

MC/24/1333

Date Received: 28 June 2024

Location: 69 - 71 High Street, Rochester, Medway ME1 1LX

Proposal: Conversion of the first and second floors to residential use, forming the addition of 4 residential flats, change of use of the ground floor to dental surgery, demolition of part of the single storey rear extension and construction of a two storey rear extension to provide dental surgeries with two flats on the first floor, provision of cycle and bin storage and associated works. Felling of a Lime tree located in the rear garden which is subject to a TPO.

Applicant Dr M Singh Mathura

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Ward: Rochester West & Borstal

Case Officer: Sam Pilbeam

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

Recommendation - Approved Subject to S106

- A. The applicants entering into a Section 106 to secure the following:
- i) £3,608.42 for the planting of 2 trees within Intra area or within the vicinity of the site.
- B. 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 28 June 2024:

22/367/11 - Proposed Sections
22/367/12 - Proposed Sections
22/367/13 - Proposed Elevations
22/367/14 - Proposed Sections
22/367/16 - Proposed Drainage Plans
22/367/17 - Proposed Main Dwelling Elevations
Sheet 01 - Proposed S185 Diversion

Received 23 September 2024:

22/367/06 REV C - Proposed First Floor 1 of 2
22/367/07 REV A - Proposed First Floor 2 of 2
22/367/08 REV C - Proposed Second Floor 1 of 2
22/367/09 REV A - Proposed Second Floor 2 of 2

Received 14 March 2025:

22/367/04 REV B - Proposed Ground Floor Plan 1 of 2
22/367/05 REV B - Proposed Ground Floor Plan 2 of 2
22/367/15 REV B - Proposed Site Plan

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

- 3 No development above slab level shall take place until details of all external materials to be used in the works shall be submitted in writing to and approved by the Local Planning Authority. Details shall include (but are not limited to) tiles, ridges, cladding, paving stones and insulation. The development shall therein be completed in accordance with the approved details.

Reason: To preserve the historic character of the building, in accordance with Policy BNE17 of the Medway Local Plan 2003.

- 4 Prior to the commencement of the development hereby permitted, an acoustic assessment shall be undertaken to determine the impact of noise from nearby and proposed ground floor commercial related noise sources and shall be made in accordance with BS4142 2014: Method for rating and assessing industrial and commercial sound. The results of the assessment and details of a scheme of acoustic protection shall be 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: To ensure that the amenity of occupiers of the development site are not adversely affected by noise from transport or commercial noise sources in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 5 No development shall take place until the implementation of a watching brief has been secured which shall be undertaken by an archaeologist first approved in writing by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be carried out in accordance with a written programme and specification, which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded in accordance with paragraph 207 of the NPPF.

- 6 Prior to any development above ground floor slab level, details of measures to deal with climate change and energy efficiency, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved measures and prior to first occupation of the development a verification report prepared by a suitably qualified professional shall be submitted to the Local Planning Authority confirming that all the agreed 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 163 the National Planning Policy Framework 2024.

- 7 Prior to first occupation of the herein approved dentist and residential flats, details outlining the method and means in which the historic panel room will be made open to the public, including but not limited to access, dates, hours of opening, and participation with local tours shall be submitted to and approved in writing by the Local Planning Authority. The approved methodology shall be implemented in accordance with the approved details and retained thereafter.

Reason: To address the sense of importance of the historic panelling in conjunction with its historical significance in accordance with Policy BNE17 of the Medway Local Plan 2003.

- 8 Prior to first occupation of the herein approved dentist and residential units the area shown as refuse storage space on drawing numbers 22/367/04 REV B (Proposed Ground Floor Plan 1 of 2), 22/367/05 REV B (Proposed Ground Floor Plan 2 of 2) and 22/367/15 REV B (Proposed Site Plan) received 14 March 2025 shall be provided in accordance with the details submitted and hereby approved. The refuse storage space shall be implemented in accordance with the approved details before any office is occupied and shall thereafter be retained.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 9 Prior to first occupation of the herein approved dentist and residential flats, details of secure private cycle parking provision in the form of individual lockers shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be implemented in accordance with the approved details before any building is occupied and shall thereafter be retained.

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

- 10 Prior to first occupation of the herein approved dentist and residential flats, details of the species, location and size of replacement tree(s) and a timetable for delivery shall be submitted to and approved in writing by the Local Planning Authority. The replacement tree(s) shall be planted in accordance with the approved details and any trees 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: Required to ensure the replacement of a tree to mitigate the impact of the approved works on the amenity of the area in accordance with Policy BNE43 of the Medway Local Plan 2003.

- 11 From commencement of works (including site clearance), precautionary mitigation measures for reptiles, breeding birds and bats will be followed in accordance with the Preliminary Ecological Appraisal, produced by K B Ecology, received 28 June 2024.

Reason: In order to limit the impact of the proposal upon the existing habitats the support protected species with regard to Policy BNE39 of the Medway Local Plan 2003.

- 12 From the commencement of works (including site clearance) the tree protection measures and recommendations shall be implemented in accordance with the details set out in the Arboricultural Survey and Planning Integration Report received 28 June 2024.

Reason: Pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policies BNE1 and BNE43 of the Medway Local Plan 2003.

- 13 The development shall be carried out in accordance with drawing numbers 22/367/04 REV B (Proposed Ground Floor Plan 1 of 2) and 22/367/05 REV B (Proposed Ground Floor Plan 2 of 2) received 14 March 2025, there shall at no time be any amalgamation or subdivision of individual units, nor shall any

one organisation occupy more than one unit, without prior written approval of the Local Planning Authority.

Reason: To enable the Local Planning Authority to control such development in the interests of amenity and the impacts on the highway and Rochester City Centre, in accordance with Policies BNE2, T1 and R8 of the Medway Local Plan 2003.

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

Proposal

This application seeks planning permission for the conversion of the existing building formerly in use as a Bank, Use Class E(c)(i), to a mixed-use development consisting of a dental surgery at ground floor, Use Class E(g), and residential flats on the first and second floors, Use Class C3.

The proposal seeks to demolish the late 20th Century outrigger building located to the rear, southwest, of the curtilage and construct a two storey 'L'-shaped extension in its place: running along the southern boundary treatment and rear eastern wall.

The proposed extension would comprise of two clearly demarcated blocks connected via a discrete glazed link.

The first would project across the footprint of the demolished outrigger, finished in a barn style black painted weather boarding with four dormers integrated into the eaves, measuring approx. 20m in length and 7m in width, supporting an up-and-over roof with a gable ended design fronting to eastern flank and jerkinhead to the west, measuring approx. 5m to the eaves and 8.2m to the ridge.

The second block would project across the rear of the existing hard standing area, measuring approx. 11.2m in length and 7m in width, featuring a contemporary minimalist design and gable ended roof running north to south standing at approx. 5m in height at the eaves and 7.6m at the ridge.

The linking structure would measure approx. 0.9m in depth and 5.5m in height.

The proposal also consists of numerous internal alterations to facilitate the conversion of the property to accommodate the proposed dental practice and upper floor units, alongside the relocation of historical panelling. Further assessment of the details of the proposed internal works and how these will impact the historic fabric have been assessed within the Listed Building application running in tandem with the pursuant case, under reference number MC/24/1334.

Externally, the application seeks to implement numerous soft landscaping works alongside the removal of a large Lime Tree subject to a Tree Preservation Order.

Relevant Planning History

CAN/23/1263	<p>T1 - Sycamore <i>Acer pseudoplatanus</i> - fell to ground level and treat stump with herbicide plugs to prevent regrowth.</p> <p>T2 - Goat Willow <i>Salix caprea</i> - fell to ground level and grind stump.</p> <p>Decision: Raise no objections</p> <p>Decided: 3 July 2023</p>
CAN/24/1285	<p>T4 -Sycamore - fell to 1m above ground level, removal of stump and roots using mechanical extraction.</p> <p>Decision: Raise no objections</p> <p>Decided: 7 August 2024</p>

Representations

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

A total of **15 of letters of support** were submitted on the following grounds:

- The proposal would support the vitality of the High Street
- High quality sensitive design
- Brining back an existing historically significant building back into use and preservation of existing historical features
- Benefits of an expanded dental practice for local residents
- Creation of additional jobs, further supporting the local community and economy

City of Rochester Society have written in support of the application.

Historic England comment stating they are supportive of the proposed rear extension and change of use of the property. Likewise going into to confirm that they support the critical off-site conservation required to save the historical panelling from further deterioration. Historic England identifies a level of harm with regard to the panel's relocation within the proposed rear extension, nevertheless, acknowledge in this instance it is a vital step to safeguard their future and allow for public viewing.

KCC Biodiversity confirm that a metric has been submitted onsite confirming that 10% Biodiversity Net Gain (BNG) can be achieved, however the metric produced does not recognise the Lime Tree as veteran. When included the proposal would result in unacceptable loss of an irreplaceable habitat. KCC Biodiversity state the Lime Tree has been assessed and is considered to fall within the classification of a veteran tree. As such they draw attention to paragraph 193 of the National Planning Policy Framework (NPPF): "development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees)

should be refused, unless there are wholly exceptional reasons, and a suitable compensation strategy exists". Outlining it is the decision of the local planning authority as to whether the development meets these criteria. KCC Biodiversity also emphasise that any proposed compensation measures should not be considered as part of the assessment of the merits of the development proposal.

Kent Police commented requesting the applicant consults their Designing out Crime Officers (DOCO's) to address CPTED and incorporate Secured by Design (SBD) as appropriate.

Natural England commented stating that the proposal has the potential to result in an adverse effect upon terrestrial Sites of Special Scientific Interest (SSSIs) and those Special Areas of Conservation (SACs), Special Protection Areas (SPAs) or Ramsar sites that they underpin.

Southern Water commented that the application seeks to divert/abandon an existing public sewer, and that the application will be required to submit for express consent with themselves under Section 185 of the Water Industry Act. They go on to state that they also have restrictions on the planting of trees adjacent to sewers, rising mains or water mains and that the applicant should make reference to their publication "A Guide to Tree Planting near water Mains and Sewers".

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2024 (NPPF) and are generally considered to conform. Where non-conformity exists, this is addressed in the Planning Appraisal section below.

Planning Appraisal

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.

There are two matters of attention concerning the principle of the development and its spatial planning lens: the change of use of the ground floor to a dentist surgery, and use of the upper-floors as residential flats.

Addressing the Policy context, the application site falls within the threshold of Rochester City Centre, therefore is subject to Policy R8 of the Local Plan: supporting a range of Class E Uses, provided that they are appropriate relative to the form of the town centre, and permitted they provide support to the vitality and viability of the centre as a whole.

Moreover, paragraph 85 of the NPPF requires Local Planning Authorities to give significant weight to businesses that seek to invest, expand and adapt.

The existing property has been vacant since the former Lloyds Bank branch was closed in April 2018; despite being extensively marketed for a period of four years after no new lease were agreed, with the applicants supporting statement speculating that this was likely due to size of the building being inefficient for most business models and extent of repairs required.

The proposed use would fall within the existing Use Class E, specifically Use Class E(g), bringing a former vacant and derelict property back into use. Whilst simultaneously providing additional public health services and facilities for residents of Medway both local and afar.

Extrapolating from the above and effectively putting back into Policy context: the proposal would retain the existing established use class onsite; provide additional public services; bring back to use a prominent building within Rochester City Centre; and provide a platform for an existing business to improve its efficiency and adapt to its evolving business needs.

Correlatively, the proposal for the conversion of the ground-floor into a dental surgery would comply with the objectives of Policy R8 of the Local Plan and paragraph 85 of the NPPF.

Notwithstanding, the use of the upper floors as flats also comes with key Policy consideration.

Namely, the NPPF seeks to pursue sustainable development in a positive and proactive manner through paragraph 11 of the NPPF. Stating that applications should be considered in favour for a presumption in favour of sustainable development, unless Policies within the NPPF provide clear reasons for refusing development, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

Furthermore, paragraph 60 of the NPPF broadly seeks to boost the supply of housing by bringing forward a variety of land to meet specific housing requirements, while paragraph 125(d) specifically outlines that decision-making should promote the use of available sites more effectively including the converting of space above shops.

In regard to Local Policies: the site itself is located the urban area of Rochester, therefore Policies S1 and H4 of the Local Plan are of relevance.

Whereby, the directives of the NPPF area echoed; both Policies S1 and H4 promote the best use of development opportunities within urban areas and the re-development and investment within the urban fabric of underused areas in Rochester.

In this instance, the proposal would utilise the existing urban fabric, insofar as to facilitate the subdivision of the existing vacant building currently in a dilapidated state and provide additional units within the rear courtyard; bringing forth six additional units that would contribute to Medway Councils housing requirements.

In other words, the proposal would support the re-development and investment of the existing urban fabric within a highly sustainable location that benefits from its close proximity to local facilities and wider public transport links, whilst simultaneously bringing back into use an existing prominent building along Rochester High Street and existing land to meet local housing needs.

Therewith, in view of the above –but subject to the assessment of more detailed matters below– the principle of the proposal is acceptable and in accordance with Policies S1 and H4 of the Local Plan and paragraphs 11, 60 and 125(d) of the NPPF.

Design

Both the NPPF and Local Plan stress and emphasis of good design and achieving high quality buildings. 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. Moreover, paragraph 135 of the NPPF states that developments should contribute to the overall quality of the area and be sympathetic to local character, including the surrounding built environment and landscape setting, supported by paragraph 131 which adds that good design is a key aspect of sustainable development.

Furthermore, due to the site's siting within the Historic Rochester Conservation Area (CA) Policies BNE12 and BNE14 of the Local Plan are of significance; with the former stating that special attention will be paid to the preservation and enhancement of the CA and latter seeking to ensure that development within a Conservation Area, or affecting its setting, should achieve a high-quality design which will preserve or enhance its historic or architectural character and appearance.

The property itself is Grade II Listed, therefore is subject to Policy BNE17 of the Local Plan: outlining that development would not be permitted if any alterations to a Listed Building would be detrimental or unsympathetic to its design, architectural or historical significance and its materials.

Due to the site's historical setting, there are numerous Listed Buildings located in close proximity to the proposed extension works. Including both adjacent properties and The Meeting House located approx. 20m to the northeast.

Therewith, Policy BNE18 is of relevance, outlining that should proposals adversely impact this setting, they will not be permitted. The preamble expands upon this by emphasising the importance of a Listed Buildings surroundings, as much of their character can be owed to the harmony produced by grouping and the quality of the spaces around them.

At a national level, the above is supported by Section 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) which sets out the obligation on the LPA to pay special regard to safeguarding the special interest of Listed Buildings, or any features of special architectural or historic interest which it possesses. Furthermore, Section 16 of the NPPF also sets out how the historic environment should be conserved and enhanced. With paragraph 208 stating that

local authorities, when considering proposals that affect a heritage asset, should seek to avoid or minimise any conflict between the conservation of the heritage asset and any aspect of the proposal; paragraph 212 confirming that when considering the impact of a proposed development on a heritage asset, local planning authorities should give 'great weight' to preserving the asset's significance; paragraph 213 requiring that any harm or loss should require clear and convincing justification; and paragraph 215 expanding upon this by confirming that where harm is caused to a heritage asset, and this is deemed to be less than substantial, the harm should be weighed against the public benefits of the proposed development.

Notwithstanding, the proposal seeks to demolish the late 20th Century outrigger building located to the rear, southwest, of the curtilage and construct a two storey 'L'-shaped extension in its place: running along the southern boundary treatment and rear eastern wall.

Subdividing the consideration of the impact of design into two elements, firstly the demolition of the existing structure and secondly the impact of the newly proposed rear/side extensions.

Addressing the former, the applicant has produced a detailed Heritage Statement (produced by Fuller Long), clearly outlining the property's historical development including the production of a plan illustrating and dating a timeframe of the additions to the existing building; utilised array of historical mapping techniques, reviewing archive data and photographs to gather such evidence accordingly.

Subdividing the property into four historical periods: dating the principal elevation to circa 16th/17th Century; rear elevation of the principal unit to 18th Century; rear return extension adjoining the principal rear elevation to the 19th Century; and outrigger building to late 20th Century.

Effectively demonstrating that over time, the property has been subject to numerous ad-hoc alterations to the rear.

The findings of this exercise are generally accepted, with clear material differences between the additions demarcating the alternating construction periods.

Against this backdrop, it is not considered that the demolition of the later 20th Century outrigger would result in significant harm to the existing building or its setting. Given its age, poorer quality of materials and design which currently appears to juxtapose both the character and setting of the building. Furthermore, the fabric itself is not of significant historical significance.

Addressing the later, the proposed side/rear extension would comprise of two clearly demarcated elements: the first projecting across the footprint of the demolished outrigger, finished in a barn style black painted weather boarding with four dormers integrated into the eaves, and a part gabled end roof and part jerkinhead to the west where the extension abuts the existing property; and second projecting across the existing rear wall featuring a more contemporary design finished in brick, supporting a gable ended roof design.

The two elements would be connected via a discrete glazed linking structure.

As a broad overview, the historical significance of the rear of the property and front in this case vary significantly. With the principal elevation fronting onto and forming part of Rochester High Street and the CA, wherein the well-preserved historical buildings and their architectural features compound not only at immediate scale of their adjacent properties and neighbours but also forming an essential part of the historical value of the High Street as a whole.

To the rear, the historical setting has been substantially altered throughout the 20th Century. Formerly the properties would have supported extensive rear gardens backing into to the city wall and marshes, which has now been developed for a range of commercial purposes; supporting parking infrastructure for the High Street; and Rochester Train Station alongside its associated railway structures.

Furthermore, over time it is evident the back land plots of the adjacent properties have been subject to numerous ad-hoc extensions, for the purposes of providing supporting floorspace for changing business needs and operations, or more generally representing a wider historical change in use of the High Street from the former merchant houses.

In other words, the setting to the front of the property and rear vary significantly in their architectural value and contrition the historical setting of both the listed building and wider CA. With the rear, due to the changes in land use over time resulting in less sympathetic extensions that are of lower importance to the character of the locality.

Nonetheless, while of lower significance, it is still recognised that in-of-itself the structures to the rear of the buildings fronting onto the High Street form part of the overall character of the area.

The proposed extensions have been carefully designed to fit the plotting and character of the locality. This has been achieved via the splitting of the two buildings into separate elements, insofar as externally the extension would appear as two distinct units. Subsequently echoing the ad-hoc sprawl of extensions spanning the rear curtilages of the existing buildings, giving the impression of a sensitive modern interpretation of the localities characteristics without appearing as a pastiche.

Equally, the composition and profile of the buildings takes into account the setting and massing of the existing property. At the point where the existing and new intersect the jerkinhead roof assists to smoothly bridge the transition between the eaves and ridge heights of the buildings, mitigating against any juxtaposition between the roofscapes of the two buildings.

Moreover, the contrasting orientation and heights of the two roofs establishes visual interest and characteristics that are reflective of the eclectic nature of traditional vernacular buildings that have grown organically over the centuries to the rear of the High Street.

The two roof orientations break-up the overall massing and scale of the proposed extension as a whole. In particular with emphasis on the negative space around the glazed link, clearly separating the two blocks and their respective roofscapes whilst also simultaneously affording limited views of the existing buildings rear elevation.

Deriving a subservient and sympathetic approach that would appear commensurate with the listed building and wider CA.

The proposed extensions would be of limited visibility within the wider CA or relative to that of views from within the curtilage of adjacent listed buildings, predominantly afforded short distance views from the car park to the east and some glimpses when traversing west along Northgate or significantly obscured medium distance views when traversing along Corporation Street. Moreover, for the reasons set-out above its addition would not result in significant harm to the Listed Building itself; the contemporary approach to the buildings detailing and glazed linking structure alongside the anticipated external finishing would not appear as a caricature of the existing encompassing architecture, rather, would be clearly demarcated as a modern addition to the building with subtle references to the special historical character, therewith treading a fine balance between tying the two buildings together with a clear sympathetic design while not appearing pastiche.

Overall, given the limited significance and of the proposed outrigger building, no objections are raised to its removal. Likewise, it is not considered the proposed new linking structure or rear extensions would result in significant intervention or detract from the historic fabric of the property nor diminish from the interpretation of the Listed Building or those in its immediate context. Moreover, by virtue of the limited short to medium range vistas of the extension and its carefully designed composition and profile, in conjunction with the existing ad-hoc style of sprawl characteristic of the rear elevation of the buildings fronting onto the High Street, the proposal would conform with and blend into the character of the wider Conservation Area and street scene.

Consequently, no objections are raised in terms of Policies BNE1, BNE12, BN14, BNE17 and BNE18 of the Local Plan or paragraphs 208, 212, 213 and 215 of the NPPF.

Amenity

Paragraph 135(f) of the NPPF requires that development functions well over its lifetime and provides a high standard of amenity for future occupiers and neighbours, which is reflected in the requirements of Policy BNE2 of the Local Plan; to protect the amenities of neighbours in terms of privacy, daylight, sunlight, noise, vibration, heat, smell, airborne emissions.

Future Occupants

The future occupants of the property would be made up in part of workers within the dentistry and the residents within the flats above the principal structure and to the rear extension.

Addressing the former, the proposed internal layout at ground-floor level has been carefully designed to provide optimum circulation and onsite provisions for both patients and practitioners alike, whilst respecting the existing historical layout. Including the provision of two large waiting rooms, nine surgeries, toilets, staff kitchen, recovery rooms, specialist suites alongside refuse and storage space.

Therewith, the proposal would provide ample provisions, including circulation space for disabled individuals, to support an environment for professional activities, securing that the proposed change of use would function well over its lifetime.

Addressing the latter, the proposal also seeks permission for the construction and subdivision of six flats, four would be located with the principal structure and the remaining two in the proposed rear extension.

The proposal would consist of three one-bed, two-person and one two-bed, three-person unit above the principal structure; and two one-bed, two-person units within the proposed rear extension.

These units have been assessed against the Technical Housing Standards – Nationally Described Space Standard 2015, whereby a two-bedroom, three-person single-storey unit requires a total gross internal floor area (GIA) of 61m²; and a one-bedroom, two-person single-storey unit requires a GIA of 50m². In this case, all units would significantly exceed the thresholds of the Technical Housing Standards. In the interest of completeness all units total GIAs are provided below. Likewise, all units would either meet or exceed the required bedroom size standards and provide occupants with a suitable degree of natural light and outlook.

- Unit 1 – 76m²
- Unit 2 – 50m²
- Unit 3 – 73m²
- Unit 4 – 50m²
- Unit 5 – 56m²
- Unit 6 – 56m²

No private outdoor amenity space or balconies for individual units have been provided in this case, and whilst it is understood that the Medway Housing Standards (interim) November 2011 (MHDS) require a balcony for new build flats this proposal relates to the conversion of an existing building into flats. Presenting significantly more constraints, in particular relating to the preservation and conservation of the CA and Listed Building.

Moreover, the MHDS goes onto confirm that instances where balconies are not provided, due to them being unsuitable, the amenity needs of occupants should be met via the provision of additional internal space accordingly.

As shown above, relative to the provisions of the Technical Housing Standards all unit's bar flat 2 are significantly oversized. Subsequently affording future occupants with supplementary internal space, that while not a direct supplement for balconies, nevertheless secures a high standard of living for residents.

In assessing the application as a whole: it is considered that both uses would be afforded a sufficient layout insofar as to secure acceptable conditions of amenity for future occupants and their day-to-day activities, promoting sustainable development that would function well throughout its lifetime. According with the provisions of Policy BNE2 of the Local Plan and paragraph 131 and 135(f) of the NPPF.

Adjoining Residents

There are effectively two main potential impacts upon residential amenity under consideration as part-and-parcel of this application: the relationship of the rear and side extension upon existing amenity levels; and levels of noise and disturbance as a result of the proposed change of use and daily running of the premises.

The extension is located to the rear of the property's curtilage, bounded on the north by a public toilet, northeast by Rochester Cathedral Car Park, and south the rear courtyard of the adjacent property. Consequently, the proposed extensions bulk and massing would not result in a loss of daylight, sunlight, outlook, or appear as overbearing. Likewise, the windows serving the property either face into the application sites courtyard, or out onto the car park, thereby not encroaching into the levels of privacy.

Simply put: the proposed extension by virtue of its position, relative to that of adjoining residential properties and the orientation of the sun, would conserve the existing conditions of amenities currently enjoyed by residents.

Moving onto the levels of noise and disturbance. Currently, the property stands vacant, nevertheless could be operated without the requirement for planning permission under an array of uses falling under Class E, including a restaurant, café, offices and daycentre.

Essentially outlining that while currently vacant, the site would naturally be anticipated to support moderately high levels of comings-and-goings in order to support any viable long-term operations -- by reason of its large internal footprint.

The proposal would compose of the enlargement of the existing ground floor to accommodate a total of nine surgeries, alongside specialist suites and recovery rooms, and a total of six flats.

Whilst the application does result in an increased net footprint, the total floor area for business operations would not see a significant increase, given the upper floors of the principal dwelling are sought to be converted into flats. Therewith, having an overall neutral impact on the potential volume of total footfall draw.

Consequently, while it is understood that the potential occupancy of the site – including the rear extensions– would be on the larger side of the existing sites threshold for total occupancy and daily movements, given the sites location within Rochester City Centre, and associated array of mixed uses within the vicinity, it is not considered that sensitive residential receivers would experience noise levels that would go above and beyond the existing conditions currently experienced within the

environment or that which could be present should the property be occupied within its currently permitted use.

Once-more, when considering the level of comings and goings, this again would likely be higher, however a dentistry would be often associated with a predictable flow movement into-and-out of the building: generally consisting of a steady volume of patients throughout the day in-keeping with their associated appointments.

This arrangement is considered acceptable, as it likely would result in a minimal level of noise and disturbance relative to what would be expected within the context of a High Street setting.

Against this backdrop, the proposed levels of noise, volumes comings and goings, and typical daily activities, expected to result as part-and-parcel of this application are acceptable.

The dentistry operation is not a noise generating use and would not result in undue disturbance particularly given the town centre location with other late night opening venues.

Likewise, given the size of the ground floor unit, which is relatively large and complex, with the potential for later subdivision, amalgamation and subletting. Any further increase in the intensity onsite, particularly over a ten plus year time-period, could result in associated harm to the local environment: gradually eroding the levels of amenity in terms of noise and disturbance; increasing parking pressures and demand on the local highway network; and the development of a range of uses under Use Class E that result in a cumulative detriment to the current mixed residential and commercial surrounding.

Moreover, such a change over time could also lead to increased pressures on the Listed Building itself, in the form of further alterations to the historic fabric, for example additional partitions to accommodate further private office space.

As such, an additional condition ensuring that the unit is not subdivided nor amalgamated further than illustrated on the submitted drawings is recommended, in the interest of amenity, the impacts on the highway and Rochester City Centre, in accordance with Policies BNE2, T1 and R8 of the Medway Local Plan 2003.

The final amenity consideration relates to the use of the panelling room, located to the rear of the property within the proposed extension. This room has been carefully designed specifically for the display of the historical panels currently located within the first-floor of the existing property, insofar as to retain their current fitting and scribing within the room as well as isolating them in a controlled environment to secure long-term preservation of the exceptionally important heritage artefacts.

The applicant seeks to open the room to members of the public via general visitations and securing access for existing historical tours that take place along Rochester High Street.

While no objection would be raised in principle to said admissions of the wider public, a method statement confirming means of access to the general public will be required via condition. In order to mitigate against any potential adverse impacts of visitations upon the High Street and outline how visitors and tours will be managed thereafter.

Subject to the aforementioned conditions, no objections would be raised in relation to Policies BNE2 of the Local Plan and paragraph 135(f).

Highways

Policy T1 of the Local Plan relates to the impact on new development on the highway network. Policy T13 of the Local Plan is related to parking standards. Paragraph 114 of the NPPF seeks development located in sustainable locations, limiting the need to travel and offering choice of transport modes to reduce congestion and emission and improve air quality and public health.

Paragraph 119 of the NPPF states that development should only be refused on highways grounds if there is an unacceptable impact on highways safety.

The application had opted for a car-free development, due to the sites sitting within the highly sustainable urban area of Rochester High Street.

The Council's Interim Residential Parking Standards (2010) allows for a reduction in parking to 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"*.

In this instance, the application site falls within the urban area of Rochester, specifically along Rochester High Street, supporting a plethora of amenities within an approx. 250m distance including a range of shops, green space, car parks, public transport links including local busses and Rochester Train Station that provides wider connectivity across the south coast and into London. Therewith fulfilling the brief of the Councils interim standards insofar as to accept the provision of reduced parking.

Additionally, the units themselves are one to two bed flats, thereby presenting themselves to occupants that may be less dependent on private cars, opposed to larger family sized units for example. For staff and visitors of the dentistry the site is located in close proximity to multiple public car parks, for those individuals that are required to drive as well as local public transport links.

As set out in the amenity section of this report: it is anticipated that the proposed occupancy of the site would be on the larger side of the existing sites threshold, when considering the existing size and current Use Class of the property the proposal would not result in a net level of comings and goings that would go significantly above and beyond the existing conditions currently permitted.

To further ensure that alternative means of transport opposed to the private car are considered, a condition securing the details of the proposed cycle storage arrangements will be required subject to any forthcoming approval.

Refuse storage arrangements have also been clearly illustrated within the submitted drawings, including separate storages for units one to four, five to six and for the dental practice itself. Each storage location would be able to accommodate sufficient capacities of waste within a reasonable distance from access points onto highways collection points.

Subject to conditions securing the details of cycle storage and refuse storage arrangements no objections would be raised with regard to Policies T1, T4, and T13 of the Local Plan and paragraphs 114 and 119 of the NPPF.

Archaeology

Policy BNE21 of the Local Plan seeks to account for, protect and mitigate from harm and record findings at archaeological sites, from and during development. Likewise, paragraphs 201 and 204 of the NPPF emphasise the importance of preserving the historic environment.

Due to the site's sensitive setting with the potential for the uncovering of archaeological artefacts the application has provided an Archaeological Desk-Based Assessment produced by Fuller Long.

The assessment makes use of a comprehensive and robust range of archaeological information, including former desk-based assessments, watching briefs, archaeological and heritage surveys, use of numerous historical mapping data bases and archive data, insofar as to produce an account of the site's archaeological potential.

Suggesting that the site has a low to moderate potential for potential for Iron Age archaeology, a high potential is assigned for Romano-British, Anglo-Saxon, medieval, post-medieval and modern periods. Going onto anticipate that the significance for archaeology would be low for all periods except modern which would be negligible or low.

Likewise, the report suggests that due to the site's history and multiple phases of activity each would have been likely to adversely affected the survival of earlier archaeological evidence.

It also does note the presence of numerous Schedules Ancient Monuments within the nearby vicinity of the site, however, confirms there would be no impact upon these via the proposed works onsite.

Effectively, there is a clear potential for archaeological remains to be present onsite, however the proposed desk-top study finds that there would not be a material constraint upon development subject to the overview of an archaeological watching brief condition.

Subject to the above condition securing an archaeological watching brief, no objections would be raised with regard to Policy BNE21 of the Local Plan and paragraphs 201 and 204 of the NPPF.

Ecology

Policy BNE39 of the Local Plan states: "Development will not be permitted if statutorily protected species and/or their habitats will be harmed" and requires conditions or obligations to be attached to permissions to "ensure that protected species and/or their habitats are safely guarded and maintained". Said position is echoed by paragraph 193(d) of the NPPF, confirming "opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity".

Alongside the submission the applicant has produced a Preliminary Ecological Appraisal (produced by KB Ecology). The details of which contain a robust scoping survey, assessment of the baseline ecological conditions onsite and habitats, as well as analysis of the site for evidence of amphibians, reptile, birds, dormouse, badgers, bats and other species including foxes.

Finding the proposal would not result in disturbance to reptiles, dormouse, badgers or bats, going onto state that there is a level of suitability of the site to breeding birds. Consequently, the timing of any clearance works will need to be mitigated by undertaking any vegetation clearance outside of the nesting season, extending between March to August.

Subject to a condition requiring that onsite works commence in accordance with the precautionary working methodologies as set out within the Preliminary Ecological Appraisal (produced by KB Ecology), no objections would be raised with regard to Policy BNE39 of the Local Plan and paragraphs 193(d) of the NPPF.

Biodiversity Net Gain

As of 2nd April 2024, all sites were subject to Biodiversity Net Gain (BNG) as per the conditions of Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

Notwithstanding, de minimis exemptions, whereby BNG does not need to be provided, are set out in the Biodiversity Gain Requirements (Expeditions) Regulations 2024, confirming within subsection 4:

- "(1) The biodiversity gain planning condition does not apply in relation to planning permission for development which meets the first and second conditions.*
- (2) The first condition is that the development does not impact an onsite priority habitat.*
- (3) The second condition is that the development impacts:*
 - (a) less than 25 square meters of onsite habitat that has biodiversity value greater than zero; and*
 - (b) less than 5 metres in length of onsite linear habitat."*

In this case, the proposal would not meet the threshold for the de minimis exemption and was received after the mandatory requirements for applications to deliver 10%

biodiversity net gain (BNG) apply. An informative is recommended to draw attention to the statutory BNG condition.

The application has therefore been submitted alongside a Baseline Habitat Assessment produced by Arbtech and BNG metric, in accordance with the BNG Assessment and Metric the development proposals demonstrate that gain in biodiversity value can be achieved.

KCC Biodiversity were consulted on receipt of the BNG Metric and while satisfied that from the view of the metric calculations the numbers suggest BNG can be achieved, the proposal would fail to provide appropriate compensation for the loss of the Lime Tree.

Loss of the Lime Tree

The Lime Tree has been subject to numerous levels of debate throughout the application process and at Pre-application stage. The tree has been subject to a TPO since 1991 and since the effects of the Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) evidence has been put forward suggesting that the tree is itself of veteran status.

There are numerous definitions of what constitutes a veteran tree, with definitions from The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024 differing from that contained within the NPPF.

With the former emphasising that veteran trees would exhibit one or more of the following features: “(i) significant decay features such as deadwood, hollowing or signs of advanced decay in the trunk or major limbs; (ii) a large girth, depending on and relative to species, site and management history; (iii) a high value for nature, especially in hosting rare or specialist fungi, lichens and deadwood invertebrates”.

And the latter, NPPF definition as *“A tree which, because of its age, size and condition, is of exceptional biodiversity, cultural or heritage value. All ancient trees are veteran trees. Not all veteran trees are old enough to be ancient but are old relative to other trees of the same species. Very few trees of any species reach the ancient life-stage.”*

Circling scrutiny and debate on the specifics of the distinction and classification of the tree and if it meets the required definitions have been discussed at length. It is evident that the tree demonstrates veteran quality features in accordance with the above definitions and other limitations which do not satisfy this threshold.

Specifically, it has been argued that the trees size and age are not of a standard that would allow for the prescribing of a veteran status.

Nonetheless, Natural England's Veteran Tree publication dated 01 February 2000 'A Guide to Good Management' chapter 2 states that there are three guiding principles that define a veteran tree which encompass “trees of interest biologically; aesthetically or culturally because of their age; trees in the ancient stage of their life; trees that are old relative to others of the same species”. It is advised that size alone

is a poor characteristic for determining veteran trees status, further going onto to state “absolute age is also a poor indicator of ancient status for trees”.

Consequently, with view on the balance of probability and the position of consulting statutory bodies, alongside the trees veteran features including extensive decay, it is considered that the tree likely does qualify for veteran status.

Against this position, paragraph 193 of the NPPF is of relevance, confirming *“development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁷⁰ and a suitable compensation strategy exists”*

The example given within footnote 70 of the NPPF includes infrastructure projects wherein the public benefit would clearly outweigh the loss or deterioration of said habitat.

Nevertheless, it is important to note: footnote 70 does not qualify or form part of the policy test the paragraph 193; nor does not define the context or logic surrounding the extent of “wholly exceptional reasons”; or provide an exhaustive list of the circumstances that would amount to “wholly exceptional reasons”.

Principally the footnote provides an example situation wherein “wholly exceptional reasons” could arise.

Therewith, as found in the High Court Case between *Walsh, R (On the Application Of) v Horsham District Council [2024] EWHC 2640 (Admin)*, there is no requirement to explain how the pursuant case is similar or different to that provided in the example of the footnote.

Illustrating this further, the judge on the subject of the footnote propounds: *“It merely provides illustrations of situations where “wholly exceptional reasons” may arise, by way of guidance. It does not set a standard to be met. Thus, there is no policy requirement that only or mainly “nationally significant infrastructure projects” can amount to “wholly exceptional reasons”.*”

Going onto confirm that the exercise of defining “wholly exceptional reasons” is solely a matter of planning judgement.

With this position in mind, the application presents numerous circumstances for consideration and whether, as a matter of planning judgement, these meet the scope of “wholly exceptional reasons”, justifying the loss of the Lime Tree.

Of most notable attention is the historically significant panelling contained within the rear northeast room on the first floor. The panelling itself is comprised of Scots Pine and Oak, featuring flat, rectangular panels that have been set into the surrounding rails and stiles. Much of the woodwork dates back to the 17th Century with some element of later periods.

The panelling is of significant value twofold: firstly, owing to its remarkable survival and condition; and secondly as they pre-dates King James II's visit to the property ahead of his stopping before he fled to France in 1668 having abdicated his crown.

A core element of the proposal, following the devotion of significant attention, time and resources has circulated around ensuring the panelling's future is secured and that the historical artefacts can be restored and displayed for public benefit. This includes their careful extraction from the current dilapidated setting; transportation off-site and restoration with a specialist historical panelling expert; and reinstallation of the panels into a controlled environment moulded to fit the existing layout for public viewing.

Naturally, this comes at a notable cost alongside the additional costs of restoring the Listed Building which unfortunately despite its routed history has stood vacant in a dilapidated state since 2018.

The cost of restoring the panelling in tandem the restoration works to the building itself alone are such that the redevelopment of the original premises itself would not be financially viable. Therefore, in order to secure the buildings exceptional historical artefacts and heritage the proposed rear extension –resulting in the Lime Trees loss– is required to provide a capital uplift to secure these remarkably valuable heritage benefits.

In addition to securing the heritage value of the site, the proposal would also provide an array of social and economic benefits. Including the provision of a large-scale dentistry within the heart of Rochester High Street; affording local residents with modern up-to-date health infrastructure and providing quality of life improvements.

Likewise, the dental practice, Eastgate Dental Care, is a leading dental practice in terms of training new dentists in association with the NHS. The NHS has a requirement for the training of new dentists to meet the increasing demand partly due to the retirement of many former dentists, the increasing population in this area and decrease in surgeries offering NHS dental services.

The surgery has entered into a contract with the NHS to provide dental training, however whilst currently operating out of a premises close by, the current setup is not suitable for expansion therefore new facilities are required by a progressive dental business that offers both NHS dentistry and private care.

Lastly, as an important but somewhat separate matter: the application itself has undergone numerous revisions in order to avoid the loss of the Lime Tree. However, unfortunately due to the constraints in size of the site, underground utilities, and its historical significance, these former arrangements did not provide the applicant with an appropriate means for securing an effective space for end point users.

As demonstrated by the submitted viability assessment the additional residential units and dental space located within the proposed rear extension are required in order to secure viability to the scheme as a whole.

Putting the aforementioned back into the context of the NPPF; whereby the loss of a veteran tree should be refused unless there are “wholly exceptional reasons” and in conjunction with the High Court case *Walsh, R (On the Application Of) v Horsham District Council [2024] EWHC 2640 (Admin)*, a matter of planning judgement is required.

The rear extension is in effect a linchpin: required in order to secure and enable the restoration of both the heritage asset and historic panelling; long-term use of a property that has remained vacant without significant interest from the market since 2018; and provision of additional dental services for Medway residents and training of future generations of dentists.

The property has stood on the market vacant for a significant period of time, failing to draw attention from the market, resulting in its continued deterioration harming both the heritage asset and the vitality of Rochester High Street. Without much needed re-investment into the premises and its exceptionally valuable historical significance, securing the long-term use of the property and suitable arrangements for end-point-users, further potentially irreversible disrepair could result as a consequence.

Correlatively, whilst regrettable, the current approach resulting in the loss of the Lime Tree is considered to demonstrate clear “wholly exceptional reasons” insofar as to justify the loss of the Lime Tree in this instance.

Notwithstanding, the latter point of paragraph 193 requires that, on-top of the wholly exceptional reasons, a suitable compensation strategy also exists. It should be emphasised, however, that any compensation strategy must not be considered as part-and-parcel of the circumstances for the tree’s loss, rather as a separate item for consideration once decision-makers are satisfied that the criteria of wholly exceptional has been satisfied.

In this case, compensation would be provided onsite via the planting of additional trees, providing a level compensatory biodiversity within the immediate vicinity of its loss. However, it is recognised that due to the Lime Trees quality and limited space within the curtilage of the site that the existing level of biodiversity would not be able to be achieved -- veteran status being granted on the basis of its habitat being of a quality that would be very difficult or take a very significant time to restore.

Therewith, additional compensation in the form of a reasonable contribution towards the planting of additional street trees within Chatham Intra or failing this within 0.5 miles of the site will be secured prior to the release of a decision notice.

Trees

Policy BNE43 of the Local Plan seeks to safeguard against the loss of trees, woodlands, hedgerows and other landscape features that provide a valuable contribution to local character.

In addition to the proposed loss of the Lime Tree within the site’s vicinity, the proposed extension would be part located within the root protection area of an

adjacent Lime Tree located to the east, outside of the site's boundary within the car park.

In order to mitigate against harm to the trees RPA, the proposed building is to be constructed upon a piled foundation, thereby safeguarding the root systems that may be within the site.

Likewise, three additional smaller trees are proposed to be removed, including two sycamores and a willow; these have all been subject to their own relevant 211 notice whereby no objections were raised to their removal.

Subject to a condition securing the implementation of the proposed tree protection measures detailed in the supporting arboricultural reports, no objections would be raised in regard to Policy BNE43 of the Local Plan.

Climate Change and Energy Efficiency

The NPPF has put sustainable development as a central core. The applicant has provided some minor details confirming how the proposed extension could meet with the Council's Climate Change Emergency statement. However, the proposals lack details as well as specifics, accordingly a condition is recommended requiring further details to be provided and a verification certificate submitted in accordance with paragraph 163 of the NPPF.

Bird Mitigation

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

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

The applicant has submitted a SAMMS Mitigation Contribution Agreement and payment and therefore no objection is therefore raised under Policies S6 and BNE35 of the Local Plan and paragraphs 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.

Conclusions and Reasons for Approval

The proposal complies with the provisions set out in paragraphs 11, 60, 114, 119, 125(d), 131, 135, 135(f), 193, 193(d), 194, 195, 204, 205, 208, 212, 213 and 215 of the NPPF and Policies BNE1, BNE2, BNE12, BNE14, BNE17 BNE18, BNE21, BNE35, BNE39, BNE43, H4, S1, S6, T1, T4, and T13 of the Local Plan.

The application is therefore recommended for approval with conditions and subject to the securing of an appropriate financial contribution by way of a unilateral undertaking towards tree planting within Chatham Intra.

The application would typically be determined under delegated powers but is being referred to Committee for decision due to Councillor interest.

Background Papers

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

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