

**MC/24/1535**

Date Received: 25 July 2024  
Location: Acorn Wharf, Gas House Road, Rochester Medway  
Proposal: Construction of 132 one and two bed apartments in three blocks along with a detached commercial building, cafe with associated landscaping and parking. Construction of a replacement river wall and refurbishment of crane.  
Applicant Mach 5 RBS  
Agent M Boret  
Offset Architects  
R Ranson  
Nepicar House  
London Road  
Wrotham Heath  
Sevenoaks  
TN15 7RS  
Ward: Rochester West & Borstal  
Case Officer: Hannah Gunner  
Contact Number: 01634 331700

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 27 August 2025.**

**Recommendation - Approval subject to:**

A. The applicant entering into a Section 106 agreement to secure the following:

a) Financial contributions as follows.

i) £43,397.64 toward Habitats Regulations (mitigation for Wintering Birds - £328.77 per unit x 132 units)

b) Non-financial obligation as follows.

i) A late-stage review at 90% of completions to enable an overage/capture of 50% of any profit in excess of what the viability assumes

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:

Drawing numbers;

6408197-8541-PD-05 A Site Location Plan  
6408198-8541-PD-50 A Proposed Site Layout  
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6392732-8541-PD-145 Block D Proposed Front Elevation  
6392733-8541-PD-147 Block D Proposed Rear Elevation  
6392734-8541-PD-149 Block D Proposed Right and Left Flank Elevations  
6392735-8541-PD-400 Proposed Site Sections  
6392736-8541-PD-500 Proposed Street Scenes and River Views  
6392740-8541-PD-55 Proposed Lower Ground Floor Plan  
6392742-8541-PD-100 Block A Proposed Lower and Ground Floor Plans  
6392744-8541-PD-101 Block A Proposed Typical First-Sixth and Seventh Floor Plans  
6392745-8541-PD-102 Block A Proposed Eighth Floor and Roof Plans  
6392746-8541-PD-105 Block A Proposed Front Elevation  
6392748-8541-PD-107 Block A Proposed Rear Elevation  
6392749-8541-PD-109 Block A Proposed Right and Left Flank Elevations  
6392750-8541-PD-110 Block B and Cafe Proposed Floor Plans and Elevations  
6392751-8541-PD-130 Block C Proposed Lower Ground, Ground and Typical First-Third Floor Plans  
6392753-8541-PD-132 Block C Proposed Fourth Floor and Roof Plans  
6392755-8541-PD-135 Block C Proposed Front and Rear Elevations  
6392757-8541-PD-137 Block C Proposed Right and Left Flank Elevations  
6392758-8541-PD-140 Block D Proposed Lower Ground and Ground Floor Plans  
6392689-Ecology Plan  
6392690-8541-PD-600 Fire Service Access Plan  
6392692-1662-001B Biodiversity Enhancements  
6392700-6229-Acorn Shipyard\_ROCHESTER\_REV B  
6392716-4736-Phase 1 Desk Study\_Final\_Part 2  
Received 25 July 2024

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 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.

- 4 Prior to the commencement of development, full details of both hard and soft landscape works, any artefacts to be located within the public space and a timetable for implementation shall be submitted to and approved in writing by

the Local Planning Authority. These details shall include proposed finished ground levels; any means of enclosure; pedestrian access and circulation areas; all paving and external hard surfacing; decking; minor artefacts and structures (play equipment, seating, refuse receptacles, planters, tree grilles, any other decorative feature(s)). Soft landscape works shall include details of planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. The development shall be implemented in accordance with the approved details 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.

- 5 Prior to the first occupation of the development herein approved, a landscape management plan, shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas (except for small, privately owned, domestic gardens) for a minimum period of five years and arrangements for implementation. The development shall thereafter be implemented in accordance with the approved details.

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

- 6 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not take place within a phase or sub- until conditions 7 to 10 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the Local Planning Authority until condition 10 has been complied with in relation to that contamination.

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

- 7 No development shall take place within a phase or sub-phase until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The

scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development with the phase or sub-phase. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health
  - property (existing or proposed) including buildings, crops, livestock, pets,
  - woodland and service lines and pipes.
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

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

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

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

9 No development shall take place (other than development required to enable the remediation process to be implemented) within a phase or sub-phasing, until the approved remediation scheme has been carried out in accordance with its terms. The Local Planning Authority must be given not less than two

weeks written notification prior to the commencement of the remediation scheme works. Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and submitted to and approved in writing by the Local Planning Authority prior to the bringing into use of the development.

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

- 10 In the event that contamination is found at any time when carrying out the approved development within a phase or sub-phase that was not previously identified it must be reported in writing immediately to the Local Planning Authority. Development shall cease and an investigation and risk assessment must be undertaken in accordance with the requirements of condition 7, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 8, which shall be submitted to and approved in writing by the Local Planning Authority. The remediation must be completed in accordance with the approved scheme and following completion of the measures a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition 8 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 9.

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.

- 11 No development shall take place until an Air Quality Emissions Mitigation Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall be prepared in accordance with the Medway Air Quality Planning Guidance and shall include full details of the measures that will be implemented as part of the development. The total monetary value of the mitigation to be provided shall be demonstrated to be equivalent to, or greater than, the total damage cost values calculated as part of the approved Air Quality Assessment reference RS66-AQ-04.0\_4736, revision B, dated 03 December 2024 . The development shall be implemented, and thereafter maintained, entirely in accordance with the measures set out in the approved Mitigation Statement.

Reason: To mitigate the impact on air quality in compliance with Policy BNE24 of the Medway Local Plan 2003.

- 12 Prior to the commencement of the development hereby permitted, full details of a scheme of acoustic protection against transport noise sources shall be submitted and approved in writing by the Local Planning Authority. The

scheme shall include details of acoustic protection sufficient to ensure internal noise levels (LAeq,T) no greater than 30dB in bedrooms and 35dB in living rooms with windows closed and a maximum noise level (LAmax) of no more than 45dB(A) with windows closed. Where the internal noise levels will be exceeded with windows open, the scheme shall incorporate appropriate acoustically screened mechanical ventilation. 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 protection of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

13 Prior to the commencement of the development hereby permitted, a scheme for the extraction and treatment of cooking fumes from the cafe, including details for the control of noise and vibration from the such a 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: To ensure protection of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

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

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

15 Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: hours of construction working; measures to control noise and vibration 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: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents and with regard to Policy BNE2 of the Medway Local Plan 2003.

16 Prior to the commencement of the development hereby permitted, an acoustic assessment shall be undertaken to determine the impact of noise arising from mechanical plant. The noise rating level (LAr,Tr) of mechanical plant shall be at least 10dB below the background noise level (LA90,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: To ensure protection of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

17 Prior to the commencement of the development hereby permitted, a scheme of acoustic protection against noise from the proposed commercial unit 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 development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

18 The cafe and commercial unit (block B) shall only operate between the hours of 07:00 to 22:00 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.

19 No commercial goods shall be loaded, unloaded, stored or otherwise handled and no vehicles shall arrive or depart, within the application site outside the hours 07:00 to 19:00 Monday to Friday, 08:00 to 18:00 Saturday or at any time on Sunday or Bank Holidays.

Reason: To ensure the use does not have a detrimental impact on the residential element of the development in terms of noise and disturbance, with regard to Policy BNE2 of the Medway Local Plan 2003.

20 Prior to the first occupation of any dwelling within a phase or sub-phase a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include initiatives for promoting sustainable transport to new residents with particular emphasis on walking, bicycle use and bus travel. The Travel Plan shall be implemented prior to the first occupation of any dwelling within that phase or sub-phase.

Reason: In the interests of promoting safe and sustainable development and to accord with Policy T14 of the Medway Local Plan 2003.

21 Prior to the first use of any of the buildings, details of secure 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 prior to the first use of any of the buildings 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.

22 No development shall take place above ground floor slab level place within a phase or sub phase until details of the provision of electric vehicle charging points have been submitted to and approved in writing by the Local Planning Authority. Details shall include the location, charging type (power output and charging speed), associated infrastructure and timetable for installation. The development shall be implemented in accordance with the approved details and shall thereafter be maintained in working order.

Reason: In the interests of sustainability in accordance with paragraph 112E of National Planning Policy Framework 2021.

23 No development shall take place within a phase or sub-phase until a scheme based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

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

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

Reason: Required before commencement of the development in order to manage surface water during and post construction and for the lifetime of the development in accordance with Paragraph 168 of the National Planning Policy Framework 2021.

24 No development shall take place within a phase or sub-phase until details of a construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on site during construction (including demolition and site clearance operations) is submitted to and approved in writing by the Local Planning Authority. The CSWMP shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:

- vii. Temporary drainage systems.
- viii. Measures for managing pollution/water quality and protecting controlled water and watercourses.
- ix. Measures for managing any on or off-site flood risk associated with the development.

The CSWMP shall be implemented in accordance with the approved plan throughout the construction phase of the development within that phase or sub-phase.

Reason: Required before commencement of the development in order to manage surface water during and post construction and for the lifetime of the development in accordance with Paragraph 168 of the National Planning Policy Framework 2021.

25 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the design and access statement. The development shall not be occupied within a phase or sub-phase until a verification report prepared by a suitably qualified professional has been submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been implemented within the phase or subphase to which it relates.

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

26 Prior to the first occupation of any of the development a statement shall be submitted demonstrating how the proposal has maximised biodiversity net gain on site and achieved 10% biodiversity net gain (as a minimum) . The development shall be implemented in accordance with the approved details.

Reason: In the interests of enhancing biodiversity and to positively address concerns regarding climate change in accordance with paragraphs 154 and 179 the National Planning Policy Framework 2021.

27 Prior to the installation of any external lighting within each phase or sub-phase of the development, details of such lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include height, position, external appearance, any shielding, light intensity, colour, spillage (such as light contour or lux level plans showing the existing and proposed levels) and hours of use together with a report to demonstrate its effect on the landscaping of the site (including an overlay of the proposed lighting onto the site landscaping plans) and of how this effect has been minimised. Any external lighting shall be implemented in accordance with the approved details.

Reason: In order to limit the impact of the lighting on the Listed Buildings, the landscaping of the site, the surrounding landscape and heritage features,

nearby residents and wildlife and with regard to Policies BNE1, BNE2, BNE5, BNE12, BNE14 and BNE39 of the Medway Local Plan 2003.

28 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.

## **Proposal**

This application is a full application for the construction of 132 one and two bed apartments in three blocks along with a detached commercial building, a cafe building and associated landscaping and parking. Also proposed is the construction of a replacement river wall and the refurbishment of the crane.

The proposal is for a mixed-use scheme in 3 separate blocks, with an additional commercial/community building and small cafe. Provision is also made for a river walk, open public areas and connections to surrounding spaces. The proposal will also retain the existing slipway and grid irons and relocate the existing crane as a central feature within the public amenity space. The development provides the following:

- Block A - 76 apartments
- Block B - Commercial/Community facility (135.4m<sup>2</sup>)
- Block C - 20 apartments
- Block D - 36 apartments
- Cafe - 30m<sup>2</sup>

The previous and historic use of the site was for B2 general industrial and light industrial. This proposal changes this to C3 residential use with a small amount of commercial/community use.

The proposed scheme seeks to redevelop the site enabling a sustainable and efficient use of the previously developed site. The proposed dwellings follow a industrial, wharf/warehouse riverside style which takes its cues from the sites historic use and location on the river whilst responding sensitively to the adjacent pattern of development to ensure sight lines and vistas are maintained.

The apartment blocks are divided into two distinct building styles Block A is located adjacent to the entrance of the site, at the widest point. To the west are Blocks B, C and D which are carefully located along the riverside at the narrower section of the site.

The scheme will provide an active and developed river frontage with communal pedestrian access and areas to enjoy the river views.

### **Site Area/Density**

Site Area: 0.6 hectares (1.48 acres)

Site Density: 220 dph (89.19 dpa)

### **Relevant Planning History**

Whilst there is extensive planning history at this site, these relate to the sites use as a shipyard and storage facility and do not relate to the proposal for residential development in any way. No relevant planning history has therefore been found for this site.

The adjacent site is being developed out as part of the Rochester Riverside scheme in a partnership between Vistry, Hyde, Medway Council and Homes England. As part of that development there is a school to the West of the site and residential development immediately around it to the south. That development includes a riverside walk around Rochester Riverside which will be impacted/amended as a result of the proposed development within this application.

### **Representations**

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

Historic England, Kent police, Natural England, KCC Biodiversity, SGN, UKPN and Southern Water Services have also been consulted.

**6 letters** of representations received (including The City of Rochester Society):

- Development being built on the flood plain – where does the water go?
- Consequence of raising ground floor level is non-provision of affordable homes – this is not ok and should be provided.
- Empty sites in Strood should be prioritised over this site.
- There are too many flats already in the area.
- The infrastructure is not suitable for this number of units.
- This would be better as leisure uses, bistros, cafes, workspaces.
- Size, mass and uninspiring design is totally inappropriate in this sensitive position.
- This would have a major impact on land and riverscape – more effort should be made to preserve historic setting of buildings within Rochester.
- Development is close to the medieval city wall.
- Opening this land for public enjoyment should be priority and should incorporate green spaces.
- Development here should be lower profile and set further back from the water.
- No additional services are proposed – including doctors and dentists.

- Building heights of concern – blocking views of Rochester from the other side of the river.
- Single access point on Gas House Road serving 490 properties, 11 businesses, 1 primary school and a public car park. Access needs to be addressed before further development comes forward.
- Concern over damage to river ecology and mudflats.
- This area would be better as a park.
- Block A is too tall and needs to be lower by 2 storeys.
- Colour scheme not in keeping with the rest of Rochester Riverside.

In addition, the **Rochester Riverside Residents Association** have objected on the following grounds:

- 9 storey block seems excessively high.
- Lack of affordable housing is disappointing
- Main objection is the single access road – Blue Boar Lane and Furrells Road should be open and operational before this comes forward.

**Kent Police** have asked that applicants consult The Designing out Crime Officers to address CPTED and incorporate Secured By Design (SBD). Recommendations have been made for the layout and design of the scheme to address SBD.

**Natural England** state that this development site is within the zone of influence (ZoI) for recreational pressure impacts to one or more European Sites (habitats sites). Within this ZoI, proposals for any net increase in residential units will have a likely significant effect on the qualifying features of the European Site(s) (habitats site(s)) through increased recreational pressure when considered either alone or in combination with other plans and projects.

Medway has measures in place to manage these potential impacts through a strategic solution which Natural England considers will be effective in preventing adverse impacts on the integrity of the site(s). Provided these measures can be secured Natural England will be satisfied.

The development proposal affects the King Charles III England coastal path which should be protected and enhanced.

**SGN** have provided mapping of the mains record for the area which shows that there are no gas mains within the proposed development site. It is noted that privately owned gas pipes would not be mapped.

**Southern Water** has undertaken a desktop study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network. This initial study indicates that these additional flows may lead to an increased risk of foul flooding from the sewer network. Any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water.

Southern Water will liaise with the developer in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement. It may be possible for

some initial dwellings to connect, pending network reinforcement. Southern Water will review and advise on this following consideration of the development programme and the extent of network reinforcement required. Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored.

**UKPN** have provided mapping of the electrical lines and/or electrical plant for the area which shows that there are no lines or plant within the proposed development site.

**KCC Ecology** have stated that they have reviewed the ecological information submitted in support of this application and advise that no further information is requested from the applicant prior to determination of the planning application. Informative/condition wording is recommended as necessary.

The trading rule break in the biodiversity metric still needs to be addressed but this does not need to delay determination. *However, this issue must be addressed for works to commence lawfully.*

**Historic England** have stated that in term of scale, buildings proposed at Acorn Wharf remain taller than neighbouring buildings at Rochester Riverside.

The proposed Anchor Wharf nine storey building, while not that much greater in scale than an adjacent 8 storey building on the outline consent for Rochester Riverside, would by virtue of its mass combined with scale, clearly be a prominent feature in the Medway skyline - as demonstrated by the verified rendered views.

In the views where the cathedral and castle are not missing from the frame, it is clear their intended architectural dominance, an aspect of their significance would be challenged by the proposed development. Indeed, in places where the heritage assets are not obscured, the mass of the blocks draws attention away from their presence. Therefore, we believe there is harm to significance by virtue of the combination of Acorn Wharf's scale and massing.

In conclusion, we think the harm to highly significant heritage assets could be reduced with positive changes that break up the massing of the tallest bulkiest element and a reduction in scale.

## **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 (the NPPF) and are generally considered to conform. Where non-conformity exists, this will be highlighted and addressed in the appraisal section below. The Medway Landscape Character Assessment, 2011 (the MLCA) is also applicable.

The Emerging Local Plan has been agreed by Full Council for Reg 19 publication, consultation and, following any changes required as a result of the consultation

exercise, submission to the Inspectorate for examination. The policies within this version of the emerging plan have weight in the determination of planning (and associated) applications. However, due to the nature of this proposal, the stage of the emerging Local Plan, the existence of relevant adopted Policies in the Medway Local Plan (2003) and guidance in the NPPF it is considered that the proposal falls to be considered with regard to the adopted policies and guidance in the NPPF.

## **Planning Appraisal**

### *Background*

The application Site (also known as Acorn Shipyard) was a wharf, dating from the late 19th century. There are no designated or non-designated heritage assets within the Site boundary. However, it is within the setting of six designated heritage assets. These are:

- Rochester Castle Keep; Grade I listed building.
- Rochester Cathedral, Grade I listed building.
- Rochester Bridge, Grade II listed building.
- Parish Church of All Saints, Grade II\* listed building.
- Barn, Grade I listed building, Manor House and Oast house, grade II listed buildings.
- Rochester Conservation Area.

Heritage Gateway identifies the Site as the main base and maintenance yard for the New Medway Steam Packet Company which ran steamers from Rochester to Sheerness and Southend. The origins of The New Medway Steam Packet Company date back to the formation of the Medway Steam Packet Company in 1837, which was formed to link Chatham with Sheerness before the arrival of the railways (which arrived in Rochester along with the bridge in 1858).

Today, the Site has a long narrow footprint leading on from the northeastern end of Gas House Road and featuring a slightly curved northern edge which follows the line of the Medway which is defined and restrained by concrete screen walls. Ground level is lower on the Site than the surrounding area to the south. The Site is wider at the western end and narrows to the east. Buildings were originally clustered at the west around the entrance and a larger open area and then extended in a row of narrow ranges parallel to the river with access on either side, however, the buildings have now been demolished following a fire in 2017. A slipway is located approximately in the centre of the site with a gridiron located to the east.

### *Principle*

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

Whilst the application site is small, it is on a significant site in Medway for which the principle of development to accommodate residential is supported, especially given

the fact that the residential element of the Rochester Riverside development is coming up to the south and east of the site.

In determining whether the principle of this proposal is acceptable, it is important to assess the matter of sustainability within the planning balance giving significant weight to the benefits the proposal brings to the delivery of much needed housing to contribute towards the five-year land supply and the reuse of brownfield sites within town centre locations weighs into this.

The strategic direction of the Local Plan highlighted in Policy S1 and S2 which direct development to brownfield sites, then sustainable sites is considered applicable and relevant here, given the location and history of the site.

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.

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.

Policy S3 of the Local Plan relates to the Rochester Riverside area, including this site. It was proposed that the area would contribute approximately 1500-1800 dwellings to meeting Medway's housing requirements. Taking Rochester Riverside's 1400-unit consent, which is now nearly 50% complete with only Reserved Matters outstanding for Phase 6, the inclusion of this site in its current form would bring the achieved figure of this area to 1532.

The Draft Reg 19 Local Plan spatial strategy prioritises regeneration making the best use of previously developed land and directing investment to urban waterfront and centre opportunity areas. The completion of Rochester Riverside forms an important component of the wider waterfront regeneration programme. Acorn Shipyard is included as a site allocation in Policy SA12.

The principle of development is therefore accepted.

#### *Site and surroundings*

The site is located on the former Acorn Wharf which sits on the River Medway separated from the main urban area of Rochester by the A2 and railway line.

Current access into the site is via Gas House Road which runs under the railway line from Corporation Street (A2). There is convenient pedestrian access to Rochester Station (8min walk) and Rochester High Street (7min walk).

The site is surrounded by the ongoing development of the wider Rochester Riverside Development and abuts phase 6 of the development which is yet to be brought forward.

Currently the site sits vacant, fenced off from any public access and disconnected from the wider river and urban area because of the removal of the original Gas House Road and the ongoing development of the riverside as a whole. The site is largely flat with the concrete floor slabs of the former wharf buildings visible alongside the river wall, slipway, grid irons and crane which remain in situ.

To the west of the site is Rochester Riverside Primary School which is now operational. There is a looped road that runs up to the site currently used for school drop offs and collections. There is a gated access road directly into the site from this point. The southern boundary overlooks Phase 6 of the ongoing Riverside development which is yet to be realised. Currently it has been assumed by the applicants that this boundary will overlook rows of 3/4 storey housing.

### *Design and Appearance*

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 BNE4 of the Local Plan supports the planting of new trees, hedges and hedgerows. Paragraphs 131 and 135 of the NPPF also emphasise the importance of good design.

There are to be three main blocks within this development. Block A is the tallest of these standing at 9 storey and is located at the widest point on the site and adjacent to where previous masterplan proposals for the wider riverside site indicated the potential for taller buildings. Blocks C and D are 5 storey and 6 storeys respectively and are commensurate with heights seen in the current riverside development.

The pavilion style Cafe and Block B are much smaller in stature being only single and double storey, a scale which corresponds to their use within the public open space at the top of the slipway.

### Block A

This 9-storey building is to be broken down by use of materials and takes on the appearance of a modern-day wharf building. Stonework features at ground and first floor, mimicking the Kentish Ragstone that can be seen in the area (including the castle and wall defences within Rochester). Stone bands are featured at 5<sup>th</sup> and 7<sup>th</sup> floor levels, providing horizontal linearity with an art deco lido reference. The two upper floors (8 and 9) are to be set back and are to be glazed curtain wall effect with dark grey metalwork. Not only does this serve to break down the height of the building but also to give a nautical feel to the design.

The balconies for this building are to be cable stay design, made to look industrial and therefore fitting with the history of the site.

Overall, this building is designed to stand its own ground and to be considered separately from the other buildings on the site.

### Blocks C and D

These two residential blocks are to have a more contemporary view of industrial built form. These respond to the narrow nature of the site and are staggered in height to allow for a better visual continuity with the adjacent Rochester Riverside

development which goes up to 6-7 storeys in places across the current approved phases of the site.

The materials proposed for these blocks is more industrial in nature and the design is quite linear to mimic a more contemporary industrial design, taking cues from the original naval architecture that may have featured on site originally. This includes corrugated cladding and window styles that would have been fitting for industrial buildings of a different period in time. It also uses changes in materials across the ground and top floors to ensure that the scale of the buildings can be interpreted with minimal bulk and that the linear nature of the buildings is emphasised. Again, these buildings are shown to have cantilevered bays with cable stay balconies to provide the private amenity space for these units.

The narrowness of these buildings has restricted the design in some aspects, However these units still achieve dual aspects as they are accessed from a shared walkway to the entrance doors allowing for windows for non-habitable spaces (mainly) to achieve natural light.

Whilst the linear nature of these buildings is considered maybe a little excessive, especially when compared to some of the residential blocks within the Rochester Riverside development, it is not considered that they are unacceptable and will still appear to respect the history of the site whilst achieving a contemporary feel. There are still separations between the buildings which will allow for glimpses through and the area between blocks A and C is larger still, allowing for circulation.

### Café and Block B

The café and Block B are substantially smaller buildings which are to be 1 or 2 storey structures. In terms of floor area, Block B provides approx. 64m<sup>2</sup> of commercial space at ground floor with an additional 32m<sup>2</sup> at first floor level and a 23m<sup>2</sup> terrace. The cafe has a gross internal floor area of 30m<sup>2</sup> which includes the servery, store, WC and cold store.

In design terms these buildings are to be simplistic and modern with both green walls and a green roof incorporated to ensure that biodiversity net gain can be maximised over the wider site.

These smaller buildings are to be located between blocks A and C and within the most open aspect of the development which will include the wildflower grasslands and the refurbished crane. These buildings are aimed to provide a hub which can be used by not just the community to be built as a result of this development but by Rochester Riverside and the wider Rochester area.

### *Amenity*

Policy BNE2 of the Local Plan relates to the protection of the amenities of future occupiers of the development and of neighbours in terms of privacy, daylight, sunlight, noise, vibration, heat, smell, airborne emissions. Paragraph 135 of the NPPF requires that development functions well over its lifetime and provides a high standard of amenity for existing and future users.

There are two main amenity considerations, firstly the impact of the proposed development on existing neighbours and secondly the living conditions which would be created for potential occupants of the residential part of the development itself.

### Neighbouring amenity

In terms of neighbouring amenity, the main residents that need to be considered do not yet exist as they will be the future residents of Rochester Riverside, phase 6. The proposal here has tried to take account of the development as best as possible, however Phase 6 is not yet in the design stages, and it is therefore difficult to understand the form this neighbouring development may take. That being said, the applicants have looked at the original master planning for the Rochester Riverside development, along with the existing and approved phases and have designed a scheme that in terms of bulk and scale could be considered comparable to these other phases.

The applicants have stated that they are engaging with the developers of Rochester Riverside to ensure that the schemes integrate with each other so that the development works in a holistic way when looking at the whole of Rochester Riverside.

Taking the design, scale and massing of the proposal into account along with the location of the buildings and their proximity to the boundary with Rochester Riverside it can be best assumed at this stage that the impact on any future residents coming forward will be suitably accounted for and these proposals will not have a detrimental impact on the adjacent scheme coming forward.

### Future Occupants Amenity

The proposed units within this development have all been assessed in terms of the internal space that is being provided and the accessibility to amenity space. In relation to flat sizes, each of the units is compliant with National Housing Standards both in terms of overall unit size and bedroom provision size (see below).

#### **Block A – 76 apartments**

Block A has a mix of 1bed/2 person (40 units), 2 bed/3 person (28 units) and 2 bed/4 person (8 units).

#### **Block C – 16 apartments**

Block C has a mix of 1bed/2 person (10 units) and 2bed/4 person (6 Units).

#### **Block D – 36 apartments**

Block D has a mix of 1bed/2 person (12 units), 2 bed/3 person (16 units) and 2 bed/4 person (8 units).

Each of the above blocks provide units that not only meet the minimum requirements in space standards but also the bedrooms within each of these units meets the requirements for either single or double rooms. This means:

- 1 bed 2 person = minimum 50m<sup>2</sup>
- 2 bed 3 person = minimum 61m<sup>2</sup>
- 2 bed 4 person = minimum 70m<sup>2</sup>

And each of the bedrooms – double is a minimum of 11.5m<sup>2</sup> and singles are a minimum of 7.5m<sup>2</sup>.

All units are shown to have balconies or terraces of a minimum of 5m<sup>2</sup>

A storage cupboard of 1.5m<sup>2</sup> is provided for 2 person dwellings (in addition to that provided in bedrooms). For each additional occupant a minimum of 0.5m<sup>2</sup> should be provided.

A minimum floor to ceiling height of 2.4m is required in all habitable rooms (finished floor level to finished ceiling level).

An area of glazing equivalent to 20% of internal floor area is required for all habitable rooms.

Taking the above into account, the Council are satisfied that the amenity of both the future neighbouring and future occupants of this site have been considered and that the proposal is therefore acceptable in terms of amenity in compliance with Policy BNE2 and paragraph 135 of the NPPF.

#### *Heritage Impact*

The application Site (also known as Acorn Shipyard) was a wharf dating from the late 19th century. There are no designated or non-designated heritage assets within the Site boundary. However, as previously stated, it is within the setting of six designated heritage assets. These are:

- Rochester Castle Keep, Grade I listed building;
- Rochester Cathedral, Grade I listed building;
- Rochester Bridge, Grade II listed building;
- Parish Church of All Saints, Grade II\* listed building;
- Barn, Grade I listed building, Manor House and Oast house, grade II listed buildings;
- Rochester Conservation Area.

It is acknowledged and understood that there is going to be an impact on the closest of the heritage assets, being the Cathedral and Castle, however it is also acknowledged that this impact has to be looked at taking account of the Rochester Riverside development and the fact that there are still phases 4, 5 and 6 to be built out on this peninsula.

As part of the Rochester Riverside development Historic England were consulted and agreed that the development was acceptable, albeit recognising that there is a level of harm in relation to the views of the Cathedral and Castle. This level of impact has to be regarded when assessing this application also.

The proposed Anchor Wharf nine storey building, while not that much greater in scale than an adjacent 8 storey building on the outline consent for Rochester Riverside, would by virtue of its mass combined with scale, clearly be a prominent feature in the Medway skyline- as demonstrated by the verified rendered views.

A Townscape and Visual Appraisal has been submitted by the applicants as part of the supporting documents, providing key viewpoints and CGI imagery. In the views where the Cathedral and Castle are not missing from the frame, it is clear their intended architectural dominance, an aspect of their significance, would be challenged by the proposed development. Indeed, in places where the heritage assets are not obscured, the mass of the blocks draws attention away from their presence. Therefore, Historic England believe there is harm to significance by virtue of the combination of Acorn Wharf's scale and massing.

Despite this however there is acknowledgement from Historic England that harm is less than significant when placing this into context with its surroundings. Whilst advice from Historic England concludes that harm could be reduced with a reduction in scale and bulk to the development, this cannot be secured without impacting on the viability of the proposal and making it undeliverable.

When viewing the Castle and Cathedral from across the river the Townscape and Visual Appraisal confirms that the loss of view to these heritage assets is very limited and whilst the request for a reduction in bulk is understood, the heritage harm is considered to be on balance acceptable and compliant with paragraphs 202, 207, 208 and 215 of the NPPF in that the public benefits in delivering residential development, public open space, enhanced riverside walk and adding to the riverside regeneration of these previously developed riverside sites in alignment with the spatial strategy of the reg 19 Draft Plan, outweigh the less than substantial harm of the impact on heritage.

#### *Landscaping and Ecology*

Due to the general constraints on site, it is considered that the landscaping opportunities on this site are limited. This is not to say that landscaping opportunities do not exist, as they do, but they are limited in what they can be.

The results of the numerous biodiversity habitat surveys have been used to inform the initial landscape proposals which have been designed to provide an uplift in biodiversity in the limited area available for soft landscape provision.

The landscape layout shows how the landscaping scheme will be used to provide an on-site uplift in biodiversity while still providing softening and aesthetic enhancement to the built scheme. The landscape design delivers:

- 612m<sup>2</sup> new perennial and annual planting - mainly located around the main building blocks
- 85m<sup>2</sup> new native wildflower grassland – located toward the water's edge, by the café and community building
- 44 new trees – situated near the access to the site and also east of Block A

- 1327m<sup>2</sup> new biodiverse green roof – to be located on all blocks (residential and mixed use)
- Total biodiversity net gain of 16.32%

The café and community building are only 1 and 2 storey structures. As a result, it is possible to maximise green opportunities with the use of green walls alongside timber cladding – this will help to extend the green visuals whilst also providing a non-conventional green space. Details of this green wall will be secured via the recommended conditions to ensure that they are constructed and planted in such a way that they succeed. This also applies to all proposed trees and the green roofs.

In conclusion however, the recommended conditions will ensure that the landscaping and green walls are carried out to an agreed specification as well as achieving a BNG minimum of 10%. This is therefore considered compliant with paragraphs 162 and 187 of the NPPF.

#### *Flood and Drainage*

Flooding from any source has the potential to disrupt lives, communities and businesses. This risk is exacerbated when flood events occur suddenly with little or no warning.

It is generally agreed that climate change is resulting in more extremes of weather and rising sea levels. This means that the risk of flooding will increase throughout the lifespan of the development.

A raised podium upper ground floor level will be provided across the development as part of flood mitigation measures. The existing site level will be utilised for car parking and plant rooms as part of a mechanically ventilated lower ground floor level within Blocks A, C and D. Residential dwellings will then be provided with each of these blocks from the upper ground floor level and above. The commercial unit known as Block B will not extend to existing ground floor level and therefore the ground floor will be provided at the new podium (upper ground floor) level.

It is normal for the Environment Agency to require a 16 m development free buffer zone adjacent to tidally affected water bodies. This is primarily to provide adequate maintenance space. Due to the narrow nature of the site and the reduction in developable area this would result in, discussions with the Environment Agency are needed where this distance may need to be reduced. This could be achieved where maintenance considerations are fully taken into account with the design and ongoing maintenance of the development. Due to the fact that there are ongoing discussions that deal with this matter it is considered that an appropriate condition dealing with this prior to the commencement of development is suitable.

It is recommended any new sewer connection at the site should be agreed with the local sewer provider to ensure there is capacity in the network (to ensure no increased risk). As the property could potentially be at risk from surface and fluvial flooding it is recommended non return valves are installed on the drainage connections from the property to reduce the risk of backflow into the property.

## *Highways*

Access for this site is a matter that at this current stage is not straight forward. This is due to the fact that the adjacent land has not come forward for development yet. It will be coming forward as a revised application, following the decision on this application, as Phase 6 of the Rochester Riverside development progresses however until such time as it does, the scheme will be looking at utilising the existing Gas House Road entrance to the site to avoid using the loop road that currently serves the site and the school drop off.

## Parking provision

Parking for the development is principally located within the lower ground floor. The scheme provides a total of 128 parking spaces across the whole development which are broken down as follows:

- 101 residents' spaces (14 available for disabled access)
- 22 visitor spaces
- 2 unallocated disabled spaces
- 3 car club spaces

The applicant proposes 101 parking spaces for residents, 14 visitors spaces and 13 flexible spaces at ground floor (including three car club spaces). This is below Medway's Interim Parking Standards which would require a minimum of 158 resident parking spaces. However suitable analysis has been provided in line with the standards which note 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'. 100% of spaces should be provided for active EV charging to comply with Building Regulations Approved Document S.

The reduced provision is considered acceptable given 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 provision of a car club will mean that all residents will have access to a car should they need one.

Cycle storage is included within several small, secure, cycle stores which relate to each block providing a total of 132 cycle spaces, in line with the LPA parking standards. Further information is required in relation to the details of this provision and an appropriate condition is recommended,

An additional 8 motorcycle spaces have also been included which whilst not required offers users flexibility in their choice of transport.

## Servicing Strategy

The applicant is required to submit details of the servicing strategy for the site having regard to the recommendations set out in Manual for Streets (2007). This should clarify the route by which servicing and refuse vehicles are expected to leave the site (the current vehicle tracking does not show the vehicle leaving the site). The

applicant should also indicate the provision of loading bays for deliveries in line with forecast volumes for a development of this size. An appropriate condition is recommended.

### Transport Statement

A TRICS analysis has been provided. An appropriate condition is recommended for further information regarding impact on Gas House Road including clarity on deliveries.

### Travel Plan

A travel plan has been provided and an appropriate condition is recommended to secure delivery and compliance.

Overall, it is considered that parking provision, EVCPs and cycle storage will all be provided to accord with need and policy. It is considered that given the extremely sustainable location of this development within the Rochester location that the provision of parking and cycle facilities is more than adequate and in terms of access, parking and cycle storage, the proposal is considered to be compliant with Policies T1, T2, T3 and T4 and paragraphs 109, 115 and 118 of the NPPF.

### *Contamination*

The application area itself comprises the historic shipyard area known as Acorn Wharf which dates back to the 19th century and a portion of Gas House Road. The site has been vacant for a number of years and all of the buildings have been removed following several instances of arson. The site is fenced off, with no public access, and disconnected from the wider river and urban area as a result of the removal of the original Gas House Road and the ongoing development of the riverside as a whole.

The site continues to be a focus for break-ins and antisocial behaviour which is evidenced by discarded needles, gas canisters and the remains of fires which have been started and left to burn out. There has been a significant fly tipping issue on the site with oil being dumped and spilt on the road and pavements at the site entrance which incurs continued cost to the Council and taxpayer. Fencing has to be continuously repaired, and the last CCTV camera was vandalised and thrown away.

As a result of the above history, it would be apparent that contamination of some sort is to be expected on site.

The submitted Phase 1 Desk Study by Lustre Consulting Limited dated June 2024 is in line with current guidance and recommends a phase 2 intrusive site investigation due to the potential for contamination on the site, and from surrounding areas, from previous industrial use. A land contamination condition is accordingly recommended.

Subject to these conditions, the proposal is acceptable in terms of Policy BNE23 of the Local Plan.

## *Noise*

There are a variety of noise considerations associated with the proposals:

- Noise from adjacent permitted school development (picked up on survey)
- Noise from river vessels
- Road traffic noise (picked up on survey)
- Railway noise (picked up on survey)
- Noise from commercial/industrial uses on Medway City Estate (including nearby ship delivery terminals/wharfs).
- Noise (and odour) from the new café
- Noise from the proposed commercial unit
- Undesirable internal layouts (e.g. bedrooms next to living/kitchen/dining rooms).
- Construction noise/vibration

The noise assessment indicates that based upon the noise survey results internal guideline noise levels can be achieved with standard thermal double glazing and trickle vents.

The noise contours show that external noise levels in amenity spaces should also meet the guidelines.

Despite this, conditions are recommended regarding noise to ensure compliance with standards to provide acceptable amenity for prospective residents.

It is also recommended that the hours of use of the café and commercial unit are suitably restricted by condition to protect residential amenity.

Subject to these conditions the proposal is acceptable with regard to Policies BNE2 and BNE3 of the Local Plan.

## *Air quality*

The air quality assessment predicts that the development will have a negligible impact upon local air quality and the Council are in agreement with this conclusion.

However, the assessment has failed to undertake an emissions mitigation assessment, which is required as this forms the basis of a condition to offset the development related transport emissions. This needs to be included in the air quality assessment, or in an addendum. This is dealt with via the recommended condition. The emissions mitigation assessment should follow the requirements of the Medway Air Quality Planning Guidance and would therefore comply with Policy BNE24 of the Local Plan.

## *Climate Change*

A Sustainability and Energy Statement has been prepared in support of this planning application.

The Statement includes an energy demand assessment showing how selected energy efficiency, low-carbon and renewable energy measures have been considered and those, which have been incorporated into the development. This includes:

- Passive Solar Gain
- Natural Daylighting
- Reducing Air Leakage
- Thermal Bridging
- Ventilation
- Efficient Lighting and Controls
- Low-Carbon and Renewable Technologies (Be Clean and Be Green)
- Combined Heat and Power and Community Heating
- Ground Source Heat Pumps
- Solar Water Heating
- Photovoltaics
- Air Source Heat Pumps

Planning policy does not set specific targets for the reduction of emissions either from energy efficiency measures or the installation of renewable technologies, but the applicant is keen to develop a sustainable and energy efficient scheme and the standards proposed and systems to be installed will ensure the development reduce emissions significantly.

SAP calculations have been prepared using Part L (2021) for representative apartments, which are based upon the construction specification set out within the report and the detailed planning drawings.

BRUKL calculations prepared for similar units to the non-residential accommodation have been used to provide an accurate assessment of the emissions from this element of the site.

The water efficiency measures incorporated within the apartments will ensure the water use is less than 110 litres per person per day and achieves the enhanced standard required by the Building Regulations.

As is displayed from the information detailed above, sustainability, energy efficiencies and climate change are considered within this proposal. It is therefore believed that the submitted report demonstrates compliance with the Medway planning policies identified, and that the site has been designed to be resilient to the changing climate.

A condition is recommended to ensure that the mitigation measures set out within the submitted report are incorporated and a verification report will be required prior to the occupation of each of the blocks.

#### *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 £328.77 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. The strategic measures are in the process of being developed but are likely to be in accordance with 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. The interim tariff stated above should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation), in anticipation of:

- An administrative body being identified to manage the strategic tariff collected by the local authorities.
- A memorandum of understanding or legal agreement between the local authorities and administrative body to underpin the strategic approach.
- Ensure that a delivery mechanism for the agreed SAMM measures is secured and the SAMM strategy is being implemented from the first occupation of the dwellings, proportionate to the level of the housing development.

With 132 residential units proposed, the contribution for mitigation would be £43,397.64.

The applicant has agreed to meet this payment and therefore address the requirements of Natural England regarding impact on the SPA/RAMSAR sites.

S106

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.

Based on a net increase of 132 flats, the following contributions would generally be sought in accordance with Medway Council's Developer Contributions Guide 2019:

i) NON-FINANCIAL

- Min 25 % affordable homes
  - 60% affordable rent
  - 40% shared ownership

ii) A financial contribution of £888,917.83 in total to be provisionally split in the following ways:

- £50,237.88 toward interpretation and visitor facilities at Rochester Castle

- £30,536.88 toward provision, improvement and promotion of waste and recycling services to cover the impact of development
- £29,142.96 toward improving equipment and facilities at Rochester Library and/or Strood Library.
- £42,964.68 toward improvements to the hydrotherapy pool (such as hoists) for disability access at Strood Sports Centre.
- £32,340.00 toward public realm improvements to the town centre gateways and Rochester High Street (including the historic and Intra sections).
- £450,246.72 to enhance open space facilities within the vicinity of the development including Esplanade Gardens, Castle Gardens, The Vines and/or Churchfields = £427,734.38 and;
- Medway's Metropolitan park - Great Lines Heritage Park = £22,512.34 (calculated at 5% of total above)
- £111,588.84 toward the creation of additional capacity in Primary Care premises required as a result of the increase in housing and resulting patient registrations.
- £98,462.23 toward education to be broken down :
  - Nursery: £26,143.76
  - Primary: £13,445.39 (£78,431.43 x 6 full year groups out of 35)
  - Secondary: £58,873.09
  - Sixth Form: £0.00 (£19,630.21 x 0 full year groups out of 14)
- £43,397.64 toward Habitats Regulations (mitigation for Wintering Birds - £328.77 per unit x 132 units)

### Viability Assessment

In accordance with paragraph 59 of the NPPF, a viability assessment has been submitted on the basis that a viable development cannot be delivered which includes affordable homes and any S106 contributions (other than the SAMMS payments).

The viability assessment has been independently assessed on behalf of the LPA by Pathfinder who concluded that a viable scheme is one which contains the provision of no affordable housing and no commuted sum payments. The applicant has agreed to pay the SAMM's mitigation contribution of £43,397.64 and this would be secured by a section 106 agreement.

The inclusion of affordable housing on site is likely to require at least one of the 8 blocks shown on the indicative master plan. Values are expected to be no more than 50% of market value for affordable rented homes and 70% for shared ownership, thus severely effecting viability and therefore deliverability of the scheme.

The applicant has, though, agreed to clauses within the s106 agreement for a late-stage review at say 90% of completions to enable an overage/capture of 50% of any profit in excess of what the viability assumes.

The proposal therefore complies with Policies S6 and BNE35 of the Local Plan and paragraphs 59, 193 and 194 of the NPPF.

### **Conclusions and Reasons for Approval**

The application site is an important development site in Medway in terms of its sustainable location on a town centre brownfield site for which the principle of residential development to accommodate 132no. units of accommodation is acceptable.

The proposed development has a modern, contemporary design with an industrial twist, which is sympathetic to the character and appearance of the surrounding area in which it is set, including taking into account the adjacent Rochester Riverside development and the proximity to the Grade I Listed Rochester Cathedral and Castle. It is considered that the scale, design and bulk of the development will be acceptable in their proposed location.

The proposed development would also not have a detrimental impact on archaeology, contamination, flood risk and surface water management, air quality, noise or highways safety, subject to the compliance with conditions proposed on this application. It is also considered that the proposal will support and enhance local services and facilities.

Overall, the proposal is considered to be in accordance with 11, 39, 61, 73, 90(f), 109, 115, 118, 124, 125(c), 129, 131, 135, 162, 187, 188, 202, 207, 208 and 215 of the NPPF 2024 and Policies S1, S2, S3, BNE1, BNE2, BNE4, H4, T1, T2, T3 and T4 of the Medway Local Plan 2003.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the number of representations received expressing a view contrary to officer's recommendation.

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### **Background Papers**

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

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