

MC/23/2680

Date Received: 30 November 2023
Location: Morgan Timber, Knight Road, Strood Rochester
Proposal: Outline planning application with some matters reserved (appearance, landscaping, layout and scale) for the demolition of existing buildings and structures and construction of up to 168 residential dwellings, the provision of vehicular, cycle and pedestrian access, public open spaces, sustainable drainage systems, landscaping, infrastructure, earthworks and all other associated works.

Applicant Agent Morgan & Company (Strood) Ltd
DHA
Mr Seth Tyler
Eclipse House
Eclipse Park
Sittingbourne Road
Maidstone
ME14 3EN

Ward: Cuxton, Halling & Riverside
Case Officer: Amanda Barnes
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 15th January 2025.

Recommendation - Approval Subject to;

- A. The applicant entering into a S106 agreement to secure the following:
- i. Contributions towards improved Education provision comprising:
 - a. Nursery: £296,291.52
 - b. Primary: £353,240.69
 - c. Secondary: £576,233.28Total: **£1,225,765.49**
 - ii. Contribution towards Sports Facilities, Sports facilities improvements to hydrotherapy pool such as new hoists and changing cubicles for disabled users: **£52,313.52**
 - iii. Contribution towards improved equipment and facilities at Strood Library: **£35,484.96**
 - iv. Contribution towards Health: **£135,870**
 - v. Contribution towards Public Rights of Way (PROW) towards the improvement of PROWs in the vicinity that will be utilised by the new development: **£12,600**
 - vi. Contribution towards public realm to assist with development of

- improved civic space and gateways to Strood Town Centre (greening, bollards, lighting, paving, wayfinding and signage): **£42,000**
- vii. Contribution to enhance open space facilities within the vicinity of the development, including Temple Marsh: **£520,813.10**
 - viii. Contribution towards improvements to sustainable transport provision: **£705,826.93**
 - ix. Contribution towards North Kent Strategic Access management and Monitoring Scheme **£55,149.36**

B. The following conditions:

- 1 The development for which permission is hereby granted shall not be commenced before detailed plans showing the layout, scale, appearance and landscaping of the site (referred to as "the reserved matters") have been submitted to and approved in writing by the Local Planning Authority.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2 Application for the approval of the reserved matters shall be made not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 3 The development hereby permitted shall be commenced before the expiration of five years from the date of this permission or before the expiry of two years from the date of the approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

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

Received 9 December 2024
101 -Walnut Tree Bridge General Arrangement

Received 30 November 2023
1-005 Rev H - Red Line Plan
1-111 Rev A - Proposed Access Parameters Plan

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

- 5 No development shall take place above slab level until details and samples of all materials to be used externally, have been submitted to and approved in

writing by the Local Planning Authority, and the development shall thereafter be carried out in accordance with the approved details.

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

6 Any application for the approval of reserved matters relating to the landscape shall include full details of hard and soft landscaping and a programme for implementation. Details shall include:

- i. A tree survey; a tree retention/removal plan (with root protection area, the proposed layout, level changes and alignment of utility apparatus shown); an arboricultural impact assessment, a tree protection plan; arboricultural method statements designed to protect and safeguard trees identified for retention; a schedule of works to retained trees; and an arboricultural site monitoring schedule. All of these details shall accord with the British Standards 5837:2012 'Trees in Relation to Design, Demolition and Construction - Recommendations' (or any such subsequent revision) relevant to the development. The details shall follow the landscape and open space design required by condition 6. The development shall be implemented in accordance with the approved details.
- ii. Plans and information providing details of existing and proposed finished ground levels (including slab levels), means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, signposting to heritage assets, 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.
- iii. Details for the design and specification of tree planting to enable healthy establishment at maturity. Information should provide details for the planting environment (including within hard landscape), calculated soil volume, tree support and tie specification, guards and grilles, aeration and irrigation systems, soil build-up information (avoiding the use of tree sand), tree cell systems (to street tree planting environments).
- iv. Provision for a Locally Equipped Area for Play (LEAP).

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.

- 7 Prior to the first occupation of the development herein approved, a Landscape Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include long-term design objectives, management responsibilities and maintenance schedules for all hard and soft landscape areas, including play space, any communal courtyard(s), and any green roofs (except for small, privately owned, domestic gardens) for a minimum period of five years, with arrangements for implementation and 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. Prior to any handover of the maintenance of the public landscape areas to a management company, there must be a site visit involving the LPA, the proposed landscape management company and the developer. The site visit will include a review of the site area proposed to be transferred to the management company and will assess whether the approved landscape plans have been implemented as approved, the condition and maintenance of all planting and what measures are necessary prior to a handover to the management company. The results of the site visit/walk over shall be submitted to and approved in writing by the Local Planning Authority and the agreed requirements in terms of re-planting/maintenance shall be undertaken prior to any hand over to the management company. The development shall thereafter be managed in accordance with the approved details.

Reason: Pursuant to condition 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 8 No development shall take place until details of cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority in accordance with the Local Planning Authority's adopted cycle parking standards. No building shall be occupied until such time as the cycle parking facilities relating to it have been provided in accordance with the approved details and are available for use.

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

- 9 Any application for the approval of reserved matters relating to the layout shall include a parking layout. Note that garages will not be considered as a parking space within any assessment of parking requirement. No part of the development shall be occupied until vehicle parking spaces have been provided in accordance with approved parking layout details. Thereafter the parking spaces shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that

Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: To ensure that the development is provided with adequate parking facilities to reduce the likelihood of roadside parking which would be detrimental to the free flow of traffic and to highway safety. Relevant Policies - T1 and T13 of the Medway Local Plan 2003.

- 10 Any application for the approval of reserved matters relating to the layout shall include at least 6 dedicated parking bays for visitors to Temple Marsh open space and a timetable for their provision. The spaces shall be provided in accordance with the approved plans and timetable and shall thereafter be retained.

Reason: To provide access to the open space for members of the public in accordance with paragraph 125 of National Planning Policy Framework 2024.

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

Reason: In the interests of sustainability in accordance with paragraph 112(e) of National Planning Policy Framework 2024.

- 12 The development hereby permitted shall not be first occupied until details of a Car Club Scheme has been submitted to and approved in writing by the Local Planning Authority. The approved Car Club Scheme shall include details for the provision of one car prior to occupation of 25% of the dwellings included within the scheme and information on the location of the car club parking spaces to be provided to residents. The details shall further set out how usage of the car club on Site will be monitored including a usage threshold which if met would require the provision of a second car club vehicle to be provided on site. The approved Car Club Scheme shall be implemented prior to occupation of any part of the site and shall thereafter be retained.

Reason: In the interests of sustainability in accordance with paragraph 115 of the National Planning Policy Framework 2024.

- 13 The development hereby permitted shall not be occupied until a cFull Travel Plan has been submitted to and approved in writing by the Local Planning Authority (in accordance with the National Highways Planning Response (NHPR 24-02) February 2024 for the M2). The Full Travel Plan shall be prepared in line with prevailing policy and best practice and shall include as a minimum:

- the identification of targets for trip reduction and modal shift;

- the measures to be implemented to meet these targets including an accessibility strategy to specifically address the needs of residents with limited mobility requirements;
- the timetable/ phasing of the implementation of the Travel Plan measures shall be coincide with the occupation of the development and its operation thereafter;
- the mechanisms for monitoring and review;
- the mechanisms for reporting;
- the remedial measures to be applied in the event that targets are not met;
- commitment to the provision of £150 Travel Plan Vouchers to each household, for use towards the purchase of bus tickets, rail tickets, car club membership or credit, cycle equipment and/or walking equipment;
- the mechanisms to secure variations to the Travel Plan following monitoring and reviews.

The development shall only be occupied in accordance with the approved Travel Plan subject to amendments made in accordance with a review shall remain in perpetuity unless otherwise agreed in writing by the Local Planning Authority in conjunction with the Highway Authority.

Reason: In order to minimise the use of the private car and promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework 2024 and paragraph 40 of DfT Circular 01/2022, and in accordance with Policies T6, T11 and T14 of the Medway Local Plan 2003.

- 14 No part of the development shall be occupied until full details for the provision of the following highway improvements have been submitted to and approved in writing by the Local Planning Authority and Highways Authority and the approved highway improvements have been implemented in full:

- (a) Improvements to the link beneath the rail bridge (Walnut Tree Bridge) to accommodate pedestrian and cycle movements; and
- (b) Improvements to the footway and crossing facilities on Knight Road.

Reason: In the interests of highway safety and to ensure a satisfactory external appearance in accordance with Policies BNE1, T1, T3, T6 and T11 of the Medway Local Plan 2003.

- 15 Prior to the commencement of the development hereby permitted a comprehensive Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority (in consultation with National Highways). The plan shall include as a minimum:

- Construction phasing
- Construction routing plans
- Permitted construction traffic arrival and departure times

All construction activity relating to the development shall thereafter be undertaken in full accordance with the approved details unless otherwise approved in writing by the Local Planning Authority in consultation with the Highways Authority.

Reason: To mitigate any adverse impact from the development on the M2 in accordance with DfT Circular 01/2022.

- 16 Prior to the installation of any external lighting on the site, details of such lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include height, position, external appearance, any shielding, light intensity, colour, spillage (such as light contour or lux level plans showing the existing and proposed levels) and hours of use] together with a report to demonstrate its effect on the landscaping of the site (including an overlay of the proposed lighting onto the site landscaping plans), nearby residential properties and bats (including reference to the recommendations of the Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 8: Bats and Artificial Lighting 08/18' (or subsequent updates). The approved details shall clearly demonstrate that areas to be lit will not impact on protected species of the River Medway. All external lighting shall be installed in accordance with the specifications and locations set out in the approved details and be shall maintained thereafter.

Reason: To limit the impact of the lighting on the landscaping of the site, nearby residents and wildlife and with regard to Policies BNE1, BNE2, BNE5, and BNE39 of the Medway Local Plan 2003 and paragraphs 187 and 193 of the National Planning policy Framework 2024.

- 17 Prior to the commencement of and during any construction works the ecological mitigation measures detailed within the Ecological Impact Assessment (Lloydbore; October 2023) must be implemented as detailed. If commencement of development has not occurred within 2 years of the date on this decision notice a review and, if necessary, an update of the ecological mitigation must be carried out and submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The updated plan must be implemented as approved.

Reason: To protect and enhance the natural environment in accordance with paragraphs 187 and 193 of the National Planning policy Framework 2024.

- 18 Within 3 months of the commencement of the development a habitat establishment and management plan must be submitted to the Local Planning Authority for written approval. It must include the following:

- Map showing the area to be managed
- Overview of habitat enhancement/creation works
- Aims of the management plan
- Detailed methodology to establish the habitat on site
- Timetable for implementation and the ongoing management
- Details of ongoing monitoring

- Details of who will implement the habitat creation/management
- Details of how it will be funded.

The plan must be implemented as approved.

Reason: To protect and enhance the natural environment in accordance with paragraphs 187 and 193 of the National Planning policy Framework 2024.

- 19 Within 3 months of the commencement of development an ecological enhancement plan must be submitted to and approved in writing by the Local Planning Authority. The plan must include the following details:

- Enhancement features within the open space
- Integrated enhancement features within the buildings
- Timescale for implementation

The plan must be implemented as approved.

Reason: To protect and enhance the natural environment in accordance with paragraphs 187 and 193 of the National Planning policy Framework 2024.

- 20 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation and timetable which has been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved scheme.

Reason: To ensure that features of archaeological interest are properly examined and recorded in accordance with Policy BNE21 of the Medway Local Plan 2003.

- 21 Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: hours of construction working; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; lighting; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: Required prior to commencement to prevent harm being caused to the amenity of the area in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 22 No development shall take place until an Air Quality Emissions Mitigation Statement has been submitted to and approved in writing by the Local Planning

Authority. The Mitigation Statement shall be prepared in accordance with the Medway Air Quality Planning Guidance and shall include full details of the measures that will be implemented as part of the development to mitigate the development related road transport emissions. The total monetary value of the mitigation to be provided shall be demonstrated to be equivalent to, or greater than, the total damage cost value calculated as part of the previously approved Air Quality Assessment. The development shall be implemented, and thereafter maintained, entirely in accordance with the measures set out in the approved Mitigation Statement.

Reason: Required prior to commencement in the interests of amenity and minimising air pollution in accordance with policy BNE24 of the Medway Local Plan 2003.

- 23 Prior to the commencement of the development hereby permitted, an acoustic assessment shall be undertaken to determine the impact of noise from industrial/commercial related noise sources in accordance with BS4142 2014: Method for rating and assessing industrial and commercial sound. The results of the assessment and, where the rating level is identified to exceed the background sound level, details of a scheme of acoustic protection shall be submitted to and approved in writing by the Local Planning Authority. The scheme must demonstrate that the internal noise levels within the residential units will conform to the indoor ambient noise levels for dwellings identified by BS8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: Required prior to commencement in the interests of amenity in accordance with policy BNE2 of the Medway Local Plan 2003.

- 24 Prior to the commencement of the development hereby permitted, a scheme for protecting the proposed development from transport noise which implements the measures described in the Residential Noise Assessment received 30 November 2023, as well as those mitigation measures identified pursuant to the acoustic assessment undertaken in compliance with condition 24, shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: Required prior to commencement in the interests of amenity in accordance with policy BNE2 of the Medway Local Plan 2003.

- 25 Notwithstanding the Climate change statement submitted with the application, any application for the approval of reserved matters relating to the appearance shall include full details of the measures to address energy efficiency and climate change.
The development shall not be occupied until a verification report prepared by a suitably qualified professional has been submitted to and approved in writing

by the Local Planning Authority confirming that all the approved measures have been implemented.

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 164 the National Planning Policy Framework 2024.

- 26 No development shall take place until a scheme based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.

The scheme shall include (where applicable):

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

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

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 181 of National Planning Policy Framework 2024.

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

Reason: This condition is sought in accordance with paragraph 181 National Planning Policy Framework 2024 to ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere.

- 28 No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) has been submitted to and agreed in writing by the local planning authority in consultation with the Lead Local Flood Authority. The plan should include details of a piling risk assessment and cover the Construction Environmental Management Plan elements required by Southern Water. The CSWMP (inclusive of CEMP details) shall be implemented and thereafter

managed and maintained in accordance with the approved plan for the duration of construction.

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

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

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

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 181 National Planning Policy Framework 2024.

- 29 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) all dwellinghouses herein approved shall remain in use as a dwellinghouse falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification) and no change of use shall be carried out unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of amenity, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 30 The development shall be carried out in accordance with the remediation strategy set out in the approved Geo-environmental Investigation Report (ref: 13054/GEI/Rev.3 dated July 2024), Piling Risk Assessment (ref: 13054/PRA/Rev. 1 dated July 2024) and Remediation Strategy Report (ref: 13054/RS/Rev.3, dated July 2024).

The development shall not be occupied until a verification plan has been submitted and approved in writing by the Local Planning Authority providing details of the data that will be collected in order to demonstrate that the works set out in the approved remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to the approved remediation strategy require the written consent of the local planning authority.

Reason: Required to avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003 and paragraph 196 of the National Planning Policy Framework 2024.

- 31 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

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 from previously unidentified contamination sources at the development site in line with paragraph 196 of the National Planning Policy Framework 2024.

- 32 Piling or any other foundation designs using penetrative methods shall not be permitted other than in accordance with the proposals set out in the approved Piling Risk Assessment (ref: 13054/PRA/Rev. 1 dated July 2024). Any alternative proposals for piling require the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated by a piling risk assessment that there is no resultant unacceptable risk to groundwater. The piling risk assessment shall be done prior to any unauthorised piling works taking place. The development shall be carried out in accordance with the approved details.

Reason: To avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003 and paragraph 196 of the National Planning Policy Framework 2024.

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

Proposal

This is an outline planning application with some matters reserved (appearance, landscaping, layout and scale) for the demolition of existing buildings and structures and construction of up to 168 residential dwellings, the provision of vehicular, cycle and pedestrian access, public open spaces, sustainable drainage systems, landscaping, infrastructure, earthworks and all other associated works.

The Illustrative Masterplan has been set out with 168 units in a mix of 2, 2.5 and 3 storey housing in the form of flats and individual houses. Connections into the site are from a secondary existing access under Walnut Tree Bridge and the primary access from a spine road linking to Phase 1B of the Temple Waterfront Development to the south of the site.

Areas of public open space are indicated to the east of the site bordering the River Medway, including a pedestrian / cyclist route. A play space is shown located centrally on the site with the addition of a Local Area for Play (LAP).

The illustrative Masterplan shows the parking provision for the illustrative mix of dwellings. The masterplan shows the following parking ratios:

- 1 bed flats: 1:1 parking;
- 2 bed flats: 1:1 parking;
- 2 bed houses: 2:1 parking (the overall 2 bed unit ratio is 1.25:1 parking ratio);
- 3-4 bed houses: 2:1 parking
- 42 visitor parking spaces

Site Area/Density

Site Area: 4.31 hectares (10.65 acres)

Site Density: 38.9 dph (15.77 dpa)

Relevant Planning History

MC/21/2588	Application for approval of reserved matters being access, appearance, landscaping, layout and scale, details to provide 132 new dwellings of Phase 2 of Outline Permission MC/09/0417 all matters reserved providing up to 620 units (Use Class C3); up to 10,300 sqm of employment floorspace (Use Classes B1a/b/c, B2 and B8); up to 1,800 sqm of retail floorspace (Use Classes A1 to A5); up to 200 sqm community facilities (Use Classes D1/D2); strategic landscaping, improvements to open space, parking and related infrastructure including works in relation to site preparation, flood defence and land raising together with application to discharge conditions: 6 (updated master plan), 8 (RM Appearance); 9 (landscape and open space masterplan); 10 (RM Landscaping) 13 (landscape management plan) 14; (community facility and local centre delivery); 15, 16,17 (design codes/materials/appearance); 33 (surface water drainage); 35 (foul water sewerage) 40 (blue badge); 41 (safety and security) 44 (energy assessment) 45 (energy strategy); 48 (RM Scale); 55 (bus stops); 56 (cycle parking); 57 (highway details) 58 (green travel plans); 62 (noise impact); 66 (archaeology). Approved 26 May 2022
MC/19/0518	Variation of condition 2 on planning permission MC/17/4034 to allow a minor material amendment to allow for 3 additional units. Approved 22 November 2019
MC/17/4034	Construction of four 4-bedroomed and seven 3-bedroomed dwellings, one four storey apartment block and one three storey apartment block comprising a total of twelve 1-bedroomed and sixteen 2-bedroomed flats with associated parking, hard and soft landscaping and open space (resulting in 19 additional units). Approved 31 August 2018

MC/16/0600 Application for approval of Reserved Matters, including layout, landscaping, scale, appearance and access - details to provide 210 new dwellings of Phase 1A of Outline Permission (MC/09/0417) - Outline application for planning permission providing up to 620 units (Use Class C3); up to 10,300 sqm of employment floorspace (Use Classes B1a/b/c, B2 and B8); up to 1,800 sqm of retail floorspace (Use Classes A1 to A5); up to 200 sqm community facilities (Use Classes D1/D2); strategic landscaping, improvements to open space, parking and related infrastructure including works in relation to site preparation, flood defence and land raising. (Phase 1).
Approved 16 June 2017 - including a Deed of Variation of the S106

MC/09/0417 Outline application for planning permission providing up to 620 units (Use Class C3); up to 10,300 sqm of employment floorspace (Use Classes B1a/b/c, B2 and B8); up to 1,800 sqm of retail floorspace (Use Classes A1 to A5); up to 200 sqm community facilities (Use Classes D1/D2); strategic landscaping, improvements to open space, parking and related infrastructure including works in relation to site preparation, flood defence and land raising.
Approved 7 December 2011

Representations

The application has been advertised on site, in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties.

Rochester Airport Ltd and Consultation Community, Gravesham Borough Council, EDF Energy, NHS Medway, Southern Gas Networks, Southern Water Services, Environment Agency, RSPB, Kent Police, Active Travel England, Kent Wildlife Trust, and Natural England have also been consulted.

The following comments were received in relation to the application as originally submitted

1 letter of support has been received stating that homes are badly needed but affordable homes should be part of this development. Cycling infrastructure is also not really good enough. This will be a key connecting route from Strood to Medway Valley Park and active travel connections should be an important consideration.

1 letter seeking clarification on points of access and the developer's name.

5 letters of objection have been received relating to the following:

- Question whether principle of residential acceptable if much needed infrastructure provision is not viable.
- Before more houses are built, we need more schools, more doctors, more roads and more hospitals.

- Area by the river (currently marshland) next to the proposal is a site used by nightingales. Any building work or flood mitigation will impact this protected species. An independent ecological survey undertaken at night in spring would pick up on this.
- Flood issues in area particularly impacting access under railway bridge.
- Increased use of secondary entrance would have such an adverse effect to the local residents on temple boat yard and Castleview Moorings.
- Increase in traffic coming and going past our residential homes will have a negative impact on the environment we currently live in.
- The volume of traffic on a very restricted road which can only be approached via a very narrow railway arch will have an enormous effect on the local residents, businesses and wetland wildlife.
- Impact of demolition and land raising works on air quality.
- Conflict in use of secondary access for public accessing open space.

Active Travel England have given their standing advice which supports sustainable development, encouragement of walking and wheeling and use of public transport, easy access to local facilities, permeability, placemaking and inclusion of travel plans.

Historic England are not offering advice on this application.

Environment Agency have advised that planning permission could be granted to the proposed development as submitted if the planning conditions are included relating to contamination and piling.

Drainage - it is understood that foul water is to be discharged to mains sewer and that surface water is to be discharged to both sewer and Sustainable Drainage Systems (SUDs) features including permeable paving, Bioretention (tree pits) and rainwater harvesting. This is considered acceptable in principle.

Advice given re Waste on-site as result of previous landfill operations. (*The applicants have been made aware*).

Flood Risk - satisfied with the flood mitigation measures proposed set out within the submitted Flood Risk Assessment.

Lower Medway Internal Drainage Board have provided advice:

It may be prudent to consider extra storage and non-return valves/flaps on the site to hold surface water until tidal waters subside and consider the implications of landraising on neighbouring sites in terms of their surface water disposal.

Condition any permission that prior to development, a full scheme for surface water disposal based on SuDS principles and the Flood Risk and Drainage Report, undertaken by BdR is submitted to and approved by the local planning authority and the scheme is verified on site by a competent engineer once constructed. There should also be a SuDS maintenance condition.

Natural England have advised that due to the proximity to protected areas, there needs to be an appropriate assessment and the usual consideration under the Habitat Regulations.

National Highways commented on the application as submitted that planning permission not be granted for a specified period due to the following:

Potential to impact on the safe and efficient operation of the Strategic Road Network (SRN), in this case, particularly within the vicinity of the M2 near Rochester and the need for more information covering trip rates and trip generation; vision for the development in terms of transport (sustainability);

Comments on submitted travel plan.

Will need to be a Construction Management Plan.

LPA and applicants need to consider further Climate Change implications.

Southern Water objected and requested that a Hydrogeological Risk Assessment (HRA) be completed to identify, assess, and eliminate all demolition, construction and operational risks to our groundwater supply.

The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

Access to an Anti Flood Defence should be maintained at all times. The applicant is advised to discuss the matter with Southern Water Services Operations Team.

Should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Southern Water can facilitate foul sewerage disposal to service the proposed development.

Where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

Historic England are not offering advice.

The following representations have been received following receipt of amended documents and plans:

One letter has been received reiterating previous comments.

One letter has been received objecting to the application for the following reasons:

- Increased traffic on Knight Road, not only in the construction phase but also once the dwellings are occupied.
- Local business relies on Knight Road as the only access point to and from the factory, any project that may increase the amount of traffic along Knight Road may have an impact on our ability to access our site.
- Up to 250 employees work on our site daily, when considering this application, we would strongly urge you to consider the impact on safety to pedestrians, cyclists and vehicles when people are commuting.

Environment Agency have advised that the recommendation re proposed conditions remains as further remedial/investigation works are proposed.

Southern Water have reviewed the revised Geo-Environmental Investigation Report (GIR), which includes a Hydrogeological Risk Assessment (HRA) section.

Southern Water do not object subject to conditions requiring a Construction Environmental Management Plan (CEMP) and a Foundation / Piling Risk Assessment. SWS should be consulted on submissions pursuant to these conditions.

National Highways reviewed the “Technical Note – National Highways Consultation Response (January 2024)” but did not consider that it enabled them to lift their holding objection.

Following submission of the ‘Technical Note – National Highways Consultation Response’ (April 2024), **National Highways** have advised they are content that the traffic impact at M2 Junctions 1 and 2 would be minimal and would not result in an unacceptable impact on the operation of the Strategic Road Network (SRN).

In order to ensure the sustainability of the site, they have recommended a condition for a detailed Travel Plan to be prepared, approved and implemented.

Additionally, they envisage the SRN being a likely route for construction traffic and they have therefore recommended a condition for a Construction Traffic Management Plan.

Gravesham Borough Council have no objection to the proposal.

Natural England have advised that the advice provided in their previous response applies equally to this amendment. They have no objection subject to securing appropriate mitigation for recreational pressure impacts on habitat sites (European Sites).

Active Travel England have re-iterated their previous comments.

Lower Medway Internal Drainage Board have advised their comments still stand and that the findings of the Hydrogeological Risk Assessment within the Geo-Environmental Investigation; do not affect the Board’s interests.

Kent Police have advised that they request a condition for this site to follow Secured By Design (SBD) guidance to address designing out crime. They have made recommendations regarding detailed design. (*The applicants have been made aware of their comments*).

Network Rail have advised that due to the close proximity of the proposed development to Network Rail's land and the operational railway, Network Rail requests the applicant / developer engages Network Rail's Asset Protection and Optimisation (ASPRO) team prior to works commencing.

KCC Biodiversity have advised that the ecological information has detailed the following:

- Low population of common lizards
- 1 common pipistrelle bat roost
- Evidence of bats foraging/commuting through buildings on the site
- At least 3 species of foraging bats
- Suitable habitat for breeding birds
- The site is within 300m of the River Medway between Cuxton and Temple Marsh Local Wildlife site

They are satisfied that the submitted information has satisfactorily assessed the impact of the footprint of the proposed development.

The submitted information demonstrates that appropriate measures will be implemented to avoid impacts on habitats during the construction period. Additional information has been submitted detailing the following measures to reduce the impact of the proposal on the river and adjacent sites.

- Designing the lighting to reduce light spill (where possible)
- Limiting access to the grassland adjacent to the river through fencing
- Signage to educate residents about the MCZ and LWS

They advise that these measures will minimise impacts on the adjacent habitats. They advise that if planning permission is granted the reserved matters applications must demonstrate that the above measures will be implemented.

Biodiversity Net Gain (BNG) assessment - they agree that it is likely that a BNG can be achieved within the site even if the proposed 9% is not achieved. They highlight that where the Defra biodiversity metric is used to demonstrate a biodiversity net gain in accordance with the National Planning Policy Framework 2023, a minimum of 1% net gain has previously been accepted under appeal ruling (where local policy does not stipulate a higher percentage of net gain). This is due to the current absence of secondary legislation for implementation of a minimum 10% biodiversity net gain under the Environment Act 2021.

As such they are satisfied that an updated BNG is not required as part of this application. They recommend conditions requiring a habitat establishment and management plan and ecological enhancement plan.

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 2024 (NPPF) and are generally considered to conform. Where non-conformity exists, this is addressed in the Planning Appraisal section below.

Planning Appraisal

As part of the considerations of this application, the proposed development has been screened in relation to whether an Environmental Impact Assessment is required as part of the application. It has been concluded that an EIA is not required.

Background and Principle

The application site comprises a brownfield site c.4.31ha in size, situated between the River Medway and the Medway Valley Railway Line within the urban area of Strood. To the north of the site is Walnut Tree Bridge which provides the only access (vehicular and pedestrian) to the site off Knight Road. To the south of the site is a residential development which is under construction by a major housebuilder. Access to the site from the neighbouring development will be the principle vehicular access to the proposed development, with the existing access through Walnut Tree Bridge becoming the secondary access. The Medway Valley Railway Line forms the western boundary of the site, beyond which is an area of industrial and commercial use developed during the 1980s. The River Medway's mudflats which are adjacent to the site are identified as a priority habitat. Within the mudflats lie a boat yard, a collection of residential boathouses and additional land owned by the applicant. To the south east of the site lies the area designated as Temple Marsh open space.

The site is currently occupied by an independent timber merchant which the agents have advised that their operation is winding down, and the company is in the process of vacating the site. There are several buildings and existing areas of hardstanding within the site, which have been used for the storage and manufacturing of timber products.

Within the Local Plan this site is part of a wider allocation under policy S10 (Strood Waterfront Action Area). As well as Policy S10 the area is also subject to housing Policies H1 (new residential development), H3 (affordable housing) and Policy ED2 (employment in action areas). Policy S10 highlights the expectation for appropriate employment uses, community facility provision as well as other uses.

The application site forms part of the Temple Waterfront Development Brief (2006) (TWDB), a parcel of land some 27ha in size. This site was subject to an outline planning permission for up to 620 dwellings and other development (MC/09/0417).

Phase 1A and Phase 1B of the outline consent has been granted reserved matters consent. Phase 1A's construction is almost complete, whilst phase 1B's reserved matters consent has more recently been granted with the site currently under

construction. The outline consent has since lapsed and therefore it is no longer possible to submit further reserved matters applications pursuant to it.

Application MC/09/0417 was approved for a mix of uses including:

- up to 620 units (Use Class C3);
- up to 10,300 sqm of employment floorspace (Use Classes B1a/b/c, B2 and B8);
- up to 1,800 sqm of retail floorspace (Use Classes A1 to A5);
- up to 200 sqm community facilities (Use Classes D1/D2);
- strategic landscaping, improvements to open space, parking and related infrastructure including works in relation to site preparation, flood defence and land raising.

The permission made provision for up to 10,300sqm of employment uses, of which 3,200sqm was intended to be a reconfigured site for the applicant. After permission was granted for the outline, evidence was submitted to demonstrate that there was no additional need/demand for employment uses at Temple Waterfront, mostly due to the constrained access to the site through Walnut Tree Bridge and the need to go through a residential area if coming from Roman Way . The Council accepted this position and agreed that the principle of development without the commercial uses was acceptable, As such a wholly residential scheme is being built out.

Applications MC/16/0600, MC/17/47034, and MC19/0518 have resulted in the variation of units being delivered within phase 1A and 1B:

- Phase 1A of the wider development has been implemented and is currently under construction. This phase has had an increase from 210 to 232 units.
- Phase 1B (also referred to as Phase 2 in some documents) has decreased from 210 to 132 units.
- Phase 2 (also referred to as Phase 3 in some documents relating to the Temple Waterfront) had outline planning permission for 200 units but no reserved matters consent was applied and the permission has now lapsed.

Therefore, of the 620 residential units originally granted outline consent at Temple Waterfront, only 364 (59%) have either been granted/and are currently being delivered in Phases 1A and 1B.

The proposal would see the delivery of up to 168 dwellings which would take the delivery of dwellings at Temple Waterfront to 532 units. This is 86% of the total number set out in the 'original' outline application (MC/09/0417) which is at a scale that is commensurate with the TWDB (2006).

It is acknowledged that the principle of development comprising solely residential development on the site is considered a departure from the principles of TWDB (2006) and the 'original' outline application with there being an absence of formal employment floor space provision.

The TWDB sets out a vision for the area to provide for a mixed-use development with proposed employment space being concentrated within the northern part of the site

which included a new and improved facility for the applicant. As the applicant is now in the process of winding down operations this facility is no longer required.

A Commercial Needs Assessment has been submitted with the application which demonstrates that there is currently sufficient retail (both convenience and commercial) and leisure provision in and around the site. The site is not considered attractive to retail occupiers due to its limited visibility and footfall.

No retail provision has been provided on Phase 1A or 1B. The originally planned community facility has also not been provided. Application MC/21/2588 varied Condition 14 (community facility and local centre) of the 'original' permission through a deed of variation to the S106. The variation added a new clause to the S106 for a commuted sum to be paid to the council in lieu of provision of a community facility/local centre on site, based on a formula tied to the number of units provided, and to be paid towards 'a new facility in the Strood area'.

The needs assessment sets out that homeworking has been embraced in the southeast at a higher rate than the average across England, and this is particularly the case in traditionally office-based roles. This has contributed to Medway having a healthy level of office availability as well as negative demand since 2019, indicating a weak office market. Furthermore, the site is not considered to be a suitable site for office development as it is not a town centre location and does not benefit from direct rail connections unlike other town centre sites.

The needs assessment notes that the Industrial and Logistics market has been performing better than both the retail and office markets, both nationally and in Medway. Whilst the area to the north of the railway is almost exclusively in a variety of Industrial and Logistics uses, access to the site itself is restricted as a result of the Walnut Tree Bridge. This has a height restriction of 14 feet (4.27m) which makes the site unsuitable for users requiring large lorries. This restriction has posed significant operational problems for the Applicant in the past, with over-height delivery lorries being unable to navigate under the bridge and having to be diverted to offload elsewhere.

It is considered that the Commercial Needs Assessment justifies the departure from the approach in the TWDB (2006) and previous outline approval to provide employment uses on the site.

Medway Council is currently unable to demonstrate a five-year supply of deliverable housing sites. In view of this deficit, the Council's housing supply policies are out-of-date in the context of housing allocations. Paragraph 11 of the NPPF is therefore engaged and under paragraph 11(d) it is necessary to make an assessment as to whether this development is sustainable, having regard to the definition of sustainability contained in the NPPF. The site is located on the edge of Strood, approx. 1 mile from Strood Railway Station and around a 15-minute walk from the Town Centre north of the site with its associated shops, Health facility, Schools etc. Both of which are accessible via continuous footways. The nearest bus stops are located on Priory Road (approximately a seven-minute walk from the site) and are served by eight routes. These routes operate to Bluewater, Kings Hill, Medway Valley Park, West Malling and intervening stops.

In assessing the proposal in line with the 'presumption', the benefits of the scheme are outlined below:

- The provision of housing, in an area that is currently experiencing a shortfall in housing provision.
- The reuse of a previously developed site in a sustainable location for housing.

Paragraph 124 of the NPPF states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 125, states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs; and promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained, and available sites could be used more effectively.

In summary the site is considered to be in a sustainable location and the development of the site for housing is considered to be in accordance with Policies H1, S1 and S10 of the Local Plan where the development strategy for the plan area is to prioritise re-investment in the urban fabric, including the redevelopment and recycling of under-used and derelict land within the urban area, TWDB and paragraphs 11, 39, 61, 96, 124, 125 of the NPPF.

Layout and Design

The NPPF attaches great importance to the design of the built environment. Paragraphs 131 and 135 of the NPPF emphasise the importance of good design and Policy BNE1 of the Local Plan is a general, criteria-based policy for all development. It seeks appropriate design in relation to the character, appearance and functioning of the built and natural environment.

The submitted Illustrative Masterplan demonstrates one way in which the development could be progressed at the reserved matters stage of development to provide up to 168 residential units with dwellings between 2 and 3 stories in height which is reflective of the adjoining site. A variety in size and shape of plots are shown with detached, semi-detached, terraced and apartments distributed throughout the site.

The layout shows the provision of a network of cycle/footways and a pedestrian focused spine road to the existing phases of development at Temple Waterfront with a connective network of existing and new footpaths and cycleways through the site and to surrounding areas, building on the informal paths through Temple Marsh open space to the south east of the site.

The housing mix is not fixed at this stage due to the outline nature of the application. The applicant has advised that the final mix will respond to design and market considerations at any subsequent reserved matters stage but informed by the Strategic Housing Market Assessment (SHMA) 2015 (which is part of the evidence base of the emerging Local Plan) and any refresh/update on that and likely market requirements. The Illustrative Masterplan demonstrates a dwelling mix that could be delivered meeting requirements.

Due to the outline nature of the application detailed hard and soft landscaping will be dealt with at the reserved matters stage. The Illustrative Landscape Masterplan within the Design and Access Statement seeks to incorporate a number of measures including but not limited to:

- New hard and soft landscape features within the development;
- New areas of amenity public open space including areas of play;
- Green edges to the site to soften the proposal visual impact; and
- Green lanes through tree lined streets that provide a distinctive informal character as well as opportunities for urban cooling.

In accordance with paragraph 131 of the NPPF the submitted Illustrative Masterplan shows indicative locations of tree lining to the access road off Walnut Tree Bridge and the main spine road through the development linking the proposal to Phase 1B.

While appearance has been reserved for later determination the proposal seeks to provide a mix of contemporary and traditional materials and finishes that reflect the character of Temple Waterfront; with a mix of shallow and deeper of setbacks to dwellings from street frontages; Mostly 2 storey dwellings but with the use of 2.5 storeys along the key frontage to the River Medway on the secondary access road from Walnut tree Bridge; the use of 3 storey apartment block in the south west of the site taking advantage of the height of the railway line which is a physical and visual barrier to the proposal site; and subtle variations in density to provide a transition in buildings that front the River Medway towards the development edge and higher densities towards southern and western part of the site.

This strategy is considered to complement Phases 1A, 1B of Temple Waterfront and the prevailing character of the area.

The proposed layout will ensure that access can be provided to the area of green space to the south-east. A small parking area has also been shown on the Illustrative Masterplan which can be utilised both by visitors to the development as well as dog walkers and other visitors using the green space and Temple Marshes open space, a condition is recommended to secure this.

The site lies immediately south of Temple Manor which is a Grade I listed building and scheduled monument. Consideration needs to be given to any impact that may occur on the setting of Temple Manor. This application is in outline with matters of layout and appearance reserved for future consideration, however the indicative layout and building heights have taken this into account and it is considered that there would be limited visibility of the development from in and around the Temple Manor site.

Overall, the illustrative layout shows that the reserved matters application could respond appropriately to the requirements of the provisions of Policy BNE1 of the Local Plan and Paragraphs 131 and 135 of the NPPF with matters of, appearance, landscaping, scale and layout reserved for future consideration.

Amenity

Policy BNE2 of the Local Plan requires all development to protect those amenities enjoyed by nearby and adjacent properties. It states that the design of development, should have regard to: (i) privacy, daylight, and sunlight; and (ii) noise, vibration, light, heat, smell and airborne emissions consisting of fumes, smoke, soot, ash, dust and grit; and (iii) activity levels and traffic generation.

There are two main amenity considerations, firstly the impact of the houses on the neighbours and secondly the living conditions which would be created for potential occupants of the development itself. Paragraph 135f of the NPPF and Policy BNE2 of the Local Plan relate to the protection of these amenities.

Amenity of Future Occupiers - The Illustrative Masterplan has been designed to allow all the dwellings to achieve the required Nationally Described Space Standards whilst achieving the minimum garden length of 10m, with a minimum back-to-back distance of 21m and with a minimum distance of 10m between the rear of one house and the flank wall of another.

Neighbouring Residential Amenity – The indicative master plan has shown that it is possible to position houses so that there would be no issues raised with regard to loss of sunlight, daylight privacy or outlook.

Concern has been raised about the impact on the residents of Castleview Moorings due to the impact of the comings and goings from the secondary entrance to the site. While it is noted that there will be cars accessing/exiting the site from this access, it is a secondary access and it is not considered to be so significant as to refuse permission due to the fact that when the Timber Yard was in full operation this was the sole access for the timber yard where cars from staff members and lorries delivering materials would have been using this access.

Due to the location of the site with regard to residential properties on the earlier phases a condition is recommended for a CEMP. Subject to this condition no objection is raised and the application is considered to be in accordance with Policy BNE2 of the Local Plan and paragraph 135(f) of the NPPF.

Noise

Due to the nearby commercial/industrial sources of noise and the railway line conditions are recommended to secure a scheme for protecting the proposed development from noise and subject to these conditions no objection is raised with regard to Policy BNE2 of the Local Plan and paragraph 135(f) of the NPPF.

Air Quality

A damage costs assessment has been carried out and this has determined the scale of an air quality mitigation scheme. Whilst some measures are proposed, details will still be required to demonstrate that the mitigation requirements of the Medway Air Quality Planning Guidance are met and that the air quality damage costs will be offset and an appropriate condition is recommended.

Subject to this condition the application is considered to be in accordance with Policies BNE2 and BNE24 of the Local Plan and paragraph 199 of the NPPF.

Contamination

A Geo-Environmental Investigation by Ground and Environmental Services Limited dated June 2023 has been submitted and, following the recommendations in the report, a Remediation Strategy Report dated July 2023 has been produced. It is understood that limited contamination has been identified in the underlying soils and groundwater, and that the risk to underlying groundwater is considered low.

Existing underground fuel tanks are to be removed and validation testing is to be conducted at the base and sides of any tank excavations to determine potential impact to underlying soils. Further to this, it is noted that only 3no. samples of groundwater have been collected and analysed for contaminants of concern. This is not considered to be a sufficient number of groundwater samples and coverage given the size of the site. Conditions are recommended to avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination. Subject to these conditions the application is considered to be in accordance with Policy BNE23 of the Local Plan and paragraph 196 of the NPPF.

Ecology

Under section 40 of the NERC Act (2006), and paragraph 187 of the NPPF, biodiversity must be maintained and enhanced through the planning system. Additionally, in alignment with paragraph 193 of the NPPF, the implementation of enhancements for biodiversity should be encouraged.

The site is directly adjacent to the Marine Estuary Marine Conservation Zone.

The submitted information has satisfactorily assessed the impact of the footprint of the proposed development and has provided information to demonstrate that appropriate measures will be implemented to avoid impacts on these habitats during the construction period. Additional information has been submitted detailing the following measures to reduce the impact of the proposal on the river and adjacent sites.

The measures include:

- Designing the lighting to reduce light spill (where possible)
- Limiting access to the grassland adjacent to the river through fencing
- Signage to educate residents about the MCZ and LWS

It is considered that these measures will minimise impacts on the adjacent habitats and an appropriate condition is recommended.

Details of mitigation for the impact on species present within or likely to be present on the site has been provided and it is considered that the proposals are appropriate.

Lighting can have a negative impact on the adjacent River and roosting bats and an appropriate condition is therefore recommended.

In alignment with paragraph 193 of the NPPF, the implementation of measurable net gains for biodiversity (integrated as part of design) should be encouraged. The submitted information has detailed that the proposal will achieve a measurable net gain (as per the NPPF).

Conditions are recommended to include a habitat establishment and management plan and ecological enhancement plan.

Subject to the recommended conditions the proposal is considered to accord with the provisions of the Development Plan and NPPF.

Flood Risk

The site is within Flood Zones 2 and 3 (Medium and High Risk) according to the Environment Agency Mapping.

The proposal includes raising land and finished floor levels, with all development set above the design flood level. This will ensure the safety from potential flooding of the proposed residential properties. Access to the site would also be maintained at a raised level.

Paragraph 80 presents a hierarchy of drainage options to follow with the aim being to discharge surface runoff as high up the hierarchy as possible. This is also reiterated within Part H of the Building Regulations. The options are:

- 1 Into the ground.
- 2 To a surface body.
- 3 To a surface water sewer, highway drain, or another drainage system.
- 4 To a combined sewer.

This is reflected also of Part H3 of (Part H) of the Building Regulations.

Due to the proximity of the site in relation to the River Medway infiltration is not considered acceptable. Free unrestricted discharge to the River Medway is the recommended approach to ensure that runoff from the site is discharged in advance of the River Medway flood flow arriving from the upstream catchment.

The Flood Risk Assessment (FRA) confirms that Pervious Pavement and rainwater harvesting and Bioretention [Tree Pits] are the most appropriate Sustainable Urban Drainage solution (SuDs) for the proposed development due to there being insufficient space for other forms of SuDs components.

The use of rainwater harvesting, grey water recycling and water butts where practicable are recommended in order to provide an additional means of surface water attenuation as well as reduced demand on potable water supplies. Permeable paving is also sought on the site where practicable, details of which will form part of the detailed design phase.

Based on the above, conditions are recommended with regard to the sustainable drainage including a verification report on completion of the scheme and Construction Surface Water Management Plan. Subject to these conditions the application is considered to be in accordance with Policy CF13 of the Local Plan and paragraphs 170 and 171 of the NPPF.

Access and Parking

Application MC/09/0417 was approved for an outline permission of up to 620 residential units, 10,300sqm of employment space, and other uses at the 'Temple Waterfront' site, of which the Morgan Timber site comprised the northeastern parcel. This application was consented on the basis that a signals arrangement would be introduced at the Walnut Tree Bridge – this is reflected in the highway comments set out in the committee report: *"In order to improve safety for all future users, it is proposed to upgrade this access to a signal-controlled shuttle working arrangement, with a separate stage for pedestrian movements through the arch. The detailed design of this revised junction will be considered with a future 'reserved matters' application, which will need to be accompanied by a road safety audit of the access proposals."*

Condition 54 of MC/09/0417 required that *'Prior to the submission of any reserved matters application for any part of the development hereby permitted, details of an improvement plan for the pedestrian environment between the site and Knight Road via Walnut Tree Bridge; an improvement plan for enhancements to drainage, surfacing, lighting and the pedestrian environment through Wickham Arch to Norman Close and a timetable for the provision of the improvements shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be retained thereafter'*. Condition 57 provided similar restrictions, relating to pedestrian and cycle linkage.

Condition 54 was modified through application MC/15/3727, enabling this improvement plan to be submitted *'prior to the commencement of above ground works of the phase or sub-phase to which it relates'*, rather than prior to the submission of reserved matters for any phase.

Condition 54 was modified again through application MC/16/0307, which removed the requirement for the development to provide an improvement plan to the Wickham Arch to Norman Close. This is another pedestrian link beneath the railway; however, this land is entirely controlled by Network Rail and the applicant was unable to gain a positive response towards making improvements in this location. It was therefore considered unreasonable to prohibit development on these grounds and the improvements to Wickham Arch were removed from the condition.

MC/16/0600 was a reserved matters application for Phase 1A of the Temple Waterfront development, comprising 210 dwellings. Assuming Condition 54 reflects the MC/15/3727 variation, it was no longer a requirement to resolve the Walnut Tree Bridge issue prior to this reserved matters application. While it was originally envisioned that a bus service would travel through the spine road, it was agreed that the quantum of dwellings in Phase 1A was not sufficient for the introduction of a bus

service within the development but that bus services/stops were in close proximity so still providing for reasonable public transport option to the private car.

MC/17/4034 and MC/19/0518 were two further applications which together added an additional 37 units, to be accessed via the Phase 1A site.

MC/21/2588 was a reserved matters application for Phase 2 of the development, comprising 132 dwellings. This application also discharged a number of other conditions, including Condition 55 relating to providing bus stops within the site. The committee report states that *'during the consideration of Phase 1 it was agreed that the bus would not come into the site in Phase 1 and as such the closest bus stop is outside of the site on Roman Way, which the Travel Plan notes as being approximately a 5-minute walk from the centre of the Phase 2 development. Bus route 151 (Chatham to Kings Hill) operates during the daytime and evening, with intervals being mostly 1 to 2 hours apart, Monday to Saturday. Although the applicant's Travel Plan indicates that once the whole site is built out (including Morgan's timber Yard) a bus route through the whole site could be achieved if bus operators desired to do so, the council's highway officers advise that there would be no link though to Knights Road and the Phase 1 road layout is not navigable for even small buses due to tight roads and parking. As such it is accepted that no buses will now be able to access Phase 2 of the site and on this basis condition 55 is recommended to be discharged without bus shelter provision.'*

It has been confirmed that bus operators would be highly unlikely to run a bus through the Walnut Tree Bridge arch due to its width and the risk of damaging the vehicles. The reserved matters applications have therefore come forward without any on-site bus provision. The Morgan Timber site therefore does not have a direct bus service potential which increases the onus to improve accessibility by other modes in order to be considered sufficiently sustainable.

Outline permission MC/09/0417 has lapsed, so the Morgan Timber site is coming forward as a new outline permission with reserved matters to follow in a later application. However, the proposals are constrained by the previous permissions in as much as:

- It is not possible to achieve bus access to the site; the closest services available are on Roman Way, and on Priory Road,
- The other phases are understood to have access rights over the Morgan Timber site to access the Walnut Tree Bridge arch as a secondary vehicle link, and
- The other phases would benefit from (and indeed were permitted on the basis of) a pedestrian/cycle link via the Morgan Timber site to Walnut Tree Bridge, to provide active travel links further to the northeast to supermarkets and the Town Centre in particular.

During the course of the application there have been extensive discussions surrounding the access from the Walnut Tree Bridge due to the concerns with regard to highway and pedestrian safety. Through the course of the discussions, it was highlighted that the Walnut Tree Bridge is already used by pedestrians, including dog walkers, residents of the phases that have been built out, pedestrians accessing the Yacht Club, and Morgan Timber employees.

To ensure that a workable solution could be found, plans of the signal arrangements to a detailed design level, supported by LinSig capacity analysis, a Stage 2 Road Safety Audit and a new Technical Note have been received. While it is not typical for this level of detail to be afforded to a scheme prior to determination, it was considered necessary to have as much detail and information as possible in order to review the signal arrangements and consider both their safety, and their viability. There have been concerns about the viability of installing this arrangement throughout the process due to space and layout restrictions, including interactions with nearby land ownerships.

It is acknowledged that, while the signals have been planned to a detailed design level and audited at this stage, there are likely still to be changes made to the layout post-determination, necessitating another detailed design layout and Road Safety Audit to be submitted at that future stage.

The solution to the Walnut Tree Bridge access is an unorthodox and non-standard arrangement. It is established that due to the lack of alternative sustainable transport links, it is essential that an active travel link is provided through this end of the site. Were it not for the previous consents regarding this signal's arrangement, and the fact that the Yacht Club and scrap metal yard are still accessed through this link, the preference would be for this link to be for pedestrians and cycles only.

However, on the understanding that the planning consent history determines that a signals arrangement can and will be implemented here, it is vital ensure that both:

- The version that comes forward is as compliant with guidance and safe as reasonably possible, and
- There is a robust audit and correspondence trail that demonstrates why each decision has been made.

The key outstanding issue with the arrangement is the lack of adequate provision for visually impaired pedestrians. This lack of adequate provision contravenes design standards and can be seen to breach the Equality Act 2010. However, it is also important to weigh this departure from standards against the potential benefits offered by the development and by this access arrangement.

Given that this link is already used by pedestrians, it is considered that this signals improvement will constitute a safety improvement in terms of provision for the existing users – including the existing users associated with the Phase 1a and 2 developments already built out. The removal of the employment use of Morgan Timber and its associated heavy vehicle movements similarly will have a benefit for pedestrians using this route.

For visually impaired pedestrians who may already use this link (for example those already living at the Phase 1a and 2 sites), the signals constitute a safety improvement. The arrangement may be non-standard, but providing further efforts are undertaken to raise awareness of the layout and improvements can be made to nearby links to better accommodate these pedestrians, it is considered overall a net benefit.

It is accepted that the fact that the signals improvements come alongside a development of 168 dwellings necessarily changes the makeup of the use of this arch, increasing the number of residential pedestrian trips, albeit it less than originally predicted with the outline approval. However, it is considered, on balance, that the improvement for existing pedestrians outweighs any potential negative externalities associated with introducing more pedestrian trips by way of more development.

In terms of the makeup of vehicles through this link, it would be expected to be primarily cars for the residential development, rather than the large vehicles currently using the link. In terms of pedestrians through this link, it is envisaged that due to the nature of residential development compared to the current employment use, there would be a greater variety in the ages, disabilities and times of journeys for the pedestrians using the link – hence there is a much greater impetus to ensure the link is designed to be as accessible as possible.

Given the concerns associated with this arrangement and as it forms part of a key pedestrian corridor between the site and nearby facilities, it is considered that improvements to the pedestrian footway on Knight Road should be incorporated as part of the development package (secured through part of a S278), to include resurfacing the footway, reinstating the kerb where damaged, reinstalling the damaged crossing points, and preferably widening the footway to 2m where possible. This will provide a comprehensive and attractive pedestrian link between the site and the facilities at the other end of Knight Road.

Further to concerns about bridge strikes, it is also required that Network Rail are further engaged with, to ensure that their consent to all proposals is achieved. It is already established that the preference realistically would be widening the arch to enable vehicles and pedestrians to travel safely beneath – however it is the prohibitive cost of this sort of work on Network Rail structures that makes this unfeasible.

As this is an outline application it should be noted that the following items are to be reviewed in detail during the reserved matters application:

- Internal site highways layout, including:
 - Visibility splays for vehicles and pedestrians at internal junctions or blind spots
 - Ensuring that all parts of the site are accessible by a refuse vehicle and emergency services vehicles
 - Including sufficient traffic-calming measures such that the Walnut Tree Bridge link is (comparatively) undesirable for use, and would not be likely to generate rat-running
 - Ensuring high-quality pedestrian and cycle links are provided throughout the development
- Parking quantum:
 - Provision of sufficient resident parking
 - Provision of sufficient visitor parking
 - Provision of sufficient cycle parking
- Full Travel Plan

Subject to the recommended conditions the application is considered to be in accordance with Policies T1 and T13 of the Local Plan, and paragraph 116 of the NPPF.

Affordable Housing

Policy H3 of the Local Plan sets out a requirement for 25% of the new housing within the Temple Waterfront site to be affordable housing. A financial viability statement has been submitted as part of the application to assess the viability of the development.

The report concluded that it would not be viable to provide affordable housing and full S106 costs as part of the proposal given the significant abnormal costs associated with delivering the scheme due to the fact the site is brownfield land requiring various remediation work to occur prior to commencement of development due to the previous use of the site. The site also requires the land levels to be raised due to the tidal flood risk from the River Medway. These measures along with current market conditions mean that a viability report has shown that it is not viable to provide affordable dwellings on this site (see more in section below).

Officers will work with potential developers and registered providers to consider the possibility of delivery of affordable housing outside of the planning process, potentially using Homes England grant.

Archaeology

An Area of Archaeological potential exists around Temple Manor and extends into the proposed development site. The Geoarchaeological Desk-Based Assessment concludes that the site contains a sequence of Pleistocene and Holocene deposits that are of high regional significance. It is recommended that further purposive geoarchaeological investigation of these deposits should be carried out in line with the recommendations set out in paragraphs 7.1.3 through 7.1.6 of the Geoarchaeological Desk-Based Assessment. Additionally, and dependent on the detail of the future development, it may additionally be appropriate to carry out Palaeolithic test-pitting and or stepped trenches on the western edge of the site where chalk bedrock and Pleistocene gravels are recorded at comparatively shallow depth (e.g. in the vicinity of WS12). An appropriate condition is and subject to this condition the application is considered to be in accordance with Policy BNE21 of the Local Plan.

Waste and Refuse Storage

Every dwelling is required to have a designated space for waste and as this is an outline application this is a matter for any reserved matters application.

Climate Change and Energy Efficiency

The Design and Access Statement provides a climate change statement for the application at Chapter 4.4. The Statement sets out that the proposal will take a proactive approach to mitigate and adapt against climate change, considering the

long-term implications for flood risk, water supply, biodiversity and landscapes including the risk of overheating from rising temperatures.

Again, as this is an outline application, this is a matter for any reserved matters application and an appropriate condition is recommended. Subject to this condition the development is considered to be in accordance with paragraph 164 of the NPPF.

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. 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. There was therefore a need under the Conservation of Habitats and Species Regulations 2017 for an appropriate assessment to be carried out as part of this application.

As a result of the Appropriate Assessment Natural England has advised that an appropriate tariff of £328.27 per dwelling (excluding legal and monitoring officer's costs) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries by way of mitigation for the adverse effects of the development. This tariff should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation).

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

The applicant has agreed to pay this obligation therefore subject to payment no objection is raised under Policies S6 and BNE35 of the Local Plan and paragraphs 193 and 194 of the NPPF.

S106 Matters

Policy S6 of the Local Plan states conditions and/or legal agreements should be used to make provision for additional demand for local services generated by new developments.

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

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

The Approved Guide to Developers Contribution (2018) sets the Council's detailed approach towards ensuring that the demands generated by new developments is properly provided for by way of financial contributions made by the developer towards the provision of new and improved infrastructure and services. The Guide sets out comprehensive advice on how financial contributions will be calculated in respect of a broad range of different services.

In accordance with Guide to Developer Contribution the following contributions were initially sought in respect of this application:

- i. Contributions towards improved Education provision comprising:
 - a. Nursery: £296,291.52
 - b. Primary: £353,240.69
 - c. Secondary: £576,233.28
 Total: **£1,225,765.49**
- ii. Contribution towards Sports Facilities, Sports facilities Improvements to hydrotherapy pool such as new hoists and changing cubicles for disabled users: **£52,313.52**
- iii. Contribution towards improved equipment and facilities at Strood Library: **£35,484.96**
- iv. Contribution towards New facilities block (toilets, education space) at Temple Manor: **£61,170.48**
- v. Contribution towards Health: **£135,870**
- vi. Contribution towards Public Rights of Way (PROW) towards the improvement of PROWs in the vicinity that will be utilised by the new development: **£12,600**
- vii. Contribution towards public realm to assist with development of improved civic space and gateways to Strood town centre (greening, bollards, lighting, paving, wayfinding and signage): **£42,000**
- viii. Contribution to enhance open space facilities within the vicinity of the development, including Temple Marsh: **£520,813.10**
- ix. Contribution towards Medway's Metropolitan park - Great Lines Heritage Park: **£27,411.22**
- x. Contribution towards community facility to benefit residents of the development and the local community: **£39,370.80**
- xi. Contribution towards improvements to sustainable transport provision: **£750,000**
- xii. Contribution for North Kent Strategic Access management and Monitoring Scheme **£55,149.36**

Paragraph 59 of the NPPF states that *"It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended*

approach in national planning guidance, including standardised inputs, and should be made publicly available.”

The Planning Statement advises that the site is brownfield land requiring various remediation work to occur prior to commencement of development due to the previous use of the site. The site also requires the land levels to be raised due to the tidal flood risk from the River Medway. Other abnormal costs to the proposal exist due to the brownfield nature of the site. All of these factors to make the Site suitable for development mean that the development cannot viably support policy compliant levels of affordable housing and the total level of S106 contributions as sought under the Council's Adopted Developer Contributions Guidance (except for those required towards SPA mitigation).

A Viability Report has been prepared in accordance with the PPG and in line with the NPPF. The Council's independent assessor has reviewed the applicant's viability report together with the independent Redbook valuation undertaken by Harrisons for the council. This has set out that a viable scheme is one that includes 100% housing for sale (no affordable housing) and S106 contributions totalling £2,730,674, generating a residual land value of £3,862,785 (which equates to 97% of the benchmark value). This can be considered to be an economically viable level of land value, as required by the NPPF.

It is therefore a reasonable judgment that a viable scheme is one which contains the provision of a wholly market sale scheme and £2,730,674 of commuted sum payments in total.

This amount falls short of the total level of S106 requests by £172,125.57, as such not all contribution requests have been able to be facilitated and contributions towards the Great Lines Heritage Park (due to its distance from the site), community facilities (as no specific scheme/requirement has been identified) and new facilities block at Temple Manor have been removed together with £44,173.07 from the sustainable transport provision (as we are securing sustainability improvements through the improved pedestrian access under Walnut Tree Bridge). It is considered that the remaining requests are best suited to facilitate the new residents of the site.

The S106 will include a claw back clause so that if the developers make greater profit than anticipated, this is then used for additional S106 infrastructure payments.

The applicants have agreed to the requested obligations and therefore no objections are raised in respect of Policy S6 of the Local Plan.

Local Finance Considerations

There are no local finance considerations due to the extent of works proposed.

Conclusions and Reasons for Approval

The site is considered to be in a sustainable location and the development of the site for housing is in accordance with the Policies H1, S1 and S10 where the development strategy for the plan area is to prioritise re- investment in the urban fabric, including

the redevelopment and recycling of under-used and derelict land within the urban area, in accordance with the TWDB (2006) and paragraphs 11, 39, 61, 96, 124, 126 of the NPPF. The brown field first was an important aspect in the preferred option in the recent Reg 18B consultation, and reflects general public consensus and also the Governments preferred approach in the recent NPPF revisions. This will also assist in resisting potential speculative applications on green field sites which may not be generally supported through the developing Local Plan process.

The development is in outline form with all matters except access reserved for future consideration, however it has been shown on indicative plans that the housing could fit onto the site without causing demonstrable harm to the character of the local area, amenity or issues with regard to the highway network and as such is in accordance with Policies in the Local Plan and the NPPF.

It is therefore recommended that planning permission is granted subject to conditions and Section 106 agreement.

The application is being referred for Committee determination due to the number of representations received expressing a view contrary to the recommendation.

Background Papers

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

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