reason: To safeguard ecological interests and adjacent wildlife habitats in accordance Policies BNE37 and BNE39 of the Medway Local Plan 2003.

- 34 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification), the dwellings herein approved shall remain in use as a single family 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 to C4 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.

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

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

### **Recommendation - Approval with Conditions**

**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 demolition of the existing former school buildings and the construction of 139 dwellings (Class C3) together with associated public open space, landscaping, parking, access and associated works. The proposed development will comprise a mix of unit sizes including 32 x 1 bed units, 50 x 2 bed units, 37 x 3 bed units and 20 x 4 bed units and will include a mixture of apartments and terraced properties.

Two x 4 storey apartment blocks are also proposed to the north of the site, adjacent to Charles Street, which would be the tallest buildings in the proposed scheme. The remaining houses would comprise terraced housing, ranging from 2-3 storeys in height. This step down in massing from north to south generally reflects the heights and massing of existing buildings in the immediate area. Private external amenity space has also been provided in the form of private gardens for terraced housing and balconies for the apartments.

The proposed layout is organised around a central street running north to south, along which the terraced housing is located. This reflects the terraced street pattern of surrounding streets. A small row of terraced housing 'bookends' the central street at the southern end. The main and only vehicular access to this street will be via a new entrance on Charles Street. Pedestrian access will also be facilitated via the new Charles Street entrance, with an additional pedestrian access to Boundary Road provided from the centre of the site.

To the north-east, and on the upper part of the site, two rows of terraced housing are proposed, which will be served via a new link between Ordnance Street and Perry Street. Pedestrian routes will connect this area to "the street", where the open space and other houses are located.

Externally the proposed material palette for the terraced properties would utilise a mix of painted render, decorative brick banding, buff brick and slate with grey metal window surrounds. The apartment blocks would comprise extruded patterned buff and light grey brick with decorative banding, grey metal window surrounds and balconies.

An area of public open space is also proposed in the north-western section of the site, which will include an area of play, woodland planting, banked planting, and a bio-retention basin. These spaces will be defined by a pathway, allowing access for new residents.

The proposed development will provide a total of 76 car parking spaces. Of these car parking spaces, 2 will be Car Club Spaces and 7 will be designated as disabled spaces. Parking spaces are generally located in front of houses where possible, with additional spaces integrated into the site layout. Cycle provision will also be provided in accordance with the Councils standards.

### **Site Area/Density**

Site Area: 2.4 hectares (5.9 acres)

Site Density: 58 dph (23 dpa)

### **Relevant Planning History**

#### Land off City Way

MC/20/2839

Construction of a 3-storey, 6FE secondary school with 900 pupils and a 285 pupil sixth form with associated accesses (including for construction traffic), parking and hard and soft landscaping and sports pitches including all-weather pitch.

Decision: Approval with conditions

Decided: 27 April 2021

### **Representations**

The application has been advertised on site, in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties. Kent Police, Natural England, UK Power Networks, Southern Gas, Southern Water, The Environment Agency, Royal Society for the Protection of Birds, Kent Wildlife Trust, Planning Casework Unit, Sport England, KCC Biodiversity and Rochester Airport, have also been consulted.

**Four** letters of representation have been received objecting to the application for the following reasons.

- Loss of privacy by way of overlooking
- Pedestrian safety concerns
- Potential for anti-social behaviour



- Impact during construction
- Noise pollution
- Increased traffic and congestion on the roads
- Insufficient parking proposed
- Impact on existing services such as schools, doctors, hospitals, jobs
- Impact on trees and loss of playing field

**Kent Police** have welcomed further discussions with the applicant about site specific designing out crime approaches and have provided general advice with respect to lighting, boundary treatments, natural surveillance, general security and other approaches that could be implemented within the development to reduce crime, fear of crime, ASB and nuisance.

**Natural England** raise no objection subject to securing appropriate mitigation for recreational pressure impacts on habitat sites.

**UK Power Networks** have provided details of electrical lines and plant in the area. They have also provided standing advice with regards to working near their equipment. The applicant is also advised to contact UK Power Networks should excavation affect extra high voltage equipment (6.6KV, 22 KV, 33 KV or 132 KV).

**Southern Gas Networks** have advised that there are low/medium and intermediate gas pipes near the site and therefore there should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. They have also advised that safe digging practices in accordance with HSE HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of the mains pipes, services and other apparatus.

**Southern Water Services** have advised that any public sewer diversion would need to be approved by them as a separate application. In addition, they have also advised that it is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. They have also provided general advice with respect to SuDS and their future adoption and confirmed that they can facilitate both foul sewerage and water supply to serve the proposed development which will require a formal application.

The **Environment Agency** have advised that they consider planning permission could be granted subject to conditions in respect to contamination and piling.

**Sport England** objects to the proposed development as the development would lead to the loss of an existing playing field. This includes the existing hardstanding to the south of the site, the grass playing field immediately adjacent to this as well as the hardstanding to the north of the site which accommodates two multi-use sport courts. The total loss of playing field land is approximately 0.8ha. Sport England outline their five exemptions for development of playing fields however state that the development does not meet any of

these exemptions. Sport England have advised that if the Council is minded approving the application contrary to their advice, the application would need to be referred to the Secretary of State.

**KCC Biodiversity** initially identified a need for additional ecological information to be submitted in the form of bat surveys. Following the submission of this information they are satisfied that sufficient ecological information has now been provided and that it is unlikely that bats are roosting within the building. They have also identified a need for conditions to be imposed in respect to badgers and a sensitive lighting strategy. KCC have also advised that sufficient information has been provided to meet the determination requirements of mandatory BNG, and no further information is required in relation to this prior to determination. Subject to appropriate conditions they raise no objection to 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 December 2023 (NPPF) and are generally considered to conform. Where non-conformity exists, this will be highlighted and addressed in the appraisal section below.

## **Planning Appraisal**

### *Background*

The site comprises the former St John Fisher Catholic Comprehensive School, which was originally constructed in the 1960's and was subject to several extensions in the 1980's and 1990's. The former school buildings are located in the north-eastern part of the site, between Ordnance Street and Charles Street and comprise of two to four storeys of varying construction dating from late 1960's to 1990's. Areas to the south and west comprise car parking which is accessed from Charles Street, and hard and soft outdoor play areas. The school and wider site became vacant in February 2023, following the relocation of the school to a new site off City Way approved under MC/20/2839.

### *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. Paragraph 70 of

the NPPF also recognises the contribution that small and medium sized sites can make to meeting the housing requirement. In addition, paragraph 123 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 strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land. Furthermore, paragraph 124(c) of the NPPF gives substantial weight to the value of using suitable brownfield land within settlements for homes and promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing.

The site is within the urban area as defined on the proposal maps to the Local Plan. Policies S1 and S2 of the Local Plan seek to prioritise development within the existing urban fabric and then strategically sustainable sites using a sequential approach to location. 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. 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 H5 of the Local Plan also supports higher density housing close to town centres, near existing public transport points or along routes capable of being well served by public transport and which are close to local facilities.

Although Policy CF1 of the Local Plan seeks to resist the loss of existing community facilities, in this case the site has only become available because the school has relocated to a new site on City Way. Therefore, the proposal would not result in the loss of an existing school.

The southern section of the site, where the former playing field and hardstanding for the school are located is designated as an area of protected open space as defined by the proposals map accompanying the Local Plan. Therefore, Policy L3 of the Local Plan applies. This policy seeks to resist the loss of existing open space unless one of the following exceptions are met:

- i. sports and recreation facilities can best be implemented, or retained and enhanced through redevelopment of a small part of the site; or
- ii. alternative open space provision can be made within the same catchment area and is acceptable in terms of amenity value; or
- iii. in the case of outdoor sports and children's play space provision, there is an excess of such provision in the area (measured against the n.p.f.a. standard of 2.4 hectares per 1,000 population) and such open space neither contributes to, nor has the potential to contribute to, informal leisure, open space or local environmental amenity provision; or
- iv. in the case of educational establishments, the development is required for educational purposes and adequate areas for outdoor sports can be retained or provided elsewhere within the vicinity; or
- v. the site is allocated for other development in the local plan.

This is broadly consistent with paragraph 103 of the NPPF which also seeks to permit the loss of existing open space, including playing fields provided that replacement facilities will be sought, with the NPPF placing an emphasis on the replacement facilities being of an equivalent or better quantity and quality in a suitable location.

An open space assessment (Ref; P22-2831, dated May 2024) has been submitted with the application. When considering the loss of any protected open space it is also important to consider the specifics of the site in question. The application site has historically been in use as St John Fisher Catholic Comprehensive School. However, and as set out in the Education Mission Statement prepared by the school and submitted in support of the planning application (MC/20/2839), due to the extremely poor quality of the buildings and school facilities the need for a new school was set out to the Department for Education (DfE) who agreed to commission and fund the rebuild of the school through the DfE Construction Framework. This was approved under MC/20/2839, and the new school is now operational. Specifically, the new school provides all-weather and grass pitches, three court multi use games area (MUGA) and a four-court indoor sports hall. Together, these facilities comprise up to approx. 3.3ha of sports area/playing fields.

The approval of the new school site was explicitly acknowledged to replace the existing school at Ordnance Street and Maidstone Road on the basis that it would absorb their existing pupils, thus making the existing schools and their facilities redundant. This is important because it demonstrates that the provision of new sport facilities and open space at the new school site was proposed and approved on the basis that they would replace the existing facilities at Ordnance Street, which themselves would cease to function.

When assessing the development against criteria (ii) of Policy L3, the new school is located an approx. 0.3-mile distance (by foot) to the West of the site which will serve the same catchment area for residents. Furthermore, a Community Use Agreement has been secured (approved on 19th June 2023 via planning application ref. MC/22/2535) in relation to the new school site, which will allow for public use of the school facilities, including its sports facilities at certain times. This includes use of both the external pitches and internal spaces at evenings (up until 10pm for internal spaces and up until to 8pm for external areas) as well as at weekends.

Therefore, the replacement facilities will serve the same catchment area, be in a suitable location and highly accessible to the public through extensive opening hours. This would be a significant improvement on the situation at Ordnance Street, where the school gates were locked after school hours, (5pm onwards) restricting public access to the sporting facilities. In terms of amenity value, the replacement facilities at City Way will comprise a much greater size, extending up to 3.3 hectares, and better quality than the existing facilities at Ordnance Street. This can be compared with the redundant provision at the former school of 0.48ha of hardstanding and 0.35 ha of grass playing fields. This will significantly raise the standards in education and quality of facilities available to both students and the public.

In addition, and when assessing the development against criteria (i) of Policy L3 the proposed development also seeks to enhance public open space on site by proposing a good quality open green space in the north-western section of the site, for use by both new and existing residents of the area. More specifically, connections will be improved at the site by adding a pedestrian access between the site and Boundary Road, in addition to creating dedicated footpaths throughout the site and that would link to existing pedestrian infrastructure. This will be a clear improvement on the existing situation, because while the existing site provided areas of open space this was private to school users only, and there was no public access.

In view of the above, and subject to a detailed assessment of the matters outlined in this report below the principle of the proposal is therefore acceptable and in accordance with Policies H5, CF1, L3, S1 and S2 of the Local Plan and paragraphs 11, 60, 70, 103, 123 and 124 of the NPPF.

### *Design and Layout*

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 131 and 135 of the NPPF also emphasise the importance of good design.

The site is bound by the rear of residential properties to the south, south-east and west. The north and east of the site is bound by roads, which includes Priestdale Court, Charles Street, Ordnance Street and Perry Street. The main access into the site is currently from Ordnance Street and Charles Street. The site is relatively well enclosed along its boundaries by trees and hedgerows. The former school buildings are located in the north-eastern part of the site, between Ordnance Street and Charles Street and comprise of two to four storeys of varying construction. Areas to the south and west comprise car parking which is accessed from Charles Street, and hard and soft outdoor play space which comprised the former playing fields.

The immediate surrounding area is predominantly characterised by 2 storey residential terraced dwellings, as well as some 4 storey apartment blocks (including ground floor entry level) along Charles Street and also some apartment blocks on Ordnance Street to the south of the site. This includes Balfour Court, which is a 5-storey apartment block opposite Corkwell Street and a part 3, part 4 storey apartment block currently under construction at the junction with Perry Street.

The proposed layout is organised around a central street running north to south, along which the terraced housing is located. This reflects the terraced street pattern of surrounding streets. A small row of terraced housing 'bookends' the central street at the southern end. The main and only vehicular access to this street will be via a new entrance on Charles Street. Pedestrian access will also be facilitated via the new Charles Street entrance, with an additional pedestrian access to Boundary Road provided from the

centre of the site. Shared permeable paving has also been used to create crossing points. This change in surface is noticeable to drivers, encouraging lower vehicle speeds.

To the north-east, and on the upper part of the site, two rows of terraced housing are proposed, which will be served via a new link between Ordnance Street and Perry Street. Pedestrian routes will connect this area to “the street”, where the open space and other houses are located. Two 4 storey apartment blocks are proposed to the north of the site, which would front onto Charles Street. Whilst these are the tallest buildings in the proposed scheme, their height and massing are considered acceptable given the surrounding context, the size of the existing buildings on site, and the presence of other buildings within the vicinity of a similar scale. The remaining housing throughout the site comprises terraced housing varying between 2 and 3 storeys.

The scale and massing of the buildings has been articulated to respond positively to the surrounding context and complement the existing roofline of surrounding buildings. The step down in massing from north to south also reflects the heights and massing of existing buildings in the immediate area and ensures the existing roofline will be retained. The 2-3 storey dwellings on the southern section of the site will also be set back from the edge of the site boundary allowing for an ecological enhancement zone to run along the site boundary of the southern section of the site. This setback will also ensure adequate privacy and separation distances between new and existing dwellings. Based on the drawings this would equate to a minimum distance of approx. 9.5-10m between the rear elevation of the proposed dwellings and the site boundary where it would abut the rear gardens of the existing adjoining properties.

The design of the proposed dwellings also seeks to add interest and variety by incorporating different house types including more traditional 2 storey terraced properties, townhouses and apartment blocks. The external appearance also seeks to utilise a varied material palette incorporating features such as painted render, decorative brick banding, buff brick and slate with grey metal window surrounds. The material palette, while not fully confirmed, is well described and considered acceptable. A condition is recommended to secure details of the external materials and the final architectural details relating to window frames and cills, doors, door frames and cills weatherboarding, fascia’s and soffits.

An area of public open space is also proposed in the north-western section of the site, which will include an area of play, woodland planting, banked planting, and a bio-retention basin with wetland meadow planting. These spaces will be defined by a pathway, allowing access for new residents. Street trees are also proposed along the main street to break up the parking bays. Further details of which will be secured as part of a hard and soft landscape plan.

Overall, the proposed development will contribute towards delivering much needed housing, whilst providing good quality design which responds positively to the surrounding context. Therefore, and subject to a condition requiring further details of the external

materials, the proposed development is considered acceptable with regards to Policy BNE1 and H4 of the Local Plan and paragraphs 131 and 135 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 135 of the NPPF relates to the protection of these amenities.

### Neighbouring Residential Amenity

Due to the siting and scale of the proposed development, and its orientation in relation to adjacent residential properties, there would be no unacceptable impact on these neighbours in terms of loss of outlook, privacy, daylight, sunlight and overshadowing. Any potential impact is further mitigated by the vegetation around the site's boundary which is well screened by trees, the bulk of which are retained, as well as the separation distances between the new and existing dwellings. Based on the drawings this would equate to a minimum distance of approx. 9.5-10m between the rear elevation of the proposed dwellings and the site boundary where it would abut the rear gardens of the existing adjoining properties.

The proposed apartment blocks will undoubtedly appear more prominent when viewed from the adjacent properties on Charles Street, as it will bring built form closer to the boundary of the site with an overall greater mass than the current buildings on this boundary. However, on balance this relationship is considered acceptable. This is on the basis that the majority of the habitable accommodation for the properties at 2-16 Charles Street is located at first floor level, with the ground floor predominantly reserved for parking, garaging and for access. This in turn would reduce the visual prominence as they would be viewing the buildings from first floor level and above. In addition, there would also be an approx. 15m separation distance elevation to elevation. Given the sites urban location, where generally built form is more finely grained, and of greater density, this would not be considered detrimental.

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 as a condition of this 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). All units would either meet or 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 5m<sup>2</sup> of private outdoor space in the form of a patio, terrace or balcony. Where it is not suitable to provide balconies, patios or terraces, amenity needs should be met with an internal space of the same size. The flats would benefit from a private balcony/external amenity area individually measuring more than 5m<sup>2</sup> in size. The proposed houses would also benefit from rear gardens which for the most part would either meet or exceed the minimum standards set out in the MDHS for sites in constrained areas. There are some instances where the garden depths for the row of 8 terraced properties along the southern boundary of the site would fall marginally below this at a depth of approx. 6.7m. However, on balance this would be considered acceptable given the overall benefits of the development as outlined later in this report.

A Daylight, Sunlight and Overshadowing Report (Ref; 5098/JL/G0, dated 10 May 2024) and addendum Report (dated 18 September 2024) has also been submitted alongside the application. This was requested due to concerns raised in respect to the potential cumulative impact that existing trees could have on future occupier amenity. Particularly given the land level changes around the edge of the site and the proximity of the proposed dwellings to these trees along the southern section of the site.

The results of the daylight factor (DF) assessment demonstrate that all but 4 of 487 rooms tested would achieve the minimum levels of daylight against the target DF at each room during the summer months. Taking into consideration the existing trees, (and their long-term maintenance), details of which would be secured via a Landscape Management and Maintenance Plan, only an additional 9 rooms would have daylight reduced below the recommended DF threshold during the summer months and just 3 rooms reduced below the recommended DF threshold during the winter months. Therefore, the proposed scheme would be largely compliant with the BRE criteria for daylight, given the high percentage of rooms that would meet the recommended minimum threshold (approx. 98%).

The proposed rear garden at each house has also been assessed against the BRE recommendations for overshadowing on 21st March. The results of the two-hour sun on the ground test indicate that 76 of the 77 rear gardens would meet the BRE criteria. BRE guidelines and values should be interpreted flexibly and should be viewed in the context of the specific site constraints. Nonetheless, the level of compliance given the urban context and site constraints is appropriate and the proposed development is considered acceptable in terms of daylight, sunlight and overshadowing terms.



Given the back to back arrangement of many of the properties and when also taking account of the urban nature of the site where further development and the intensification of units could alter the visual amenity of the development, have direct implications on neighbouring amenity and could also have wider implications in terms of traffic generation, particularly if this resulted in the creation of additional bedrooms, it is recommended that householder permitted development rights are removed with regard to Classes AA, B, D, E, F and G. It is also recommended that permitted development rights are removed with regard to the change of use from Class C3 dwellinghouse to Class C4 small HMO in the interest of amenity given the prevailing character of the area and its location.

Subject to the recommended conditions being imposed, no objections are raised by the Council in terms of the impact on amenities of both the future occupiers and neighbours. The proposal is considered to comply with Policy BNE2 of the Local Plan and paragraph 135 of the NPPF.

### *Noise*

The site is not located near to a busy road and there do not appear to be any significant sources of commercial noise nearby. No noise mitigation measures are therefore required. Consequently, no objection is raised with regards to Policy BNE2 of the Local Plan and paragraphs 180 of the NPPF.

### *Air Quality*

An Air Quality Assessment (Ref; 103124V3, dated 25 April 2024) has been submitted alongside the application. The air quality assessment predicts that there will be insignificant impacts upon local air quality, including at receptors in the Central Medway Air Quality Management Area. Therefore, air quality at the application site is likely to meet the relevant air quality objectives. Subject to a condition requiring the submission of an air quality mitigation assessment setting out full details of the measures that will be implemented as part of the development to mitigate the development related road transport emissions no objection is raised with regards to Policy BNE24 of the Local Plan and paragraphs 180 and 192 of the NPPF.

### *Contamination*

The application has been submitted with a Ground Investigation Report (Ref; 26838-HYD-XX-XX-RP-GE-1001, dated 16 April 2024). The report includes a desk top study and intrusive investigation and is in line with current guidance. A 2017 Fairhurst Geotechnical and Geo-Environmental Interpretive Report (Ref; 122428) is also referred to as part of the report. A conceptual site model was produced based on the investigations following a risk assessment and the report concluded some remediation will be required with mitigation proposals put forward. A remediation strategy will need to be submitted in line with the Environment Agency Land Contamination Risk Management Guidance.

Subject to the imposition of conditions requiring a remediation strategy to deal with the potential risks associated with any contamination and a subsequent verification report to confirm the effectiveness of the remediation carried out, no objection is raised in regard to Policy BNE23 of the Local Plan and paragraphs 180, 189 and 190 of the NPPF.

### *Highways*

Policies T1, T2 and T13 of the Local Plan state development proposals should not have a significant or unacceptable impact on highway safety or the existing road network and should make vehicle parking provision in accordance with the adopted standard.

Paragraph 109 of the NPPF advises that significant development should be focused on locations which are, or can be made, sustainable through limiting the need to travel and offering a genuine choice of transport modes. Paragraph 115 of the NPPF also states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The application has been submitted with a Transport Assessment and Framework Travel Plan (Ref; VN232717 Rev 01c, dated April 2024).

### Existing Conditions

The site is bound by Charles Street to the North, Ordnance and Perry Street to the east, Grosvenor Avenue to the South and Boundary Road to the west. These are single carriageway roads which are subject to a 30mph speed limit. All these roads benefit from footpath provisions and street lighting and are within controlled parking zones. There are bus stops located within walking distance of the site, one of which is located immediately outside the site on Ordnance Street. This is served by the 185 service which operates on an hourly service and provides access from the Davis Estate to Chatham Waterfront Bus Station. Chatham bus station includes a wider range of services that operate regularly to destinations such as Grain, Gillingham, Bluewater, Maidstone, Walderslade and Hempstead.

There is also a parade of shops containing convenience stores and takeaways approx. 0.2 miles to the north along Ordnance Street with Chatham Railway Station located approx. 0.3 miles from the site providing links to the Medway Towns and further beyond including London (via the high-speed link). Beyond this there is Chatham Town Centre with its range of services and facilities which is located approx. 0.5 miles from the site. The new St John Fisher school is also located an approx. 0.3-mile walking distance to the West of the site.

In terms of cycle infrastructure, National Cycle Network Route 1 is located approx. 0.8 miles to the north of the site, this runs along Medway Street, High Street and further west towards Rochester. This then connects to National Cycle Network Route 17 which runs along the Esplanade and Borstal Road and then continues south of the M2. Both routes

comprise a mixture of traffic free and on road paths. Given the low vehicle speeds in the area the site would therefore provide the opportunity for a variety of journeys to be undertaken by bicycle which would provide a realistic alternative to the motor vehicle.

The Manual for Streets Guidance (2007) suggests walkable neighbourhoods are typically characterised by having a range of facilities located within 800m walk. The CIHT guidance on 'Providing for Journeys on Foot' (2000) also identifies 2,000m as the preferred maximum walking distance for commuting and schools and 1,200m to other destinations. As mentioned above there are existing local services and facilities locally which would be within the 800m preferred maximum distance.

### Access Arrangements

It is proposed for the site to be accessed by all modes from three existing access points, on Charles Street, Ordnance Street and Perry Street. A fourth existing access onto Boundary Road is proposed to be closed to vehicle traffic but retained for pedestrian and cycle access. The three vehicle access points are all proposed to be improved and amended to better reflect the required vehicle movements. The required visibility splays are achieved at each of these junctions, and they are suitable for access by refuse vehicles (this is also sufficient to demonstrate that access by emergency service vehicles is achievable). A new footway connection along the southern side of Charles Street is also proposed within the adopted highway verge.

### Highway Capacity and Safety

In order to assess the movements associated with the proposed land use, the transport assessment has used TRICS to establish the trip generation. It is noted that based on the TRICS outputs, the AM peak vehicle trips would be 79 vehicles, and the PM peak vehicle trips would be 72 vehicles. Compared to this, the transport assessment vehicle trip rate in Table 7.10 identifies just 54 movements in the AM peak, and 49 movements in the PM peak – circa 1/3 lower trip rate than the TRICS-only methodology.

Given that the TRICS-only method would be based on 'Edge of Town' sites without the same level of accessibility as the development proposals, and at sites with a much higher parking provision than the development proposals, while elements of the method could be improved, the overall vehicle trip conclusions are considered robust.

A trip rate of 49-54 peak hour movements distributed across the local network is not expected to be significant, especially when compared to the potential traffic generated by the previous use on the site. The proposals are therefore acceptable from a trip generation perspective, and this would not have a material impact on highway safety or capacity on the local road network.

Accident data analysis has also been undertaken of the network in the vicinity of the site covering the most recent five-year period. The data reveals that there have been no collisions within the vicinity of the proposed site access. Although two collisions were

recorded on Ordnance Street adjacent to the site, the severity was recorded as light. Based on the low number of collisions, and the fact that there are no clusters, it is considered that there are no known highway design features that contribute to the occurrence of accidents in the vicinity of the network.

### Parking

In accordance with Medway Councils Interim Parking Standards 1 space should be provided for a 1 bed, 1.5 spaces for a 2 bed and 2 spaces for every 3+ bedroom dwelling, with a provision of 0.25 spaces per dwelling for visitors. This would yield a total requirement of 255 spaces including visitors based on the housing mix proposed. However, the standards do state that reduced parking would be considered if the site is accessible to local public transport and everyday services.

Under the proposed scheme, a total of 76 parking spaces would be provided. Given the shortfall of proposed vehicle parking provided, there is therefore a greater responsibility for the development to improve its accessibility by non-car modes, to ensure that residents are not encouraged to own a car and park on nearby unrestricted streets. The transport assessment identifies that these streets are typically beyond the 200m residential parking radius identified in Lambeth survey methodology, however this is by no means a hard-and-fast figure, and some level of off-site parking generation can be expected.

A set of measures to ensure off-site parking impacts are minimised are also proposed in justifying such a low provision of parking. This includes the provision of car club spaces, a travel plan, a restriction of CPZ permits for future residents, travel vouchers to the value of £150 per household, a parking management plan and suitable provision of cycle parking.

### Summary of Highways

As detailed above there are existing local services and facilities available within the preferred maximum walking distance of the site. The creation of footpath links within the site, and the measures identified above to ensure off-site parking impacts are minimised would accord with the principles of sustainability in terms of offering alternative modes of travel. In addition, the Transport Assessment has demonstrated that the proposal would not have severe transport impacts. Subject to securing the stated improvements via conditions the development is considered acceptable with regard to Policies T1, T2, T3, T4 and T13 of the Local Plan and paragraphs 109, 114 and 115 of the NPPF.

### *Ecology*

A Preliminary Ecological Appraisal (Ref; 794-ENV-ECO-20983 A, dated May 2024) was submitted with the application. Following a request for additional information from KCC a Preliminary Roost Assessment, Bat Survey (existing building) and Ground Level Tree Roost Assessment were also provided.

A precautionary mitigation approach has been recommended to avoid impacts on reptiles and breeding birds and as the majority of the vegetation to support these species is to be retained KCC Biodiversity are satisfied that these measures are appropriate. A disused badger set was also recorded within the site and as such a pre commencement survey will be required as a condition of the approval. This can be addressed as part of any site wide mitigation strategy addressing all ecological constraints associated with the site. The report also confirms that bats and other nocturnal animals are present or likely to be present and therefore a sensitive lighting plan will need to be produced to ensure that there is minimal light spill on the retained habitats within the wider site. This can be secured via condition.

In summary and subject to suitably worded conditions in respect to lighting, ecological enhancements and a Landscape and Ecological Management Plan, no objections are raised.

### *Biodiversity Net Gain (BNG)*

As the application was submitted after the 12 February 2024 the mandatory requirements to deliver a minimum 10% BNG would apply. The application has therefore been submitted with a Baseline Habitat Assessment (Ref; 1635\_R04, dated 17 October 2024) and updated BNG Assessment (Ref; 1635\_R05, dated 17 October 2024) and BNG Metric. In accordance with BNG Assessment and Metric the development proposals result in a 24.29% gain in the biodiversity value of the area habitats

KCC Biodiversity were consulted on receipt of the BNG Metric and are satisfied that sufficient information has been provided to meet the determination requirements of mandatory BNG and further details can be provided as part of the biodiversity gain plan when permission is granted.

In view of the above, and subject to a condition requiring the submission and written approval of a Landscape and Ecological Management Plan no objection is raised.

### *Trees*

A revised Arboricultural Report and Impact Assessment (Ref; 011608, dated 18 September 2024) has been submitted alongside the application. This was in response to initial comments from officers. The site is not within a conservation area, and there are no tree preservation orders affecting trees within the site or any trees immediately adjacent to the site.

The Arboricultural Report indicates that a total of 13 trees will be removed to facilitate the proposals, consisting of 5 category B trees, 6 category C trees and 2 category U trees. These trees are located within the footprint of the proposed buildings/surfaces or so close to them that their retention is not possible.

Initially the Arboricultural Report indicated that the following individual and or group of trees would need to be pruned to accommodate the development; G27, G28, G29, G30, G31, G32, G34, G35, G40, T41, T45, G46, T47, G48, G49, G50, T61, T64, T65, T66 and T68. However, following officer comments, a reduced pruning regime is now proposed. As a result, the revised Arboricultural Impact Assessment indicates that trees G27, G28, G30, G32, T61 and T66 are no longer proposed for pruning in regard to daylight/sunlight. Lesser pruning of G29, T68, T64 and T65 is also proposed. Where pruning is proposed to trees this is to only ensure adequate daylight/sunlight is available to dwellings, to ensure appropriate distances between canopies and buildings, and to facilitate access. The report indicates that such pruning will be undertaken in accordance with BS 3998: 2010 guidelines.

Restrictions have also been imposed on the construction of the retaining features within the site which will impact retained trees T25, T26 and G27 and their root protection areas. This will require any retaining walls to be supported by a shallow beam that spans the Root Protection Area and should avoid deep excavation and the severance of roots in excess of 25mm diameter. To minimise the impact on tree roots of retained trees to facilitate new surfacing, underground services and boundary treatment further measures are also proposed within the RPA's, including hand excavations following the guidance under BS5837:2012. Further details of which will be secured by condition as part of an arboricultural method statement.

As detailed within the amenity section above, the applicant has also submitted an internal daylight report indicating that a significant number of habitable rooms within the development would meet the desired average daylight factor value and are in compliance with BRE guidance in terms of internal daylight amenity. Whilst the height and dense nature of the trees may partially restrict some daylight from entering some of the dwellings, this would largely be in the spring and summer months when the trees have their leaves and when daylight levels are greatest. The light would also still be able to penetrate through the branches unlike a solid building or wall.

Taking these points together, and on balance, it is considered that the nearby trees would not have a significant adverse effect on living conditions for future occupiers, and the proposed development would not have a significant adverse impact on the trees. Furthermore, and as the development would be a Build to Rent (BTR) scheme any future estate management will, of course, be controlled under the BTR model allowing for the long-term upkeep of trees. This would also address potential concerns in relation to future pressure as it is highly unlikely that any future residents would seek to remove any of the trees as none of the properties would be freehold, and therefore there would be no value in undertaking what could be a significant expense.

Consequently, and subject to the aforementioned conditions no objection is raised in respect to Policy BNE43 of the Local Plan and paragraph 180 of the NPPF.

## *Flood Risk*

The application has been submitted with a Drainage Strategy (Ref; 23845-RLL-23-XX-RP-C-0002), dated 3 May 2024) and Flood Risk Assessment (Ref; 23845-RLL-23-XX-RP-C-0001), dated 3 May 2024). The site lies within Flood Zone 1 according to the Environment Agency mapping and therefore has a low probability of river or sea flooding. However, a narrow segment of the site, along the boundary of the rear gardens of the properties on Boundary Road are shown to be at low, medium and high risk of surface water flood risk. The site layout accommodates the areas shown to be at risk of pluvial flooding by keeping the alignment of the surface water flood risk path free of proposed dwellings and primary access routes.

The proposed surface water drainage strategy has been designed in accordance with the drainage hierarchy and best practice. Surface water run-off from the proposed development will be discharged into the ground via several Sustainable Drainage Systems (SuDS) features, operating across two catchments. A water quality assessment has been undertaken which confirms the proposed drainage strategy will adequately treat surface water discharge from the site. The existing Southern Water foul water sewer across the site will be diverted to suit the site layout and act as a gravity outfall to the proposed development.

This Drainage Strategy report confirms that the proposed development will deal with drainage in a sustainable manner, without increasing flood risk to the development site or the downstream catchment area. A suitable surface water drainage strategy is prepared for the site, such that the pluvial flood risk can be appropriately mitigated and does not pose a risk to the development proposals.

In view of the above, 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 173 of the NPPF.

## *Climate Change and Energy Efficiency*

A Climate Change and Energy Efficiency Statement (Ref; EJ1870 Rev P2, dated May 2024) and a Renewable Energy Assessment (Ref; EJ1870 Rev P3, dated May 2024) have been submitted in support of the application. The contents of these reports can be summarised as follows.

- The proposed development will reduce carbon emissions by 13% using energy efficiency methods with a further 50% reduction using renewable energy in the form of heat pumps. The overall CO<sub>2</sub> emissions reduction for the proposed development is 63% against Part L 2021 edition.
- In line with the statutory framework for biodiversity net gain, the proposed development will achieve the objective to deliver a minimum of a 10% increase in

biodiversity value relative to the pre-development biodiversity value of the onsite habitat.

- All light fittings will be specified as low energy lighting, such as LED.
- The external envelope of the buildings will be designed to minimise energy requirements and improve thermal comfort.
- The provision of glazing has considered the impacts of overheating by providing solar controlled glazing.
- EC/DC motors will be used in place of conventional AC motors.
- Ventilation Heat Recovery systems will be utilised.
- Using water efficient fittings, the proposed development will reduce water consumption to 125 litres per person per day (including external usage). The incorporation of permeable surfaces supports rainwater absorption to help prevent flooding.
- A Site Waste Management Plan will be developed for the demolition and construction phase of the proposed development by the Main Contractor. Opportunities for re-using or recycling demolition or construction waste will be explored and implemented.
- Domestic waste to landfill will be reduced by separating waste into 3 categories: Recycling, Food and Garden Waste, and General Waste.
- A qualitative audit of the walking, cycling and public transport infrastructure of the desirable routes and distances to key local facilities has been reviewed. The audit demonstrates the development is highly accessible and the site location supports the potential for residents to live a car-free lifestyle.
- A Home User Guide (HUG) will be provided for each house and flat.

Further details of these measures will be required as a condition in accordance with paragraph 157 of the NPPF.

### *S106 Matters and Affordable Housing*

The Community Infrastructure Levy Regulations 2010 provide that in relation to any decision on whether or not to grant planning permission to be made after 6 April 2010, a planning obligation (a s106 agreement) may only be taken into account if the obligation is:

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

Under normal circumstances Policy H3 of the Local Plan states that on appropriate sites, affordable housing will be sought equating to a minimum of 25% of the total housing provisions. This includes sites within the urban area, where the development would include 25 or more dwellings. However, the policy also states that 'matters to be taken into account when affordable housing is negotiated, includes 'the economics of provision'.



Paragraph 58 of the NPPF states that it is for the applicant to demonstrate whether circumstances justify the need for a viability assessment at the application stage. In this case a financial viability appraisal was submitted by the applicant, which addresses the viability of development across the application site. The viability assessment has been assessed by an independent viability consultant (Pathfinder) as part of a joint instruction.

In summary the viability assessment concluded that a scheme as proposed entirely for market sale, based on current known costs and values generates a residual land value of £2,866,456 assuming £700,000 of S106 commuted sums in total. This is a level which can be considered to deliver a minimum return to the landowner, in comparison with the established convention of consideration of current benchmark values. However, Pathfinder's recommendation would mean that there would be no affordable housing product on site, and therefore would not deliver on one of the Council's key priorities in respect to housing. The applicant therefore proposed three alternative options (see below) which would deliver an affordable private rent tenure on site within the realms of the scheme's viability. Affordable housing for rent is recognised as a type of affordable housing under Annex 2 of the NPPF.

- No S106 contributions & 18% Affordable Housing consisting of 25 x 1 bed flats (Affordable Private Rent tenure).
- £200,000 of S106 contributions & 4% Affordable Housing consisting of 5 x 3 bed houses (3b, 5 person) (Affordable Private Rent tenure).
- £200,000 of S106 contributions & 11% Affordable Housing consisting of 15 x 1 bed flats (Affordable Private Rent tenure).

In considering the options proposed, the Councils Housing Enabling Team have been consulted and have advised that based on the overall annual dwelling type, size and tenure there is a need for larger family homes more locally. This is also reflected in the Councils Local Housing Needs Assessment which identifies a need for 30-35% for 3 bed houses in comparison to 15-20% for 1 bed flats. Although this would result in a lower number of units being secured as affordable private rent on site it would reflect the need for much needed larger family homes. The rent would also be capped at least 20% below local market rents (including service charges where applicable) for the same or equivalent property. In view of this and based on the constraints relating to the schemes viability as confirmed above, 5 x 3 bed houses (3b, 5 person) would be secured as part of the S106 as affordable private rent. This would equate to 4% affordable housing on site.

The remaining £200,000 in S106 contributions would then be distributed as follows.

- vi) £45,629.53 towards Designated Habitats Mitigation.
- vii) £20,850 for the provision of travel vouchers to be issued to each dwelling to the value of £150 per voucher per dwelling.
- viii) £32,156.26 for the provision, improvement and promotion of waste and recycling services to cover the impact of the development.

- ix) £90,325.42 towards mitigating the impact of the additional pupils generated by the development on Primary Education.
- x) £11,038.79 towards enhancement and/or expansion of community facilities which will serve the new residents of the development.

### *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, that currently stands at £328.27 per dwelling (excluding legal and monitoring officer's costs) 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 applicants have agreed to pay this tariff, and this would be secured as part of a section 106 agreement. The proposal is therefore in accordance with Policies S6 and BNE35 of the Local Plan and paragraphs 187 and 188 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.

### *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 wider street scene 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, BNE39, BNE43, H4, H5, L3, CF13, T1, T2, T3, T4 and T13 of the Local Plan, the advice set out in paragraphs 11, 58, 60, 70, 76, 109, 114, 115, 123, 124, 131, 135, 157, 159, 173, 180, 187, 188, 189, 190 and 192 of the NPPF.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the significance of the proposal and at the request of the Chief Planning Officer.

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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 on Medway Council's Website <https://publicaccess1.medway.gov.uk/online-applications/>