

MC/24/1613

Date Received: 2 August 2024
Location: Ironmonger Yard, Rochester, Medway ME1 1NG
Proposal: Residential-led mixed use development comprising of residential units (Class C3) and commercial/community floorspace (Classes E and F) together with vehicular access off High Street and Bardell Terrace, vehicle (including on site and on street spaces), cycle parking provision, private amenity space, landscaping, engineering works, public realm, and associated works.
Applicant Zirconia Rochester Unit Trust
Mr Tom Patton
Agent Savills
Mr John Ainsworth 74 High Street
Sevenoaks
TN13 1JR
Ward: Rochester West & Borstal
Case Officer: Tom Stubbs
Contact Number: 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 20th November 2024.

Recommendation – Give Delegated Powers to Approve Subject to the resolution of the remaining highway/parking negotiations to the satisfaction of the Chief Planning Officer (including any required additions or amendments to relevant conditions or clauses in the Section 106) and the completion of a Section 106.

A. Section 106 agreement to secure the following:

- i. £97,167.92 towards strategic measures in respect of the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites
- ii. The provision of 10% affordable housing
- iii. £200,000 towards the wider Star Hill Junction improvements
Or
Provision of lesser junction works under s278 works up to the same value.

And the following conditions.

Recommendation - Approved Subject to S106

- 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 2 August 2024:

DRE08-TOD-00-A00-D-A-20001 Rev P01 - Block A - Proposed Floor Plan - Level GF

DRE08-TOD-00-AZZ-D-A-20002 Rev P01 - Block A - Proposed Floor Plan - Levels 01-03

DRE08-TOD-00-AZZ-D-A-20003 Rev P01 - Block A - Proposed Floor Plan - Levels 04-05

DRE08-TOD-00-ARR-D-A-20004 Rev P01 - Block A - Proposed Floor Plan - Levels RF

DRE08-TOD-00-AZZ-D-A-30001 Rev P01 - Block A - Proposed Elevation - North

DRE02-TOD-00-AZZ-D-A-30002 Rev P01 - Block A - Proposed Elevation - South

DRE02-TOD-00-AZZ-D-A-30003 Rev P01 - Block A - Proposed Elevation - East

DRE02-TOD-00-AZZ-D-A-30004 Rev P01 - Block A - Proposed Elevation - West

DRE08-TOD-00-AZZ-D-A-40001 Rev P01 - Block A - Proposed Sections - Section A

DRE02-TOD-00-AZZ-D-A-40002 Rev P01 - Block A - Proposed Sections - Section B

DRE08-TOD-00-B00-D-A-20011 Rev P01 - Block B - Proposed Floor Plan - Level GF

DRE08-TOD-00-B08-D-A-20013 Rev P01 - Block B - Proposed Floor Plan - Level 08

DRE08-TOD-00-BRR-D-A-20015 Rev P01 - Block B - Proposed Floor Plan - Level RF

DRE08-TOD-00-BZZ-D-A-20012 Rev P01 - Block B - Proposed Floor Plan - Level 01 - 07

DRE08-TOD-00-BZZ-D-A-20014 Rev P01 - Block B - Proposed Floor Plan - Level 09 - 10

DRE08-TOD-00-BZZ-D-A-30011 Rev P01 - Block B - Proposed Elevation - NE

DRE08-TOD-00-BZZ-D-A-30012 Rev P01 - Block B - Proposed Elevation - SE

DRE08-TOD-00-BZZ-D-A-30013 Rev P01 - Block B - Proposed Elevation - SW

DRE08-TOD-00-BZZ-D-A-30014 Rev P01 - Block B - Proposed Elevation - NW

DRE08-TOD-00-BZZ-D-A-40011 Rev P01 - Block B - Proposed Section - AA

DRE08-TOD-00-BZZ-D-A-40012 Rev P01 - Block B - Proposed Section - BB
DRE08-TOD-00-C00-D-A-20021 Rev P01 - Block C - Proposed Floor Plan - Level GF
DRE08-TOD-00-CRR-D-A-20023 Rev P01 - Block C - Proposed Floor Plan - Level RF
DRE08-TOD-00-CZZ-D-A-20022 Rev P01 - Block C - Proposed Floor Plan - Level 01 - 05
DRE08-TOD-00-CZZ-D-A-30021 Rev P01 - Block C - Proposed Elevation - NE
DRE08-TOD-00-CZZ-D-A-30022 Rev P01 - Block C - Proposed Elevation - SE
DRE08-TOD-00-CZZ-D-A-30023 Rev P01 - Block C - Proposed Elevation - SW
DRE08-TOD-00-CZZ-D-A-30024 Rev P01 - Block C - Proposed Elevation - NW
DRE08-TOD-00-CZZ-D-A-40021 Rev P01 - Block C - Proposed Section - AA
DRE08-TOD-00-CZZ-D-A-40022 Rev P01 - Block C - Proposed Section - BB
DRE08-TOD-00-D00-D-A-20031 Rev P01 - Block D - Proposed Floor Plan - Level GF
DRE08-TOD-00-D06-D-A-20033 Rev P01 - Block D - Proposed Floor Plan - Level 06
DRE08-TOD-00-D08-D-A-20034 Rev P01 - Block D - Proposed Floor Plan - Level 07
DRE08-TOD-00-D08-D-A-20035 Rev P01 - Block D - Proposed Floor Plan - Level 08
DRE08-TOD-00-DRR-D-A-20036 Rev P01 - Block D - Proposed Floor Plan - Level RF
DRE08-TOD-00-DZZ-D-A-20031 Rev P01 - Block D - Proposed Elevation NE
DRE08-TOD-00-DZZ-D-A-20032 Rev P01 - Block D - Proposed Elevation SE
DRE08-TOD-00-DZZ-D-A-30033 Rev P01 - Block D - Proposed Elevation SW
DRE08-TOD-00-DZZ-D-A-30034 Rev P01 - Block D - Proposed Elevation NW
DRE08-TOD-00-DZZ-D-A-40031 Rev P01 - Block D - Proposed Section AA
DRE08-TOD-00-DZZ-D-A-40032 Rev P01 - Block D - Proposed Section BB
DRE08-TOD-00-ZZ-D-A-10003 Rev P02 - Proposed Site Plan
DRE08-TOD-00-ZZ-D-A-10004 Rev P03 - Proposed Site GF Plan

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

- 3 No development above slab level until the submission of a Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall:
- o Define the extent of the area of each phase.
 - o Specify the order and timing of the proposed phases, which shall be shown sequentially starting with Phase 1.

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

Reason: Required before commencement of development to avoid any irreversible detrimental impact to the historic character of the area in accordance with Policies BNE14 and BNE18 of the Medway Local Plan 2003.

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

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

- 5 No development shall take place within a phase or sub-phase, until details of foundations designs and any other proposals involving below ground excavation 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: Required before commencement of development to avoid any irreversible detrimental impact on any archaeological interest and in accordance with Policy BNE21 of the Local Plan 2003.

- 6 No development shall take place within a phase or sub-phase until a Construction Environmental Management Plan (CEMP) in relation to that phase or sub-phase has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include amongst other matters details of hours of construction working; measures to control noise and vibration affecting nearby residents; dust and air pollution control measures; pollution incident control, the precautionary mitigation measures for badgers and breeding birds within the Preliminary Ecological Appraisal ecology report and site contact details in case. The construction works within that phase or sub-phase shall be undertaken in accordance with the relevant approved CEMP.

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

- 7 No development shall take place within a phase or sub-phase until a comprehensive Construction Traffic Management Plan in relation to that phase or sub-phase has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority for the M2 and A2). The Plan shall include as a minimum:
 - o Construction phasing
 - o Construction routing plans

- o Permitted construction traffic arrival and departure times.

The construction works within that phase or sub-phase shall be undertaken in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority in consultation with Highways Authority.

Reason: Required before commencement of development in order to minimise the impact of the construction period on the M2 and A2 in accordance with DfT Circular 01/2022 and Policy T1 of the Medway Local Plan 2003.

- 8 Unless otherwise agreed by the Local Planning Authority, development within a phase or sub-phase other than that required to be carried out as part of an approved scheme of remediation and archaeological works must not take place until conditions 9 to 12 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the Local Planning Authority until condition 10 has been complied with in relation to that contamination for that particular phase.

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

- 9 No development shall take place within a phase or sub-phase other than archaeological works until an intrusive site investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination within that phase or sub-phase, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development of that particular phase or sub-phase. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development of that particular phase or sub-phase. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination.
- (ii) an assessment of the potential risks to:
 - o human health
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
 - o adjoining land
 - o groundwaters and surface waters

- o ecological systems
- o archaeological sites and ancient monuments.

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

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

- 10 No development shall take place within a phase or sub-phase other than archaeological works until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared and submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the phase will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

- 11 No development shall take place within a phase or sub-phase other than development required to enable the remediation process to be implemented and archaeological works until the relevant remediation scheme approved under condition 10 has been carried out in accordance with its terms. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works for that particular phase or sub-phase.

Following completion of the measures identified in the approved remediation scheme, a verification report for that and each subsequent phases, 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 that particular phase or sub-phase.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and water courses as a result of the potential

mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 12 In the event that contamination is found at any time within a phase or sub-phase when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. Development shall cease for that particular phase and an investigation and risk assessment must be undertaken in accordance with the requirements of condition 9, and where remediation is necessary a remediation scheme for that particular phase must be prepared in accordance with the requirements of condition 10, which shall be submitted to and approved in writing by the Local Planning Authority.

The remediation must be completed in accordance with the approved scheme and following completion of the measures a verification report for that particular phase or sub-phase providing details of the data that will be collected in order to demonstrate that the works set out in condition 11 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 11.

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.

- 13 Piling or any other foundation designs using penetrative methods within a phase or sub-phase shall not be permitted unless details are first submitted to and approved in writing by the Local Planning Authority. Written approval may be given for those parts of the site where it has been demonstrated by a piling risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilisation and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 14 No infiltration of surface water drainage into the ground is permitted other than within the prior written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details as applicable.

Reason: To ensure 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 2023.

- 15 No development shall take place within a phase or sub-phase 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 has been submitted to and agreed in writing by the Local Planning Authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction within the phase or sub-phase to which it relates.

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 approved details.

Reason: Required prior to commencement of development to manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 175 of the National Planning Policy Framework 2023.

- 16 No development shall take place within a phase or sub-phase until a scheme showing details of the disposal of surface water, based on sustainable drainage principles, including details of the design, implementation, maintenance and management of the surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority .

Those details shall include (if applicable):

- i. a timetable for its implementation (including phased implementation where applicable).
- ii. appropriate operational, maintenance and access requirements for each sustainable drainage component are adequately considered.
- iii. proposed arrangements for future adoption by any public body, statutory undertaker or management company.

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

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 175 of National Planning Policy Framework 2023.

- 17 No development shall take place above slab level within a phase or sub-phase until a scheme of acoustic protection against transport noise within that phase or sub-phase has been submitted to and approved in writing by the Local Planning

Authority. The scheme shall include details of acoustic protection sufficient to ensure internal noise levels (LAeq,T) no greater than 30dB in bedrooms and 35dB in living rooms with windows closed and a maximum noise level (LAm_{ax}) of no more than 45dB(A) with windows closed. Where the internal noise levels will be exceeded with windows open, the scheme shall incorporate appropriate acoustically screened mechanical ventilation. The scheme shall include details of acoustic protection sufficient to ensure amenity/garden noise levels of not more than 55dB (LAeq,T). The development shall be implemented in accordance with the relevant approved details prior within each phase or sub-phase to the occupation of any part of that phase or sub-phase to which the approved details relate and shall thereafter be retained.

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

- 18 No development shall take place above slab level within a phase or sub-phase until detailed elevations and sections through external walls taken at ground, mid and roof levels for each building within that phase have been submitted to and approved in writing by the Local Planning Authority.

The details should include windows, eaves, parapets, verges, lintels, cills, balconies, entrances and any other architectural detailing requested by the Local Planning Authority.

The details are to be submitted using a combination of plan, section, mood boards, models and component assemblies at a scale to be agreed in writing with the Local Planning Authority. The development within the phase or sub-phase to which the approved specifications relate shall be implemented in accordance with those details for that phase or sub-phase 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 and conservation area in accordance with Policies BNE1 and BNE12 of the Medway Local Plan 2003.

- 19 No development shall take place above the fourth floor framework of any building within a phase or sub-phase until sample panels of brickwork including mortar colours, joint types and pointing finishing for each brick type at a size of no less than 2sqm per panel have been constructed and made available for inspection at agreed secure locations within the site for approval in writing by the Local Planning Authority. The development within the phase or sub-phase to which the approved specifications relate shall be implemented in accordance with the approved details for that phase or sub-phase.

The sample panels shall thereafter be retained on site for the duration of the construction activity for the phase or sub-phase to which it relates.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality and conservation area in accordance with Policies BNE1 and BNE12 of the Medway Local Plan 2003.

- 20 No development shall take place above slab level within a phase or sub-phase until details and samples in the form of sample panels (of an agreed size), and component assemblies of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority.

The development within that phase or sub-phase shall be implemented in accordance with the relevant approved details for that phase or sub-phase.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality and conservation area in accordance with Policies BNE1 and BNE12 of the Medway Local Plan 2003.

- 21 No development shall take place above slab level within a phase or sub-phase until a Soil Resource Survey is provided that confirms analysis of the condition of existing site topsoil, subsoils, and its appropriateness for landscape use; the sourcing, quality and use of imported material; with outline recommendations for the stripping, stockpiling, remediation, amelioration, movement, profile and use of soils, relative to the planting proposals.

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

- 22 Prior to the first occupation of the development herein approved, full details of a hard and soft landscape scheme shall be submitted to and approved in writing by the Local Planning Authority including:

- 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. Details for the planting environment (including within hard landscape, and raised planters), 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 for the design and specification of public realm play.
- iv. A timetable for implementation.

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.

- 23 No dwelling or building shall be occupied within a phase or sub-phase until a plan indicating the positions, design, materials and type of boundary treatment to be erected within that phase has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be implemented in accordance with the approved details before any dwelling or building within that phase or sub-phase is 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.

- 24 Prior to the occupation of any building with a phase or sub-phase, final details of secure private cycle parking provision (including individual lockers and non-standard sized cycle provision) and information for commercial cycle provision for that phase or sub-phase shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be implemented within that phase or sub-phase in accordance with the approved details before the building to which it relates is first occupied and shall thereafter be retained.

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

- 25 No part of the development shall be occupied within any phase or sub-phase until a Car Parking/Service Management Plan, has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the operational arrangements for residential and commercial vehicles, space sharing

arrangements, the operation of public parking spaces around the site, disabled parking, car club arrangements, how arrangements for a Parking Management Strategy review and removal of entitlement for residents of the approved development to apply for street parking permits. The development within the relevant phase or sub-phase shall operate in accordance with the approved Car Parking/Servicing Management Plan.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency outside of the site and to accord with policies BNE2, T13 and T2 of the Medway Local Plan 2003.

- 26 No part of the development within any phase of sub-phase shall be occupied until details of the provision electric vehicle charging points (20% active and 80% passive) has been submitted to and approved in writing by the Local Planning Authority. Details shall include the location, charging type (power output and charging speed), associated infrastructure and timetable for installation. The development within that phase of sub-phase shall be implemented in accordance with the approved details for that phase or sub-phase and shall thereafter be retained.

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

- 27 No part of the development shall be occupied within any phase or sub-phase until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall contain details of sustainable measures to encourage walking, cycling, using public transport, car sharing and a timetable for review. The Travel Plan shall be implemented in accordance with the approved details upon the first occupation of the development.

Reason: to assess the proposed development in terms of traffic generation and the impact on the local highway network and in accordance with Policy T1 of the Medway Local Plan 2003.

- 28 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within Sustainability and Energy Statement Rev P03 ref:2325553-HLE-XX-XX-RP-ST-402085_00.dox dated 29 July 2024. The development shall not be occupied within a phase or sub-phase until a verification report prepared by a suitably qualified professional has been submitted to and approved in writing by the Local Planning Authority confirming that all the relevant approved measures have been implemented within the phase or sub-phase to which it relates.

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.

- 29 Prior to the first use of any of the buildings within a phase or sub-phase (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 approved surface water systems have been constructed as per the approved scheme and plans. The report shall include details and locations of critical drainage infrastructure (such as inlets, outlets and control structures) including as built drawings, and an operation and maintenance manual for the unadopted parts of the scheme as constructed.

Reason: To ensure a suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk on site or elsewhere in accordance with paragraph 175 of the National Planning Policy Framework 2023.

- 30 Prior to occupation of any phase or sub-phase that include Block A until details of the mobility hub have been submitted to and approved in writing by the Local Planning Authority. This should include layout and details of the mobility hub and location of a publicly visible real time public transport information. The approved scheme shall be implemented in accordance with the approved details.

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

- 31 Prior to occupation of the use class E/F unit details have been submitted to and approved in writing by the Local Planning Authority:-

- (i) The use
- (ii) Hours of opening
- (iii) Hours of delivery

The development shall be implemented in accordance with the approved details before the first use of the commercial unit and shall thereafter be retained.

Reason: To ensure no long-term detrimental harm to conditions of amenity and vitality of street scene in accordance with Policies B.

- 32 Prior to the occupation of the any Class E(b) commercial unit within a phase or sub-phase to which it relates, a scheme for the extraction and treatment of cooking fumes, including details for the control of noise and vibration from the system, shall be submitted to and approved in writing by the Local Planning Authority. Noise from the extraction system (LAeq,T) shall be at least 10dB(A) below the background noise level (LA90,T) at the nearest residential facade, when assessed in accordance with BS4142:2014. The approved scheme shall be implemented before the Class E(b) unit is brought into use and shall thereafter be maintained and retained in accordance with the approved details.

Reason: To ensure no long-term detrimental harm to conditions of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 33 Prior to the occupation of the any Class E(b) commercial unit within a phase or sub-phase to which it relates, a scheme for the extraction and treatment of cooking fumes, including details for the control of noise and vibration from the system, shall be submitted to and approved in writing by the Local Planning Authority. Noise from the extraction system (LAeq,T) shall be at least 10dB(A) below the background noise level (LA90,T) at the nearest residential facade, when assessed in accordance with BS4142:2014. The approved scheme shall be implemented before the Class E(b) unit is brought into use and shall thereafter be maintained and retained in accordance with the approved details.

Reason: To ensure no long-term detrimental harm to conditions of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 34 Prior to the occupation of any flat within an individual building, details of the privacy screens related to the private terraces and/or balconies of that building shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the occupation of the flat to which the approved details relate and shall thereafter be retained.

Reason: To ensure adequate privacy for the occupiers of the development in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 35 No external lighting to be installed within each phase or subphase, until details of such lighting have been submitted to and approved in writing by the Local Planning Authority. Details shall include height, position, external appearance, any shielding, light intensity, colour, spillage (such as light contour or lux level plans showing the existing and proposed levels) and hours of use] together with a report to demonstrate its effect on the landscaping of the site (including an overlay of the proposed lighting onto the site landscaping plans), nearby residential properties, and of how this effect has been minimised. Any external lighting shall be implemented in accordance with the approved details.

Reason: To limit the impact of the lighting on the Listed Buildings, the Conservation Area, the landscaping of the site, the surrounding landscape and heritage features, nearby residents and wildlife, and with regard to Policies BNE1, BNE2, BNE5, BNE12 and BNE14 of the Medway Local Plan 2003.

- 36 Prior to occupation of any phase or sub-phase full details of a wayfinding and interpretation scheme for that phase or sub-phase shall be submitted to and approved in writing by the Local Planning Authority. This should include plans and information providing details of the location, materiality and visual appearance of wayfinding aids, artwork and interpretation boards/ signage, and a timetable for

implementation. The approved scheme shall be implemented in accordance with the approved details within that phase or sub-phase.

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

- 37 The separating partition(s) between the ground floor and first floor residential units shall resist the transmission of airborne sound such that the weighted standardised level difference (DnT,W +Ctr) shall not be less than 60 decibels as measured and calculated in accordance with BS EN ISO 16283-1 2014.

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

- 38 The separating partition(s) between the bedrooms and living/kitchen/dining rooms of residential units in separate occupation shall resist the transmission of airborne sound such that the weighted standardised level difference (DnT,W +Ctr) shall not be less than 50 decibels as measured and calculated in accordance with BS EN ISO 16283-1 2014.

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

- 39 The northern flank windows on the Northern Block shall be fitted with obscure glass and apart from any top-hung light, that has a cill height of not less than 1.7 metres above the internal finished floor level of the room it serves, shall be non-opening. This work shall be completed before the room it serves is occupied and shall be retained thereafter.

Reason: To ensure the development does not prejudice conditions of amenity by reason of unneighbourly overlooking of adjoining property, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 40 No development within a phase or sub-phase to which it relates shall be occupied until the area shown on the approved plans as vehicle parking spaces for that phase or sub-phase has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space and garaging.

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

- 41 Prior to the first occupation within a phase or sub-phase, refuse storage arrangements as set out within the Astage 2 Report - Operation Waste Strategy revision 04 dated 23 July 2024 shall be implemented on site in relation to the phase or sub-phase to which it relates and shall be retained thereafter.

Reason: To ensure the provision and permanent retention of refuse storage in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 42 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 public realm, communal courtyard, and play space, for a minimum period of five years, with arrangements for implementation and regular future review. The document shall also include an appendix incorporating product specification sheets for all street furniture and play equipment, covering installation and maintenance requirements. 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.

- 43 Prior to occupation of each phase or sub-phase an Ecological Enhancement Plan detailing what ecological enhancements will be incorporated, relevant to that phase or sub-phase shall be submitted to and approved in writing by the Local Planning Authority. The development within that phase or sub-phase shall be implemented in accordance with the approved details prior to the occupation of any part of the development within that phase or sub-phase and shall thereafter be retained.

Reason: In order to limit the impact on the wildlife and with regard to Policy BNE39 of the Medway Local Plan 2003.

- 44 Within 3 months of works commencing within the site a habitat creation and management plan must be submitted to the LPA for written approval. The plan must include the following:

- o Details of habitats currently on site
- o Aims and objectives of the creation and management plan
- o Plan of the habitats to be created and established
- o Management requirements to create/enhance habitats on site
- o Overview of long-term management requirements
- o Rolling 5-year timetable to implement long term management
- o Details of who will be responsible for implementing long term management
- o Details of how it will be funded

The plan thereafter must be implemented as approved.

Reason: In order to limit the impact on the wildlife and with regard to Policy BNE39 of the Medway Local Plan 2003.

- 45 Prior to the installation of any roof top generators within a phase or subphase, details of their operation and impact on air quality has been submitted to and approved in writing by the Local Planning Authority. The details should include a dispersion modelling, assessment on the impact of air quality details of their operations including mitigation such as the staggering of units. The roof top generators shall be implemented in accordance with the approved details prior to the occupation of any part of the development to which the phase or sub-phase relates and shall thereafter be retained.

Reason: To limit the impact of the units on Air Quality with regard to Policy BNE24 of the Medway Local Plan 2003.

- 46 Prior to the installation of any substations within a phase or subphase, details of their means to protect future occupiers from low frequency noise has been submitted to and approved in writing by the Local Planning Authority. The details should include a noise assessment and mitigation measures. The substations shall be implemented in accordance with the approved details prior to the occupation of any part of the development to which the phase or sub-phase relates and shall thereafter be retained.

Reason: To limit the impact of the substations on the amenity of future occupiers with regard to Policy BNE2 of the Medway Local Plan 2003.

- 47 Prior to first use of the communal terrace within block A, details of the management of this terrace have been submitted to and approved in writing by the Local Planning Authority. This should include the management of this terrace to limit impacts on residents and neighbours with regards to noise.

Reason: To limit the impact of the terrace on the amenity of future occupiers and neighbours with regard to Policy BNE2 of the Medway Local Plan 2003.

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

Proposal

This application seeks planning permission Residential-led mixed use development comprising of residential homes (Class C3) and commercial/community floorspace (Classes E and F) together with vehicular access off High Street and Bardell Terrace, vehicle (including on site and on street spaces), cycle parking provision, private amenity space, landscaping, engineering works, public realm, and associated works.

Of the proposed 296 flats within the four blocks there is proposed to be a mix of 199 one-bedroom flats (none are studios) and 97 are two-bedroom properties. There is also a unit approx. 85 square metres proposed on the corner of Corporation Street and High Street. to be used as a flexible commercial/community use (Class E/F).

The proposals seek to alter road arrangements along Bardell Terrace and includes alterations to feeder lane at Corporation Street widening pedestrian footpaths and a cycle route.

There have been a number of approvals on the site in the recent past. Most recently application reference MC/22/1810, which allowed a mixed-use development comprising residential units (Class C3) and commercial floorspace (Class E). This scheme has been put forward as an alternative to the previous approval.

A summary of each block is provided referenced as per the supporting information:

Block A - Fronting Corporation Street and High Street

This contemporary block has two distinctive styles. There is the four-storey flat roof, brick section along at the junction of Corporation Street that runs down the High Street towards Chatham Intra. This block is angled back into the site to allow views to the adjacent listed building, the former Court Building. A section of recessed balconies creates the square corner block and with different window types to keep interest. Horizontal banding is used on the section of the block fronting the High Street to reflect the adjacent listed building. At ground floor a mix of the commercial frontage doors and perforated brick patterns are used to screen the parking behind. As per the rest of the development due to flood levels the ground floor cannot be used for residential.

This block rises to six storeys in height with varying width and heights pitched roofs. Sections of inset balconies with different materials are used to break up the facades.

The property would have a ground floor comprising the flexible class E/F commercial/community space, bin stores, cycle stores, transport hub entrance lobbies and plant as well as 18 car parking spaces accessed from High Street. This block would contain 50 flats with a mix of 29 x 1-bedroom flats, 21 x 2-bedroom flats. With 41 being senior living (predominantly located within the 6-storey element) and 9 flats for sale within the four-storey element.

A communal terrace is proposed on the flat roof corner of the block for the later living section of the development.

For comparison purposes, within the consented MC/22/1810 scheme. This block varied from six storeys (including ground) adjacent the former Court Building to ten storeys (including ground) on Corporation Street and provided 119 flats. Therefore, this proposed block is lower in height than previously consented.

Block B - Fronting Corporation Street, Bardell Terrace and Furrell's Road

This contemporary building with mixed heights and varying orientation of mixed pitched roof building would measure eight storeys (including ground) at each end of the building raising to eleven storeys (including ground floor) in the middle. Materially this block would consist of a mix of brick colours, with different styles and orientation of pitched roof, mix of single inset balconies and both single and double projecting balconies and variations of window panel detailing to break down the massing.

The property would have a ground floor consisting of an entrance two entrance lobbies onto the amenity yard (public realm between Blocks A and B), two cycle storage areas, residential amenity area, two bin store areas, concierge office, 11 parking spaces and plant. 6 car spaces including 2 car club bays would be located on Bardell Terrace. This block would contain 149 flats with a mix of 118 x 1-bedroom flats, 31 x 2-bedroom flats which would be within a build to rent tenure.

For comparison purposes, within the consented MC/22/1810 scheme this block varied from eleven storeys (including ground) fronting Corporation Street and ten storeys (including ground) elsewhere and provided 138 flats. This block is partly lower at the ends of the building but resulted in more mass in the centre reflective of maximum height of previous approved scheme.

Block C – Fronting Corporation Street

This would consist of a six storey (including ground floor), contemporary brick built, flat roofed building with recessed balconies to the front and projecting balconies to the rear. The front elevation at ground floor has aluminium and glazing frontages to maintain ground floor active street frontages. The flank elevations have secondary windows and brick detailing panels on the upper floors. To prevent any issues with regards to the potential redevelopment of the site next door.

The front elevation at ground floor has aluminium frontages to maintain an active frontage. The ground floor consists of accesses from Corporation Street and rear from car park, cycle storage, bin stores, post rooms, plant and storage area. This block would contain 30 flats with a mix of 10 x 1-bedroom flats, 20 x 2-bedroom flats which would be the affordable provision.

This block would have 3 parking spaces to the rear with rain garden planting this would be accessed from Bardell Terrace.

For comparison purposes, within the consented MC/22/1810 scheme, this block was eight storeys (including ground) and provided 41 flats. Under this scheme this block has been lowered by two storeys.

Block D – Fronting Furrell’s Road

This contemporary mixed height, part flat roof part pitched roof brick building would consist of nine storeys (including ground) on the flat roof element and seven storeys for the pitched roof element when fronting Furrell’s Road. The property drops to six storeys in height at the rear fronting the former railway station. The property includes projecting balconies.

The front elevation at ground floor has aluminium frontages to maintain an active frontage. The ground floor consists of accesses from Furrell’s Road for 11 car parking spaces, entrance lobby, cycle storage, bin stores, plant and residential lockers and storage area. This block would contain 67 flats with a mix of 42 x 1-bedroom flats, 25 x 2-bedroom flats which would be within a build to rent tenure.

For comparison purposes, within the consented MC/22/1810 scheme, this block previously varied between ten and eight storeys (including ground floor) and provided 75 flats.

Public realm and highways work

With regards to public realm, the proposals seek to create continued boulevard along Corporation Street in front of Block C. Rain gardens and tree planting along the A2/Star Hill Junction, street tree planting along both the High Street and Bardell Terrace. Bardell Terrace road layout will be altered with raised tables and layout changes designed to reduce speed and make the area more attractive to pedestrians. Parking bays adjacent the railway will be lost however on street parking and laybys will be provided on block B side of the road.

Between Blocks A and B, a courtyard will be created to form outdoor seating areas and residential amenity space. There are also 5 external parking bays in this location.

With regards to the Star Hill junction the applicants have worked and designed a new 4 arm simultaneous crossing point. The applicants have agreed to provide a s106 sum to put towards providing this junction works, however the remainder of the works are needed to be funded from other future developments in the area. If the total funding cannot be secured the money would go to a more scaled back crossing approach more akin to the improvements proposed under the previous consents would be undertaken by the developer via section 278 works.

Site Area/Density

Site Area: 1.0 hectares (2.47 acres)
Maximum Site Density: 296 dph (119.84 dpa)

Relevant Planning History

Application site

MC/24/0934	<p>Town and Country Planning Act (Environmental Impact Assessment) Regulations 2017 - request for a screening opinion for up to 350 residential dwellings and flexible community/commercial space (Class F2/E).</p> <p>Decision: EIA not required</p> <p>Decided: 28 May 2024</p>
MC/22/1810	<p>Mixed use development comprising residential units (Class C3) and commercial floorspace (Class E) together with vehicular access off Bardell Terrace, vehicle (including on site and on street spaces) and cycle parking provision, private amenity space, landscaping, engineering works, public realm, and associated works. Highway works to the junction of Corporation Street and High Street and alterations to pedestrian crossing - demolition of all buildings on site.</p> <p>Decision: Approval subject to s106 and conditions</p> <p>Decided: 13 November 2024.</p>
MC/22/2045	<p>Details pursuant to conditions 11 (Construction Environmental Management Plan) and 12 (Protective Boundary for County Court) of planning permission MC/20/2825 - Application for non-material amendment to planning permission MC/19/0038 to enable the condition wording to be amended to allow for phasing of the development.</p> <p>Decision: Conditions discharged</p> <p>Decided: 3 October 2022</p>
MC/22/1816	<p>Demolition of existing building in a conservation area</p> <p>Decision: Under Consideration</p>
MC/22/1298	<p>Town and Country Planning Act (Environmental Impact Assessment) Regulations 2017 - request for a screening opinion for up to 380 residential dwellings and flexible commercial space (Class E).</p> <p>Decision: EIA not required</p> <p>Decided: 13 June 2022</p>
MC/20/2825	<p>Application for non-material amendment to planning permission MC/19/0038 to enable the condition wording to be amended to allow for phasing of the development.</p> <p>Decision: Approved with conditions</p> <p>Decided: 14 April 2021</p>

- MC/19/0038 Residential - led mixed use development comprising 331 residential units, non-residential floor space comprising 1,894 sqm of Class A1, A2, A3, A5 and D2 floorspace associated car parking (258 car parking spaces and 8 on street spaces) landscaping, engineering works, highway works to the junction of Corporation Street and High Street and alterations to pedestrian crossing - Including demolition of all buildings on site apart from the buildings East of Furrell's Road fronting onto the High Street which is proposed to be partially demolished.
Decision: Approved with conditions
Decided: 5 December 2019
- MC/18/2554 Town and Country Planning Act (Environmental Impact Assessment) Regulations 2017 - request for a screening opinion for residential development scheme.
Decision: EIA not required
Decided: 20 September 2018

Adjacent site covered under the original scheme

- MC/22/1973 Variation of condition 2 (approved drawings) and 19 (climate verification) to allow a minor material amendment on planning permission MC/21/2271 for removal of substation enclosure and associated amendments to external area, alterations to roof plant area, change in elevations and external materials, amendment to energy strategy and minor ground floor courtyard amendments.
Decision: Under consideration
- MC/21/2271 Partial demolition of existing buildings and construction of a 4-storey residential student accommodation building (Class C2) comprising 85 bedrooms (including 2 for staff), with parking, amenity space and associated infrastructure.
Decision: Approved subject to s106 and conditions
Decided: 6 April 2022

Representations

The application has been advertised on site, in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties. KCC Archaeology, KCC Biodiversity, NHS, UK Power Networks, Southern Gas Networks, Southern Water, National Highways, Environment Agency, Historic England, Rochester Airport, Network

Rail, Kent Fire Service, Natural England, Kent Wildlife Trust, RSPB, and Kent Police have also been consulted.

Twelve letters from nine different addresses of objection have been received raising the following concerns:

- Concerns of the height of tallest block and impact on residents and business in in both Intra due to loss of castle views and dominance on the historic Rochester setting. Impacting on longer views from New Road. Competing with Rochester Castle keep.
- Height, design size and scale is not in keeping with the existing architectural of the historic environment. Concerns it would form a barrier between the High Street and Chatham Intra or Medway Building Heights Policy.
- Concerns about the parking provision and impact it would have on local street parking.
- Insufficient play space.
- Overdevelopment of site and in the area as a whole with Rochester Riverside, Pullman House, St Bartholomews Hospital and High Street Sites within Chatham intra.
- Block A later living should be at the ground floor. Block A set back to provide wider footpaths.
- Impacts of sunlight and daylight on neighbours and for occupiers. Questions the assessor of the sunlight and daylight reports conclusions.
- Concerns about the proposed commercial/community spaces which is not required, and ground floor should be used for other purposes. Others have indicated that this should include more commercial properties to entice people over to Intra.
- Concerns about the accessibility for flats with wheelchairs.
- All blocks should be more reflective in size and scale as block A.

City of Rochester Society have objected on the grounds of the scale, massing, height and bland, modernist design. Impact on castle and cathedral views from St Margarets Banks and loss of green ridge of Jacksons Fields. Miss leading CGIs. Impact on heritage assets and tallest elements taller than Rochester Castle. Not meeting Medway 2035 and 2041 vision, lack of securing SAMMs bird mitigation, impact on daylight on neighbours and light within the scheme. Insufficient parking and lack of play provision.

Historic England (HE) have provided a concerns letter (not objection) have indicated the application site is therefore sensitive in heritage terms due to site being within Star Hill to Sun Pier Conservation area and in the setting of Rochester Conservation Area.

They consider the reduction of units and parameter heights within this application compared to the consented scheme MC/22/1810 to be welcomed. However, there is some concerns with regards the higher blocks especially in Block B due to the eights and visibility in long views towards Rochester Conservation area and important buildings such as the Castle and Cathedral. There is a great opportunity to improve pedestrian

connectivity. There is a need for high quality architecture which response to and enhances the character of the existing conservation areas. High quality materials are crucial to be secured by conditions if approved.

Block A height reduction and set back of the corner results in an improvement to the approved scheme and scale would better integrate development into the existing townscape and therefore reduce the harm to all three conservation areas.

However, there are some concerns about the proposed massing and height of blocks further back from the road. Scales ranging in scale from six to ten storeys would be at odds in scale and massing with the historic townscape in surrounding conservation areas causing harm by eroding the understanding and appreciation of heritage in and around the development site within the Star Hill to Sun Pier Conservation area. The following low-level harms are identified:

- Largest element is too bulky and impacts Views of Castle and Cathedral obscured from the High Street and Victoria Gardens views. The development would erode the prominence of the Cathedral and Castle of Rochester. Views from Victoria gardens would block views of the Cathedral more than the consented scheme. However, it is noted that it welcomes the efforts made to improve views of Castle and Cathedral within Intra compared to the approved scheme but still has a level of harm but at a lower level.
- View of Jackson Field from Corporation Street eroding the understanding of Fort Pitt and its former fields of fire which survives as a landscaped park.
- View from Victoria Street. The sharp contrast in scale and massing would be incongruous relationship with surrounding historic townscape and the prevailing domestic scale of architecture which characterises the Rochester Conservation Area and Sun Hill to Star Pier Conservation Area.
- Breaking distinctive green ridges however this is acknowledged that it is the same as previous schemes.

Overall, HE considers the harm to designated heritage, including Rochester Conservation Area, the Star Hill to Sun Pier Conservation Area and Rochester Castle and Rochester Cathedral would be low on the scale of less than substantial.

The letter provides guidance on the NPPF for considering harm under paragraphs 200, 201, 203, 205 and 208 and the need to weigh the harm against the public benefits of the proposal.

HE is largely supportive of the proposed changes to the approved scheme, however they think further amendments of high reduction should be considered for block B. Welcome the reduction to High Street reducing harm to all three conservation areas.

The local authority will need to weigh the less than substantial harm against the public benefits of the proposal. HE advises that if the Council are minded to approve the application, it is essential to control the fine construction details and materials through conditions which HE is content to defer to in-house design officers to comment on.

HE also notes the application proposes an upgrade to the Star Hill junction. HE considers this could be a heritage benefit in NPPF terms because it would enhance the permeability along the High Street encourage increased pedestrian usage into the Star Hill to Sun Pier. The inclusion of a courtyard garden also has the potential for an enhancement to the conservation areas.

The Applicant have since provided a response letter to Historic England that the massing had been carefully considered and reduced during the pre-application process. The viability assessment demonstrates that the scheme would not be viable with further reductions.

HE are unable to provide a letter of response or support on this basis but have confirmed that it would be up to the Council to balance the harm against the benefits.

KCC Biodiversity have indicated that lighting could negatively impact nocturnal species like bats and a lighting condition would be required. Precautionary measures are recommended in the Preliminary Ecological Assessment (PEA) for badgers and breeding birds and should be included within the CEMP. Bird mitigation is required to be secured to mitigate against recreational disturbance on designated sites. There is a discrepancy between the PEA and BNG assessment which is required to be resolved before confirming that site would be sufficient to meet the mandatory 10% BNG gain.

This information was submitted by the applicant and KCC Biodiversity are now satisfied that the information provided with the equated BNG of 2823.60% and that habitat creation and statutory biodiversity condition can be achieved. Further to the standard condition further conditions would be required to secure habitat creation and management and ecological enhancements onsite.

Natural England have indicated the need to secure measures of to protect designated sites.

As per the report this is secured by the securing the SAMMs mitigation.

The Environment Agency (EA) have written to indicate the submitted Desk Study Report ref: J24078 Rev 1 Dated July 2024 is considered acceptable, and the development could be granted permission subject to conditions. Including a risk assessment, site investigation, remediation, verification, previously unidentified contamination and no pilling prior to agreement on the design and impacts. These conditions would be imposed if the application were considered acceptable. An informative would be included to draw attention of the applicant to the advice given within this response.

Kent Police have written to advise of their recommendations with regard to security and have set out some issues that need to be considered. They have also suggested the developer contacts them to design out crime. An informative would be included within the application to bring this letter of representation to the applicant's attention.

Kent Fire have written that in their opinion that the emergency access requirements for the Fire and Rescue Service have been met. However, draw the applicant's attention to what is required via Building Control process. An informative would be included within the application to bring this letter of representation to the applicant's attention.

Southern Water (SW) have provided records of their sewer showing existing public foul water and surface water sewer, water mains assets within the development site. They set out the need for clearances needed for the various sewers and equipment ranging from between 3-6m and the associated restrictions on tree planting, soakaways and other drainage details in their proximity. SW require a NRSWA enquiry for changes to the highway access. A condition to protect public sewers is requested. SW indicate any reinforcements from additional pressure of sewers and will need to work with the developer. They aim for these to be done within 24 months of planning permission being granted but request a condition for occupation to be phased and implemented in line with any sewerage network reinforcements. SW provide guidance on SUDS requirements and details the applicants need to apply formal for connection to the water supply. The representation will be flagged as an informative.

National Highways have indicated that the proposal may have the potential to impact on the safe and efficient operation of the Strategic Road Network due to the vicinity of the A2 and M2 if not mitigated regarding construction. They note the quantum of development is under the extant consent MC/22/1810. They have requested a construction traffic management plan condition is included with any permission and that they are consulted on its discharge.

Active Travel England (ATE) have written for a deferral for discussions with the applicant and agent and the local planning and highway authorities regarding the following concerns:- Active travel route audit – more information on footway and cycle networks requires; Pedestrian Access to local amenities – Access should be 800m rather than 2km; Cycle accessibility – The transport assessment should do more to highlight and address poor cycling environment in area; Access to public transport – improvements to services, bus stops should be sought. Off-site infrastructure – focuses on pedestrian movements (welcomed) however lack of details with application on interacting with future improvements to wider network and cycles. Site Permeability and placemaking – Site is compact and allow good permeability between different parts of site. Encourage cycle movement off roads; cycle parking – recommending a cycle space per bedroom; travel planning – below figures of 50% for all short urban journeys. To overcome deferral, it is recommended to share response and for the Travel Plan to include meaningful and ambitious targets; further dialog between application and Local Planning Authority and Local Highway Authority for offsite improvements for cycling to be secured by condition and s106; details of cycles through the site; update on short- and long-term cycle provision.

The highways details were updated via transport addendum in response to these comments and discussion with our highways department. Highways were content that the

updated details are sufficient to overcome these original concerns. ATE are yet to respond to these measures.

KCC Archaeology have not commented on this application however the application is supported by the similar reports as the previous approval. Consequently, a programme of archaeological works is recommended as a condition to be imposed if the application were to be approved.

Rochester Independent College have objected with regards to design and height of character with the area, lack of parking resulting parking pressure in area, demand on over stretched utilities, adjacent to rear of their property boundary forming garden and facing boarding facility windows which could cause a safeguarding issue and is there sufficient fire risk assessment and evacuation plan.

Network Rail has written to indicate development is within 400m of the station and they would expect contributions to offset the impact on passenger numbers. They have also requested that materials do not reflect or cause distractions to operatives of the railway and drivers signal siting. Clarifying that the use of the former Railway station square is used as operational land. The developer may need to enter into an asset's protection agreement. Details of the procedure is provided. An informative would be included within the application to bring this letter of representation to the applicant's attention.

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 (NPPF) 2023 and are considered to conform.

The Building Height Policy for Medway 2006

Medway Guide to Developer Contributions 2021

Star Hill to Sun Pier: Supplementary Planning Document

Planning Appraisal

Background

This site has the benefit of an extant planning permission MC/22/1810 for 374 residential units and three commercial uses on-site with 249 parking spaces. This approval included building heights ranging from 6 to 11 storeys.

Prior to that consent was granted for 331 residential units and 1,894sqm of commercial uses on-site with 258 parking spaces. The previous approval included building heights ranging from 6 to 10 storeys. This scheme went through the Design Review Panel from its original form when it consisted of a 15-storey tower. This resulted in serious concerns

from Historic England and was subsequently reduced to the approved scale and mass with close working with both Council Officers and Historic England.

This application seeks to reduce the heights on the block on Corporation Street adjacent the Royal Mail (Block C) and the block fronting Corporation and High Street (Block A). Block C has been reduced by two storeys while Block A has been reduced by up to four storeys along Corporation Street and up to two storeys on the High Street. All schemes include the redevelopment of the Star Hill junction.

Principle

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

The site is within the existing urban area bordering the core retail area of Rochester and located predominantly within the Star Hill to Sun Pier Conservation Area. The site also adjoins the Historic Rochester and the Star Hill Conservation Areas. Fronting the High Street is the Grade II listed building, the former County Court, bordering the development area referred to as the Blocks A and B. The proposal includes the demolition of the non-listed buildings in the conservation area. These buildings have already been demolished under the previously approved scheme. These buildings did not have any significance, and the previously approved scheme secured redevelopment of the site, as does this current proposal.

The development site previously consisted of various commercial uses which had ceased. The site was not within a specifically designated employment policy area as defined by the proposals map accompanying the Local Plan. Policy ED3 (Other Employment Sites) of the Local Plan is applicable in this regard. This policy states that proposals for the alteration, extension or replacement of existing premises will be permitted where they are not detrimental to local amenity. The proposal is not to replace the employment uses with other uses but with a mixed-use scheme of predominantly residential units with an area of flexible commercial/community Class E and F. Consideration will be given to the proposed uses and their suitability in this location as well as in any impact with regard to amenity.

Policies S1 and S2 of the Local Plan seek to prioritise development within the existing urban fabric and then strategically sustainable development using a sequential approach to location. Policies H4 and H5 of the Local Plan states that residential development in the form of infilling and reuse of buildings no longer needed for non-residential purposes in such areas is acceptable providing that a clear improvement in the local environment will result whilst encouraging high density in town centres and areas near existing public transport. Paragraphs 90, 123 and 124 of the NPPF also encourages residential development in and around town centres ensuring vitality, efficient uses of brownfield sites, building over shops and car parks but seek to safeguard and improve the environment and ensuring safe and healthy living conditions.

Further to this, the Local Plan is of some age, being adopted in 2003; the Council does not currently have a five-year land supply. 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).

The application proposes a mix of 1-bedroom and 2-bedroom flats in a mix of affordable housing, build to rent, market and later living which is considered acceptable within this location in close proximity to Rochester and the train station. The mix of types of homes in terms of the tenures and later living would create a mixed community that would add to the population of Rochester that would use the High Street and its facilities at varying times of the day and week.

Policy H3 of the Local Plan would require the securing of 25% affordable housing; however, the applicants have provided a viability assessment that demonstrates the scheme is not viable with affordable housing at policy compliant level or with contributions which is in line with paragraph 58 of the NPPF. However, the applicant has offered to provide 10% affordable housing as the applicant would like to contribute to the delivery of affordable housing.

In summary, given that the site is not allocated for employment uses, the sustainable location of the development and the lack of a five-year housing supply there is no objection to the redevelopment of this site to mixed used subject to the detailed assessment of other planning policies and material considerations included within the report below.

Design, Scale and Heritage Impact

Paragraphs 131 and 135 of the NPPF emphasises the importance of good design and Policy BNE1 of the Local Plan states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area. Policies BNE14, BNE18 and BNE20 of the Local Plan seeks to ensure development is not detrimental to the setting of the conservation areas, listed buildings and scheduled ancient monuments. Paragraphs 200-213 of the NPPF set out how to assess the impact on heritage assets.

The proposed development site is located on a number of currently vacant parcels of land within the Star Hill to Sun Pier Conservation Area and is adjacent to the Historic Rochester and Star Hill Conservation Areas. The site surrounds an existing Grade II Listed Building (the former County Court building) and is near to several others on the High Street and opposite on Star Hill. A number of non-designated heritage assets are also located in the vicinity, including the former Missions to Seamen Institute located on the corner of Furrell's Lane, and the former A.F Smith and Sons building on the corner of the former train station car park, which have recently been renovated to become part of the Rochester Independent College campus.

The application is supported by a heritage statement and TVIA assessment, which was updated to reflect the correct cumulative impact wire line for Rochester Riverside Phase 7 on views 10, 12, 13 and 14 and update St Bartholomews approved block to wireline within view 11. The TVIA is generally considered acceptable, and the views are reflective of the ones used for the consideration of the previously approved scheme.

The layout scale and mass of the development

Concerns have been raised that the scale and design that is detrimental to the conservation area. The proposal in essence retains the scale with regards to heights is generally reflective of the previous approved scheme along the Railway line with blocks B and D being taller buildings. The biggest change is to the proposed layout and massing along the High Street which has been reduced to four storeys in height and reorientation to step back slightly to allow view of the listed building when travelling towards Chatham Intra at the crossing of Corporation Street which is a welcomed improvement between the schemes and acknowledged by Historic England as an improvement. It is noted to achieve this reduction in height the scale of the larger blocks has had to be altered and remodelled to offset the drop in heights in these areas. The space between blocks A and B have altered to provide a ground floor public realm area, which was previously a podium garden above parking levels. Providing an open space area for the blocks of flats and also would afford access to the wider public. The reduction of scale along the High Street is considered to be a major benefit of the scheme compared to previous approvals onsite as this is more reflective of the scale of building in this area.

With regards to parts of the development at 6 storeys and above the applicant has aimed to break up the volume in the blocks with a variation of roof forms and orientations, materials changes and treatments within bottom, middles and tops of the buildings. This has been the result of the close work with officers during pre-application and is considered to be an improvement to the previously approved scheme and has given consideration of the Star Hill to Sun Pier: Supplementary Planning Document. However, there will be a need to ensure quality is achieved by detailed architectural drawings and materials samples if the application were to be approved.

There are more active frontages than the previous schemes with no parking at first floor levels, which again offers a design improvement from the previous consent.

The impact upon the historic townscape that characterises the Conservation Areas

Within their response Historic England raised some concerns regarding the impact on the Conservation Areas with regards the views from Victoria Street, loss of views of Castle and Cathedral and loss of understanding of the fields of fire of Jacksons field when travelling down Corporation Street and requested that further investigations on the massing should be considered. It should be noted that these harms are also reflected in the previously approved scheme when comparing the TVIA assessments, however with

the reduced High Street some of these harms such as views from Victoria Street are improved and would be a benefit to all of the conservation areas.

It is important that information of sufficient detail is submitted to ensure the delivery of a high-quality development that functions well and adds to the overall quality of the area whilst remaining sympathetic to the local character and history. It is therefore recommended that conditions be attached to require details of materials and architectural detailing. In the applicant's response to Historic England, they reiterate their commitment to working with the Council and Historic England on these matters if the application were recommended for approval.

The impact upon the setting of the Grade II Listed former County Court building and non-designated heritage assets

With regards to scale, Block A has been lowered in height from previously approved and is now four storeys in height sitting below the height of the listed building tower. This block has also been re-aligned from the previous scheme to allow more views of the listed building when compared to the consented scheme, when viewed from Rochester High Street/Corporation Street. This is a significant improvement in Heritage and Design terms from the previously consented scheme.

The massing of Block B has altered from the approved scheme, there are instances where there it is taller by a storey in the setting of the listed building but the part directly behind the former Court House has been reduced to seven storeys. The TVIA analysis shows that some of the taller elements will be visible above the building within the High Street, but similar and taller projections were within the previously approved scheme and therefore this element of height is not a new harm, and this proposed development would be considered to have less of an impact.

The long and medium distance views of Rochester Castle and Cathedral

Historic England have indicated that views of the Castle and Cathedral are obscured from the High Street and Victoria Gardens views within the TVIA. The development would erode the prominence of the Cathedral and Castle of Rochester and therefore a low-level harm to the significance of Historic Rochester Conservation Area.

The previously approved scheme had a similar impact with the loss of views from the Victoria Gardens and High Street. With regards to the High Street locations, it should be noted that these views would have been lost by previous buildings located in this area prior to the removal for the redevelopment of Corporation Street in the 1980s and are therefore incidental views instead of planned. The additional scale from the reconfigured block B would result in some more obstruction of the Cathedral Spire from Victoria Gardens but also provide unrestricted views of the castle. They believe the harm has therefore remained unchanged in this instance. As indicated above the reduction in height of Blocks A has resulted in some partial views of the castle to be reinstated when

compared to the massing of the previously approved scheme again which Historic England indicate helps reducing the harm in this area when comparing the schemes.

Summary on Harm to Historic Assets

In summary of this section, Historic England have identified a low level of harm similar to the previously approved scheme from the taller blocks but are supportive of the reduction in height on other blocks. Although Historic England have requested considerations to amend the scale and mass to minimise the harm this has been undertaken within the pre-app process and is at a level where viability of the scheme cannot be reduced further. Redistributing the massing block B to other blocks would diminish the heritage benefits of the lower blocks on the High Street and conservation areas and the reorientation in respect of the former Court Building when compared against previous approvals and therefore could add further harm to the scheme. The key to minimise harm would be to control the quality of materials. As such, conditions are recommended to require material samples and architectural detailing. The applicant has agreed to importance of this in their response to Historic England's comments.

The proposal would have low levels of harm to the setting of the Conservation Areas, the setting of Listed buildings within the Conservation Area and the Grade I Cathedral and Scheduled Castle. Paragraph 205 of the NPPF states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This applies to conservation areas as well as listed buildings, the Castle and Cathedral irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 206 of the NPPF requires the Council to be satisfied that the harm has clear and convincing justification. In accordance with paragraph 206 of the NPPF, it is considered that the low harm to the setting of the heritage assets has clear and convincing justification with regards to the provision of much needed housing and the improved crossing into intra.

In accordance with paragraph 208 of the NPPF, where a development proposal will lead to low level of harm to the significance of a designated heritage assets, this harm should be weighed against the public benefits of the proposal. The proposal provides public benefits, most notably the provision of a range of market, build to rent and affordable housing and would bring forward a sustainable form of development on previously developed land, introduction of a public open space within the intra area, as well as securing an improvement to the junction and crossing at the bottom of Star Hill which would aid pedestrian usage along the High Street. This is considered a heritage benefit in its own right. It is considered that the public benefits of the proposal outweigh the low harm, to the heritage assets, even when applying the statutory and policy weighting to such harm as set out above. The proposal is therefore considered to be in accordance with Policies BNE1, BNE14, BNE18 and BNE20 of the Local Plan and paragraphs 205, 206 and 208 of the NPPF.

Landscaping and Public Realm

Integral to the quality of the overall development is the landscaping and public realm proposals. This is highlighted in Policies S4 and BNE6 of the Local Plan and paragraphs 135 and 136 of the NPPF.

The application is supported by a landscape masterplan with soft and hard landscaping plans. A series of public realm and streetscape enhancements which include widened footpaths and street trees and rain gardens along Corporation Street, Street trees within High Street and reconfigure of Bardell Terrace. Between blocks A and B, a landscaped courtyard would be created, which on the previously approved scheme was a podium garden above levels of parking. This area will have planting (both potted and in the ground due to a sewer easement) areas of trim trail play equipment and seating. The benefit of this over the previous scheme is that this area would be available for blocks A, B and D and potentially to public in the area. The previous podium garden in this location would have provided some garden/amenity space but would have only been available for residents of block A.

Although the applicant has provided detailed planting plans, further details are required to ensure that the correct sized trees and planting is located within the correct locations with more details on services in the area and details of the hard landscaping to reflect the Corporation Street SPD and Star Hill to Sun Pier: Supplementary Planning Document. Conditions requiring full details of soft and hard landscaping are recommended rather than approving the submitted plans. It has also been requested that some swinging and spinning play focus as well as balancing.

With the suggested conditions, the proposal is considered to be in accordance with Policies S4 and BNE6 of the Local Plan and paragraphs 135 and 136 of the NPPF.

Amenity

There are two main amenity considerations, the impact on neighbouring occupiers in terms of sunlight, daylight, outlook and privacy, and the standard of amenity which would be experienced by future residents of the site itself. Policy BNE2 of the Local Plan and paragraph 135 of the NPPF relates to the protection of these amenities. Paragraph 129(c) of the NPPF indicates when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

Neighbouring Amenity

Concerns have been raised regarding impact on neighbours' sunlight and daylight referencing failures to BRE standards in the supporting sunlight and daylight report.

Daylight & Sunlight assessments have been undertaken and submitted as part of the application. The assessment demonstrates the impact of the development on neighbours from this proposed scheme and compares it to the consented scheme MC/22/1810. The BRE assessment uses a number of different elements of assessment including the Daylight Distributor (DB) which assesses actual light distribution within defined room areas, whereas the Visual Sky Component (VSC) considers the proportion of the sky visible from a room and No Skyline (NSL) divides the areas of the working plane which can receive direct skyline from which that cannot. The latter two assessments are considered the most appropriate for assessing the impact on neighbouring properties as the properties are physically there.

Under the BRE criteria a window may be adversely affected if the (VSC) measured at the centre of the window is less than 27%. If the existing window is already under 27% it should not be less than 0.8 times its former value. Under (NSL) a room may be adversely affected if, following development, the value greater than 20% of the total.

With regards to sunlight a calculation of sunlight is taken on the outside face of a window at its centre point, unless in a floor to ceiling window then it's at 1.6m. Each window is assessed in terms of the percentage of Annual Probable Sunlight Hours (APSH). The BRE guidance indicates If a room can receive more than one quarter of annual probable sunlight hours (APSH), including at least 5% of APSH in the winter months between 21st September and 21st March, then the room should still receive enough sunlight. Also, if the overall annual loss of APSH is 4% or less, the loss of sunlight is small and if any reduction in sunlight access below these levels should be kept to a minimum. If the available sunlight hours are both less than the amount above and less than 0.80 times their former value, either over the whole year or just in the winter months (21 September to 21 March), and the overall annual loss is greater than 4% of APSH, then the occupants of the existing building will notice the loss of sunlight; the room may appear colder and less cheerful and pleasant.

The development has been entered as a 3d model and a computer programme has assessed under VSC and APSH on surrounding properties.

Impact of Block A on Residential Accommodation in the High Street including Rochester Gate

The neighbouring properties have been assessed against the criteria above. With regards to VSC and NSL the assessment shows that most pass the BRE Standards. However, there are some that fail the most affected being properties in close proximity of the site and predominantly in only one category. The sunlight and daylight does compare the results against the consented scheme and it is demonstrated that these windows due to the reduction in the is a betterment on these windows.

With regards to sunlight no windows would be affected by sunlight within the area as assessed under annual probable sunlight hours and no significantly detrimental amenity spaces overshadowed.

It is considered as per the previously approved scheme that the impact in terms of sunlight and daylight on neighbouring amenity is not significantly detrimental and taking account of the overall benefits that the development of the site would bring to this urban location and in consideration with paragraph 129(c) of the NPPF. Due to the reduction in scale of the buildings adjacent the High Street these windows are impacted less, consequently no objection is raised in this regard.

Impact on Block C on the adjacent 1-18 Durdles House (MHS development)

Block C would be located adjacent to existing MHS housing on Corporation Street. As a consequence of the siting of there would be a lower level of daylight reaching habitable room windows on the south-eastern flank of the MHS building as currently enjoyed as indicated within the supporting sunlight and daylight assessment. With regards to VSC 5 of the 16 windows adhere to the BRE guidance. However, some of these windows are dual aspects. Of the 10 rooms checked under the daylight distribution results show that 5 adhere to the BRE guidance and the 5 bedrooms fall short. The sunlight APSH results show all but the ground floor bedroom meets the BRE standards.

However, this reduction in daylight and sunlight would be similar to the impact of the previously approved block of flats under the previously approved scheme. The oblique nature of the relationship means that the impact on residential amenity would be minimized, and this juxtaposition (approx. 5m) is reflective of previously approved scheme and the relationship within the existing MHS scheme further to the north-west along Corporation Street. It is also considered that this type of relationship is to be expected in an area of taller buildings and is therefore considered acceptable.

With regards to privacy and overlooking, the proposed flank windows fronting the MHS building are secondary windows and therefore can be made obscure glazed to prevent overlooking of this block. The inset balconies to the front would provide no overlooking of this development, whilst there is limited potential for overlooking from the projecting balconies to the rear of the northern area block due to the relationship to windows to rear of the MHS scheme.

Impact on Block D on Rochester Independent College Scheme (217-219 High Street)

Concerns have been raised within the consultation responses regarding the impacts of changes to block D from the previous permission MC/22/1080 and the relationship on the adjoining 217-219 High Street building for the use for Rochester College with regards to concerns of privacy and safeguarding.

With regards to the impact of the residential block it is key to understand the history of the Rochester College site and the residential development on this site. Originally their site was included on the first consent of MC/19/0038. When the current applicant purchased the part of the site and Rochester Independent College brought their section of the site. Planning permissions have been considered for residential in this block at similar levels

and relationships and the Rochester College. As these are existing relationships between the two uses that would have existed when the original permission for the college was approved and considered acceptable.

Noise and disturbance

Due to the size and scale of the development the construction activity could impact on neighbours' amenities and there may be implications on the road network as raised by National Highways. Accordingly, a condition is recommended for a Construction Environment Management Plan (CEMP).

The impact of the proposed commercial units is assessed in more detail below.

Occupier Amenity

Flat areas and external amenity

All flats meet the technical housing standards – nationally described space standard 2015 (the national standard) for gross internal floor area (GIA) and bedrooms. The Medway Housing Design Standards (MHDS) requires flats to have at least 5m² additional private outdoor amenity space and if this could not be provided this should be included on top of the GIA as set out in the national standard. The properties in blocks A, B and C will have access to the internal yard.

With regards to privacy the distances between blocks are considered to be suitable and only provide mutual overlooking.

An internal daylight and sunlight assessment has been submitted in support of the application. The BRE assessment for daylight at new properties indicates that Illuminance Method or Daylight Factor Method can be used. The assessment set out the Illuminance method measures daylight within a room using climatic data calculating illuminance (in lux) from daylight. Adherence to the test is achieved when the following lux trays are obtained for at least 50% of rooms space and when 50% of the hours in the day are met. Bedroom 100lux, Living room 150 lux and Kitchen 200 lux. If a kitchen is in a shared space, it should be considered under the living room level. An assessment grid of 0.85m above finished floor level is created in each room surface reflections and glazing are also taken into account. This has been imputed into a 3d CAD model and MBS Software has been used to calculate this assessment. It is noted that A, C and D have only been tested on lowest levels storeys one to five and block C one to seventh on the assumption that if they pass then floors above would.

The model has indicated that 96% of the 587 rooms tested meet the BRE guidance which is a high level of adherence in a town centre development.

With regards to sunlight in new builds BRE indicate that a target criteria of 1.5 hours of direct sunlight on the assessment of 21 March. For dwellings it is recommended that one

habitable room, preferably the main living room would meet this criterion. The guidance does indicate that the opportunity to design for sunlight to residential properties is very dependent on orientation and site layout. The advice is not mandatory and should not be seen as an instrument for planning policy. This again has been assessed in the 3d CAD model. The results show the following percentages of flats that meet the guidance: Block A 68%, Block B, 57%, Block C 66.7% and 70% within Block D. Due to the blocks having windows on all elevation some windows would therefore not meet the criteria, dual aspects have been introduced where possible to limit the impact. The report concludes that the scheme provides adequate sunlight throughout the year and no objection is raised.

The report also indicates that the shared amenity yard would provide 90% of the area providing 2 hours of sunlight on the 21 March over the BRE standard of 50%.

Concerns have been raised about accessibility of flats for wheelchairs. 237 of the dwellings would be M2(2) accessible and adaptable standard while 59 dwellings would be M4(2) being wheelchair accessible. All car parks and communal entrance lobbies will offer step free access and appropriate lift facilities.

The report concludes that the development obtains acceptable levels of daylight and sunlight for future residents and achieving high level of adherence to the BRE guidelines. These results are reflective of the previously approved scheme and the majority of the rooms are considered to be well lit and equivalent to acceptable developments in other dense and urban locations whilst making effective use of land with regards to paragraph 129(c) of the NPPF.

Noise Impact

With regards to noise there are a variety of sources, the proposed commercial uses, noise from transport sources, the low-level frequency from the substation and management of communal roof spaces and also the proposed flat layouts. The application has been supported by noise and vibration assessment.

The end users/tenants for the commercial units have not been identified at this stage and there is a possibility of a wide range of end users from Class E or F use. As such, noise will need to be carefully considered prior to occupation of any of the commercial uses and its impacts on residents above. Potential noise issues include amongst other things external plant, entertainment, patron noise, internal noise transfer and ventilation systems. Any uses that involve cooking of food on the premises are likely to require the provision of a commercial kitchen extract system. Noise, vibration and odour from such systems will require specific consideration. A set of conditions similar to the previously approved scheme would be required in relation to the commercial/community use so the final use, opening hours and deliveries hours and associated noise assessment to assess impact of use and associated plant are required. A further condition to control separating partitions between commercial floor spaces and residential units to resist a suitable level of airborne transmission will also be required.

With respect to noise from transport, the assessment has comprehensively considered noise from road and rail links and has also considered vibration from the railway line. A noise model has been used to determine indicative glazing specifications with assumptions made on the designs. Due to the high external noise levels across parts of the site it is likely that windows on certain facades will need to be kept closed to meet internal guideline noise levels. This introduces issues with respect to control of thermal comfort and overheating. In these circumstances acoustically screened mechanical ventilation is usually required as an alternative to using an open window. The noise model shows that it will not be possible to achieve external guideline noise levels in amenity spaces, however alternative amenity space is to be provided where noise levels are generally lower due to screening, and this is acceptable in principle. A condition to provide a scheme of acoustic protection would be required to assess the final materials.

The layout of the flats results in some bedrooms being adjacent to living areas of other flats and therefore a condition to ensure a suitable level of separation between these areas to resist airborne sound is required. A further condition is required regarding the mitigation of low frequency noise from the substation and management of the communal terrace.

Waste

The submitted drawings show areas within the ground floor of the development for the storage for both residential and commercial property. The application is also supported by an operational waste strategy which is considered acceptable, and a condition would be imposed to ensure the development operates in accordance with it when occupied.

Subject to the abovementioned conditions the proposal would not result in any significantly detrimental impact on either neighbour or future occupiers' amenity and is considered to be acceptable in terms of Policies H4 and BNE2 of the Local Plan and paragraphs 129, 135 and 180 of the NPPF.

Highways

Car and Cycle Provision and sustainable location

Paragraph 114 of the NPPF seeks to secure development that is located in sustainable locations, limiting the need to travel and offering choice of transport modes to reduce congestion and emission and improve air quality and public health. National Policy also promotes the use of walking and cycle over private car.

The site is situated on the edge of Rochester town centre, close to Rochester train station, within 200m of two bus stops and situated between a local and national cycleway which provide a continuous route into either Chatham or Rochester and as such this is a highly sustainable location. It is noted that in order to make the best use of previously developed land, and consequentially reduce the requirement for new housing to be built on greenfield land, it is necessary to increase densities which necessarily requires a relaxing

of parking provision which accounts for significant proportion of land take on any site. Also increasing densities on complex brownfield sites, such as this, increases the value of the land and thereby makes them more viable and deliverable, directly contributing towards achieving Medway Council's regeneration objectives.

The application proposes 48 spaces on-site spaces and on-street bays along Bardell Terrace of which 2 are designated for car club spaces. The plans show that the existing on-street car parking along the northern side Bardell Terrace will be removed as part of the public realm enhancement works. New car parking bays will be provided on the southern side of Bardell Terrace and one on the northern side. Of the six re-provided bays, two will be provided as 'Car Club' bays. In terms of electric charging, 20% of these spaces will be provided as 'active' chargers with the remainder provided as 'passive' infrastructure. The proposal would also provide 326 long stay cycle spaces in excess for 1 per dwelling and Sheffield style short stay spaces visitors. A mobility hub is proposed to provide electric bike rentals, cycle repair station, delivery lockers and live public transport update board, which would encourage further use of alternative modes of transport.

A travel plan was submitted in conjunction with the application. This drew concerns from Active Travel England as not being ambitious enough and they advised that there was a need for the applicant to undertake a more in-depth qualitative analysis of the existing active travel routes in the area. The applicant within their Transport Assessment Addendum have provided an updated travel plan more ambitious target of modal shift. In addition to this they have included the active travel cycle infrastructure on Bardell Terrace as part of the schemes s278 works.

The overall level of parking provision would be 0.16 per residential dwelling. Evidence has been provided to demonstrate a lower parking based on consented build to rent schemes. However, there are some concerns that these consented schemes are not built out and under operation and the proposal includes other uses than just build to rent onsite. While suitably worded conditions including a Parking Management Plan that includes preventing prospective residents applying for residential parking permits and the potential to allocate parking spaces to prevent pressure on existing parking spaces this could result in parking pressure on other non-permitted roads in the vicinity which are stressed. It is considered that a suitable justification/mitigation can be presented to alleviate the concerns and therefore a resolution is sought for the applicant's highway team and the Council Highways officers to continue negotiations on these matters and delegated powers to amend and/or add additional highways conditions accordingly.

The advantages of a reduced level of car park includes the reduction of the scale and heights of the buildings that represent a design and Heritage benefit when compared to the previous approval. The central area is a more public space that is available for occupants of all blocks as well as the wider public. Increased use of public transport, walking and cycling as opposed to private cars would ensure that the impact on air quality and congestion would be lessened.

Access, traffic impact and mitigation

The trip generation would be significantly lower than previously consented and therefore no objection is raised. The proposed vehicular access would be provided utilising existing and former access points. Given the relatively low number of expected trips this is considered to be acceptable.

The plans show a remodelling of Bardell Terrace with narrower access to aid reducing speeds on this road and the provision of two-way cycle section. This would result in the relocation of current parking arrangements along the northern edge to the southern edge (one space would still be to the north edge). Road safety audits have been provided within the transport addendum. These changes are supportive, there may need to be changes within the S278 process to secure these improvements prior to occupation. The removal of the CPZ and pay and display bays have been suitably justified however conditions would secure designation of these bays being CPZ or permit holders.

With regards to the junction improvements to the Star Hill, the applicant has designed and modelled a new four-way crossing. This has been signal checked and road safety audited and considered to be acceptable. However, it is acknowledged that this mitigation would be above the requirement of the scheme in isolation. The applicants have agreed to a s106 contribution towards the provision of this junction. The remaining money would need to be achieved from contributions from other schemes in the area. It is acknowledged there is a risk that this may not be achieved and to ensure crossing improvements are secured a fall-back proposal is that the developer would provide a scheme under s278 works in the nature of the previously approved MC/22/1810 if this money cannot be raised. This would ensure that enhanced crossing of Corporation Street/Star Hill can be achieved in either scenario. The full scheme could then form a highways improvement scheme for the future and possibly secured by s106 contributions after the development of this scheme.

There could be the potential that a development of this size could result in disruption to the A2 and M2 road network during construction, however National Highways are satisfied this can be resolved by condition. Consequently, their requested construction traffic management plan condition to include construction phasing, construction route plans and permitted construction arrival and departure times is recommended if the application were to be recommended for approval.

The lower parking provision and impacts are a concern. However, in general it is accepted that in this sustainable location, car ownership is considered to be lower for the location and type of development. The future occupiers of the development would be aware that their property in a High Street location would not have a car parking space and deter people who want to retain their car. For those that do have a car then the further negotiations on justification and mitigation should ensure that there is no highway safety concerns from these matters. The proposed scheme provides genuine contributions to improving active travel in the area including improved crossing facilities which assist in facilitating a lower car parking quantum whilst beneficial to the wider public. It should also

be noted that ultimately if additional parking is provided onsite then this would result in loss of the public open space which is considered a benefit to area as a whole and detrimental to the amenities of the occupiers. Alternatively parking above ground floor level providing less active frontages and higher buildings that would have more detrimental impacts on heritage assets. The securing of lower vehicle traffic to the scheme is also considered to be a benefit with regards to air quality.

Subject to the final agreement on justification and mitigation, the abovementioned conditions and other conditions to secure the details of electric charging points, details of the management and provision of cycle storage (including special sized provision), securing mobility hub (but with external information board) and the travel plan. The proposal it is considered on balance that the proposal would not result in any severe impact to the highways network or impact highway safety and is considered to be acceptable in terms of Policies, T1, T2, T4, T13 and T14 of the Local Plan and paragraphs 114, 115 and 116 of the NPPF.

Flooding/Sustainable Drainage Systems (SUDS)

The application is supported by a Drainage Strategy and Flood Risk Assessment (August 2024). The site lies within Flood Zone 1 (low risk) according to the Environment Agency's Mapping, however the site is at high risk of surface water flooding and therefore measures should be taken to ensure that flooding is not increased at the site or within the surrounding area. In representation concerns have been raised about later living units not being located at ground floor. Due to this flood risk no residential uses can be proposed at ground floor level.

British Geological Mapping indicates the presence of Lewes nodular Chalk at bedrock which would likely allow the use of infiltration. It is noted that due to the presence of a surface water sewer crossing the site and site constraints infiltration is not considered acceptable. Therefore, the proposal seeks to connect to the existing surface water sewer.

It is noted that the submitted modelling has been submitted in FSR. The Flood Estimation Handbook (FEH) should be used for the design storms and runoff, as opposed to FSR. Micro Drainage outputs (or other industry appropriate software) should be provided for the critical duration for a 2-year, 30 year and 1 in 100 year + 40% intensity climate change scenarios. For the detailed design condition please ensure that the FEH Modelling is submitted.

The proposed rates cannot be agreed by the Local Authority and need to be agreed as to whether Southern Water have capacity for the proposed surface water system. Southern Water's representation indicates they can facilitate foul and surface run off disposal however requires formal application for a connection.

It is encouraged to include the use of the landscaped areas to provide an opportunity for SUDs in the form of rainwater harvesting, grey water recycling and water butts to reduce the demand on potable water supplies.

Subject to conditions regarding the submission of a suitable construction water management plan, SUDs scheme (including details of maintenance) and a verification report the proposed development is in accordance with paragraphs 173, 174 and 175 of the NPPF.

Contamination

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

The site is located upon a principal aquifer overlain by a secondary aquifer and is near the River Medway. The site presents a risk of residual contamination that could be mobilised during construction. The application is supported by a Desk Study on the site. The report is also satisfactory and have provided the Environment Agency with confidence that the risk to controlled waters can be managed subject to conditions.

These conditions would include a site investigation and risk assessment, remediation scheme, verification reports and dealing with unexpected contamination. To protect the controlled waters further suitably worded conditions regarding no infiltration of surface water drainage other than agreed with consent from the local planning authority and details of piling or other foundation designs using penetrative measures will also need to be secured.

Subject to conditions mentioned above, no objection is raised to the proposal under Policy BNE23 of the Local Plan and paragraphs 180 and 189 of the NPPF.

Archaeology

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

The application is supported by the resubmission of planning application MC/19/0038 Interim Archaeology Evaluation Report. The site lies on what would have been lower lying floodplain. Fluvial deposits within the vicinity and potentially at the site contain within them a detailed record of sea-level and climatic change, the evolution of the natural environment and evidence for man's interaction with this environment over some 12,000 years and therefore are of significant paleo-environmental interest. The site's location on the edge of the floodplain, at the interface between higher, drier land and the wetter marshland of the flood plain is potentially significant as it is within this zone where it might be expected to find archaeological remains associated with the past exploitation of the Medway.

Evidence elsewhere within the vicinity suggests there is also potential for archaeological remains from the Iron Age, and the Romano-British, Medieval and Anglo-Saxon periods that could be of high or even very high significance.

Subject to suitably worded conditions to secure a programme of archaeological works and details of foundation design for below ground excavation the proposal is in accordance with Policy BNE21 of the Local Plan and paragraph 200 of the NPPF.

Air Quality

Policy BNE24 of the Local Plan and paragraphs 180 and 192 of the NPPF requires new development to take account of the impact on air quality.

The application site is located adjacent to Medway Central Air Quality Management Area (AQMA) and as such poor air quality in the area could affect new residents and adjacent developments.

The application has been supported by an air quality assessment. The proposed air quality mitigation is considered to be acceptable, with the mitigation being in the form of electric charging points and no natural gas use on site for heating, mechanical ventilation and the use of Air Source Heat Pumps. As these elements are to be secured under highways and climate change conditions no air quality specific conditions are required for them. There is the proposal of emergency electricity generators on the roof and details of their dispersion modelling and staggering of generators would need to be secured by condition to ensure there is no local air quality impacts.

It should be noted that the low number of additional parking spaces to be provided the development is not likely to have a significant impact upon local air quality due to increased road transport emissions. Which is considered another benefit over the previously approved scheme.

No objection is raised to the proposal under Policies BNE2 and BNE24 of the Local Plan and paragraphs 180 and 192 of the NPPF.

Ecology and Biodiversity Net Gain (BNG)

The application is supported by a Preliminary Ecological Appraisal (PEA) which is considered acceptable and indicates that there is limited potential for nesting birds and badgers onsite and possible impact on lighting on bats. Consequently, a lighting condition is required if recommended for approval and the mitigation measures undertaken as part of any Construction Environment Management Plan.

The application was submitted after the statutory biodiversity net gain requirements and the application is supported by a Biodiversity Net Gain Feasibility Assessment report and Statutory BNG metric calculation. There were discrepancies this report and the PEA. The applicant submitted amended details which was later considered acceptable for the

imposing the statutory biodiversity condition (via informative). Details of the management and monitoring of the site's biodiversity is required, and species list of native plants and management will be required to be secured via condition. Furthermore, ecological enhancements need to also be secured alongside net gain and a condition for ecological enhancements would also be required.

Subject to the recommended conditions, no objections are raised with respect to Policy BNE37 of the Local Plan and paragraphs 180 and 186 of the NPPF.

Climate change and energy efficiency

The applicant has provided a list of energy efficiency mitigation measures within the supporting Sustainability and Energy Statement document. Sustainable heating and energy generation measures are incorporated into the scheme including air source heat pumps within blocks A, B and D and a centralised system for block C. The energy strategy is anticipated to provide an overall reduction of approx. 66.6% of CO2 emissions beyond the requirements of Part L. The scheme is designed to be water efficient, designed to reduce heat loss and low energy light fittings. The application is also conditioned to provide electric charging points and cycle storage.

If the application were considered for approval a verification condition to ensure that these measures have been provided prior to occupation would be required in accordance with paragraph 159 of the NPPF.

S106 Matters

The Community Infrastructure Levy Regulations 2010 provide that in relation to any decision on whether or not to grant planning permission to be made after 6 April 2010, a planning obligation (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. The obligations proposed comply with these tests because they are necessary to make the development acceptable in planning terms, they are directly related to the development and are fair and reasonable in scale and kind.

Viability and affordable housing

S106 requests set out in the Medway Guide to Developer Contributions 2024 were requested including 25% affordable housing. The applicant submitted a Viability Assessment which has been considered by the Council's viability advisor. The advisor concludes that the scheme is unviable even with full market housing and the provision of full Section 106 requirements. Despite this the applicant has proposed a minimum of 10% affordable housing and £200,000 towards star hill junction improvements. However, to be Policy compliant to mitigate impact on designated wildlife sites, Bird Mitigation measures are also secured.

Bird Mitigation

As the application site is within 6km of the North Kent Marshes SPA/Ramsar Sites, the proposed development is likely to have a significant effect, either alone or in-combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest. Natural England has advised that an appropriate tariff of £328.27 per dwelling (excluding legal and monitoring officer's costs, which separately total £550) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. This tariff should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation).

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

The proposal would result in a contribution of £97,167.92.

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.

It is accepted that the proposal is not financially viable for all s106 contributions. The applicants have agreed to the above requested financial contribution towards bird disturbance mitigation and the provision of a percentage of affordable housing at a range of 10%. On top of junction works contribution £200,000. This will be secured by s106. Consequently, no objection is raised under paragraphs 55, 57, 58, 186 and 187 of the NPPF and Policies BNE2, S6 and BNE35 of the Local Plan.

Planning Balance

In the absence of up-to-date housing supply policies and the lack of a 5-year land supply the planning balance revolves around whether the proposal represents sustainable development in the context of the NPPF. The NPPF defines sustainable development through the three criteria of environmental, social and economic considerations.

The scheme represents a good use of a site of previously developed land that is vacant and derelict within very close proximity of Rochester High Street and its shops and

facilities this would result in environmental benefits. There is also easy access to Rochester train station and bus routes reducing the reliance on the private car and resulting in further environmental benefits. The remodelling of the Corporation Street/Star Hill crossing would provide environmental benefits that would allow for the easier pedestrian crossing of Corporation Street to the benefit of both existing and future residents.

It would provide a range of homes for residents of different groups representing a social benefit. The commercial/community space within the development and the public square would be further social benefits that weigh in the favour of the scheme.

The short-term job opportunities during the construction would provide some economic benefits but these can only be given limited weight. However, the future occupiers of the development would use the shops and other facilities within the vicinity and would add to the vitality and viability of the area, which would be an economic benefit.

It is acknowledged that there would be some heritage harm caused (the low end of less than substantial) to the designated assets of nearby listed buildings and the conservation area. The harm to the setting of the grade I castle, and cathedral hold significant weight in the balance. However, the public benefits identified above are significant and overall, the heritage harm can be considered to be lower than that contained within the previous approval.

Therefore, overall, it is considered that the public benefits outweigh the identified heritage harm and in accordance with paragraph 208 of the NPPF the development is considered acceptable.

In terms of the general NPPF balance the proposal would represent sustainable development resulting in benefits in all the environmental, social and economic threads of sustainable development. Included within this balance is the delivery of residential development, which in the context of a lack of a 5-year housing land supply should be afforded significant weight.

Conclusions and Reasons for Approval

The site has been vacant and underused with a series of small scale incremental and temporary uses for some thirty years. It is considered that the current proposal is an improvement on the previously approved scheme. The proposal for a dense urban form with a mix of uses, represents an appropriate, sustainable response to the location taking account of the townscape, with particular regard paid to the historic environment and heritage issues. The proposal offers economic, social and environmental benefits in terms of the re-use of previously developed land, the visual benefits associated with bringing the site back into active use, employment, provision of 296 new homes and improvements to the pedestrian connectivity within the locality.

The proposal is considered to represent a high quality residential and commercial development that substantially contributes to the urban regeneration of Corporation Street

and provides a key link between historic Rochester and Chatham to the east. The compromises in terms of residential amenity (which has been demonstrated as less than the consented scheme) and lower car parking provision are considered acceptable when taking into account the overall regenerative benefit of the proposal and of the previous approvals.

The proposals are considered to comply with Policies S1, S2, S4, S6, H3, H4, H5, BNE1, BNE2, BNE6, BNE14, BNE18, BNE20, BNE21, BNE23, BNE24, BNE35, T1, T2, T4, T13 and T14 of the Local Plan and paragraphs 11, 58, 90, 114, 115, 116, 123, 124, 129, 131, 135, 136, 159, 173, 174, 175, 180, 186, 187, 192, 189, 200, 205, 206 and 208.

The application would normally be determined under delegated powers but has been called in, to be decided by the Planning Committee, due to the number of representations contrary to the officer's recommendation.

Background Papers

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

Any information referred to is available for inspection on Medway Council's Website <https://publicaccess1.medway.gov.uk/online-applications/>