

MC/25/0241

Date Received: 7 February 2025
Location: Land At 320-346 High Street Rochester
Medway ME1 1BT
Proposal: Demolition of existing buildings and structures retaining 340 and 346 Rochester High Street and construction of twenty-eight residential dwellings together with the provision of vehicular access, cycle and pedestrian access, public open space, sustainable drainage systems, landscaping, infrastructure, earthworks and all other associated works
Applicant Agent: Parklake Estates Limited
DHA
Mr Seth Tyler Eclipse House
Eclipse Park
Sittingbourne Road
Maidstone
ME14 3EN
Ward: Fort Pitt
Case Officer: Chantelle Farrant-Smith
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 11 February 2026.

Recommendation - Approval subject to:

A. A S106 being entered into to secure:

- (i) A contribution of £9,449.72. towards bird mitigation
- (ii) Amendments to the CPZ in relation to 3 parking spaces
- (iii) A Clawback clause in relation to viability

B. The imposition of 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 7 February 2025:

Landscape Proposal - General Arrangement Plan

RHS-BPTW-S01-ZZ-DR-A-0001 REV C01 - Location Plan

RHS-BPTW-S01-00-DR-A-0100 REV C01 - Site Layout Ground Floor

RHS-BPTW-S01-04-DR-A-0104 REV C01 - Site Layout Roof Plan

RHS-BPTW-T01-ZZ-DR-A-1010 REV C01 - Terrace 01 Floor Plans (Sheet1)

RHS-BPTW-T01-ZZ-DR-A-1011 REV C01 - Terrace 01 Floor Plans (Sheet2)

RHS-BPTW-T01-ZZ-DR-A-2001 REV C01- Terrace 01 Elevations

RHS-BPTW-T01-ZZ-DR-A-2201 REV C01- Terrace 01 AA

RHS-BPTW-T01-ZZ-DR-A-2202 REV C01 - Terrace 01 BB

RHS-BPTW-T01-ZZ-DR-A-2203 REV C01 - Terrace 01 CC

RHS-BPTW-T02-ZZ-DR-A-1012 REV C01 - Terrace 02 Floor Plans

RHS-BPTW-T02-ZZ-DR-A-2002 REV C01 - Terrace 02 Elevations

RHS-BPTW-T02-ZZ-DR-A-2204 REV C01 - Terrace 02 AA

RHS-BPTW-T02-ZZ-DR-A-2205 REV C01 - Terrace 02 BB

RHS-BPTW-T03-ZZ-DR-A-1013 REV C01 - Terrace 03 Floor Plans

RHS-BPTW-T03-ZZ-DR-A-2003 REV C01 - Terrace 03 Elevations

RHS-BPTW-T03-ZZ-DR-A-2206 REV C01 - Terrace 03 AA

RHS-BPTW-T04-ZZ-DR-A-1014 REV C01 - Terrace 04 Floor Plans

RHS-BPTW-T04-ZZ-DR-A-2004 REV C01 - Terrace 04 Elevations

RHS-BPTW-T04-ZZ-DS-A-2207 REV C01 - Terrace 04 AA

RHS-BPTW-T05-ZZ-DR-A-1015 REV C01 - Terrace 05 Floor Plans

RHS-BPTW-T05-ZZ-DR-A-2005 REV C01- Terrace 05 Elevations

RHS-BPTW-T05-ZZ-DR-A-2208 REV C01 - Terrace 05 AA

RHS-BPTW-T06-ZZ-DR-A-1016 REV C01 - Terrace 06 Floor Plans

RHS-BPTW-T06-ZZ-DR-A-2006 REV C01 - Terrace 06 Elevations

RHS-BPTW-T06-ZZ-DR-A-2209 REV C01 - Terrace 06 AA

RHS-BPTW-T06-ZZ-DR-A-2210-REV C01 - Terrace 06 BB

Received 12 February 2025:

0006-ROC-ELM-00-L01 REV P5 - GA Plan

0006-ROC-ELM-00-L02 REV P4 - Hardscape Plan

0006-ROC-ELM-00-L03 REV P4 - Planting Plan

RHS-BPTW-S01-ZZ-DR-A-2221-C01-A3 - Street Elevations Sheet 1

RHS-BPTW-S01-ZZ-DR-A-2222-C01-A3 - Street Elevations Sheet 2

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 No dwelling and/or building shall be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before any dwelling and/or building is occupied and shall thereafter be retained.

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

- 5 Prior to the first occupation of the development herein approved, full details of a hard and soft landscape scheme should be submitted to and approved in writing by the Local Planning Authority containing the following:
- i. Plans and information providing details of existing and proposed finished ground levels, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, all paving and external hard surfacing, lighting, and services (including drainage), tree grilles, minor artefacts, and structures (e.g., seating, refuse receptacles and raised planters). Soft landscape works, including details of planting plans, tree positions, planting build ups, written specifications (including cultivation and other operations associated with grass, tree and planting establishment, aftercare, and maintenance); schedules of plants, noting species, plant sizes, root treatments and proposed numbers/densities where appropriate.
 - ii. Details for the design and specification of tree planting to enable healthy establishment at maturity. Information should provide details for the planting environment (including within hard and soft landscape, and raised planters), calculated soil volume, tree support and tie specification, guards and grilles, aeration and irrigation systems, soil build-up information (avoiding the use of tree sand), tree cell systems (to street tree planting environments).
 - iii. A timetable for implementation.

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

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

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

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

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

- 7 Prior to the installation of any external lighting on the site, details of such lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include height, position, external appearance, any shielding, light intensity, colour, spillage (such as light contour or lux level plans showing the existing and proposed levels) and hours of use together with a report to demonstrate its effect on views of the site from nearby heritage assets including Fort Amherst and Fort Pitt, surrounding Conservation Area, nearby residential properties and bats (including reference to the recommendations of the Bat Conservation Trust) 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 surrounding landscape, conservation area and heritage assets, nearby residents and wildlife and with regard to Policies BNE1, BNE2, BNE5, BNE12, BNE14, BNE18 and BNE39 of the Medway Local Plan 2003.

- 8 No development shall take place until details of earthworks have been submitted to and approved in writing by the Local Planning Authority. Details shall include the proposed grading, mounding and ground stabilisation of land areas including the levels and contours to be formed, showing the relationship of proposed grading and mounding with existing vegetation and surrounding landform. The development shall thereafter be implemented in accordance with the approved details.

Reason: Required prior to commencement of development to ensure that the appearance of the development is satisfactory and without prejudice to

conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 9 No development shall take place until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of working, parking of operatives vehicles, deliveries to the site, noise, dust and lighting arising from the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The construction works shall be undertaken in accordance with this approved plan.

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

- 10 No part of the development shall be occupied until a Car Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Parking Management Plan shall contain details of how the parking spaces within the development are to be provided, managed and preserved for use by future residents and their visitors. The Parking Management Plan shall be implemented in accordance with the approved details prior to the first occupation of the development and shall thereafter be retained.

Reason: to ensure satisfactory off-street parking in accordance with Policy T13 of the Medway Local Plan 2003

- 11 The residential units herein approved shall not be occupied until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

- 12 No residential units herein approved shall be occupied until details of cycle and refuse storage facilities have been submitted to and approved in writing by the Local Planning Authority. The cycle and refuse storage facilities shall be implemented in accordance with the approved details prior to any dwelling

herein approved being occupied and hereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown for cycle and refuse storage facilities.

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

- 13 No development shall take place above ground floor slab level 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.

Reason: In the interests of sustainability in accordance with paragraph 117E of National Planning Policy Framework 2024.

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

The scheme shall include (where applicable):

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

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

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 168 of NPPF.

- 16 Prior to occupation (or within an agreed implementation schedule) a signed verification report carried out by a qualified drainage engineer (or equivalent) must be submitted to and approved by the Local Planning Authority to confirm that the agreed surface water system has been constructed as per the agreed

scheme and plans. The report shall include details and locations of critical drainage infrastructure (such as inlets, outlets and control structures) including as built drawings, and an operation and maintenance manual for the unadopted parts of the scheme as constructed.

Reason: This condition is sought in accordance with paragraph 168 of the NPPF to ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere.

- 17 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 commence until conditions 18 to 20 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 21 has been complied with in relation to that contamination.

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

- 18 An intrusive site investigation, in addition to any assessment provided with the planning application, must be 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. 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.

- 19 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 must be prepared and submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. 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.

- 20 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. 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.

- 21 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 18, and where remediation is necessary a remediation scheme must

be prepared in accordance with the requirements of condition 19, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition 19 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 20.

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.

- 22 Prior to the commencement of the development hereby permitted, a scheme of acoustic protection against transport noise 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 (LAm_{ax}) of no more than 45dB(A) with windows closed. Where the internal noise levels will be exceeded with windows open, the scheme shall incorporate appropriate acoustically screened mechanical ventilation. 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 protect the residential amenities of residents in compliance with Policy BNE2 of the Medway Local Plan 2003

- 23 Prior to the commencement of the development hereby permitted, an acoustic assessment shall be undertaken to determine the impact of noise from adjoining 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 protect the residential amenities of residents in compliance with Policy BNE2 of the Medway Local Plan 2003.

- 24 Prior to the commencement of the development hereby permitted, an acoustic assessment of mechanical plant shall be undertaken to determine the impact of noise arising from the mechanical plant. The noise rating level (L_{Ar,Tr}) of mechanical plant shall be at least 10dB below the background noise level (L_{A90,T}) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014. The results of the assessment and details of any mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is first occupied and thereafter be maintained in accordance with the approved details.

Reason: To protect the residential amenities of residents in compliance with Policy BNE2 of the Medway Local Plan 2003.

- 25 No development shall take place until the implementation of a programme of archaeological work has been secured in accordance with a written specification and timetable which has first 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.

- 26 No development shall take place until the implementation of a programme of building recording has been secured in accordance with a written specification and timetable which has first been submitted to and approved in writing by the Local Planning Authority

Reason: To ensure that historic building features are properly examined and recorded.

- 27 Prior to first occupation of the development hereby permitted details of on-site heritage interpretation shall be submitted to and approved in writing by the Local Planning Authority. The submission shall include the location, design, dimensions and materials of the proposed on-site interpretation works. The approved details shall be implemented in full prior to first occupation and maintained thereafter.

Reason: To ensure a positive contribution to local character and distinctiveness and to enhance understanding of the site's heritage significance.

- 28 The development shall only be implemented in accordance with the Energy Statement, Climate Change Statement and Renewable Energy Statement

received 7 February 2025. Details of renewable energy improvements and energy generation and distribution systems shall be submitted to, and approved in writing by, the Local Planning Authority. The renewable energy improvements and energy generation and distribution system, pursuant to this condition, shall be implemented in full accordance with the approved details prior to the occupation of any dwelling and shall thereafter be retained and maintained in accordance with the approved details.

Reason: In the interests of energy efficiency and climate change in accordance with paragraph 164 of the National Planning Policy Framework.

- 29 No development shall take place (including any ground works, site, or vegetation clearance), until the Landscape Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority addressing:
- o Creation of habitats in accordance with the recommendations of the Ecological Assessment; Bakerwell; February 2025.
 - o Management of onsite habitats to achieve biodiversity net gain in accordance with the Ecological Assessment; Bakerwell; February 2025.
 - o Biodiversity enhancement measures, including building-integrated bat bricks, integrated bird bricks and bird nest boxes in accordance with the Ecological Assessment; Bakerwell; February 2025.

The LEMP will include the following:

- a) Purpose and conservation objectives for the proposed ecological design works.
- b) Detailed design(s) to achieve stated objectives.
- c) Extent and location/area of proposed works on appropriate scale maps and plans.
- d) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- e) Timetable for implementation, including the planting of any hedgerows prior to first use of the development.
- f) Persons responsible for implementing the works.
- g) Details of initial aftercare.
- h) Aims and objectives of management.
- i) Prescriptions for management actions.

- j) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)
- k) Habitat monitoring provisions.
- l) Details of the individual, body or organisation(s) responsible for implementation of the plan.

The LEMP shall be implemented in accordance with the approved details, and all features shall be retained in that manner thereafter.

Reason: To ensure the development delivers the required biodiversity net gain on site.

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

Proposal

The proposal site is located between New Road and Rochester High Street with the River Medway positioned in close proximity to the north. The site sits between the Historic Town of Rochester and Chatham Town Centre and is within the Chatham Intra High Street Heritage Action Zone.

The proposal site currently comprises of buildings serving retail units with residential above, offices, hot food takeaways, religious use, car sales and courtyard and light industrial. However historically the site was occupied as a print works.

The site generally comprises of a large parking/courtyard area which serves the car sales, and the surrounding buildings are predominantly three storeys in height. The wider area comprises of larger dense development including the St Bartholomew's Development to the southeast of the site and recent developments to the north within Doust Way and Rochester Riverside, some of which are 4 storeys in height.

The site itself is subject to a steep level change rising from 7m along its northern boundary to 22m to at the south of the site.

There is also a railway line which runs adjacent to the southern boundary of the site before entering a tunnel under the south-east corner of the site.

The proposal seeks to demolish a number of units within the proposal site but seeks to retain no 340 and 346 of which have been highlighted as units that positively contribute to the conservation area and retained heritage value due to the quality and character of the buildings.

The demolition of the existing buildings as listed above would allow for the construction of 28 dwellings which are organised as blocks of terraces.

Terrace 01: A mix of 2x 5-bedroom and 7x 3-bedroom within a three-storey terrace. The 3-bedroom dwellings would be arranged internally as entrance hall, W/C and open plan kitchen/living/dining area at ground level, living room and 1 bedroom served by ensuite at first floor, and three bedrooms and family bathroom at second floor.

The 4-bedroom properties would be arranged internally as entrance hall, W/C and open plan kitchen/living/dining area at ground level, living room and 1 bedroom served by ensuite at first floor, two bedrooms (one served by ensuite) and family bathroom at second floor together with two bedrooms within the roof space at third floor.

Terrace 02: 2x 3-bedroom 6-person three storey dwellings. The dwellings are arranged internally as garage, entranceway, W/C, kitchen/dining area at ground floor, living room and bedroom 1 served by ensuite at first floor together with two bedrooms and family bathroom at second floor.

2x 2-bedroom 4 person Flats above garage way which are arranged internally as stairway cycle store, plant and bin storage at ground floor, Flat 1 at first floor comprising of entranceway, bathroom, two bedrooms (one served by ensuite, open plan kitchen/living/dining area. Flat 2 at second floor is arranged as per Flat 1.

Terrace 03: 3x 3 Bedroom 4-person three storey dwellings. The dwellings are arranged internally as entrance hall, W/C and Kitchen/Dining, 1 Bedroom ensuite and living room at first floor together with three bedrooms with family bathroom at second floor.

Terrace 04: 4x3-bedroom 6 person townhouses. The dwellings would be arranged internally as entrance hall, study, W/C and open plan kitchen/dining room at ground floor, living room and Bedroom1 served by ensuite at first floor together with two bedrooms served by a family bathroom at second floor.

Terrace 05: 5x 3-bedroom 6 person townhouses. The dwellings would be arranged internally as entrance hall, study, W/C and open plan kitchen/dining room at ground floor, living room and Bedroom1 served by ensuite at first floor together with two bedrooms served by a family bathroom at second floor.

Terrace 06: 2x 2-bedroom 3 persons two storey dwellings. The dwellings are arranged internally as entrance into open plan kitchen/living dining area, W/C at ground floor and 2 bedrooms with family bathroom at first floor.

1x 2bedroom 4-person dwelling. The dwelling is arranged as stairway and living room at lower ground floor, entrance way, kitchen/dining area at ground floor and two double bedrooms with family bathroom and storage at first floor.

The proposal would provide garden spaces for all dwellings together with associated car parking provisions and relocated CPZ spaces. The proposal also includes landscaped areas together with a public space labelled as 'Garden of Life' which includes raingardens. There will also be a proposed new crossing at the junction of Binley Road and general surface improvements.

Relevant Planning History

MC/24/0069

Town and Country Planning Act (Environmental Impact Assessment) (England and Wales) Regulations 2017 (as amended) request for a screening opinion for demolition of existing buildings and construction of up to 75 residential dwellings with associated access, landscaping and other works.

Decision: EIA Not Required

Decided: 31 January 2024

Representations

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

6 Letters have been received from 5 residents (1 just asking for archaeology to be considered but not objecting) have been received raising the following concerns:

- Concern regarding use of Bingley Road as access, including during construction
- Removal of CPZ parking spaces on Bingley Road
- Loss of current Services in the "Rock Church" building which is to be demolished - day care need, religious needs, polling station need. Agree to redevelopment and demolition of building but concerned re loss of these services and need assistance to relocate
- Disruption to local businesses
- Loss of customer parking
- Sound proofing of existing businesses.
- Improving extraction systems for existing businesses
- Demolition works.
- Archaeological preservation

- Out of character with surrounding Historic Buildings
- Demolition of non-designated heritage assets at 322 and 324 St Margarets Banks and what remains of Bethel Chapel and Sunday School

Network Rail, due to the close proximity of the proposed development to Network Rail's land and the operational railway, requests the applicant / developer engages Network Rail's Asset Protection and Optimisation (ASPRO) team prior to works commencing. This will allow our ASPRO team to review the details of the proposal to ensure that the works can be completed without any risk to the operational railway. Network Railway has also provided in formative's to be added to the decision notice for the applicant's reference.

Environment Agency raise no objection subject to recommended conditions which relate to contamination. Informatives regarding removal of waste will also be added to the decision notice.

UK Power Network provided a statutory response advising that if the development affect any Extra High Voltage equipment (6.6 KV, 22 KV, 33 KV or 132 KV), the applicant is to contain them to obtain a copy of the primary route drawings and associated cross sections.

SGN provided a response identifying the location of Service pipes, valves, siphons, stub connections within the area. An informative will be added to the decision notice for the applicant's consideration.

Kent Police provided a response regarding Designing out Crime and Secured by Design, and an informative will be added to the decision notice for the applicant's reference.

Southern Water Services have provided details of their existing sewers in the area, the need to protect existing sewers and also that they need a formal application to connect to the sewers. They also make comment in relation to the use of SuDs.

Natural England provided a response regarding the impact on designated sites.

Intra Community Trust state that development makes use of a partially vacant site within the Conservation Area and appreciate that there is an opportunity here to deliver high quality development that protects and enhances the character of the Conservation Area. However, raise concerns regarding the loss of 322-344 High Street, use of flat roofs, use of gables, and layout of front gardens on the terrace.

KCC ecology have reviewed the information submitted and advice that sufficient ecological/biodiversity net gain information has been provided for determination, subject to the recommended conditions. *More detail on their comments is set out below in the ecology section of the Planning Appraisal.*

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.

The Emerging Local Plan has been agreed by Full Council for Reg 19 publication, consultation and has now been submitted under Regulation 22 to the Planning Inspectorate for examination. The policies within this version of the emerging plan have some limited weight in the determination of planning (and associated) applications.

The Star Hill to Sun Pier Supplementary Planning Document 2024 is also a material consideration of some weight.

Planning Appraisal

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.

Policies S1 and S2 of the Local Plan seek to prioritise development within the existing urban fabric and then strategically sustainable development using a sequential approach to location. Policies H4 and H5 of the Local Plan states that residential development in the form of infilling and reuse of buildings no longer needed for non-residential purposes in such areas is acceptable providing that a clear improvement in the local environment will result whilst encouraging high density in town centres and areas near existing public transport. Paragraphs 90, 124 and 125 of the NPPF also encourage residential development in and around town centres ensuring vitality, efficient uses of brownfield sites, building over shops and car parks but seek to safeguard and improve the environment and ensuring safe and healthy living conditions.

Further to this, the Local Plan is of some age, being adopted in 2003; the Council does not currently have a five-year land supply. The NPPF seeks to pursue sustainable development, in a positive way through a presumption in favour of sustainable development, unless the policies within the NPPF provide clear reasons for refusing development, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits (paragraph 11). Paragraph 61 of the NPPF also seeks to boost the supply of housing by bringing forward a variety of land to meet specific housing requirements.

The site is located within the defined urban area of Chatham, close to both Chatham and Rochester town centres, Chatham bus station and close to both Chatham and Rochester train stations in a highly sustainable area. The site falls within two conservation areas, the southern part forming part of the New Road Conservation area and the northern part within the Star Hill to Sun Pier conservation area. The site is located in an area of mixed residential, commercial and public use and would contribute to the vitality and viability of Chatham Intra and Chatham and Rochester Town Centres, while also positively contributing to regeneration within the area linking it to wider development by virtue of Rochester Riverside to the North.

The proposal does seek to demolish an existing building currently used as a religious centre 'The Hope Centre'. Policy CF1 seeks to protect existing community facilities unless it can be demonstrated that exceptional circumstances exist where it would be beneficial to redevelop the site.

The proposal site has been allocated for residential development under the Medway Local Plan 2003 due to the identification as a regeneration opportunity for a brownfield site under Policy H1. Policy H1 relates to new residential development which is permitted on sites as identified on the Proposals Map. The application site sits under unique reference ME386.

The Hope Centre has leased No 336-338 High Street since 2013 whereby a development clause was included ensuring the occupiers were aware they will need to vacate the property if re-development was considered.

Furthermore, the site has been allocated for residential development within the emerging regulation 22 Medway Local Plan 2041. The evidence base (including the Land Availability Assessment and Sustainability Appraisal) does not raise concerns regarding the loss of existing uses on the site, including the Hope Centre. The Sustainability Appraisal specifically states "The development would help to deliver the vision and strategic objectives of the new Local Plan. It presents an opportunity for sustainable development in an accessible location, making best use of previously developed land and offering potential improvements to urban form through redevelopment.". Therefore, given the circumstances, together with the economic, social and environmental benefits it is considered the loss of the community facility would not outweigh the benefits of redeveloping the site.

The site is also identified as an opportunity site in the Star Hill to Sun Pier SPD.

Therefore, given the sites allocation for residential development within the current Medway Local Plan 2003 and Emerging Local Plan 2041 together with the lack of a five-year housing supply there is no objection to the redevelopment of this site in principle in accordance with Policy S1, CF1, H1 and H4 of the Local Plan, as well as Paragraphs 10, 11, 61, 90, 124 and 125 of the NPPF subject to the assessments below.

Design and Impact on Character and Appearance of the area.

Policy BNE1 of the Local Plan states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area and paragraphs 131 and 135 of the NPPF emphasises the importance of good design in development in improving local areas.

Policies BNE12 and BNE14 of the Medway Local Plan are relevant as it is the intention of these policies to protect the character of Conservation areas and this site falls within 2 Conservation areas, the New Road and the Star Hill to Sun Pier conservation areas as well as within the SPD for Star Hill to Sun Pier. Additionally, Policy BNE14 states that development should achieve a high-quality design which will preserve or enhance the areas historic or architectural character or appearance. The SPD specifically provides guidance on design and architecture, as well as other matters such as public realm, providing clarity on what is good design and appropriate for different sections of the Conservation area, but recognising that this site is an opportunity area. Paragraphs 200-213 of the NPPF explains that in determining applications, great weight should be given to the heritage conservation. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

The site is located within the defined urban area of Chatham, within Chatham Intra between Chatham and Rochester town centres. The current condition of the site comprises of piecemeal developments which have occurred over time together with a large, underutilised car park which was used in association with the car sales lot which is located to the southwest of the site but namely the eroded terrace fronting high street is of note. The surrounding area comprises of mixed residential, commercial including shops, restaurants and pubs which typically span over 2-3 storeys in height.

The proposal seeks to demolish a number of units within the site including two Non-Designated Heritage Assets (NDHA) - which will be discussed within the 'impact on heritage assets section of this report'. The proposal seeks to retain no 340 and 346 of which have been highlighted as units that positively contribute to the conservation area and retained heritage value due to the quality and character of the buildings therefore conserving this section of the terrace and blending the new development with existing form within the conservation area.

Concerns have been raised in relation to the use of flats roofs within the development site. Understandably this is not reflective of the historic architecture within the Conservation Area, however flat roofs have been permitted on higher density development within the immediate area, notably immediately adjacent within Doust Way and recent and upcoming development permitted at St Bartholomew's Hospital. Phases 2 and 3 in particular of the St Barts scheme would be visible from wider views due to the change in levels between High Street and New Road and is

of a larger scale and massing than that of the proposed development. It is also noted that the flat roof elements would not be highly visible from pedestrian or vehicle level due to the formation of the terrace along High Street which plays an important role within the streetscene.

The design of the front terrace which would front High Street mimics the massing and architectural styles within this section of the High Street. The variation of the front terrace takes reference from double pitched, gable ended, side gables and Dutch gables particularly referencing from 348-364 Highstreet located to the east. The materiality also takes reference from surrounding historic development, taking into consideration the window proportions across floors together with the use of red and yellow brick, render and slate tiles. The variation of the front terrace encompasses the conservation area as a whole, taking into consideration key architectural detailing resulting in a highly attractive scheme.

It is acknowledged that the proposed small front gardens are not reflective of the area, however due to the existing road infrastructure and public footpaths, the terrace which fronts High Street results in a significant amount of footfall, therefore the introduction of shallow front gardens will provide defensible space between the public footpath and habitable windows. Therefore, no objection is raised to this.

Overall, the proposed development due to the high-quality design with its consideration to spatial and architectural style within the surrounding area is considered to make a positive contribution to the conservation area. Furthermore, taking into consideration the existing condition of the site being predominantly an unsightly car park, and underutilised area together with vacant shops and vacant buildings, the proposed development would significantly improve the character and appearance of the area as well as the vitality and viability of the Chatham Intra area and the wider town centre.

The proposal is considered to contribute positively to the regeneration of the Chatham intra area and the vitality and viability of the area. The development would be in accordance with Policies BNE1, BNE12, and BNE14 of the Medway Local Plan 2003 and paragraphs 131, 135 and 207 of the National Planning Policy Framework 2024, as well as the principles set out in the SPD.

Impact on heritage assets

As previously stated, Policy BNE12 of the Local Plan states that special attention needs to be paid to the preservation and enhancement of the character and appearance of Conservation Areas. Policy BNE13 relates to the demolition within Conservation Areas and explains that the demolition of buildings which make a positive contribution to the conservation area will not be permitted unless the character and appearance of the conservation area would be enhanced by its removal and replacement. Policy BNE14 relates to development in conservation areas,

seeking to achieve high quality design which will preserve or enhance the historic or architectural character and appearance.

As set out in the Conservation Appraisal as well as the SPD. the Star Hill to Sun Pier Conservation Area is significant as a unique area of townscape in Medway that is both highly characterful and full of charm that combines former maritime industrial hinterland, commercial and residential uses and evidence of community, leisure and religious activity. While some of its historic townscape has eroded, it largely survives intact and this contributes to what makes the area special.

Historically, the buildings were laid out on a relatively tightly knit pattern along a natural bank on the south side of the High Street that acted as a flood defence for marshland and the river to the north. Within the site itself, the historic townscape has suffered some erosion creating gaps in the formerly tightly knit streetside properties developed from the 17th century on, largely for residential and the loss of a Bethel Chapel and burial ground that appear on a 1909 OS map.

The proposed development seeks to address the harmful changes that have taken place and to redevelop the site for residential uses reflecting the original tight knit character. Two existing historic buildings would be retained, No's 340 and 346 High Street but 322-324 High Street would be demolished and replaced by a terrace of housing. Some modern buildings within the site would also be demolished and replaced by terraced housing with open green space, some of it broadly in the location of the former burial ground for the Bethel Chapel.

The Intra Community Trust raise concerns particularly to the lack of engagement with the historic integrity and the loss of the NDHAs. It is acknowledged that the demolition of 322 and 324 High Street would result in some harm to the understanding of the conservation area's development along St Margaret's Bank and arguably would erode the surviving historic townscape in the St Margaret's Bank character area however the harm needs to be weighed up against the potential wider benefits of the scheme.

Policy and Position

In this case, of key importance from the National Planning Policy Framework (NPPF) is paragraph 208 which states that "Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.

The concerns raised by the Intra Community Trust state that the NDHA's to be demolished positively contribute to the conservation area and it is not clear whether the option to retain the buildings was considered prior to the application being submitted.

The submitted viability assessment demonstrates that the site is unviable even as currently proposed. Following the need for further justification in relation to the loss of the NDHA's, revised information has been submitted within the Heritage Addendum making clear that the retention of the two buildings would result in the need for the loss of 4 residential units making the scheme even less viable and very unlikely to be able to be implemented.

Paragraph 210 of the NPPF states Local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 215 states 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use' and Paragraph 216 states 'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

In this case, it is acknowledged by all that the historic townscape has suffered some erosion, with some gaps in the tightly knit streetside properties and the loss of a Bethel Chapel and burial ground that appear on a 1909 OS map. It is also acknowledged that 'there are many aspects of this proposal which are positive, including the provision of open space, on the former Bethel Chapel burial ground.'

The benefits of the scheme are listed below:

- *Heritage Enhancements:*

The demolition of the two NDHA would allow for the development to re-instate the previously eroded terrace, resulting in an improvement to the spatial structure within the Conservation Area. The high-quality design of the front terrace would result in a development which is sympathetic to the setting and would enhance the current site conditions benefitting the Conservation Areas as a whole.

- *Economic benefits:*

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

- *Social Benefits:*

It would provide a range of homes for residents of different groups representing a social benefit. The public square and general landscaping and tree planting would be further social benefits that weigh in the favour of the scheme.

- *Brownfield Site:*

The NPPF 2024 paragraph 125 states substantial weight to the value of using suitable brownfield land within settlements for homes. The proposal site is a brownfield site which comprises mostly of underused and vacant premises. Great weight should be given to proposals on previously developed land 'Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed.'

There are recent appeal decisions whereby development has been allowed. In the case of APP/T0355/W/25/3373207 (Windsor) the Inspectorate stated that the appeal scheme would result in the total loss of significance of an NDHA. *With reference to BLP Policy HE1 I find that clear justification has been provided for that harm and that, similarly, the policy in Section 16 of the Framework in respect of NDHA has been addressed. Taking account of the significance of the asset, this is a matter to which I attach a moderate amount of negative weight in the overall balance, albeit at the lower end of moderate 'the appeal scheme would result in a change to the character and appearance of the site and the vicinity, taking account of the proposed design of the appeal scheme, it would not be a harmful change and, therefore, this is not a matter that should weigh against the grant of planning permission'*

In the case of Dorothy Bohn & Others Vs Secretary of State of communities and Local Government [2017] EWHC3217, the High Court confirmed even within a conservation area the inspector must assess the impact of the entire development, including the design and effect of the replacement – and can lawfully conclude that there would be no harm or that any harm is justified when judged overall. 'The

decision maker must judge the overall effect on the Conservation Area rather than treat the loss of the NDHA alone as a determinative. ‘

It is acknowledged that the harm to the conservation area is of a low order, therefore the assessment as above has been made by the Local Planning Authority demonstrating the economic enhancements and community enhancements by a scheme which positively contributes to the Conservation Area demonstrating a heritage enhancement in accordance with paragraphs 215 and 216 of the NPPF.

The redevelopment of the site presents an important opportunity to enhance the historic townscape, provide social and economic benefits, and create a development that improves the link between Chatham Intra, the High Street, New Road and the River Medway. The site has been allocated within the Medway Local Plan 2003 together with the Emerging Local Plan 2041 as an area for residential development. It is considered that the above, together with the fact that the scheme would be wholly unviable with the retention of the NDHA, means that the public benefits would outweigh the harm caused by the loss of 322 and 324 High Street.

In conclusion, the evidence provided, together with the Local Planning Authorities assessment and the provision of the development within an allocated brownfield, the provision of much needed housing together with much needed green infrastructure and wider public benefits provided demonstrates that the loss of the NDHA is considered acceptable when weighed against the public benefits of the scheme.

The proposal is considered to contribute positively to the regeneration of High Street between Rochester and Chatham and to the overall need for housing without significant impact on heritage assets. The development would be in accordance with Policies BNE12, BNE13, and BNE14, of the Medway Local Plan 2003 and paragraphs 207-215 of the National Planning Policy Framework 2024.

Residential Amenity

Paragraph 135f of the NPPF states that achieving well-designed places should include creating a high standard of amenity for existing and future users. Policy BNE2 of the Local Plan expects all development to secure the amenities of its future occupants and protect those amenities enjoyed by neighbouring properties. The design of the development should have regard to privacy, daylight and sunlight, noise, vibration, light, heat, smell and airborne emissions and activity levels and traffic generation.

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

Neighbouring Amenity

The application site has residential and commercial properties in all directions. The nearest residential unit would be 346 High Street (Thai Supermarket) whereby the proposed 'Garden of Life' would be located. There are properties within Bingley Road to the East of the site approximately 5m from the side elevation of the proposed dwellings within Terrace 05, which have an existing arrangement with the buildings to be demolished within the south/east area. The existing buildings are single storey in nature, with the proposed dwellings, namely Terrace 5, being of two storey nature. This would result in some additional overlooking into No 1 Bingley Road. However, taking into consideration the mutual overlooking from the existing terrace within Bingley Road it is not considered the development would result in an unacceptable worsening of that existing situation.

In terms of loss of light, due to the orientation of the proposed dwellings the shadow cast would remain within the site resulting in minimal overshadowing to the neighbouring properties within Bingley Road.

Overall, it is considered that sufficient separation distances would be provided between the proposed and existing dwellings to ensure there is no harmful impact in terms of overlooking, loss of sunlight, daylight, outlook or privacy to the surrounding properties.

The construction of the development itself could lead to noise and disturbance to nearby residential properties and therefore a condition is recommended requiring the submission of a Construction Environmental Management Plan.

Additionally, the potential for any of the dwellings to be converted to Class C4 small HMO would cause concern with regard to amenity of the future occupiers of the development itself and existing residents in the locality due to increased comings and goings from individuals. As such, it is recommended that permitted development rights be removed for the change of use from C3 dwellinghouse to C4 small HMO.

Future Occupant Amenity

It is also necessary to consider whether satisfactory environment would be provided for the future occupiers of the proposed dwellings in compliance with the Technical Housing Standards – Nationally described space standards March 2015.

The proposed dwellings have been considered against the Technical Housing Standards - nationally described space standard dated March 2015 and the Medway Housing Design Standards.

The proposed dwellings would all meet with the relevant gross internal floor area standards and would provide a good level of outlook and light provisions for each unit.

In terms of the garden sizes, each unit is provided with a private amenity space to the rear. The Medway Housing Design Standards require a garden on a constrained site to have a depth of at least 7m and on all other sites a depth of 10m. All the gardens other than the end terrace T04-XX-04 (as shown on Drawing number RHS-BPTW-S01-00-DR-A-0100 REVC 01) would meet the minimum garden standards. Although the end terrace property would provide a garden of only 6.11m it would have a 3.34m front garden and also there is the provision of the 'Garden of Life' which is a publicly accessible green space opposite the property. As such the garden/open amenity space is considered satisfactory to serve the development.

It is also necessary to understand the impact of Phase 2 of St Bartholomew's Hospital development upon the scheme proposed as part of this application. Terrace 06 to the Southeastern corner of the site would sit approximately 10m from the side elevation of 'Watts House' and this is considered to be acceptable.

With adequate internal and external space being provided, no objection is raised in this regard, and the proposal is considered to be in accordance with Policy BNE2 of the Local Plan and paragraph 135f of the NPPF.

Highways and Parking

Policies T1, T2, T4 and T13 of the Local Plan relate to the impact of development on highway safety, access and the provision of vehicle parking spaces. Paragraph 116 of the NPPF outlines that development should be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe; and paragraph 117 of the NPPF relates to sustainable transport.

The proposal includes the widening of the footpath on the corner of St Bartholomew's Terrace and Bingley Road to allow for a fire tender room to have sufficient access to the terrace dwellings that will be accessed via the existing right of way which connects New Road to Bingley Road.

Pedestrian and cycle access is proposed from St Margaret's Bank via a shared surface arrangement between no's 336 (Pizza Hut delivery) and 340 (The Hope Centre Church), utilising an existing passageway between the two buildings. This passageway is proposed to be resurfaced with appropriate landscaping. Pedestrian access will also be provided from Bingley Road, tying into the existing public footpath to the south-east of the site, providing a link to the A2 to the south.

In regard to vehicle parking, a total of 36 residential parking spaces are proposed on-site. Each four and five bed dwelling will be provided with two independently accessible spaces, and each two and three bed dwelling will be provided with one parking space. The Medway Interim Parking standards states the provision of 60 spaces should be provided with the inclusion of visitor bays. However, taking into consideration the highly sustainable location of the proposal site with good connectivity to amenities and public transport a reduction in parking provisions can be considered and therefore no objection is raised in relation to this. Furthermore, Electric Vehicle (EV) charging will be provided in accordance with Part S of the Building Regulations. Both the parking spaces and EV Charging points will be secured via planning condition.

The proposal would result in the loss of 3 on-street Control Parking Zone spaces within Bingley Road in order to facilitate access to the site for large vehicles including refuse and emergency service vehicles. These will be re-provided at the entry to the site, and these new spaces will remain as CPZ permit-only bays, restricting the future occupants of the site from using these car parking spaces. The conditional use of these CPZ spaces will be secured within the S106 Agreement.

The three space which currently serve no.340 will remain as existing and will continue to be accessed from St Margarets Bank. Appropriate landscaping will be in place to ensure vehicles cannot access the site from St Margarets Bank itself. Each residential dwelling will be provided with a minimum of one secure cycle space within their retrospective curtilages. For the two flats, secure storage for two cycle spaces is provided adjacent to the internal bin store.

Subject to the recommended conditions and securing the three CPZ spaces in the S106, the proposal is considered to comply with Policies T1, T2, T4 and T13 of the Medway Local Plan and paragraphs 116 and 117 of the National Planning Policy 2024.

Noise Impact

The noise surveys submitted that underpin the noise assessment have focussed on road and rail transport, together with additional measurements of ground borne vibration from the railway line. Vibration measurements and calculations indicate that there is a low probability of adverse comment, therefore no further consideration is required.

However, the surveys fail to identify the following noise sources:

- The commercial property to the west adjacent to the railway bridge which appears could be a pub/restaurant. There is potential noise (e.g. plant,

customers in outdoor areas etc.) and odour issues (e.g. from kitchen extract system) which may need to be considered.

- The pizza restaurant at 340 High Street. There are potential noise and odour issues which may need to be considered as per the above.
- The food/retail shop at 346 High Street. There could be noise issues associated with any plant located externally.

Whilst any noise from these premises will have been included in the noise surveys, commercial noise is assessed with much shorter averaging periods as per the most relevant standard for these sources, BS4142. Commercial noise by its nature can be more disturbing due to its characteristics, whereby certain penalties are applied to reflect certain types of character (tonality for example). The assessment has specifically excluded any consideration or measurements of the above highlighted commercial sources (if present). This could not only have implications for the mitigation specified to deal with transport noise but also could have impacts for the businesses concerned if future occupiers have issues with these businesses (i.e. the agent of change principle). Conditions are recommended to deal with these issues.

The surveys also do not address external plant associated noises which will need to be suitably controlled in respect of noise emissions, for example heat pumps.

Subject to the recommended conditions securing further acoustic assessments with regard to the abovementioned issues, the application is considered to comply with Policy BNE2 of the Medway Local Plan 2003.

Waste

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

Subject to the abovementioned conditions the proposal would not result in any significantly detrimental impact on either neighbour or future occupiers' amenity and is considered to be acceptable in terms of Policies H4 and BNE2 of the Local Plan and paragraphs 131, 135 and 180 of the NPPF.

Archaeology

The application site is located close to a number of heritage assets and there is potential for buried archaeological remains at the site. An Archaeological Assessment has been submitted as part of this application. The assessment concludes that the proposed scheme may result in substantial harm to the significance of any archaeological assets which might be present on site. Further

archaeological investigation is required prior to commencement of the development on site, and an appropriate condition is recommended.

Policy BNE21 of the Medway Local Plan 2003 states that development affecting potentially important archaeological remains will not be permitted. The presence, location and significance of any buried archaeological remains within the site cannot currently be confirmed, however small-scale site investigations have not revealed any archaeological evidence. There is a need for further investigations on site. Given the close proximity of the site to heritage assets means care will need to be taken during the demolition and construction phases of the development to ensure that the any archaeological remains are protected and this may shape the layout of the site if anything is found. Subject to the imposition of the recommended conditions for below ground excavation, remediation, above ground archaeology and historical interpretation the development would be in accordance with Policy BNE21 of the Medway Local Plan 2003 and paragraph 210 and 218 of the NPPF.

Trees and Landscaping

Policy BNE41 relates to Tree Preservation Orders and seeks to protect trees and woodland of important public amenity value and ensure the future health and appearance of trees and where appropriate, replace trees ensuring planting is incorporated where trees are to be felled. Policy BNE43 relates to Trees and Development Sites which states development should seek to retain trees and landscape features that provide a valuable contribution to the local area and seeks in circumstances where tree loss occurs to secure additional tree planting to compensate the loss. The Policy also states accurate tree surveys need to be submitted by applicants on development sites that contain trees.

Paragraph 187 of the NPPF states decisions should contribute to and enhance the natural and local environment whilst Paragraph 136 states trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. The paragraph continues to state that opportunities should be taken to incorporate trees elsewhere in developments and that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible.

The proposal would result in the loss of 1 tree within the site, retaining the majority of trees located along the south/western boundary following the railway.

The proposal includes a significant improvement when considering the current site conditions, proposing tree planting throughout the site together with the provision of the 'Garden of Life'. Further details with regards to tree and plant species will be secured through the recommended conditions.

Therefore, the loss of one tree when considered against the gain within the site is considered to be acceptable subject to the above condition and the proposal is considered to comply with Policies BNE41 and BNE43 and paragraphs 136 and 187 of the National Planning Policy Framework 2024.

Ecology

Policy BNE37 states that where development would cause a loss, directly or indirect, of habitats it will not be permitted unless; the development outweighs the importance of these resources; alternative site is unavailable; the development is designed to minimise the loss; and that appropriate measures are provided.

Paragraphs 192 and 193 relate to the retention and enhancement of habitats and biodiversity stating that net gains for biodiversity should be encouraged.

The application was accompanied by an Ecological Assessment survey which identified that no bats were seen emerging from the buildings during the emergence surveys and that low level of commuting and foraging activity were recorded on site.

With the presence of potential roosting features on the exterior of buildings present, the recorded activity of common pipistrelle bats, and as bats are known to move roosts frequently, it is recommended that precautionary measures be implemented both prior to and throughout the construction period to ensure compliance with relevant wildlife protection legislation and an appropriate condition is recommended. If bats or evidence of bats is discovered during the works, a mitigation licence from Natural England must be obtained.

It is acknowledged that that planning permissions (when granted) may not be implemented immediately. If works do not commence until July 2026 (or after) there will be a need for an additional emergence survey to be carried out to ensure the conclusions of the original surveys have not changed, as such an appropriate condition is recommended. Any lighting within the site may also impact on biodiversity and an appropriate condition is recommended.

The site contains suitable habitat for breeding birds, and all nesting birds are protected under the wildlife and countryside act 1981 (as amended). The Ecological Assessment Survey makes recommendations for nesting birds. However; it is evident that additional nesting opportunities can be incorporated into the development to compensate to the nesting habitat loss. Therefore, a Landscape and Ecological Management Plan will be secured via planning condition and an informative to will be added to the decision in relation to the Wildlife and Countryside Act 1981.

Biodiversity Net Gain

Under the Environment Act 2021 and the Town and Country Planning Act 1990 (as amended), all planning applications for development (unless exempt) must deliver at least a 10% biodiversity net gain (BNG). Significant on-site gains, and all off-site gains will need to be secured for at least 30 years.

Where required, the Statutory Biodiversity Metric will need to be used to demonstrate a minimum 10% biodiversity net gain prior to commencement of any development.

The submitted BNG metric demonstrates that a net gain in excess of 10% can be achieved onsite, largely through new planting of trees, mixed scrub, introduced scrub, ruderal, native hedgerow and rain garden.

The applicant should submit a biodiversity gain plan form along with supporting information once planning permission has been granted to demonstrate in more detail how the proposed biodiversity net gain will be delivered.

The creation and ongoing management of newly created habitats should therefore be secured through the production of a Landscape and Ecological Management Plan (LEMP) and , as above, this will be secured via planning condition.

Subject to the aforementioned conditions, the proposal is considered to comply with Policies and paragraphs 192 and 193 of the National Planning Policy Framework 2024.

Flooding/SUDS

The site lies within Flood Zone 1 (Low Risk) according to the Environment Agency Mapping. The mapping also shows that the site is not at risk of surface water flooding.

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

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

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

The application is supported by a Drainage Strategy and Flood Risk Assessment (August 2024). The site lies within Flood Zone 1 (low risk) according to the Environment Agency's Mapping; however, the site is at high risk of surface water flooding and therefore measures should be taken to ensure that flooding is not increased at the site or within the surrounding area.

The application was accompanied by a Flood Risk Assessment which included the proposed drainage strategy for the surface water system. However further clarification is required to ensure that during and after construction (including demolition and site clearance) that the proposal would not result in additional surface water.

It should be ensured that there is a maintenance schedule in place for the lifetime of the development to maintain any SuDs, which serve it. All SuDS should be located in publicly accessible areas, unless deemed inappropriate or not possible, to allow for suitable access for maintenance. Therefore, conditions relating to a Construction Surface Water Management Plan, SUDS scheme and verification are accordingly recommended.

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

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

Subject to conditions regarding the submission of a suitable construction water management plan, SUDs scheme (including details of maintenance), and a verification report the proposed development is in accordance with paragraphs 173, 174 and 175 of the NPPF 2024.

Contamination

Policy BNE23 of the Local Plan requires that land known to be or likely to be contaminated should be accompanied by detailed site examination and appropriate remedial measures to reduce or eliminate risk to human health and the wider environment be agreed. Whilst Policies 196 and 198 of the NPPF state that new developments should ensure and take into account the likely effects of contamination on health, living conditions and the natural environment.

The site is located upon a principal aquifer overlain by a secondary aquifer and is near the River Medway. The site presents a risk of residual contamination that could be mobilised during construction. The application is supported by a Desk Study on

the site. The report is also satisfactory and have provided the Environment Agency with confidence that the risk to controlled waters can be managed subject to conditions.

The recommended conditions would include a site investigation and risk assessment, remediation scheme, verification reports and dealing with unexpected contamination. To protect the controlled waters further appropriate conditions regarding no infiltration of surface water drainage other than agreed with consent from the local planning authority and details of piling or other foundation designs using penetrative measures are recommended.

Subject to the recommended conditions mentioned above, no objection is raised to the proposal under Policy BNE23 of the Local Plan and paragraphs 196 and 198 of the NPPF.

Air Quality

Policy BNE24 of the Local Plan and paragraph 199 of the NPPF require new development to take account of the impact on air quality.

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

The application has been supported by an air quality assessment which identified the effects during the construction phase and the operational phase. Medway Council's Air Quality Technical Planning Guidance requires the inclusion of standard mitigation measures which are outlined in Section 7.2.1. In addition, a damage cost calculation has been undertaken in accordance with Medway Council's Air Quality Technical Planning Guidance and Defra's Damage Cost Guidance. The calculated 5-year pollutant damage cost is £5,077, which is the minimum contribution to mitigation measures required to offset pollutant emissions from road traffic associated with the proposed development.

The proposed air quality mitigation is considered to be acceptable when considering the low number of additional parking spaces to be provided and the development is not likely to have a significant impact upon local air quality due to increased road transport emissions.

No objection is raised to the proposal under Policies BNE2 and BNE24 of the Local Plan and paragraph 199 of the NPPF.

Climate change and energy efficiency

The applicant has provided a Climate Change Statement which sets out the applicant's intentions on such matters. The document includes energy and carbon reduction methods, biodiversity net gain, water efficiency and recycling, waste reduction, sustainable transport methods, air quality improvements methods and other improvements. The applicant has also provided a separate energy statement which should be viewed with the Climate Change Statement.

Conditions are recommended to secure the implementation of these measures in accordance with paragraph 164 of the NPPF.

Section 106 and Conditions

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

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

The obligations requested comply with these tests because they are necessary to make the development acceptable in planning terms, they are directly related to the development and are fair and reasonable in scale and kind.

However, while there have been contribution requests (including affordable housing) in compliance with Medway's developer contribution guide, the site is a highly constrained brown field site where pre commencement ground condition and demolition costs are high. As such the applicant has submitted a Viability Assessment which has been considered independently by the Council's viability advisor. The advisor concludes that the scheme is unviable even with full market housing.

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 £337.49 per dwelling (excluding legal and monitoring officer's costs, which separately total £550) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. This

tariff should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation).

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

The proposal would result in a contribution of £9,449.72.

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

It is accepted that the proposal is not financially viable for all S106 contributions. The applicants have agreed, as they are required to under the Habitat Regulations to the requested financial contribution towards bird disturbance mitigation.

Accordingly, a S106 is recommended to secure the bird payment, the amendments to the CPZ and the imposition of a clawback provision. Based on this, no objection is raised under paragraphs 57, 58, 59, 190, 191 of the NPPF and Policies BNE2, S6 and BNE35 of the Local Plan.

Planning Balance

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

The scheme represents a good use of a site of previously developed land that is vacant and derelict within very close proximity of Chatham High Street and Rochester High Street and would boost the vitality and vibrancy of Chatham Intra creating economic benefits. There is also easy access to Rochester train station and bus routes reducing the reliance on the private car and resulting in further environmental benefits.

It would provide a range of homes for residents of different groups representing a social benefit. The public square and general landscaping and tree planting would be further social benefits that weigh in the favour of the scheme.

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

It is acknowledged that there would be some heritage harm caused (the low end of less than substantial) by virtue of the loss of two Non-Designated Heritage Assets. However, the overall scheme would result in a cohesive development that reinstates the previous built form of the Historic Terrace within the High Street providing sympathetic design which would contribute to the appearance of the Conservation Area as a whole. Therefore, overall, it is considered that on balance the overall benefits, including that to the public and the conservation area, outweigh the identified heritage harm of the loss of the NDHA and in accordance with paragraph 208 of the NPPF the development is considered acceptable.

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

CONCLUSIONS AND REASONS FOR RECOMMENDATION

The site has been vacant and underused with a series of small scale incremental and temporary uses for some thirty years. The proposal for residential development within an allocated site provides an acceptable mix of density which is sympathetic to the historic form within the area and would offer economic, social and environmental benefits in terms of the re-use of previously developed land, the visual benefits associated with bringing the site back into active use, public spaces, provision of 28 new homes and improvements to the pedestrian connectivity within the locality.

The proposal is considered to represent a high-quality residential development that substantially contributes to the urban regeneration of High Street Chatham and provides a key link between historic Rochester and Chatham to the east. The compromises in terms of residential amenity and loss of the Non-Designate Heritage Assets are considered acceptable when taking into account the overall regenerative benefit of the proposal.

The proposal is therefore considered to comply with Policies S1, S2, S6, BNE1, BNE12, BNE14, BNE17, BNE18, BNE21, BNE23, BNE24, BNE35, BNE41, BNE43, CF1, CFS, H1, H4, T1, T2, T4 and T13 of the Local Plan, as well as Paragraphs 8, 10, 11, 57, 58, 59, 61, 80, 90, 116, 117, 124 and 125, 131, 135, 136, 164, 173, 174, 175, 180, 186, 187, 190, 191, 192, 193, 196, 198, 199, 207, 208, 209, 210, 211, 212, 213, 214, 215 and 218 of the National Planning Policy Framework 2024 and is recommended for approval.

The application would normally be determined under delegated powers but is being referred to Committee due to the representations received expressing views contrary to the recommendation.

Background Papers

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

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