

MC/24/2495

Date Received: 9 December 2024
Location: Go Outdoors, The Brook, Chatham Medway
Proposal: Mixed use redevelopment comprising of 319 apartments with shared communal facilities and up to 744 sq. M of flexible commercial floorspace (Class E and F) with associated landscaping and infrastructure provisions.
Applicant: Mr Adam Gaymer
Arpenteur Nightingale Ltd
Agent: Tetlow King Planning
Mr Iain Warner 32 High Street
West Malling
Kent
ME19 6QR
Ward: Chatham Central & Brompton
Case Officer: Nick Roberts
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 4 June 2025.

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

Recommendation: Approval subject to:

- A. The applicant entering into a Section 106 agreement to secure the following:
- a) Financial contributions as follows.
 - i) £104,718.13 towards Designated Habitat Mitigation.
 - ii) £200,000 towards public realm and/or community facilities within Chatham Town Centre or within the vicinity of the site.
 - iii) £305,281.87 towards open space and play space improvements within Chatham Town Centre or within the vicinity of the site including but not limited to Town Hall Gardens, Chatham Waterfront and The Great Lines.

b) Non-financial obligation as follows.

- i) To secure the provision of 5 car parking spaces within The Market Hall Car Park which are to be provided prior to first occupation.

And the following conditions:

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

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

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

Received 9 December

BRK-DAA-ZA-07-DR-A-A03107 Rev P1 - Proposed Roof Plan Block A
BRK-DAA-ZB-07-DR-A-B03107 Rev P1 - Proposed Roof Plan Block B
BRK-DAA-ZC-07-DR-A-C03107 Rev P1 - Proposed Roof Plan Block C
BRK-DAA-ZD-08-DR-A-D03108 Rev P1 - Proposed Roof Plan Block D
BRK-DAA-ZE-07-DR-A-E03107 Rev P1 - Proposed Roof Plan Block E
BRK-DAA-ZZ-08-DR-A-03108 Rev P1 - Proposed Roof Plan
BRK-DAA-ZZ-XX-DR-A-03000 Rev P1 - Proposed Site Plan
BRK-DAA-ZZ-ZZ-DR-A-01000 Rev P1 - Site Location Plan
BRK-DAA-ZZ-ZZ-DR-A-03300 Rev P1 - Proposed Sections
BRK-DAA-ZZ-ZZ-DR-A-03301 Rev P1 - Proposed Sections

Received 30 January 2025

2210/03/3000 Rev C - Catchment Plan
2210/03/3001 Rev B - Drainage Layout Plan

Received 14 April 2025

BRK-DAA-ZA-00-DR-A-A03100 Rev P2 - Proposed Ground Floor Plan Block A
BRK-DAA-ZA-ZZ-DR-A-A03101 Rev P2 - Proposed First - Fifth Floor Plan Block A
BRK-DAA-ZA-06-DR-A-A03106 Rev P2 - Proposed Sixth Floor Plan
BRK-DAA-ZB-00-DR-A-B03100 Rev P2 - Proposed Ground Floor Plan Block B
BRK-DAA-ZB-ZZ-DR-A-B03101 Rev P2 - Proposed First - Fifth Floor Plan Block B
BRK-DAA-ZB-06-DR-A-B03106 Rev P2 - Proposed Sixth Floor Plan
BRK-DAA-ZC-00-DR-A-C03100 Rev P2 - Proposed Ground Floor Plan Block C
BRK-DAA-ZC-01-DR-A-C03101 Rev P2 - Proposed First Floor Plan Block C

BRK-DAA-ZC-ZZ-DR-A-C03102 Rev P2 - Proposed Second to Fifth Floor Plan Block C
 BRK-DAA-ZC-06-DR-A-C03106 Rev P2 - Proposed Sixth Floor Plan Block C
 BRK-DAA-ZD-00-DR-A-D03100 Rev P2 - Proposed Ground Floor Plan Block D
 BRK-DAA-ZD-ZZ-DR-A-D03101 Rev P2 - Proposed First - Sixth Floor Plan Block D
 BRK-DAA-ZD-07-DR-A-D03107 Rev P2 - Proposed Seventh Floor Plan Block D
 BRK-DAA-ZE-00-DR-A-E03100 Rev P2 - Proposed Ground Floor Plan Block E
 BRK-DAA-ZE-01-DR-A-E03101 Rev P2 - Proposed First Floor Plan Block E
 BRK-DAA-ZE-02-DR-A-E03102 Rev P2 - Proposed Second to Fifth Floor Plan Block E
 BRK-DAA-ZE-06-DR-A-E03106 Rev P2 - Proposed Sixth Floor Plan Block E
 BRK-DAA-ZZ-00-DR-A-03100 Rev P2 - Proposed Ground Floor Plan
 BRK-DAA-ZZ-00-DR-A-03100 Rev P2 - Proposed Ground Floor Plan
 BRK-DAA-ZZ-01-DR-A-03101 Rev P2 - Proposed First Floor Plan
 BRK-DAA-ZZ-02-DR-A-03102 Rev P2 - Proposed Second Floor Plan
 BRK-DAA-ZZ-03-DR-A-03103 Rev P2 - Proposed Third Floor Plan
 BRK-DAA-ZZ-04-DR-A-03104 Rev P2 - Proposed Fourth Floor Plan
 BRK-DAA-ZZ-05-DR-A-03105 Rev P2 - Proposed Fifth Floor Plan
 BRK-DAA-ZZ-06-DR-A-03106 Rev P2 - Proposed Sixth Floor Plan
 BRK-DAA-ZZ-07-DR-A-03107 Rev P2 - Proposed Seventh Floor Plan
 BRK-DAA-ZZ-XX-DR-A-03200 Rev P2 - Proposed Elevations (South)
 BRK-DAA-ZZ-XX-DR-A-03201 Rev P2 - Proposed Elevations (Northeast)
 BRK-DAA-ZZ-XX-DR-A-03202 Rev P2 - Proposed Elevations (North)
 BRK-DAA-ZZ-XX-DR-A-03203 Rev P2 - Proposed Elevations (West)
 BRK-DAA-ZZ-XX-DR-A-03204 Rev P2 - Proposed Elevations (West and Northeast)
 BRK-DAA-ZZ-XX-DR-A-03205 Rev P2 - Proposed Street Elevations

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

- 3 No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of hours of construction working; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development does not prejudice neighbouring amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

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

The scheme shall include (where applicable):

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

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

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 181 and 182 of NPPF.

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

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

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

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

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 181 and 182 of NPPF.

- 6 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a method statement and obtained written approval from the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 7 No development above ground floor slab level shall take place until a scheme of acoustic protection against road traffic noise shall be submitted and approved in writing by the Local Planning Authority. The scheme shall include full details of acoustic protection sufficient to ensure internal noise levels (LAeq,T) no greater than 30dB in bedrooms and 35dB in living rooms with windows closed and a maximum noise level (LAm_{ax}) of typically no more than 45dB(A) with windows closed. Where the internal noise levels will be exceeded with windows open, the scheme shall incorporate appropriate acoustically screened mechanical ventilation. The scheme shall include details of acoustic protection to the amenity/garden areas, to ensure that areas where noise levels of more than 55dB (LAeq,T) are experienced are minimised as far as is practicable. 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: To ensure the development does not prejudice occupier amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

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

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

- 9 No development above ground floor slab level shall take place until the following architectural details have been submitted to and approved in writing by the Local Planning Authority. These details shall include 1:20 drawings of:

- o window frames and cills.
- o doors, door frames and cills, weatherboarding.
- o fascia's, soffits and rainwater goods for each building.
- o parapet wall detailing to blocks A and B.
- o plans and sections for the roof interface on Block E where the flat roof meets the pitched roof.

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

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.

- 10 No development above ground floor slab level shall take place until an Air Quality Emissions Mitigation Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall be prepared in accordance with the Medway Air Quality Planning Guidance and shall provide full details of the measures that will be implemented as part of the development to mitigate the development related road transport emissions. The development shall be implemented, and thereafter maintained, entirely in accordance with the measures set out in the approved Mitigation Statement.

Reason: Required prior to commencement of development to ensure the development does not prejudice conditions of amenity by way of poor air quality in accordance with Policies BNE2 and BNE24 of the Medway Local Plan 2003.

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

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

- 12 Within 6 months of works commencing on the site Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall incorporate the measures detailed within the Ecological Appraisal (Ref; 552715, dated October 2024) and BNG Assessment (Ref; 552715, dated December 2024) and shall include:
- o Names of species, proposed location and number of specimens to be planted within the site.
 - o Details of enhancement features to be provided for biodiversity, including those detailed within the Ecological Appraisal and BNG Assessment.
 - o Timescale for the implementation of the proposals.
 - o Description and evaluation of areas to be managed.
 - o Aims and objectives of management.
 - o Appropriate management prescriptions for achieving aims and objectives in alignment with BNG targets.
 - o Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - o Details of the body or organisation responsible for implementation of the plan.

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

Reason: In accordance with the objectives of Policies BNE37 and BNE39 of the Medway Local Plan 2003.

- 13 No part of the development shall be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected have been submitted to and approved in writing by the Local Planning Authority. This should also include details of the gates for the proposed amenity areas. The boundary treatments shall be completed in accordance with the approved details before the building to which they relate are first occupied and shall thereafter be retained.

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

- 14 Prior to the first occupation of any commercial unit in each respective building/block hereby approved, details of the acoustic protection against commercial noise sources have been submitted 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: In the interests of amenity in accordance with policy BNE2 of the Medway Local Plan 2003.

- 15 Prior to the first occupation of any commercial unit in each respective building/block hereby approved, an acoustic assessment shall have been undertaken to determine the impact of noise arising from mechanical plant. The noise rating level ($L_{Ar,Tr}$) of mechanical plant shall be at least 10dB below the background noise level ($L_{A90,T}$) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014. The results of the assessment and details of any mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is brought into use and thereafter be maintained in accordance with the approved details.

Reason: In the interests of amenity in accordance with policy BNE2 of the Medway Local Plan 2003.

- 16 Prior to the first occupation of any commercial unit in each respective building/block hereby approved, and if applicable to the proposed use, details for the extraction and treatment of cooking fumes, including details for the control of noise and vibration from the system, shall be submitted and approved in writing by the Local Planning Authority. Noise from the extraction system (LAeq,T) shall be at least 10dB(A) below the background noise level (LA90,T) at the nearest residential facade, when assessed in accordance with BS4142:2014. The approved scheme shall be implemented before the development is brought into use and thereafter be maintained in accordance with the approved details.

Reason: In the interests of amenity in accordance with policy BNE2 of the Medway Local Plan 2003.

- 17 No part of the development shall be occupied until the details of a Travel Plan have been submitted to and approved in writing by the Local Planning Authority. This should include the objectives of the Travel Plan, details of the car club scheme, including how many cars will be provided, when they will be implemented as well as information on the location of the car club parking spaces and any discounts to be provided to residents, together with a programme of implementation, monitoring, regular review and update. Thereafter the development shall be implemented in accordance with the approved details.

Reason: To ensure the sustainable transport objective related to the development of this site and to reduce potential impact on the surrounding area in accordance with Policy T13 and T14 of the Medway Local Plan 2003.

- 18 No part of the development shall be occupied until a Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Parking Management Plan shall contain details of how any offsite parking impacts will be mitigated, and how visitor and resident parking will be monitored and allocated and how any breaches will be enforced. The Parking Management Plan shall be implemented in accordance with the approved details prior to the first occupation of any dwelling and shall thereafter be retained.

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

- 19 Prior to the first occupation of the development herein approved, full details of a hard and soft landscape scheme should be submitted to and approved in writing by the Local Planning Authority. As applicable the scheme should include.
- i. Plans and information providing details of existing and proposed finished ground levels, pedestrian access and circulation areas, all paving and external hard surfacing, lighting, and services (including drainage), tree grilles, minor artefacts, and structures (seating, refuse receptacles, bollards, and raised planters). Soft landscape works, including details of

planting plans, tree positions, planting build ups, written specifications (including cultivation and other operations associated with grass, tree and planting establishment, aftercare, and maintenance); schedules of plants, noting species, plant sizes, root treatments and proposed numbers/densities where appropriate.

- ii. Details for the design and specification of tree planting to enable healthy establishment at maturity. Information should provide details for the planting environment (including within hard landscape), calculated soil volume, tree support and tie specification, guards and grilles, aeration and irrigation systems, soil build-up information (avoiding the use of tree sand), tree cell systems (to street tree planting environments).
- iii. Detailed information should be provided for the design and specification of green roofs. Including drainage and soil build up, planting plans & plant schedules, the treatment for any tree planting (including tree pit details and tree supports), all paving and hard surfacing, minor artefacts, and structures.
- iv. Detailed information for the design and specification of green wall and climbing systems, including planting selection, specification, and details of irrigation systems.
- v. Detailed information should be provided for the design and specification of the central play space. Including detailed specification of play equipment, safety surfacing and any minor artefacts and structures.

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

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

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

- 20 Prior to first occupation of the last building/block constructed, a Landscape Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include long-term design objectives, management responsibilities and maintenance schedules for all hard and soft landscape areas, including play space, communal amenity, and green roofs (except for small, privately owned, domestic gardens) for a minimum period of five years, with arrangements for implementation and regular future

review for the lifetime of the development. This should also contain details of how the open spaces are to operate when in both public and private use and demonstrate how the gates would operate to provide the additional security that may otherwise be required to control access.

Prior to any handover of the maintenance of the public landscape areas to a management company, there must be a site visit involving the LPA, the proposed landscape management company and the developer. The site visit will include a review of the site area proposed to be transferred to the management company and will assess whether the approved landscape plans have been implemented as approved, the condition and maintenance of all planting and what measures are necessary prior to a handover to the management company. The results of the site visit/walk over shall be submitted to and approved in writing by the Local Planning Authority and the agreed requirements in terms of re-planting/maintenance shall be undertaken prior to any hand over to the management company. The development shall thereafter be managed in accordance with the approved details.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1, BNE2 and BNE6 of the Medway Local Plan 2003.

- 21 Prior to the first occupation of any dwelling in each respective building/block hereby approved, a Waste Management Strategy and Servicing Strategy must be submitted to and approved in writing by the Local Planning Authority. This should include details of the refuse storage facilities, details of how waste will be removed from the site as well as the servicing arrangements for the commercial units including deliveries. The development shall be implemented in accordance with the details approved.

Reason: In the interests of amenity in accordance with policy BNE2 of the Medway Local Plan 2003.

- 22 The development shall be implemented in accordance with the measures to address energy efficiency and climate change as set out within the Climate Change and Renewable Energy Statement (dated December 2024). Prior to first occupation of the last building/block constructed a verification report prepared by a suitably qualified professional shall be submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been undertaken and will thereafter be maintained.

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 161 the NPPF.

- 23 Prior to the first occupation of any dwelling in each respective building/block hereby approved, details of cycle storage facilities for that building/block shall be

submitted to and approved in writing by the Local Planning Authority and then provided on site in accordance with these approved details. Thereafter the facilities shall be retained as approved and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking and re-enacting that Order), shall be carried out on the land so shown for cycle storage facilities.

Reason: All new residential development requires provision of adequate accommodation for cycle and refuse storage to accord with Policies BNE1 and T4 of the Medway Local Plan 2003.

- 24 Prior to the first occupation of any dwelling in each respective building/block hereby approved, 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 Sustainable Drainage System for that building/block has been constructed as per the agreed scheme and plans.

Reason: To ensure that a suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere in accordance with paragraph 181 and 182 of the NPPF.

- 25 Prior to the installation of any external lighting on the site, details of such lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan will show how and where external lighting will be installed, as well as the expected light spill in lux levels, so that it can be clearly demonstrated that areas to be lit will not impact amenity. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and be maintained thereafter.

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

- 26 The ground floor commercial units hereby permitted shall only operate between the hours of 07:00 to 22:30 Mondays to Sundays inclusive.

Reason: To ensure that the development does not prejudice the amenities of neighbouring property in accordance with Policy BNE2 of the Medway Local Plan 2003.

Proposal

This application seeks planning permission for the construction of 319 apartments with shared communal facilities, and flexible Class E(a), E(b), E(c), E(e) & Sui Generis Uses (beauty related uses) along with associated landscaping and infrastructure provisions. The proposed development will comprise a mix of unit sizes including 6 x studio units,

133 x 1 bed units, 175 x 2 bed units and 5 x 3 bed units located within 5 separate blocks (A-E). The flexible commercial space will be located on the ground floor within block A and B which would front The High Street and Brook. Additional flexible amenity/commercial space is also proposed on the ground floor within Blocks C, D, E in connection with the operation of the residential accommodation along with secure bike storage, refuse stores, and associated plant.

The apartment blocks range from 5-8 storeys in height. Blocks A & B, which face the Brook & High Street, are 6 storeys in height, with an additional setback 7th storey above each. Blocks C, D & E sit further into the site, Block C sits at 7 storeys, Block D which is the tallest building sits at 8 storeys and Block E varies in height, with the majority of the block sitting at 6 storeys but with the corner raising to 7 storeys in height.

This step up in massing towards the multi storey car park takes account of the sloping nature of Chatham's topography and the context of the site once the existing buildings are demolished. Towards the front of the site is a central entrance square providing a link to the open space on the opposite side of the Brook/High Street. Defined strips of public realm are also provided along the edges of The Brook and High Street. In addition to balconies, private outdoor amenity is also provided to the rear of blocks D and E, with a further area of residential amenity provided in the courtyard area between blocks A to D. This amenity area will be publicly accessible during daylight hours but will have the option to secure access in the evening.

The proposed layout is organised around a central square with blocks A, B, C and E located along the site's boundary, with a further block (D) located more centrally. The layout, and placement of the block has been designed to provide active frontages along the High Street and The Brook as well as maximising space for both public and private amenity. Although there are some residential units located within the ground floor of Blocks C, D and E, the ground floor comprises predominantly commercial/flexible space, with the residential units located first floor and above.

Externally the proposed material palette for the blocks would utilise a mix of buff brick, grey brick, red brick, metal panels, cladding, metal panelling, with horizontal facade framing/bays, projecting mullions and metal balconies with full height glazing. The ground floor treatment to the commercial units also comprises double height glazing. A mix of pitched and flat roofs are also proposed provide variety to the scheme's roofscape, taking into consideration views from street level and above. Setbacks have also been introduced to Blocks A and B to refine the buildings form and scale.

The proposed development will provide a total of 5 car parking spaces. These parking spaces would be located within the existing multi storey car park which is being retained as part of the proposal. Secure cycle provision is also provided within the apartment blocks.

Site Area/Density

Site Area: 1.11 hectares (2.7 acres)

Site Density: 287 dph (116 dpa)

Relevant Planning History

78/589/C	Details pursuant to outline for internal alterations to provide approx. additional 19,000 square feet. Decision: Approval with conditions Decided: 6 March 1980
78/589/B	Internal alterations to existing approved development to provide approx. additional 19,000 square feet. Decision: Approval with conditions Decided: 21 September 1979
78/589/A	Erection of Market Hall, Retail Store and Multi Storey. Car Park. Decision: Approval with conditions Decided: 14 March 1979
78/589	Outline permission for the erection of Market Hall, Retail Store and Multi Storey Car Park. Decision: Approval with conditions Decided: 9 August 1978

Representations

The application has been advertised on site, in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties. Arches (Chatham) Neighbourhood Planning Group, Active Travel England, Arqiva Telecommunications, The Environment Agency, Health and Safety Executive, Historic England, KCC Archaeology, KCC Biodiversity, Kent Fire Service, Kent Police, Kent Wildlife Trust, National Highways, Natural England, Rochester Airport, Royal Society for Protection of Birds, SGN, Southern Water and UK Power Networks, have also been consulted.

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

- Building heights are over 6 storeys and therefore do not comply with the Chatham Design Code or Arches Neighbourhood Plan.
- Development exceeds site density of Arches Neighbourhood Plan.
- Contrary to Policy E2 of Arches Neighbourhood Plan.
- Impacts views of the Great Lines.
- Loss of light to neighbouring properties.
- Obscures view of Naval memorial.

- Lack of play space.
- Lack of certainty on commitment to provide affordable housing.
- Poor quality generic design.
- Traffic Impact.
- Insufficient parking provided.
- Impact on services such as Doctors.

A petition containing **17** signatures has also been received from the residents of Pembroke Court raising the following concerns.

- Excessive building heights.
- Lack of affordable housing.
- Parking shortage.
- Restricted access to new outdoor areas.

Active Travel England have referred the Council to their standing advice note. The note includes information on active travel assessments, pedestrian access, cycling accessibility, access to public transport, site permeability, place making and travel planning.

Arqiva Telecommunications have advised that they have no objections to the proposal as the development would not impact radio transmissions and broadcasting links.

The **Environment Agency** have advised that they do not have any comments to make on the planning application.

The **Health and Safety Executive** initially identified concerns in respect to the proposed fire service access and facilities such as fire hydrant locations, road widths, shaft access points, fire main locations and means of escape. This was provided by the applicant during the course of the application and the HSE were reconsulted. The HSE are satisfied with the building layouts and design but would like to see further information in respect to service access, hydrant locations, fire appliance parking locations, distances to fire main inlets and shaft access points. *(This would be a matter that would be addressed post decision and an informative included to ensure that the landscaping scheme is designed around requirements for fire tender access).*

Historic England have not provided any advice and have suggested that the Council seek the views of their specialist conservation and archaeological advisors.

KCC Biodiversity have advised that sufficient ecological information has been provided, and they are satisfied with the conclusion of the ecological report that due to the nature of the site it has limited ecological interest. They are also satisfied that due to the baseline condition of the site and with the proposed landscaping it will deliver the mandatory 10% BNG. Subject to conditions in respect to a landscape management

plan, ecological enhancement plan and external lighting strategy they raise no objections.

Kent Fire and Rescue initially requested further information from the applicant in respect to fire service access. This was provided by the applicant during the course of the application and KFRS were reconsulted. KFRS responded requiring further information on firefighter access. *(This would be through the Building Regulations procedure).*

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

National Highways raise no objections to the proposal, and they are satisfied that the development, if permitted, would not have an unacceptable impact on the safety, reliability and/or operational efficiency of the strategic road network.

Natural England raise no objection subject to securing appropriate mitigation for recreational pressure impacts on habitat sites via an appropriate assessment. The appropriate assessment concludes that subject to securing the Strategic Access Management and Monitoring Scheme (SAMMS) mitigation contribution there will be no adverse effect on the integrity of the European Site(s) (habitats site(s)) in relation to recreational disturbance.

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

Southern Water Services have advised that there is currently adequate capacity to accommodate a foul flow of 2.2 l/s. They have also confirmed that there is an existing surface water pipe crossing the site and have provided general advice with respect to SuDS and their future adoption. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant/developer.

SGN (Scotia Gas Networks) have provided a map showing the location of gas pipes in the area and have provided standing advice in respect to mechanical excavation taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. They have also advised that safe digging practices in accordance with HSE HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of the mains pipes, services and other apparatus.

The **Arches (Chatham) Neighbourhood Forum** have objected to the application on the grounds that in their view the proposal runs contrary to NHP Policies HO1 – Affordable Housing, HO2 – Design, HO6 – Outdoor Space, HO7 – Historic Environment and ST4 – Parking as well as the Arches Chatham Design Code and Chatham Centre Design Code. The areas of concern identified primarily relate to the approach to delivering affordable housing and the lack of certainty around this, the proposed building heights running contrary to the NHP and Design Codes, the proposed architectural treatments to the blocks not responding to local character, the poor quality of the outdoor amenity space in respect to sunlight provision, amenity impacts linked to outlook and prominence of the existing car park in respect to Block D and E, the impact of the development on views of the Naval War Memorial and the proposed methodology adopted in respect to the Transport Assessment.

EIA Screening

The process of Environmental Impact Assessments in the context of town and country planning in England is governed by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations 2017). The determination of whether a Town and Country Planning Environmental Impact Assessment (EIA) is required applies to two types of projects:

- i. Schedule 1 for which an EIA is required in every case.
- ii. Schedule 2, for which an EIA is required only if the project is considered to have significant effects on the environment.

The proposed development does not fall within Schedule 1 development as described in Schedule 1 of the EIA Regulations 2017. However, development does qualify under Schedule 2 as an Urban Development Project to which Schedule 2, 10(b) applies. This is on the basis that the proposed development will create more than 150 dwellings and is therefore, Schedule 2 development. Schedule 3 of the EIA Regulations 2017 sets out the selection criteria for screening Schedule 2 development. This relates to the characteristics of the development, location of the development and the types and characteristics of the potential impact.

The site is not within any identified Sensitive Areas and although located within the Zone of Influence (ZOI) of the North Kent Marshes Special Protection Area (SPA) and Ramsar site the proposed development is likely to result in localised effects for which mitigation measures are proposed (a financial contribution towards the North Kent Special Protection Areas & Ramsar Sites). The proposed development being located within an urban area is also unlikely to result in an adverse impact on the environment either on its own or in combination with other development in terms of the use of natural resources, production of waste, pollution and nuisances and risk to human health. Furthermore, the site has limited ecological interest and relevant mitigation measures have been incorporated into the development proposals to assess and mitigate any potential impacts. This includes but is not limited to, a Preliminary Ecology Assessment, Flood Risk Assessment, Archaeological Desk Based Assessment, Contaminated Land

Assessment, Air Quality Assessment, Noise Assessment, Climate Change/Sustainability Statement, Town and Visual Impact Assessment, Heritage Statement and Transport Statement & Travel Plan.

In addition, the proposal is not considered to present a significant risk with regard to major accidents and/or disasters and whilst there may be an impact on local residents associated with the construction works, this would be for a temporary period and any impact would be localised in nature. In consideration of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, Medway Council does not consider that the development proposed requires an Environmental Impact Assessment.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan) and the Arches (Chatham) Neighbourhood Plan (NHP) 2022-2040. The policies referred to within these documents and used in the processing of this application have been assessed against the National Planning Policy Framework December 2024 (NPPF) and are generally considered to conform. Where non-conformity exists, this will be highlighted and addressed in the appraisal section below. The Chatham Design Code, Chatham Town Centre Masterplan and Building Height Policy for Medway 2006 is also applicable.

Planning Appraisal

Background

The application site lies to the southeast of Chatham town centre approximately 450 metres from the Pentagon shopping centre. The site is bounded by Cross Street to the north, Upbury way to the east, High Street to the South, and Slicketts Hill/ The Brook to the West. The site currently comprises the former Go Outdoor building and Home Plus furniture store as well as the Market Hall multi storey car park to the north, which for the purposes of the application falls within the blue line. Such is the site topography there is a steep gradient rising upwards from south to north. This equates to an approx. 15m level difference between The High Street and Cross street to the rear. The area surrounding the site comprises a mix of residential and retail. Broadly speaking, the areas to the south of the site associated with the High Street are in retail use with residential above and the areas to the east, west and north are predominantly residential. Building heights predominantly range from 2/3 storeys along the southern section of the High Street, albeit there are also taller buildings within the immediate vicinity such as Imperial Gate, which is immediately adjacent to the site and sits at 7 storeys to the front, dropping to 5 storeys on Upbury Way. On Upbury Way and Cross Street there is also a mix of 2 storey dwellings and maisonettes/flats ranging in height from 3-5 storeys. This includes Admiral Place, Hawke House and Castor House which are more modern developments constructed within the last 8-10 years.

Principle

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The relevant Policies of the Development Plan, particularly those of the Neighbourhood Plan, will be examined throughout the report under the relevant sections.

The NPPF seeks to pursue sustainable development, in a positive way through a presumption in favour of sustainable development, unless the policies within the NPPF provide clear reasons for refusing development, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination (paragraph 11).

Paragraph 39 of the NPPF states that Local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. The NPPF affirms that decision-makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 61 of the NPPF also seeks to significantly boost the supply of housing by bringing forward a variety of land to meet specific housing requirements. Paragraph 73 of the NPPF also recognises the contribution that small and medium sized sites can make to meeting the housing requirement. In addition, paragraph 90 of the NPPF states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth and explicitly recognises at paragraph 90(f) the importance that residential development can play in ensuring the vitality of centres and encourages development on appropriate sites.

Paragraph 124 of the NPPF asserts that planning policies and decisions should promote the effective use of land in meeting the need for homes and other uses, and strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land. Furthermore, paragraph 125(c) of the NPPF gives substantial weight to the value of using suitable brownfield land within settlements for homes and promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing. Proposals for which should be approved unless substantial harm would be caused.

Paragraph 129 of the NPPF also states that decisions should support development that makes efficient use of land, taking into account the identified need for different types of housing and other forms of development, viability, the availability and capacity of infrastructure and services, the desirability of maintaining an area's prevailing character and setting and the importance of well designed, attractive and healthy places.

The site is within the urban area and core retail area of Chatham Town Centre as defined on the proposal maps to the Local Plan. The site itself is also designated under Policies R1, R2, R3, R12, R17 and ED13. Policies R1, R2 and R3 seek to permit proposed retail development as well as the development of additional retail provision providing, they contribute to the vitality and viability of the area. Policy R3 also seeks to support the refurbishment or replacement of the former indoor market, superstore and multi storey car park for retail and/or other uses appropriate to a town centre. Policy R12 also seeks to support the principle of mixed-use developments within, or on the edge of the defined core areas of Chatham. The site is also identified as potentially being suitable for hotel provision under policy ED13.

Policies S1 and S2 of the Local Plan seek to prioritise development within the existing urban fabric and then strategically sustainable sites using a sequential approach to location. As a site located within the urban area, the principle of the proposed development would comply with the development strategy as set out in the Local Plan, which directs development to brownfield sites. Policy H4 of the Local Plan also states that residential development consisting of the use of vacant or derelict land will be permitted providing that a clear improvement in the local environment will result. Policy H5 of the Local Plan also supports higher density housing close to town centres, near existing public transport points or along routes capable of being well served by public transport and which are close to local facilities.

In addition to the Medway Local Plan, the Arches (Chatham) NHP is also of relevance. The Arches (Chatham) NHP was made in May 2024, and it therefore represents the most-up-to-date Development Plan document. The site in question is identified as a proposed site allocation under Policy HO4 of the Arches (Chatham) NHP and therefore the principle of the redevelopment of this site is supported. This policy states that development proposals should have regard to the site-by-site guidance provided in Chapter 4 of the NHP and to the NHP Design Code.

Policy H03 of the Arches (Chatham) NHP also seeks to strongly support developments that re-introduce family housing. This need was identified following a Housing Needs Assessment produced for the Heart of Chatham project that illustrated the under-supply of family housing using a life stage modelling exercise. Policy HO3 defines family housing as housing which has 2 or more bedrooms with access to external amenity space. In this case the development would be providing 175 x 2 bed units and 5 x 3 bed units, with access to either private balconies and or external amenity space, therefore contributing significantly to this identified need.

The site is also identified within Master planning Area 3 of the Chatham Design Code and within the Chatham Town Centre Masterplan 2019 as an opportunity site (The Brook Quarter Site) for future re-development.

In view of the above, and subject to a detailed assessment of the matters outlined in this report below the principle of the redevelopment of this site is considered acceptable.

Design and Layout

Policy BNE1 of the Local Plan states that the design of development should be appropriate in relation to the character, appearance and functioning of the built and natural environment by amongst other matters being satisfactory in terms of scale, mass, proportion, details, and materials. Policy HO2 of the Arches (Chatham) NHP requires that development proposals should demonstrate that they have had regard to the Design Code and respect the scale, density and identified valued characteristics of the Neighbourhood Area. In addition, Policy HO6 sets a requirement for all new developments to provide high quality outdoor space for use by future occupants and Policy BNE4 supports the planting of new trees, hedges and hedgerows. Paragraphs 131 and 135 of the NPPF also emphasise the importance of good design.

Building Heights Policy

The Building Height Policy for Medway 2006 Supplementary Planning Document (SPD) sets out the criteria for the determination of applications for tall/higher buildings, which are specified as those at 6 storeys and above or 20m in height, whichever is the lower. Although the SPD dates back to 2006 and is therefore somewhat dated, it recognises at that time “that the next twenty years will see a genuine urban renaissance that establishes Medway as a thriving linear city within the Thames Gateway”, made up of a series of distinct but interrelated areas along the River Medway, with “Chatham as its commercial centre”. It also acknowledges that higher buildings are likely to be proposed as part of this growth, and “if they are in the right place, and are of the highest architectural quality, they could have a role in acting as landmarks that signify the urban renaissance, and in delivering more sustainable working and living environments”.

The SPD also goes on to provide specific guidance on suitable locations for higher buildings. The site is located within the area identified as The Brook Residential Quarter. The SPD identifies this area as a Gateway to Medway major shopping centre, albeit the overall quality of the built environment is recognised as being poor. It also identifies the potential replacement of the food store and multi storey car park as a significant opportunity for improvement. The SPD states “the steep topography means that moderately tall buildings should be able to be integrated with minimal effect on this backdrop. Appropriate higher townscape buildings will enhance the gateway function of the area and reinforce its vitality as a mixed-use neighbourhood in its own right. The junction of the High Street with the Brook is of special importance”.

When considering development proposals for higher buildings in this area it sets out a number of key development considerations. This includes accommodating a mix of uses with active ground floor frontages, a consideration of the impact of long-distance views, especially the backdrop of the Great Lines, and improving the quality of the public realm with stronger pedestrian links to transform the quality of the environment.

Chatham Design Code

The site is also identified within the Chatham Design Code SPD. The Chatham Design Code sets out the 2050 vision for the centre of Chatham with key themes underpinning this future change which corresponds to five of the ten Characteristics of a Well-Designed Place: Movement, Public Spaces, Nature, Built Form, and Uses. The Chatham Centre Coding Plan defines a series of bespoke area types for Chatham Centre. Any prospective planning application will need to adhere to the corresponding Area Type Guidance, which contains both mandatory design coding and design guidance. The Chatham Centre Design Code outlines that where schemes seek to diverge from the Chatham Centre Design Code, applicants will be required to demonstrate an Exemplary Design Process (EDP).

The application site sits within the Urban Avenues Area type as defined in the design code and Masterplan Area 3. This specific masterplan aims to re-imagine the vehicular network to improve the pedestrian junction between High Street and The Brook by creating a new public square which is emphasised by new landmark buildings. The masterplan highlights the site as one of the key areas of development, suggesting ideas to influence any new built forms occurring in the area so they complement the council's regeneration objectives. The proposed layout follows the same principal characteristics as set out within the built form parameter plan contained within the Design Code.

In response to the Urban Avenues design criteria as set within the Design Code the proposed development seeks to replace the existing blank featureless retail units into an active, mixed-use development that integrates into the streetscape and responds to the local vernacular and vision for this part of Chatham. The layout and placement of buildings also seeks to enhance permeability through the site with wide footways, urban greening, SuDS features and areas of open space and seating to improve connectivity and movement at this end of the High Street. Each building fronting The Brook has also been designed with frontages less than 50m each (less than 100m for the two frontages of Block A combined) and are standalone. Public routes on either side of each building fronting the site have been provided to create connections between The Brook & High Street and the site. The primary facades facing The Brook & High Street have also been broken down into bays, with each being no more than 10m wide, to help create a rhythm and architecture with appropriate setbacks from the site boundary.

The overall facade design has been proposed to create vertical bays across each frontage and organise all banding and fenestration within each. The two main buildings facing the urban avenue (Blocks A and B) have been designed to have brick bays of alternating colours within a strong vertical banding. Secondary horizontal banding and fenestration framing has then been introduced to divide up the facade further and provide more architectural interest. Whilst there are elements of Blocks A and B that require further refinement in respect to the treatment of the top storey, further details relating to both these blocks will be requested as a condition. The area where the pitched roof meets the flat roof of Block E also lacks refinement and a more sophisticated, softer

detail should be tested for this roof junction. Details of which will also be secured by condition.

As the scheme has evolved increasing the gaps between the buildings, adjusting the building massing, and developing the public realm design has helped to reduce the formality and perceived importance of the pedestrian route to the carpark. The route remains a clear connection through the site, but its prominence has been diluted, which is an overall benefit. The breaking up of the massing and changes in the visual permeability through the site, including the separation of block C and D is also a positive step change. The public realm is also much clearer and the site more permeable as a result of the changes which have been made to the courtyards and the footprint/massing of the buildings. In addition, the buildings with pitched roofs (blocks C, D and E) have a relaxed architectural expression that is successful in referencing Chatham.

The site also sits at an important juxtaposition in the middle of the high street, which is currently divided by The Brook. Within the design code, there are longer term aspirations to reduce The Brook in size and create a city square. The layout of the site and the incorporation of a landscaped landing point between Blocks A and E has been incorporated into the design adjacent to the road crossing to offer pedestrians a safe and welcoming crossing point. This will also ensure that these longer-term aspirations can be delivered if they do come forward.

Exemplary Design Process

There are some elements of the proposed scheme that depart from the Design Code, mainly the proposed building heights which would exceed 6 storeys. In these circumstances the Design Code states that the applicants will be required to demonstrate an Exemplary Design Process (EDP). The EDP must include at least two successful design review panel meetings with the Council's preferred independent design review service provider, which is currently Design South-East (DSE). In this case a total of 3 design reviews have been undertaken, two of which were with DSE, and one with a separate provider. The reviews undertaken by DSE took place in May 2024 with a separate follow up review in March 2025.

Below is a list of aspects/parameters of the design code which are proposed to be 'broken' and the applicant's rationale/justification for breaking the code.

<i>Heights should range up to 6 storeys within Urban avenues, which is inclusive of the building's ground floor.</i>
Although there are a range of building heights proposed across the site, this range is small, starting at 6 storeys and increasing to 8 storeys across the buildings. The Urban Avenues area guidance states up to 6 storeys for the site, so therefore the proposal 'breaks' this specific aspect of the code.

Although slightly higher in places, the design and overall building heights have been developed to take into account the sloping nature of Chatham's topography and the context of the site once the existing buildings are demolished. Blocks A & B, which face The Brook & High Street, are 6 storeys in height, with an additional setback 7th storey above each. The additional storey which sits above the 6-storey height limit has been designed to be setback so it sits away from the main facade of both buildings and reduces its impact on the surrounding views. Also from street level, the setback will not be visible, making them appear as G+5 storey buildings.

Block C, D & E all sit further into the site. Block C sits at G+6, however this is only when viewed from within the site. Due to its position further within the site and when viewed from the sloping Upbury Way, it will look smaller than the G+6 storeys proposed when viewed from the key viewpoints. Block D is the tallest of the buildings (G+7) and again, due to its position in the middle of the site, was determined to have less visual impact on The Brook & High Street, as it is hidden by the buildings that sit in front of it. Also, the top storey of this building, similarly, to Blocks C & E, is pitched, which ensures the perceived height of this building is smaller than it actually is. Block E varies in height, with the majority of the block adhering to the design code height guidance. The corner of the building, which sits the highest at G+6 storeys, has however been designed to match the height of the surrounding buildings including the emerging Queen Street development which is proposed to sit higher than the top of Block E.

Non-residential ground floor uses must have a minimum floor to ceiling height of 4m.

All non-residential units within Blocks A & B have a floor to ceiling height of 4.3m, which includes all commercial spaces facing The Brook. Due to the sloping nature of the site, the non-residential uses in Blocks C, D & E will only have a 3.8m floor to ceiling height, due to the 0.5m change in FFL height between the southern blocks (Blocks A & B - 6.0m AOD) and the more northern blocks (Blocks C, D & E - 6.5m AOD) being absorbed into the ground floor level and facade. All ground floor uses will provide generous and sufficient space for their internal uses.

Ground Floor residential accommodation can be provided in locations specified for 'mixed use only locations and require a minimum floor to ceiling height of 4m.

All proposed ground floor residential units are provided within Blocks C, D & E. For the same reasoning as above, they will only provide 3.8m floor to ceiling height. However, due to the 0.4m allowance for the privacy of these units, they would still align with the design code guidance.

Ground floor lofts and maisonettes should be encouraged fronting onto the Urban Avenues.

All ground floor residential units are designed to be single storey currently with entrances that face onto private terrace areas which are set back from the Urban Avenue. These units have been designed with privacy in mind, and the layout of the blocks has allowed for stacking, which could allow for the units on the first floor to connect down to create a maisonette or loft in the future.
<i>A setback storey is permissible to accommodate a +1 storey, however it must be set back at least 2m behind a street facing facade.</i>
The street facing façades of the setback storeys on Blocks A & B are a minimum of 1.6m and maximum of 2.6m behind. The range is due to the stepping of the building facade to provide more architectural interest and follow the facade grid of the building below.

The Design Code states a RAG (red, amber, green) scheme will be used at the second review to monitor the design team's response to each of the key recommendations. For clarity a full set of green scores will indicate a fully successful response. Any red scores will automatically trigger a further follow-up review, and any amber scores will be at the discretion of Medway Council Planning Service as to whether a further design panel meeting will be required. However, the decision as to whether the applicant has demonstrated a successful design process and exemplary design quality outcome that breaks the code in a way that justifiably contributes to Chatham Centre will rest with Medway Council who will draw on the panel's recommendations.

Following DSE's second design review in March 2025 they acknowledged that the scheme had improved 'significantly' since the first review. They also noted that the majority of the comments that had been made by the panel during the first review had been addressed satisfactorily. Although they identified areas where further enhancements were required these were not fundamental to the overarching layout or conceptual organisation of the scheme but instead focus on how elements of the scheme are detailed, to increase design quality and ensure that the outcome is contextually appropriate. Subsequently no red scores were attributed under RAG scoring system.

Whilst areas for further consideration have been identified by DSE in relation to the provision of balconies/ private amenity, the quality of daylight/sunlight into flats and courtyards, the privacy and quality of ground floor accommodation (notably block E and D), management issues (such as access, security, refuse/servicing), massing and architectural expression (notably block A, the corner of block E, and the relationship between block B and C), and the overall landscape design, following a review of their comments it is considered that the majority of these elements can be refined through the use of conditions. This would include the submission of detailed plans and sections for the parapet wall, as well as detailing and samples of the cladding for the upper floor to blocks A and B, as well as the roof interface for Block E. Furthermore, the submission

of a management plan to be approved by the council relating to how the open spaces are to operate when in both public and private use will ensure issues relating to access, security, refuse/servicing can be appropriately controlled to ensure the vision for the development is realised.

Though there are certain recommendations from DSE relating to the provision of balconies that cannot be taken forward this has been robustly justified. Firstly, the applicant has opted to use balconies to detail key focal elements of buildings without overly complicating the elevations. This is particularly noticeable in regard to Block A where they have provided balconies within what would otherwise be the building fabric so as to create relief to the elevations but without overly complicating the design and construction. To provide balconies to every unit on this building will result in an overly fussy façade, and providing balconies within the built fabric (typically with winter gardens) would likely compromise the unit sizes given the need for the necessary circulation space within the buildings as well as compliance with current building safety requirements.

Secondly, to deliver more balconies will result in a fundamental redesign of the scheme, ultimately resulting in impacts on viability due to the additional construction costs but with no equivalent uplift in sales values given the location of the site and the identified issues in respect to noise and air quality. DSE's observations in relation to daylight/sunlight levels have also been addressed in the amenity section below.

Overall, the scheme is considered to meet with the aims of the Chatham Centre Design Code, with the recent DSE review identifying no conflicts that are red. Whilst certain elements of the scheme have been flagged as amber, these refinements can be secured by appropriate conditions. It is therefore considered that the scheme has followed the EDP process and will deliver significant social, environmental and economic benefits that justifiably contributes to Chatham Town Centre.

Arches Neighbourhood Plan

Policy HO4 of the Arches (Chatham) NHP details the proposed eight site allocations within the designated neighbourhood plan area and provides general information in support of the development sites allocated in Policy HO4. The application site is identified as Site 2 – Former Go Outdoors. The policy states that development proposals should have 'regard' to the site-by-site guidance provided in Chapter 4 of the Arches (Chatham) NHP and its Design Code. The Design Code therefore provides guidance and does not set out land use policy requirements. Chapter 4 specifies an indicative site capacity of 100-250 dwellings, with an 'indicative' height parameter of 6 storeys, comprising a residential led mixed use development. The Arches (Chatham) NHP originally proposed 'maximum' height parameters however this was amended following the examiners modifications as setting maximum heights was not appropriate in the Neighbourhood Plan. Similarly, Policy HO2 of the Arches (Chatham) NHP also requires that development proposals should demonstrate that they have had regard to the Design Code.

Working through the aims of Site Allocation Policy in turn:

This town centre site represents a hugely influential site for the future of Chatham. This positive development of this piece of land could be the catalyst for a greener, healthier and happier Chatham. At present this site does not serve the interests of the community or contribute to the sustainable development of Chatham as a whole.

This allocation provides opportunities for development to:

- Reduce the impact of The Brook, a dual carriageway that splits the town centre into two.
The scheme opens up the site allowing pedestrian movements through the site and improving pedestrian access to the existing car park. It is designed to be compatible with any future plans to alter The Brook.
- Restitch the High Street back together by fitting into the local context, character, and scale.
The proposal complies with this requirement as it includes retail space at ground floor and would have active frontages to The Brook and High Street thus restitching the High Street both visually as opposed to the previous blank and uninviting façade of the Go Outdoors building and functionally through the retail offer that will serve nearby residents and draw people across The Brook linking the High Street again.
- Provide a mix of residential, retail, and green spaces to accommodate the needs of the whole community and minimise the need for private vehicle use.
The scheme proposes a mix of residential and retail uses with a new central green space provided and a green approach to the car park, which would comply with this requirement.
- Contribute to increased levels of greenery and biodiversity in the town centre.
The proposal increases the greenery through the landscaping, street trees and green roofs and delivers a gain in biodiversity to comply with this requirement.
- Provide a mix of housing and tenure types that responds to the needs of the local community.
Although a wholly flatted scheme (individual houses would not be the right approach for this site and would unlikely represent the best use of land) There is a mix of studios, 1 bed, 2 bed and 3 bed flats. There would be no affordable housing, and the tenure type is likely to be built to rent although it could be private sale. This represents a partial compliance with this element of the Policy.
- Prioritise sustainable travel and pedestrian movement by limiting vehicle movement through the development.
There would be no vehicular movement through the development except for servicing and emergency vehicles and therefore the scheme complies with this part of the Policy.

From the above it can be seen that the main aspect that does not comply is in relation to the height of buildings and the other aims of the Policy are delivered through the scheme. The height and scale of the buildings have been established through

developing various design studies which have been tested and verified through a townscape assessment. Although the building heights would exceed 6 storeys as set out in the Arches (Chatham) NHP, it does not set out an absolute maximum height as this was amended to an indicative height parameter following the examiners recommendation. However, the Design Code was not revised to reflect this change such that there is conflict in this respect between the NHP and its Design Code.

In terms of the heights and the assessment of the surroundings and the site context. Imperial Gate on the opposite side of Upbury Way is 7 storeys. A topographical survey has been undertaken and submitted with the application. On this drawing it is shown that the height of the parapet of the existing car park to the rear is at 38.75m. The heights of Blocks A and B along The Brook and the High Street would be 30.6m, over 8m lower than the existing car park. The tallest block, Block D, would be 35.07m again over 3.5m lower than the car park. It is for this reason that the design approach has taken account of the surrounding context as well as the land level changes surrounding the site to deliver an appropriate development in terms of its height and mass rather than utilising a strict adherence to storey numbers. In fact, a 6-storey building on the concrete service yard to the rear of the store accessed from Cross Street would have resulted in a building with a height of approximately 36.5m, around 1.5m higher than the tallest building within the proposal. Therefore, it is considered that the scheme has regard to the aims for heights in the Neighbourhood Plan and Chatham Design Code but also has examined the site's context and surroundings to design the scheme.

A design study on the local vernacular has also been undertaken as part of the Design and Access Statement which has informed the design pattern across the proposed façade. This includes the mix of buff brick, grey brick, red brick, metal panels, cladding, metal panelling, with horizontal facade framing/bays, projecting mullions to provide further detailing and full height glazing. A combination of different roof heights and forms have also been proposed to provide variation with the fenestrations following a coherent pattern. The development also seeks to enhance the connectivity of the neighbourhood area with new public realm incorporating permeable surfaces and/or other suitable sustainable drainage systems (SuDS). New open space is also proposed which will increase both the frequency and quality of greenery in the area and encourage new business by offering a range of commercial spaces on the ground floor. Overall, it is considered that the development would respect the scale, density and value of the Neighbourhood Area by providing a mix of residential, retail, and open space to accommodate the needs of the community and minimise the need for private vehicle use and contribute to increased levels of greenery and biodiversity in the town centre. Furthermore, it will also dramatically improve this end of the High Street and ensure that the longer-term aspirations of the Chatham Design Code can be delivered if they do come forward. Overall, it is therefore considered that the design evolution and scheme, as currently proposed, has had due regard to the site-by-site guidance provided in Chapter 4 of the Arches (Chatham) NHP and its Design Code, and has responded accordingly.

Landscaping

Paragraph 103 of the NPPF promotes access to a network of high-quality open spaces and recognises the value of access to open spaces, in providing important physical and mental health benefits. This is consistent with Policy L4 of the Local Plan and Policy HO6 of Arches (Chatham) NHP which places the same emphasis on requirement for outdoor space. Similarly, Policies BNE3 and BNE4 of the Arches (Chatham) NHP strongly supports the development of new easily accessible public open spaces that incorporate green infrastructure such as green roofs and trees.

Areas of open space are proposed within the development to the rear of Blocks D and E (private amenity space) as well as centrally within the site. These areas include indicative tree, shrub, ornamental and banked planting as well as integrated play space and seating. The central amenity area will be accessible to members of the public during the day, but the intention is for this to be gated at night to manage potential ASB issues. Details of which can be secured by condition. As determined by the Overshadowing Assessment (December 2024), although the private amenity areas to rear of Blocks D and E would be largely overshadowed on March 21st, as the modelling undertaken on 21st June demonstrates, and when the sun is higher in the sky during the summer months, these areas would have some access to sunlight from 8am -12am. Furthermore, the central amenity area would have access to sunlight from 8am-5pm. Although concerns have been raised by the Arches NHF in respect to the quality of this open space, it is also important to take into account the individual site constraints, such as proximity of built structures, and the nature of the proposals, particularly when redeveloping brownfield sites where there are viability challenges. Furthermore, and as a wider public benefit, the scheme would be providing public access to open space provision near the High Street where this is currently very limited. In addition, it would also serve in making the route to the existing car park far more attractive, which overtime will encourage its wider use.

Overall, the proposed development will contribute towards delivering much needed housing, whilst providing good quality design which responds positively to the surrounding context. Therefore, and subject to a condition requiring further details of the external materials, setbacks the proposed development is considered acceptable with regards to Policy BNE1 and H4 of the Local Plan, Policies BNE1, BNE4 and HO6 of the Arches (Chatham) NHP and paragraphs 103, 131 and 135 of the NPPF.

Amenity

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

Neighbouring Residential Amenity

Due to the siting and scale of the proposed development the main matters to consider would be the impact of the proposed development on the adjacent residential properties located immediately to the north and east given their relative proximity to the site. The proposed apartment blocks will undoubtedly appear more prominent when viewed from the adjacent properties on both Cross Street and Upbury Way, as it will introduce built form with an overall greater mass and height than the former Market Hall and Go Outdoor buildings. However, given the existing relationship between the retained car park and the neighbouring properties to the North (Hawke House, Castor House, Eldon Street Flats), cumulatively it is not considered that this increased mass would result in an unacceptable impact to neighbouring properties in terms of its potential overbearing nature. Particularly when taking account of the intervening distance between the nearest proposed block (Block E) and nearest residential properties on Cross Street approx. 20m. Similarly, and for the same reasons, it is not considered that the proposal would have an unacceptable impact on these properties in respect to outlook.

The presence of the existing roads around the site will also ensure that the development is set a sufficient distance away from the residential properties on the eastern side of Upbury Way to ensure that there would be no unacceptable harm to neighbouring amenity. Particularly when considering the site's urban location, where generally built form is more finely grained, and of greater density. Although the nature of the development would introduce a greater sense of overlooking to 29-37 Upbury Way in comparison to the existing use, the nearest proposed block (Block C) has been set off the boundary with 29 Upbury Way by approx. 11m to help mitigate this. In addition, there are no balconies proposed on the northern elevation of Block C which can give rise to a greater sense of intrusion of privacy by neighbouring residents compared to a window. Also of relevance is the topography of the land such that with the exception of Imperial Gate, which fronts both the High Street and Upbury Way, the majority of existing residential properties are located at the top of the slope as expressed by the land level difference between the High Street to the south and Cross Street to the north. This in turn will help to reduce any perceived amenity impacts such that it is not considered there would be any significant impact to an extent that would result in an unacceptable loss of residential amenity.

The site would also be in an area of mixed use with a range of commercial uses sitting close to residential properties and in proximity to busy roads. In this context and given the previous use of the site as retail, with its associated coming and goings, including commercial deliveries by HGV's, the noise levels from residents of the proposed development and commercial uses would not result in unacceptable harm to the living conditions of the occupants of neighbouring dwellings.

An Overshadowing Assessment (December 2024) and Daylight and Sunlight Assessment (December 2024) have also been submitted alongside the application in order to assess the potential impact of the development in relation to daylight, sunlight and overshadowing. This includes an assessment of 1-19 Hawke House, 1-58 Imperial

Gate, 2-10 Upbury Way, 29-37 Upbury Way, 310 High Street, 330-344 High Street and Admiral Place. Where the specific layouts for these properties could not be obtained assumptions have been made based on sales information and/or adopting a worst-case scenario where appropriate.

In the absence of official national planning guidance/legislation on daylight and sunlight, the most recognised guidance document is published by the Building Research Establishment and entitled 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice', Third Edition, 2022 (BRE Guidelines). Whilst the BRE Guidelines provide numerical guidance for daylight, sunlight and overshadowing, these criteria should not be seen as absolute targets. The Guide is not an instrument of planning policy, therefore whilst the methods given are technically robust, it is acknowledged that some level of flexibility should be applied where appropriate.

Overshadowing

The BRE guidelines recommend that at least half of a garden or amenity area should receive at least 2 hours of sunlight on March 21st, or the area which receives 2 hours of direct sunlight should not be reduced to less than 0.8 times its former value (i.e. there should be no more than a 20% reduction). Due to the changes in land levels along Upbury Way, some of the amenity areas assessed have been split into multiple areas to account for the varying terrain height. The assessment has identified and tested public and private amenity areas in closest proximity to the proposed development as potential sensitive receptors. This includes 2-10 Upbury Way and 29-37 Upbury Way.

In line with the assessment criteria prescribed by the BRE Guidelines, it has been shown that the amenity areas will not experience a reduction of more than 20% in direct sunlight on 21st March and therefore are compliant with the criteria prescribed by the BRE Guidelines. In addition, it has been shown that during the summer months, there will be no reduction in sunlight with the proposed development in place. The Sun on Ground and Transient Overshadowing analysis has therefore determined that the potentially sensitive amenity areas will receive a sufficient amount of sunlight throughout the year to allow them to be enjoyed as an amenity space.

Daylight and Sunlight

The BRE Guidelines operate on the general principle that where the retained Vertical Sky Component (VSC) is 27% or greater, or where the retained VSC has not reduced to less than 0.8 times its former value, then the reduction in daylight is unlikely to be noticeable to the building's occupants and thus the impact can be deemed negligible.

Inspection of the results of this test show that 86% of the assessed neighbouring windows either retain a VSC value greater than 27% post development or have a ratio of change that is 0.8 or above and therefore are fully compliant. Consequently, in line with the assessment criteria set out within the BRE Guidelines, it is possible to conclude that the impact to these windows will be negligible.

With regards to 1-19 Hawke House although 6 of the windows assessed indicate a transgressional result these windows serve rooms which have more than one window. Consequently, the results of the VSC analysis in isolation are not necessarily indicative of the impact of the daylighting levels within the rooms itself. One of the ways in which the BRE Guidelines recommends quantifying the potential impact in this situation is to take the weighted average VSC value for the room under both the existing and proposed scenarios and base the ratio of change on the averaged ratio of change value.

When the above approach is undertaken for the 6 windows experiencing a transgressional result, 5 of these windows will serve a room whereby the weighted average ratio of change is above 0.8. Therefore, these rooms are compliant with the BRE criteria. For the one room where the weighted average is below 0.8, it can be seen that this room experiences a ratio of change of 0.79, therefore falling only marginally short of the BRE targets. For the remaining properties at Imperial Gate, Upbury Way and High Street all these windows experience a minor transgression, except for two moderate transgressions at Imperial Gate. From inspection of the results in Appendix A.3 it is evident that the reduction experienced does not fall below 25%. Given that the acceptable BRE compliance threshold is a reduction of 20%, these windows fall only marginally below this. Although the assessments have also considered the impact of the previously consented scheme at Queen Street (MC/20/2782) as well as Buzz Bingo, the former permission has not been implemented and has expired, and the Buzz Bingo site does not presently have planning consent and is not as advanced as this application.

An Annual Probable Sunlight Hours (APSH) test has also been carried out which demonstrates that all windows and rooms pass at least one of the three sunlight tests, with the exception of one window. However, the one window experiencing a reduction in both annual and winter sunlight relates to the development at Queen Street (MC/20/2782) which as mentioned above has expired. Consequently, it has been demonstrated that the proposed scheme will have a negligible impact on neighbouring buildings

Overall, it has therefore been demonstrated that the scheme would result in acceptable living conditions for the occupiers of neighbouring dwellings in terms of privacy, noise disturbance, and the physical effect of the buildings. However, due to the potential for nuisances to be caused during the construction phase a Construction Environment Management Plan will be required as a condition of this approval.

Amenity of Future Occupiers

The proposed new dwellings have been considered against the technical housing standards - nationally described space standard dated March 2015 (the national standard). All units would either meet or exceed the requirements of the national standard. In addition, the bedrooms would also meet the national standards area and width requirements, and all habitable rooms would be provided with suitable outlook.

Although the Local Plan does not set any specific requirements in respect of private amenity space, as guidance, the Medway Housing Standards (interim) November 2011 (MHDS) states flats should have access to 5m² of private outdoor space in the form of a patio, terrace or balcony. Where it is not suitable to provide balconies, patios or terraces, amenity needs should be met with an internal space of the same size.

All the apartments would either meet or exceed the requirements of the technical housing standards. In addition, a total of 14 private terraced areas and 22 balconies are also proposed. The size of the proposed balconies varies between the flats, however they would provide a functional amenity space for future occupants. In addition, and for the flats that do not benefit from either a balcony or terrace area they would have access to communal landscaped areas, which represent an attractive amenity space which will provide opportunities for social interaction. In addition, the site is also near to the Great Lines Heritage Park which would provide alternative high quality amenity space.

The provision of sunlight within new development is also important, especially within the main living areas. The Daylight and Sunlight Assessment has therefore also considered daylight and sunlight provisions for the proposed development. In line with updated BRE Guidelines this includes a calculation of illuminance and daylight factor analysis. The BRE Guidelines, recommends that a space should receive a minimum of 1.5 hours of direct sunlight on 21st March. The Guidelines state that at least one habitable room, preferably a main living room, should meet at least the minimum criterion.

In total 84% of the assessed habitable rooms within the proposed development meet or exceed the target illuminance value. Consequently, it can be concluded that these habitable spaces will receive suitable levels of daylight and have a reduced reliance on supplementary electric lighting. Whilst the results indicate that 16% of the assessed rooms will not be compliant with at least one of the BRE tests, this percentage does not consider the upper floors of development and in reality, as daylighting is expected to improve on higher floors, this percentage is considered as a worst-case scenario. Furthermore, for the majority of rooms falling short of the BRE target, the units for which these rooms are located will still have access to another habitable room that has been shown to be well lit.

In the few instances where this is not the case, it should be noted that whilst the rooms do not meet the BRE thresholds, this does not necessarily mean that the rooms will not receive any daylight, just that the natural light is not well distributed within the rooms.

In total 78% of the assessed habitable rooms within the proposed development meet or exceed the target daylight factor. Whilst some of the units do fall short of the sunlight targets, they do still receive some hours of sunlight on 21st March. Therefore, this does not suggest that these living spaces will have inadequate sunlight, simply that during the equinox period, the number of hours per day will be less than the guidelines. Residents of the five new blocks will also have access to communal amenity areas at ground level. The graphical results for these amenity areas demonstrate that at least one of these

areas will receive more than 2 hours of direct sunlight to over 50% of its area on 21st March. Therefore, the residents of the 5 new blocks will have access to a communal amenity that will deliver the principal benefits of sunlight.

In summary, both policy and BRE guidance are not prescriptive. In built-up locations, it is unlikely that all light standards can be met due to site circumstances, such as proximity of built structures, and the nature of the proposals, particularly when redeveloping brownfield sites where there is a requirement to make efficient use of land. The reliance therefore solely on the technical assessment does not of itself mean that the accommodation is either poorly illuminated or unacceptable, more that the constraints of the site and thus the layout of the scheme means that there needs to be a balanced approach taken. As the report also notes it was only the lower levels assessed due to the topographical matters such that were the upper floors included then the overall compliance as a percentage would have been greater.

Overall, the proposed amenity areas would contribute to a good standard of accommodation for future occupants. The proposal would therefore accord with the requirements of Policy BNE2 of the Local Plan and paragraph 135 of the NPPF.

Heritage Impacts

The application site does not lie within a designated conservation area, or within the immediate setting of any listed buildings. However, by virtue of the scale and height of the proposals, and to assess the impact of the development on the Grade I listed Chatham Naval War Memorial and Brompton and New Road Conservation Areas, the application has been submitted with a Heritage Impact Assessment (Ref; 9044A, dated October 2024) and Townscape and Visual Impact Assessment (Ref; 9044, dated December 2024).

Policy BNE12 of the Local Plan states that special attention needs to be paid to the preservation and enhancement of the character and appearance of Conservation Areas and Policy BNE18 states that development which would adversely affect the setting of a listed building will not be permitted. Policy HO7 of the Arches (Chatham) NHP requires that development conserve heritage assets in accordance with their significance. Paragraph 207 of the NPPF also requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Paragraph 212 affirms that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation.

The Chatham Naval War Memorial sits on the high ground within the Great Lines and is visible from a large proportion of the area where built form allows. Viewpoint 1 from the Great Lines is of high value and a high susceptibility to change as this is a recognised attraction. When viewed from this location the proposed development would be seen in the middle distance and would not be taller than the Market Hall car park. The new buildings would therefore appear relative in scale to the context. The varied built form

and stepping in height would also help break up the massing and create interest to the roofscape in the surrounding context.

Viewpoint 10 (A2 junction with The Brook) is also of relevance when considering the potential impact on views of the Naval War Memorial. The site occupies the central part of this view with the Market Hall car park forming a prominent feature on the skyline with the vegetated ridgeline of the Great Lines behind it all seen beyond the site. The Chatham Naval Memorial can also be clearly seen on the ridge from this view. The view is experienced by pedestrians that have a medium susceptibility to change and road users that have a low susceptibility to change. With a medium value, pedestrians have a medium sensitivity and road users a low sensitivity overall.

The proposed development would be clearly visible in this view and the scale of these buildings would change with the proposed buildings being taller than the existing buildings. The proposed development would become the new skyline from this view and views of the Market Hall would be lost. The vegetated ridgeline of the Great Lines would remain visible as the backdrop, as would the Chatham Naval Memorial. Although views of the Great Lines and Chatham Naval Memorial would be obscured as you travel north along the Brook this would be expected as you move closer to the site.

In summary the proposals would not detrimentally affect the special interest or significance of the Grade I listed Chatham Naval War Memorial and Brompton and New Road Conservation Area. Furthermore, Historic England have also been consulted and have not provided any comments, instead they have suggested that the Council seek the views of their specialist conservation and archaeological advisors.

The proposal is therefore considered to comply with the requirements of Policies BNE12 and BNE18 of the Local Plan, Policy HO7 of the Arches (Chatham) NHP and the advice set out in chapter 16 of the NPPF.

Noise

Given the proximity of the site to The Brook and other nearby commercial noise sources, a Noise Assessment (Ref; 23-186, dated 22 October 2024) has been submitted alongside the application.

The suitability of the site for residential development has been assessed, with reference to relevant Policy and Guidance, based on the development proposals and the measured noise levels. Specific consideration has also been given to the internal noise criteria for the proposed residential properties, as quoted within the British Standard, with façade mitigation measures proposed to achieve the criteria stipulated.

The assessment has determined that a suitable mitigation scheme comprises uprated acoustic glazing for the south / southwest façade of Block E and the southwest façade of Block A and standard thermally insulating double glazing for the remaining facades. Calculations have been undertaken assuming the provision of mechanical ventilation

and heat recovery units (MVHR). The assessment of noise levels within the proposed external amenity areas also identified compliance with guidelines.

In view of the above and subject to conditions requiring the submission of details of a scheme for protecting the proposed development from noise that implements the measures described in the noise assessment including further details of the proposed mechanical ventilation, commercial noise impacts and extraction where applicable no objection is raised with regards to Policy BNE2 of the Local Plan and paragraph 187 of the NPPF.

Air Quality

The application site lies adjacent to the Central Medway AQMA. An Air Quality Assessment (Ref; J0845/1/F1, dated 22 October 2024) has been submitted alongside the application which has assessed the air quality impacts associated with the construction and operational phases of the development. The construction phase will have the potential to create dust. It will therefore be necessary to implement mitigation measures to minimise dust emission which can be secured as part of a CEMP condition. With these measures in place, it is expected that any residual effects will be insignificant. The assessment also concludes that concentrations of nitrogen dioxide and particulate matter will remain below the air quality assessment level at the receptor locations and the impacts of existing air quality on the proposed development will not be significant. Therefore, air quality at the application site is likely to meet the relevant air quality objectives.

In view of the above, and subject to the above-mentioned condition, no objection is raised with regards to Policy BNE24 of the Local Plan, Policy ST1 of the Arches Chatham NHP and paragraphs 187 and 199 of the NPPF.

Contamination

The application has been submitted with a Preliminary Risk Assessment (Ref; 2254 R001, dated July 2022). The report includes a review of geological, hydrogeological and hydrological information to establish environmental sensitivities at the site and in its vicinity. This also includes a review of historical information, a site walkover inspection and conceptual site model. The Preliminary Risk Assessment is in line with current guidance and based on the report findings it is accepted that the potential risk of contamination being present is low. However, due to the potential presence of made ground, previous land use and the proposed development being for residential, it is recommended that a watching brief condition be attached to the permission.

Subject to the imposition of this condition no objection is raised in regard to Policy BNE23 of the Local Plan and paragraphs 187, 196 and 197 of the NPPF.

Highways

Policies T1, T2 and T13 of the Local Plan states development proposals should not have a significant or unacceptable impact on highway safety or the existing road network and should make vehicle parking provision in accordance with the adopted standard. Policies T3 and T4 of the Local Plan also require development to provide safe and attractive pedestrian routes and secure cycle facilities. Policy ST2 of the Arches (Chatham) NHP encourages the creation of new routes for active travel and Policy ST4 states that parking provision for new development should be minimised and must not dominate the street scene. It also requires that new car parking spaces for residential development should have electric chargers or passive electric chargers. Policy ST1 also supports cycle parking. In this case no parking is proposed within the red line so an EV charging condition would not be applicable.

Paragraph 110 of the NPPF advises that significant development should be focused on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes. Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

The application has been submitted with a Transport Assessment (Ref; 24-0222, dated December 2024) and Travel Plan (Ref; 24-0222, dated December 2024).

Existing Conditions

The site is located within Chatham town centre and is bound by Cross Street to the northeast, Upbury Way to the east, High Street to the south, The Brook to the west and Slicketts Hill to the northwest. The Brook is one of the major roads running through Chatham town centre and consists of a dual carriageway with two lanes in each direction.

The Brook is subject to a 30mph speed limit, benefits from street lighting and has wide footways on both sides. There are double yellow lines covering the length of The Brook with restrictions preventing no waiting or loading at any time. The Brook forms traffic signal junctions with both Slicketts Hill and High Street where there are signal controlled pedestrian facilities connecting the site to Chatham High Street.

The High Street, Upbury Way, Cross Street and Slicketts Hill are all single carriageway roads and are subject to a 30mph speed limit. They all benefit from street lighting and have footways on both sides of the carriageway. There are also parking restrictions on the surrounding roads in the form of double and single yellow lines as well as controlled parking zones within the surrounding residential streets.

There are a wide range of services and amenities within the immediate vicinity of the site including local shops, leisure facilities, public houses and food take aways and/or restaurants. The Pentagon Shopping Centre, which includes Sainsbury's, Boots, Greggs, Subway and a bowling alley, is around 350m from the site. The nearest pre-school (First Tiny Steps) and primary school (New Road) are approx. 350m-450m from the site with Brompton Academy located approx. 1.3km from the site.

The nearest bus stops are located on the High Street and are situated adjacent to the site frontage. Regular services operate from these bus stops to a range of destinations within Chatham and throughout Medway. Most services also operate Monday to Sunday with a slightly reduced service at weekends. Local rail services also operate from Chatham railway station which is located approximately 950m from the site with connections to London and Ramsgate.

In terms of cycle infrastructure, the Brook provides a direct connection to National Cycle Network Route 1 via Globe Lane, this runs along Medway Street, High Street and further west towards Rochester. This then connects to National Cycle Network Route 17 which runs along the Esplanade and Borstal Road and then continues south of the M2. Both routes comprise a mixture of traffic free and on road paths. Given the low vehicle speeds in the area the site would therefore provide the opportunity for a variety of journeys to be undertaken by bicycle which would provide a realistic alternative to the motor vehicle.

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

Given the sites proximity to a wide range of services and amenities associated with the town centre, including regular bus and train services it would be in a highly accessible location.

Access Arrangements

The development is intended to be largely car free, albeit there is some allowance for parking to be associated with 3-bedroom dwellings. This parking is planned to be provided within the existing multi-storey car park.

Highway Capacity and Safety

In order to assess the movements associated with the proposed land use, the transport assessment has used TRICS to establish the trip generation. It is recognised that there will only be a small number of vehicle trips associated with the five 3 bed units all of which will be allocated a parking space. Using the vehicle trip rates from the TRICS

data, it is estimated that the five 3-bed units would generate one trip in both the AM and PM peak periods and a total of 11 two-way trips throughout the day.

It is also recognized that the proposed commercial floor space will generate a number of servicing trips and to estimate these, the convenience store category of the retail land use within TRICS has been used. Although all the commercial space is unlikely to be occupied by convenience stores, it presents a robust assessment as convenience stores generate a higher number of servicing trips than non-food related commercial floor space.

Based on TRICS data the commercial floor space has the potential to generate 11 service vehicles on a daily basis. This would equate to 22 vehicle movements since each vehicle would arrive and depart the site in two separate trips.

Accident data analysis has also been undertaken of the network in the vicinity of the site covering the most recent five-year period. The search area includes all the roads bordering the site including extended sections of The Brook and High Street. The data reveals that there have been 19 collisions recorded within the latest five-year period, of which five were classified as serious and 14 as slight. Further interrogation of the data identified that three collisions involved pedal cyclists, two of which resulted in serious injuries at The Brook / High Street junction. Five collisions involved pedestrians, including one that resulted in a serious injury at The Brook / Slicketts Hill junction.

The latest available five-year collision record does not indicate a pattern or cluster of collisions in the vicinity of the site, and it is therefore considered that there is no highway safety concerns on the local highway network that will need to be addressed as part of the redevelopment of this site. This view is reinforced when taking into account the existing use of the site for retail that would have generated a constant flow of people throughout the week. As a largely car free development, the number of vehicle movements to and from the site will also be reduced when compared with previous uses of the site.

Parking

Medway Council's Residential Parking Standards specify that 1 space should be provided for a 1 bed, 1.5 spaces for a 2 bed and 2 spaces for every 3+ bedroom dwelling, with a provision of 0.25 spaces per dwelling for visitors. However, the standards do state that reductions of the standard will be considered if the development is within an urban area that has good links to sustainable transport and where day to-day facilities are within easy walking distance.

The proposed residential development will effectively be car free with the exception of the provision of 5 car parking spaces provided for the 3-bed units. There will be no dedicated parking for the proposed commercial units. These spaces will be located in the multi-storey car park to the north of the site and will be secured as part of the Section 106 agreement. The site is located within the core retail area of Chatham town

centre with access to bus services directly adjacent to the development as well as walking distance to numerous facilities and amenities, including the railway station.

Furthermore, the nearest surrounding streets, Carpeaux Close, Hardstown, Eldon Street, Cross Street and Institute Road, where on street parking is available, are subject to parking controls. With respect to Carpeaux Close and Hardstown parking is restricted to permit holders 24 hours a day 7 days a week, and in the case of Eldon Street, Cross Street and Institute Road on street parking is restricted between the hours of 8am-7pm Monday – Saturday.

In these circumstances, and when taking into account the highly sustainable location of the site, and the provision that has been made on site to accommodate secure cycle storage, a largely car free development is considered acceptable.

A Framework Travel Plan has also been provided which suggests that to support a car-free development, the applicant is committed to delivering car club vehicles to be located within the multi-storey car park and for future residents of the site to have free or reduced cost access to car club vehicles for a defined period. The Travel Plan suggests that 'taster' vouchers may also be provided to encourage public transport use. Further details of how these measures will be implemented will be secured via condition.

Cycle Parking

A total of 325 cycle parking spaces will be provided in secure internal cycle stores located within Blocks A, D, C, D and E. This exceeds the Medway parking standard, which requires 1 cycle parking space per dwelling. A total of 20 Sheffield stands will also be distributed across the site to accommodate the needs of visitor parking to the residential development and parking for staff and customers at the proposed commercial units. This equates to a total of 40 short stay cycle parking spaces across the site which would be sufficient to accommodate the needs of visitors, staff and customers.

Delivery and Servicing Strategy

The Waste Management Strategy shows that each residential block will have a dedicated bin store. It is understood that the scheme would then employ site management to support the transfer of refuse from bin stores to a central collection point. In principle this is acceptable, however further details should be set out in a comprehensive Delivery & Servicing Management Plan which can be secured by condition.

The servicing arrangements for the proposed commercial spaces have also been outlined indicatively within the Transport Assessment which could potentially utilise and extend the existing loading bays on Slicketts Hill, The Brook and High Street. However, and as they are outside of the red line boundary they do not form part of the application,

and this would be otherwise delivered through a highway's agreement in discussion with the relevant Council Departments.

Summary of Highways

As detailed above the site benefits from being in close proximity to a wide range of services and amenities associated with the town centre, including regular bus and train services. In addition to the existing infrastructure, the sustainable measures proposed as part of the Travel Plan, will also enable future residents to travel to / from retail, employment, transport interchanges, recreational and educational destinations via alternative modes of transport to private car journeys. Improvements to pedestrian permeability within the site, and the measures identified to ensure off-site parking impacts are minimised would also accord with the principles of sustainability in terms of offering alternative modes of travel. In addition, the Transport Assessment has demonstrated that the proposal would not have severe transport impacts.

Subject to securing the aforementioned conditions the development is considered acceptable with regard to Policies T1, T2, T3, T4 and T13 of the Local Plan, Policies ST1, ST2 and ST4 of the Arches Chatham NHP and paragraphs 110, 115 and 116 of the NPPF.

Ecology

An Ecological Appraisal (Ref; 552715, dated October 2024) was submitted with the application. Habitats on site are urban in nature, composed of buildings, hardstanding with limited vegetation comprising three trees and areas of introduced shrub. No potential bat roosting features were identified from a detailed systematic external and internal inspection of the site and whilst nesting feral pigeons were noted in the appraisal these are within the multi storey car park outside of the application red line boundary and therefore not directly affected by the proposed development.

Whilst noting the low baseline assessment of the site the report identified a series of ecological enhancements that have been incorporated into the proposed scheme. This includes tree planting, biodiverse roofs, trellis based green walls, bird and bat boxes, pollinator friendly shrubs and planting and invertebrate features. KCC Biodiversity have been consulted on the application and are satisfied that sufficient ecological information has been submitted to determine the planning application and they are satisfied that the site has limited ecological interest.

In summary and subject to suitably worded conditions in respect to lighting, ecological enhancements and a Landscape and Ecological Management Plan no objections are raised in regard to Policy BNE39 of the Local Plan and paragraphs 187 and 193 of the NPPF.

Biodiversity Net Gain (BNG)

As the application was submitted after the 12 February 2024 the mandatory requirements to deliver a minimum 10% BNG would apply. The application has therefore been submitted with a BNG Assessment (Ref; 552715, dated December 2024) and BNG Metric. In accordance with BNG Assessment and Metric the development proposals result in a 422.33% gain in the biodiversity value which would far exceed the mandatory 10% requirement.

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

Archaeology

An Archaeological Desk Based Assessment (Ref; 09044A, dated April 2024) has been submitted with the application. The site contains no designated archaeological assets, such as scheduled monuments or registered battlefields. In addition, the Desk Based Assessment confirms that the site holds a low to medium potential for prehistoric and Roman archaeological remains and low to medium potential for medieval remains and if present, they are likely to be of local (low) importance. Although the assessment identifies a high potential for post-medieval and modern remains on the site, associated with the construction of the buildings in the 19th and 20th centuries, any remains present are likely to be of local (low) importance. Kent County Councils Archaeological Advisor has been consulted as part of the application and has not requested any further archaeological works and or conditions associated with this.

Subsequently, no objection is raised under Policy BNE21 of the Local Plan, Policy H07 of the Arches Chatham NHP and paragraphs 207 and 208 of the NPPF.

Flood Risk

A Flood Risk Assessment (Ref; 221003-FRA, dated 12 December 2024) has been submitted with the application. The site lies within Flood Zone 1 according to the Environment Agency mapping and therefore has a low probability of river or sea flooding and there is no evidence to indicate that the site has previously been affected by groundwater flooding.

The existing site is fully paved and positively drained with pipework connecting within the building and discharging to the existing Southern Water sewer that crosses the site.

The surface water from the proposed development will be discharged into the existing sewer however, the rate and volume of discharge will be significantly reduced as there is a reduction in catchment area due to the extensive amount of green roof areas, soft landscape and permeable paving and a reduction in the impermeable area. Foul water drainage will utilise the same foul water system as the current site.

The proposed surface and foul water drainage arrangements are considered acceptable, and subject to conditions requiring further information with respect to sustainable drainage principles, a construction surface water management plan and a drainage verification report no objection is raised with regard to Policy CF13 of the Local Plan, Policy BNE1 of the Arches Chatham NHP and paragraph 181 of the NPPF.

Climate Change and Energy Efficiency

A Climate Change and Renewable Energy Statement (dated December 2024) has been submitted in support of the application. The report states that the development will be constructed to the latest standards and feature energy efficiency in the design and include measures to reduce energy demand for heating, lighting, and ventilation in accordance with the corporative objectives set out in the Medway Climate Change Action Plan June 2021 and in accordance with Building Regulations Approved Document Part L 2021. In particular the buildings will incorporate the following energy efficiency measures and design elements.

- A high standard of insulation including triple glazed doors and windows.
- The use of building materials with the lowest possible embodied energy where practicable including water thatch for the roof.
- PV panels on the roof itself.
- All lighting internally and externally will be low voltage LED design.
- Water use within the building will be compliant with Building Regulations applicable at the time and all taps, showers, and WC's will be low water consuming.
- Provision of secure cycle parking to encourage cycling.
- Specification of water saving devices and appliances.
- Maximum use of natural ventilation.
- Management of construction and operational waste.
- Efficient use and supply of energy.
- Direct access to open space.
- Location and provision of safe routes to public transport.

Further details of these measures will be requested as a condition in accordance with Policy HO2 of the Arches Chatham NHP and paragraph 161 of the NPPF.

S106 Matters and Affordable Housing

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

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

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

Policy HO1 of the Arches Chatham NHP requires a lower threshold of affordable housing to be provided on new developments of 10 or more homes. In comparison to the adopted Local Plan this sits at 10% of the total housing provision. However, there is a requirement for affordable housing to be tenure blind and benefit from the same level of access and amenities. The Arches Chatham NHP also seeks to prioritise on site delivery in the first instance whereby off-site provision or a financial contribution in lieu would require robust justification. Where justified this should be made within the Neighbourhood Area where possible.

Paragraph 59 of the NPPF states that it is for the applicant to demonstrate whether circumstances justify the need for a viability assessment at the application stage. In this case a financial viability appraisal was submitted by the applicant, which addresses the viability of development across the application site. The viability assessment has been assessed by an independent viability consultant (Pathfinder) as part of a joint instruction.

In summary Pathfinder's assessment concludes the scheme as proposed, based on current known costs and values generates a residual land value of £378,851 assuming the provision of a scheme for market sale homes and £610,000 of commuted sum payments in total. This is a level, which can be considered to deliver a minimum return to the landowner, in comparison with the established convention of consideration of current benchmark values. It is therefore Pathfinder's reasonable judgment that a viable scheme is one which contains no on-site affordable housing and the provision of £610,000 of commuted sum payments in total.

The following S106 contributions have been requested as part of this application.

- ii) £70,428.82 to improve equipment and facilities at Chatham Library and/or libraries in the vicinity.
- iii) £348,587.75 toward mitigating the impact of the additional pupils generated by the development comprising.
 - Nursery - £90,497.62
 - Primary - £54,298.68
 - Secondary - £203,791.45
- iv) £78,155.00 to enable public realm works to be undertaken to improve the appearance and vitality of Chatham Town Centre.

- v) £73,797.46 for the provision, improvement and promotion of waste and recycling services to cover the impact of the development.
- vi) £269,673.03 to support the creation of additional capacity in Primary Car premises as a result of the increase in housing and resulting patient registrations.
- vii) £121,408.21 to contribute towards interpretation at Heritage Site. 25% each to Upnor Castle, Eastgate House, Guildhall Museum & Rochester Castle.
- viii) £78,142.24 towards enhancement and/or expansion of community facilities which will serve the new residents of the development.
- ix) £104,718.13 towards Designated Habitats Mitigation.
- x) £103,831.31 towards the refurbishment of Medway Parks Sports Hall.
- xi) £1,088,096.24 to enhance open space facilities within the vicinity of the development, including the Great Lines Heritage Park (could be reduced on receipt of further information, please refer to Greenspaces comments)
- xii) £33,399.30 to support youth development in the Chatham Area.
- xiii) £15,950.00 to go towards improvements to PROW's RCX38, RCX39, RCX35, RCX48, RCX44, RCX7, GB48, RCX36 and RCX6. This would include signage, lighting, surfacing, furniture if required and accessibility improvements.

However, the total sum of the contributions requested equates to £2,386,187.49 which would exceed the sum of s106 contributions available based on Pathfinders appraisal which concluded that a viable scheme could deliver £610,000 of commuted sum payments.

It is therefore proposed that the S106 contributions would be attributed as follows.

- i) £104,718.13 towards Designated Habitats Mitigation.
- ii) £200,000 towards public realm and/or community facilities within Chatham Town Centre or within the vicinity of the site.
- iii) £305,281.87 towards open space and play space improvements within Chatham Town Centre or within the vicinity of the site including but not limited to Town Hall Gardens, Chatham Waterfront and The Great Lines.

Bird Mitigation

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

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

The applicants have agreed to pay this tariff, and this would be secured as part of a section 106 agreement. The proposal is therefore in accordance with Policies S6 and BNE35 of the Local Plan, Policies HO4 and BNE5 of the Arches Chatham NHP and paragraphs 194 and 195 of the NPPF.

A decision from the Court of Justice of the European Union detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive. Given the need for the application to contribute to the North Kent SAMMS, there is a need for an appropriate assessment to be carried out as part of this application. This is included as a separate assessment form.

Arches Chatham Neighbourhood Plan Balance

HO1 – Affordable Housing

This Policy is not met as there are viability issues with the delivery of on-site affordable housing. This viability assessment has been accepted and whilst an off-site contribution could be secured from the 'available pot' it was considered that the benefit of public realm and open space provision would be greater given the sums of money involved.

HO6 – Outdoor Space

The development proposes outdoor space for occupants with play equipment for children as well as publicly available green space in an area that currently has none.

HO7 – Historic Environment

The proposal does conserve the heritage assets and Historic England raise no objections.

BNE1 – Public Realm Enhancement

The proposal provides for new pedestrian routes, including to the car park and improves the pedestrian experience through the active frontages and new landscaping. The use of SUDS, landscaping and green roofs enhance the ecological habitats and reduce surface water flooding. The redevelopment of this derelict, previously developed site and the reuse of the car park would reduce the anti-social behaviour that is currently occurring.

BNE2 – Local Green Space

The proposal secures S106 contributions for use at Town Hall Gardens, one of two identified Local Green Spaces in the Plan.

BNE4 – Urban Greening

The scheme proposes new trees, planting and green walls to deliver in respect of this Policy. The detailed landscaping through conditions can ensure that plants that are suited to pollution absorption can be incorporated.

ST1 – Air Quality

This is a pedestrian priority development with 325 cycle spaces for residents and 40 further on Sheffield stands for visitors proposed to meet this Policy.

ST4 – Parking

This Policy requires parking to be minimised, and this is the case for the scheme that focusses on walking and cycling with no on-site car parking.

CS3 – Improving Green Space

The scheme would deliver a new public space accessible for all and would also deliver biodiversity net gain through planting trees and other natural vegetation.

Site Allocation Policy – Assessed earlier in the report.

Overall, it is considered that the proposal delivers a number of the aims of the NHP and complies with the vast majority of the Policies within the Plan. There is some conflict with the Allocation Policy (with regard to the height only) and the Affordable Housing

Policy. The redevelopment of this site would achieve a significant amount of the requirements of the NHP.

Presumption in Favour of Sustainable development and the Overall Planning Balance (Having Regard to the Council's Position on its Five-Year Land Supply)

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

In this regard, the Council is unable to demonstrate a five-year supply of housing land sought by paragraph 78 of the NPPF. There is therefore a significant need for new housing in the Medway area. Paragraph 11 (d) of the NPPF indicates that in such circumstances permission should be granted unless: i. the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

In assessing the proposed development against the policies in the NPPF as a whole, as well as relevant Development Plan Policies, the NPPF indicates that there are three dimensions to sustainable development: social, economic and environmental. It is, therefore, appropriate to balance the assessment of the development as set out above, against the Local Plan and Arches (Chatham) NHP policies and policies in the NPPF in these terms and unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits, of doing so, planning permission should be granted.

Social

The NPPF confirms that the social objective is: “to support, strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future need and support communities, health, social and cultural wellbeing”.

The development would be located in the urban area which would deliver 319 new homes in the context of a considerable shortfall in the supply of deliverable housing land. The proposal would also offer an appropriate mix of one, two and three bed units to help meet the needs of different groups. The reintroduction of viable commercial spaces as part of the development will also contribute to the vitality of the community and regeneration of the town centre. This would amount to a social benefit of **significant** weight in the context of NPPF paragraph 61 and the need to boost the supply of homes.

Economic

Given the urban location and nearby services and employment opportunities, new residents will generate more demand for local services and facilities, and this would contribute to boosting the local economy in the surrounding area. Furthermore, the proposed commercial floorspace will also generate future employment opportunities. The scheme would also bring short term benefits to the economy during construction. These economic benefits carry **positive** weight in the balance.

Whilst the development would provide additional council tax income this would be used to mitigate for and deliver necessary services and infrastructure for the residents and would, therefore, be a **neutral** effect.

Environmental

The NPPF seeks to protect and enhance our natural, built and historic environment; including making effective use of land, improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The site is within a sustainable location which in turn would promote sustainable transport.

The proposals would also make use of previously developed land in an efficient way which would accord with paragraph 124 of the NPPF which provides support for the development of underutilised land and buildings. The re-development of a brownfield site would also improve the overall condition of the site, with the removal of and replacement of existing buildings which have limited architectural merit. These benefits carry **positive** weight and weigh in favour of the development.

There would also be environmental benefits from the Biodiversity Net Gain (BNG). The BNG enhancements would be delivered within the site and would include a 422.33% gain in the biodiversity value. This would amount to an environmental benefit of **significant** weight. Through a fabric first approach and as set out in the applicants Climate Change and Renewable Energy Statement they would also be seeking to deliver reduced energy demand. This also carries **positive** weight in the balance. The proposal would also offer new amenity space which would be of benefit to future occupiers and those living nearby. Moreover, the redevelopment of this brownfield site would also preserve other more sensitive sites elsewhere including greenfield sites. These benefits would all **weigh in favour** of the proposals.

In assessing the balance, the content of para 125(c) of the NPPF should be given particular consideration, where it states:

give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless

substantial harm would be caused, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.

Although concerns have been raised by the Arches (Chatham) NHP and local residents in respect to the proposed building heights, design, amenity impacts, parking provision, highway safety, impact on services, heritage impacts and the layout of the open spaces, the application has been supported by appropriate supporting information that demonstrates there are no adverse impacts that warrant refusal. In addition, a Viability Appraisal has been submitted and independently assessed which sets out the position in respect to affordable housing and S106. On the wider tilted planning balance, there are no adverse impacts that would significantly and demonstrably outweigh the benefits, when assessed against the development plan when taken as a whole. Overall, the proposal would amount to sustainable development, for which there is a presumption in favour of, and planning permission should be granted.

Conclusions and reasons for Approval

It is considered that the scale, mass and design of the proposal would respect the character of the existing street scene and there would be no detrimental impact on the amenities of future occupiers, neighbouring residential amenities or highways safety. For the reasons as set out in this report it is therefore recommended that planning permission is granted subject to conditions and the completion of a Section 106 agreement.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the significance of the proposal and the number of objections received contrary to the officer's recommendation.

Background Papers

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