

**MC/25/1033**

**Date Received:** 20 May 2025

**Location:** Old Gas Works, Strand Approach Road, Gillingham Medway

**Proposal:** Hybrid planning application for a mixed-use development comprising full planning permission for the demolition of existing buildings and structures and the construction of a retail unit (Class E); replacement gas distribution company facilities to include new office, training facility and depot; internal access road, pedestrian / cycle access from Pier Road and revised access from Strand Approach Road; car parking; and alterations to the site layout to include drainage, infrastructure and hard and soft landscaping; and associated works; and outline planning permission (with all matters reserved) for the demolition of existing buildings and structures; the construction of up to 500 dwellinghouses; construction of a care home / later living (Class C2 and / or C3), erection of commercial, business and service units (Class E), provision of new sailing clubhouse and / or flexible Class E, provision of car parking and associated physical works including new access, utilities, drainage, infrastructure and hard and soft landscaping.

**Applicant Agent** Blueberry Developments Estates Ltd  
Savills (UK) Limited  
Miss Amelia Robson  
33 Margaret Street  
London  
W1G 0JD

**Ward:** Gillingham North

**Case Officer:** Nick Roberts

**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 11 March 2026.**

**Recommendation: Approval subject to:**

- A. The applicant entering into a Section 106 agreement to secure the following:
- i) £168,745.00 towards Designated Habitats Mitigation.
  - ii) £167,315.00 towards the complete refurbishment of the Strand Lido including new flooring.

- iii) £50,000 towards Commodores Hard surface improvements and introduction of a sea lane buoy system to separate watercraft from swimmers.
- iv) £78,940.00 towards open space enhancements within the vicinity of the development mainly The Strand.
- v) The construction of a new combined Club House facility on the adjacent Council-owned land currently occupied by the Medway Water Sports Trust. The new Club House will be fully constructed, fitted out and operational prior to the demolition and relocation of the existing Segas clubhouse facility. (Blueberry Homes to cover any cost over and above £1,000,000).
- vi) £15,000 towards a new bus shelter on Pier Road to include real time information.
- vii) To provide a new pillar crane capable of handling boats of up to 12.5 tonnes in weight and 43 feet in length and new hydraulic boat-moving trailer with a handling capacity of up to 15 tonnes.
- viii) To use reasonable endeavours to seek apprenticeships and entry level employment opportunities during the construction of the Development in accordance with a strategy to be submitted to and approved in writing by the Council prior to the Commencement of Development.
- ix) Unless otherwise agreed in writing by the Council, no dwelling shall be first occupied until details of the proposed Car Club Scheme, providing a minimum of 10 Car Club parking spaces, have been submitted to and approved in writing by the Council.

The Car Club Scheme shall:

- Identify the location and layout of all Car Club parking spaces;
- Set out the discounts and incentives to be offered to future residents; and
- Include a strategy for monitoring use of the Car Club, including the submission of annual monitoring reports for a period of two years following implementation.

The approved Car Club Scheme shall be implemented in accordance with a timetable that has been submitted to and approved in writing by the Council.

- x) The applicant/owner shall submit a Late-Stage Viability Review to the Council once 90% of the residential units within the Development have

been disposed of, or prior to first occupation of the final residential unit, whichever is sooner.

- a. assess the actual costs and revenues incurred/achieved on the Development;
- b. identify the Actual Profit achieved;
- c. compare Actual Profit to the profit level assumed in the Agreed Viability Position.

If the Late-Stage Viability Review identifies a Surplus Profit (being profit in excess of that assumed in the Agreed Viability Position) 50% of the Surplus Profit shall be paid to the Council as additional s106 contributions.

B. The following conditions:

- 1 In respect of that part of the application where outline consent is granted, the approval of details of the access, appearance, landscaping, layout and scale (hereinafter called 'the Reserved Matters') shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of each phase pursuant to Condition 4.

Reason: To accord with the terms of the submitted application and in to ensure that these details are acceptable.

- 2 a) Application for the approval of the reserved matters referred to in Condition 1 for the first construction phase of the outline consent shall be submitted in writing to the Local Planning Authority for approval. Such application for approval shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission and all applications for approval of reserved matters for the remaining phases shall be made before the expiration of five years from the date of this permission. The development shall thereafter be carried out in accordance with the approved details.

b) The commencement of each construction phase pursuant to this outline consent shall be begun before the expiration of two years from the date of the last Reserved Matter in respect of that construction phase to be approved, and thereafter the development shall be carried out in accordance with the approved details.

Reason: To comply with Section 92(2) of the Town and Country Planning Act 1990.

- 3 The outline development hereby permitted shall be carried out in general accordance with and the following approved plans and supporting documents:

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## 17286-103 Rev B - Application Extents Plan

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

- 4 Prior to the submission of the first application for reserved matters, a Phasing and Implementation Plan shall be submitted to and approved in writing by the Local Planning Authority. The phasing plan shall demonstrate how the development of the outline phases of the site can be brought forward to secure development in phases. The development shall be implemented in accordance with the most recently approved Phasing Plan.

Reason: To ensure that the key elements of each phase of the development is completed in an order which ensures that infrastructure needs, landscaping/open space and access are in place relevant to each phase before further development is undertaken, in the interests of good design and proper planning.

- 5 The Phasing Plan approved pursuant to Condition 4 may be amended from time to time to reflect changes to the phasing of the development that were not foreseen at the time the Detailed Phasing and Implementation Plan was approved, subject to obtaining the prior written approval of the Local Planning Authority.

Reason: To allow revisions to the approved Detailed Phasing and Implementation Plan and to enable development to be delivered in the interests of proper planning.

- 6 Each Reserved Matters Application shall be accompanied as appropriate, by the following documents and/or information:
  - i) A Design and Access Statement.
  - ii) And in relation to the matter of layout a Reserved Matters application shall include:
    - details of the siting and orientation of the proposed buildings, relevant roads and footpaths, as well as the location of landscaped open space areas and equipped play areas;
    - details of the proposed ground floor commercial units;
    - details of any necessary temporary layout associated with boundary treatment and condition between the Development Parcels;
    - details of parking areas, servicing areas and plant areas;
    - details of cycle parking;
    - details of proposed external lighting;
    - details of pedestrian and cycle routes within the development site;
    - details and specification of proposed earth modelling, mounding, re-grading or changes of level to be carried out including spot levels;

- refuse storage details and collection points;
  - details of Electric Vehicle Charging Points (EVCP).
- iii) And in relation to scale and design a Reserved Matters application shall include:
- details of building heights and massing;
  - details of housing mix;
  - details of the internal layouts of buildings;
  - details of the external treatment and design of the buildings.
- iv) And in relation to the matter of landscaping a Reserved Matters application shall include:
- plans, drawings and specifications showing full details of both hard and soft landscape treatment and works, including materials (size, type and colour), existing and proposed finished ground levels; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas including roads and footpaths; all paving and external hard surfacing; decking; minor artefacts and structures (play equipment, street furniture, lighting columns/brackets, drainage arrangement, underground utilities, refuse receptacles, planters, tree grilles, any other decorative feature(s));
  - tree planting details and specifications, schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance);
  - details of the programme for implementing and completing the planting;
  - landscape Management Plan.

Reason: In order that the Reserved Matters Applications can be properly considered and assessed and in the interests of proper planning.

- 7 No development within the outline area other than the Later Living phase shall take place until such time as a scheme to ensure the improvement (to a minimum crest height of 4.95m AOD) and maintenance of existing flood defences has been submitted to, and approved in writing by, the Local Planning Authority.

The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To reduce the risk of flooding to the proposed development and future users and to ensure the structural integrity of the existing and/or proposed flood

defences in line with paragraph 181 of the National Planning Policy Framework 2024.

8 No development within the outline area other than the proposed Later Living phase shall commence until a timetable for the delivery of the new Segas Sailing Club Clubhouse has been submitted to and approved in writing by the Local Planning Authority. The timetable shall include the following details:

- The anticipated timeline for the submission of a full application for the Clubhouse;
- The projected construction programme subject to planning approval;
- Interim operational arrangements for Segas Sailing Club during the construction phase;
- Access arrangements for water and electricity during construction;
- Access arrangements for vehicles and boats during construction;
- Boat storage arrangements during construction;
- Infrastructure requirements, including the provision for cranes and boat lifters.

The development shall be implemented in accordance with the details approved and the new Clubhouse shall be completed and operational before works commence on the reserved matters phases.

Reason: To ensure the ongoing existence and continuity of Segas Sailing Club.

9 No development within a phase pursuant to Condition 4 shall take place above ground floor slab level until a scheme for protecting the proposed residential properties on the development from road traffic noise that implements the measures described in the Noise Assessment (Ref: 678685\_Report01\_Rev03, dated 28/04/2025) has been submitted and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To protect residential amenity from road traffic noise and surrounding activities in accordance with Policy BNE2 of the Medway Local Plan 2003.

10 Applications for reserved matters relating to landscaping within each phase pursuant to Condition 4 shall include full details of both hard and soft landscape works, any artefacts to be located within the public space of that phase or sub-phase and a timetable for implementation. These details shall include 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; 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.

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

11 Applications for reserved matters shall include a detailed Daylight, Sunlight and Overshadowing Assessment for each phase pursuant to Condition 4. The assessment shall:

- Be carried out in accordance with the methodologies and recommendations of the BRE "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice" (or any subsequent replacement guidance);
- Demonstrate the likely impact of the proposed development on daylight and sunlight levels within the new dwellings and on surrounding properties and spaces;
- Identify any mitigation measures required to optimise daylight/sunlight performance; and
- Explain how the findings of the assessment have informed and shaped the detailed design of the proposed buildings.

The development shall thereafter be carried out in full accordance with the approved details.

Reason: To ensure that the development secures acceptable levels of daylight and sunlight for future occupiers in accordance with Policy BNE2 of the Medway Local Plan 2003.

12 Applications for reserved matters shall include a detailed Microclimate Assessment for each phase pursuant to Condition 4. The assessment shall:

- Analyse the impact of the proposed development on local microclimatic conditions, including but not limited to wind environment, thermal comfort, pedestrian-level wind safety, and comfort within public realm and amenity spaces;
- Be carried out in accordance with recognised industry standards, including the Lawson or equivalent wind comfort criteria, and any relevant CIBSE or BRE guidance in force at the time of submission;
- Identify any areas where the development may create adverse microclimatic effects, including accelerated wind speeds, downdrafts, corner effects, pressure zones, or overshadowing impacts influencing thermal comfort;

- Set out mitigation measures, where necessary, to ensure safe and comfortable conditions for future occupiers and users of the surrounding public realm;
- Explain how the findings have informed the detailed design, including building form, height, massing, landscaping and public realm treatment.

The development shall thereafter be carried out in full accordance with the approved details, and any mitigation measures shall be implemented prior to first occupation of the relevant phase and retained for the lifetime of the development.

Reason: To ensure that the proposed development achieves a safe and comfortable microclimate for residents and users of adjacent public spaces and routes, in accordance with paragraph 135 of the National Planning Policy Framework 2024.

- 13 Applications for reserved matters shall include details of the measures to address climate change and energy efficiency for each phase pursuant to Condition 4. No dwelling within the relevant construction phase shall be occupied until a timetable for the submission of a verification report, prepared by a suitably qualified professional, has been submitted to and approved in writing by the Local Planning Authority. The verification report shall confirm that all approved measures to address climate change and energy efficiency have been fully implemented for each building within that phase.

Verification reports shall thereafter be submitted to the Local Planning Authority in accordance with the approved timetable, and the approved measures shall be retained thereafter.

Reason: In the interests of sustainability and to ensure that the development positively addresses climate change in accordance with paragraph 164 of the National Planning Policy Framework 2024.

- 14 Prior to occupation of the outline area, other than the Later Living phase on site historical interpretation boards reflecting the sites previous industrial use and incorporating relevant photographs have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the proposed locations, design, dimensions, and materials of the interpretation boards as well as a timetable for their installation. The interpretation boards shall thereafter be retained.

Reason: To provide appropriate on-site interpretation that enhances appreciation of the sites industrial heritage thereby contributing positively to local character and distinctiveness.

## Site Wide Conditions

- 15 No development within a phase pursuant to Condition 4 or 46 shall take place until a Construction Environmental Management Plan (CEMP) pursuant to that phase has been submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: hours of construction working; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control, lighting and site contact details in case of complaints; details of temporary site screening, details of the routing and parking of construction vehicles, loading/unloading and turning facilities, hours of access, access and egress arrangements, details for the storage of materials and mixing of cement, construction workers travel plan. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan.

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

- 16 No development within a phase pursuant to Condition 4 or 46 shall take place until the details of a Construction Traffic Management Plan pursuant to that phase has been submitted to and approved in writing by the Local Planning Authority. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Traffic Management Plan.

Reason: To ensure the efficient operation of the A2(T) and M2 Trunk Roads in accordance with paragraph 115 of the National Planning Policy Framework 2024.

- 17 Unless otherwise agreed by the Local Planning Authority, no development within a phase pursuant to Condition 4 or 46 other than that required to be carried out as part of an approved scheme of remediation must not commence within each phase 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 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 An investigation and risk assessment, 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 each phase of the development pursuant to Condition 4 and 46. The desk study, 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 each phase of the 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 'Land Contamination Risk Management document (LCRM)'.

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.

- 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 each phase of the development pursuant to Condition 4 and 46. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures for that phase. 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: 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.

- 20 The approved remediation scheme for each phase must be carried out in accordance with its terms prior to the commencement of any development within each phase (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 for each phase, 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 first occupation of the development in each phase.

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.

- 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 21.

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.

- 22 No development within a phase pursuant to Condition 4 or 46 shall take place until details of a Construction Surface Water Management Plan (CSWMP) pursuant to that phase detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority (LLFA). The CSWMP for each phase shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

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

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

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

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

- 23 No development shall take place within a phase pursuant to Condition 4 and 46 (save for advance infrastructure enabling works) until details of the proposed means of foul sewerage disposal for that phase have been submitted to and approved in writing by the Local Planning Authority, in consultation with Southern Water. The scheme shall be implemented in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 187 of the National Planning Policy Framework 2024.

- 24 No development within a phase pursuant to Condition 4 or 46 shall take place until a scheme based on sustainable drainage principles for that phase, 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: Required before commencement of the development o manage surface water post construction and for the lifetime of the development as outlined at Paragraph 181 of National Planning Policy Framework 2024.

- 25 No further infiltration of surface water drainage in the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 181 of the National Planning Policy Framework 2024.

- 26 No development or demolition works shall take place within a phase pursuant to Condition 4 or 46 (including any ground works, site or vegetation clearance) until a Ecological Construction Management Plan (ECMP) pursuant to that phase has been submitted to and approved in writing by the local planning authority. The ECMP shall include the following (as applicable to that phase) and be based on the submitted Ecological Impact Assessment by Lloydbore dated March 25 or any subsequent revisions of this report, and the Information to Inform Habitats Regulations Assessment (Lloydbore, May 25):

- a) Purpose and objectives for the proposed works;
- b) The identification of biodiversity protection zones and the use of protective fences, exclusion barriers and warning signs;
- c) The identification of potential impact pathways to the nearby Medway Estuary and Marshes Ramsar, and the measures undertaken to avoid adverse impacts ;
- d) Detailed design(s) and/or working method(s) necessary to achieve stated objectives;
- e) Extent and location of proposed works (including receptor areas(s) in case animals are encountered during development) shown on appropriate scale maps and plans for all relevant species and habitats;
- f) Reference to the relevant protected species licences and any relevant mitigation measures required;
- g) Reference to any Environment Agency permits required and any relevant mitigation measures required;
- h) Reference to or inclusion of a detailed arboricultural method statement to protect retained trees;
- i) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- j) Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works;

- k) Initial aftercare and reference to a long-term maintenance plan (where relevant);
- l) Disposal of any wastes for implementing work.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To protect designations, habitats and species identified in the ecological surveys from adverse impacts during construction in line with Policy BNE37 and BNE39 of the Medway Local Plan 2003.

- 27 No development or demolition works shall take place until a series of five black redstart surveys have been completed in line with methodology used in the Black Redstart Survey Report (Lloydboore, March 25). If a black redstart is recorded on site and considered to have breeding status, a black redstart mitigation strategy shall be submitted to, and approved in writing by the Local Planning Authority. The results of all surveys shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details pursuant to each phase.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on protected species and to ensure that any future works take account of existing and future wildlife habitats present within the site in line with Policy BNE37 and BNE39 of the Medway Local Plan 2003.

- 28 No development, remediation works, or preliminary groundworks shall take place within a phase pursuant to Condition 4 and 46 until:
- (a) a programme of archaeological and geoarchaeological evaluation has been secured in accordance with a Written Scheme of Investigation (WSI) for that phase and timetable which has been submitted by the applicant and approved in writing by the local planning authority; and
  - (b) following on from the archaeological and geoarchaeological evaluation a written Archaeological Mitigation Strategy detailing the excavation / preservation strategy for that phase shall be submitted to and approved by the local planning authority. The mitigation strategy once approved shall be fully implemented.

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

- 29 If applicable, no development, remediation works, or preliminary groundworks within a phase pursuant to Condition 4 or 46 shall commence on those areas containing archaeological deposits until the archaeological fieldwork for that

phase, as detailed in the mitigation strategy, has been completed to the satisfaction of the Local Planning Authority.

Reason: To ensure the appropriate investigation of archaeological remains, in accordance with Policy BNE21 of the Medway Local Plan 2003.

- 30 No demolition of each individual Gas Holder Structure shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of building recording (Gas Holder Structures) for each structure in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

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

- 31 No development within a phase pursuant to Condition 4 and 46 shall take place until details of foundations designs and any other proposals involving below ground excavation for that phase have been submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that due regard is had to the preservation in situ of important archaeological remains in accordance with Policy BNE21 of the Medway Local Plan 2003.

- 32 Within 6 months of the final completion of archaeological fieldwork a Post-Excavation Assessment Report for that phase pursuant to Condition 4 and 46 shall be submitted to and approved in writing by the local planning authority.

The Post-Excavation Assessment Report shall be in accordance with the Local Planning Authority's requirements and include:

- (a) a description and assessment of the results of all archaeological investigations that have been undertaken in that part (or parts) of the development;
- (b) an Updated Project Design outlining measures to analyse and publish the findings of the archaeological investigations, together with an implementation strategy and timetable for the same;
- (c) a scheme detailing the arrangements for providing and maintaining an archaeological site archive and its deposition following completion.

The measures outlined in the Post-Excavation Assessment Report shall be implemented in full and in accordance with the agreed timings.

Reason: To ensure the timely publication of archaeological results and to make this information publicly accessible in accordance with the requirements of Policy BNE21 of the Medway Local Plan 2003.

33 No development within a phase pursuant to Condition 4 and 46 shall take place until an arboricultural method statement to ensure the satisfactory protection of retained trees, hedgerows and vegetation within that phase has been submitted to and approved in writing by the Local Planning Authority. The matters to be included within the arboricultural method statement shall include the following (as applicable to that phase):

- i. A specification for the pruning of, or tree surgery to, trees to be retained in order to prevent accidental damage by construction activities;
- ii. The specification of the location, materials and means of construction of temporary protective fencing and/or ground protection in the vicinity of trees to be retained, in accordance with the recommendations of BS 5837 'Trees in relation to design, demolition and construction' and details of the timing and duration of its erection;
- iii. The definition of areas for the storage or stockpiling of materials, temporary on-site parking, site offices and huts, mixing of cement or concrete, and fuel storage;
- iv. The specification of the routing and means of installation of drainage or any underground services in the vicinity of retained trees;
- v. The details and method of construction of any other structures such as boundary walls in the vicinity of retained trees and how these relate to existing ground levels;
- vi. The details of the materials and method of construction of any roadway, parking, pathway or other surfacing within the RPA, which is to be of a 'no dig' construction method in accordance with the principles of Arboricultural Practice Note 12 "Through the Trees to Development", and in accordance with current industry best practice; and as appropriate for the type of roadway required in relation to its usage;
- vii. Provision for the supervision of ANY works within the root protection areas of trees to be retained, and for the monitoring of continuing compliance with the protective measures specified, by an appropriately qualified arboricultural consultant, to be appointed at the developer's expense and notified to the Local Planning Authority, prior to the commencement of development; and provision for the regular reporting of continued compliance or any departure there from to the Local Planning Authority.

Thereafter the development shall be carried out in accordance with the approved details with the approved measures being kept in place during the entire course of construction activity.

Reason: To ensure that reasonable measures are being taken to protect trees and hedgerows during construction in line with Policy BNE43 of the Medway Local Plan 2003.

- 34 No development within a phase pursuant to Condition 4 and 46 shall take place above ground floor slab level until an Air Quality Emissions Mitigation Statement for that phase 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 March 2016 (Revised November 2021) and shall provide full details of the measures that will be implemented as part of the development to mitigate the development related road transport emissions. The development shall be implemented, and thereafter maintained, entirely in accordance with the measures set out in the approved Mitigation Statement.

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

- 35 Prior to the installation of any external lighting within a phase pursuant to Condition 4 and 46 an external lighting plan relevant to that phase shall be submitted to and approved in writing by the Local Planning Authority. The proposed lighting strategy shall be designed to minimise impacts on biodiversity and shall accord with the Bat Conservation Trust/Institute of Lighting Professionals 'Guidance Note 08/23: Bats and Artificial Lighting at Night' and include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) as well as ISO lux plan(s) showing light spill. All external lighting shall be installed in accordance with the specifications and locations set out in the plan and be maintained thereafter.

Reason: To limit the impact of light pollution from artificial light in accordance with paragraph 198(c) of the National Planning Policy Framework 2024.

- 36 Prior to first occupation of the development hereby approved within each phase pursuant to Condition 4 and 46, a Landscape and Ecological Management Plan (LEMP) pursuant to that phase shall be submitted to and approved in writing by the local planning authority. The plan shall accord with the measures outlined in the Ecological Impact Assessment (Lloydboore, March 25), or any subsequent revisions to this report, it shall include, where applicable to that phase, details of the following:

- Habitat creation measures, including full details of tree, shrub and hedgerow planting, modified grassland creation and aquatic planting around SuDS features;
- A full planting schedule utilising primarily native species;

- The location of integral swift boxes (totalling 80 across the entire development) in accordance with BS 42021:2022 (north/east facing, 4m from the ground and with unobstructed access);
- Details of the locations and specifications of at least two black redstart nest boxes of durable construction and suitably located;
- Details of integral and externally mounted bat boxes which are to be of durable construction and suitably located;
- Where applicable Locations of 13×13cm holes in close board fencing provided for hedgehogs;
- Locations and details of interpretation boards advising the public of the importance of the Medway Estuary and Marshes designated sites, and encouraging walking dogs on leads;
- Rolling, long-term maintenance measures covering up to a 30-year period; and
- Details of responsible persons.

The approved plan shall be implemented as described and retained thereafter.

Reason: To protect and enhance biodiversity in accordance with paragraphs 187, 192 and 193 of the National Planning Policy Framework 2024.

- 37 Within twelve months of completion of the development hereby approved, photographic evidence of the implementation of such habitat creation and biodiversity enhancement measures as are required by Condition 36 shall be submitted to the local planning authority for approval. The approved details shall be thereafter retained.

Reason: To protect and enhance biodiversity in accordance with paragraphs 187, 192 and 193 of the National Planning Policy Framework 2024.

- 38 No part of the development within each phase pursuant to Condition 4 and 46 hereby permitted shall be first occupied or brought into use until a detailed Travel Plan for that phase (Residential Travel Plan and/or Staff Travel Plan, as applicable) has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan(s) shall be based on the principles, objectives and framework measures set out within the submitted Framework Travel Plan, and shall include where applicable to each phase, but not be limited to:

- Updated baseline information, travel patterns and mode share assumptions appropriate to the relevant phase;
- SMART targets for achieving a reduction in single occupancy car journeys and an increase in sustainable travel modes;
- Full details of the Travel Plan Coordinator, including responsibilities, resourcing and management arrangements;

- A programme of measures for residents, staff and visitors to promote and encourage walking, cycling, public transport and other sustainable travel options;
- A programme of marketing and communication, including travel packs and information for new residents and staff;
- Monitoring arrangements, including TRICS compliant surveys, timescale's, performance indicators and reporting mechanisms to the Local Planning Authority;
- Review procedures, including triggers for remedial or additional measures should agreed targets not be met; and
- Implementation timetable, linked to the phased occupation of the development.

The Travel Plan(s) shall thereafter be fully implemented in accordance with the approved details from first occupation of each phase, and all measures, targets and monitoring shall be maintained and reviewed for a minimum period of five years from first occupation of that phase, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that sustainable travel is promoted and that the development minimises reliance on the private car, in the interests of highway efficiency, climate objectives and sustainable development.

39 The development shall be carried out in full accordance with the measures, procedures and recommendations set out within the Flood Evacuation and Management Plan (FEMP) (Ref; 24-0365, dated August 2025), including all preparation, warning, evacuation, safe refuge and post event protocols. The FEMP shall:

- Be adhered to for the lifetime of the development;
- Be made available to all future occupants, site operators and management staff;
- Be incorporated into the site's management and maintenance procedures; and
- Be reviewed and updated as necessary should building layout, access arrangements, or flood risk information change, with any revised version submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safety of future occupiers and users of the development in areas at risk of flooding, and to ensure that appropriate evacuation and flood response measures are in place in accordance with Section 14 of the National Planning Policy Framework 2024.

40 No part of the development within a phase pursuant to Condition 4 and 46 shall be occupied until a Parking Management Plan relevant to that phase has been submitted to and approved in writing by the Local Planning Authority. The

Parking Management Plan shall contain details of how any offsite parking impacts will be mitigated, and how visitor parking, resident parking, staff parking and customer parking (as applicable) will be monitored and allocated and how any breaches will be enforced. The Parking Management Plan shall be implemented in accordance with the approved details prior to the first occupation of any dwelling and shall thereafter be retained.

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

- 41 With the exception of the SGN Offices/Training Facility, no part of the development shall be occupied until the Hazardous Substances Consent(s) relating to the site has been revoked under Section 14 or Section 17 of the Planning (Hazardous Substances) Act 1990 (as amended).

Reason: To safeguard public health and safety, as advised by the Health and Safety Executive (HSE).

- 42 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated by a piling risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraphs 187, 196 and 197 of the National Planning Policy Framework 2024.

- 43 The development shall be carried out in accordance with the submitted Flood Risk Assessment by Rappor (Ref: 24-0365, Issue 4, dated September 2025) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 6.65 metres above Ordnance Datum (AOD) on the ground floor.
- Finished floor levels shall be set no lower than 7.70m AOD on the first floor.
- The finished floor levels for residential accommodation will be set no lower than indicated on consented drawing 17286 - SK50 Rev A.
- There will be no dwellings on the ground floor.

Reason: To reduce the risk of flooding to the proposed development and future occupants. This is in line with paragraph 181 of the National Planning Policy Framework 2024.

- 44 The total quantum of retail and leisure floorspace within the development for both the detailed and outline applications shall not exceed a total of 2,450 sqm Gross External Area (GEA).

Reason: In the interests of sustainability/town centre priority, amenity and highway safety including with regard to Policies BNE2 and T1 of the Medway Local Plan 2003.

### **Conditions for Full/Detailed Consent**

- 45 The development hereby permitted as part of the detailed application comprising the demolition of existing buildings and structures and the construction of a retail unit (Class E); replacement gas distribution company facilities to include new office, training facility and depot; internal access road, pedestrian / cycle access from Pier Road and revised access from Strand Approach Road; car parking; and alterations to the site layout to include drainage, infrastructure and hard and soft landscaping; and associated works; shall be begun before the expiration of three years from the date of this permission.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended).

- 46 The detailed area approved can be brought forward in phases (hereinafter referred to as 'Phases 1 & 2') in accordance with the approved plan (Ref: 17286-SK57 'Phasing Plan (Detailed) received 27 February 2026').

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

- 47 The development hereby permitted in respect of Phases 1 & 2 shall be carried out in accordance with the following approved plans:

Received 20 May 2025

17286-105 - Proposed Floor Plan (Food store)  
17286-106 - Proposed Roof Plan (Food store)  
17286-107 - Proposed Floor and Roof Plans (SGN)  
17286-108 - Proposed Elevations (Food store)  
17268-109 - Proposed Elevations (SGN)

Received 10 February 2026

17286-104 Rev D - Proposed Site Plan  
17286-110 Rev C - Proposed Sub Station and Gas Governor Plans

Received 26 February 2026

1286-SK57 - Phasing Plan (Detailed)

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

- 48 No development above slab level for each phase as agreed pursuant to Condition 46 shall take place until details and samples of all materials to be used externally for both the building and hard landscaping relevant to that Phase 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 Policies BNE1 of the Medway Local Plan 2003.

- 49 No development above slab level for each phase as agreed pursuant to Condition 46 shall take place until the following architectural details relating to the retail store and SGN facility have been submitted to and approved in writing by the Local Planning Authority. These details shall include 1:20 drawings (as a minimum) of window frames and cills, doors, door frames and cills, weatherboarding, cladding, fascia's, soffits and rainwater goods. The development shall be implemented in accordance with the approved details retained thereafter.

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

- 50 No part of the development within each phase pursuant to Condition 46 shall be occupied until full details of both hard and soft landscape works and a timetable for implementation relevant to that phase has been submitted to and approved in writing by the Local Planning Authority. These details shall include all public seating, footpaths, litter and dog bins, paving, underground utilities and recreation space. 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.

- 51 No part of the development within each phase pursuant to Condition 46 shall be occupied until a Landscape Management Plan (LMP) for that phase, has been submitted to and approved in writing by the Local Planning Authority. The LMP shall include long term design objectives, management responsibilities and maintenance schedules for all hard (including footpaths) and soft landscape areas 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.

- 52 No development shall take place above ground floor slab level within each phase pursuant to Condition 46 until details for the provision of electrical vehicle charging for that phase (comprising 4 x vehicle charging bays for the Retail Food store in Phase 1 and 1 x vehicle charging bay for the SGN Facility in Phase 2) has been submitted to and approved in writing by the Local Planning Authority. Details shall include the location, charging type (power output and charging speed), associated infrastructure and timetable for installation. The development shall be implemented in accordance with the approved details and shall thereafter be maintained.

Reason: In the interests of sustainability in accordance with paragraph 117e of National Planning Policy Framework 2021.

- 53 Prior to the first use of a building approved within each of Phases 1 or 2, details of boundary treatment and retaining walls (including position, design/appearance and materials) for that phase shall be submitted to and approved in writing by the Local Planning Authority and completed in accordance with the approved details. They shall be retained as approved thereafter.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of amenity in the locality in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 54 Prior to the first use of the buildings approved in Phase 1 full details of the covered cycle parking provision shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented on site. The cycle parking provision shall be retained as such thereafter.

Reason: To ensure the provision of suitable cycle parking in accordance with Policy T4 of the Medway Local Plan 2003.

- 55 Prior to the first occupation of any building phase 1, a Waste Management Strategy and Servicing Strategy shall be submitted to and approved in writing by

the Local Planning Authority. This should include details of the refuse storage facilities and details of how waste will be removed from the site. 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.

- 56 The development hereby permitted in relation to Phase 1 shall be implemented in accordance with the measures to address energy efficiency and climate change as set out within the Energy and Sustainability Statement (dated May 2025). Prior to first occupation of a building within each phase a verification report prepared by a suitably qualified professional shall be submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures for that phase have been undertaken and will thereafter be maintained.

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 161 the National Planning Policy Framework 2024.

- 57 Prior to the first use of the buildings approved in Phase 1 the areas shown on the submitted layout as vehicle access, parking, loading and off-loading and turning space shall be 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 that area of land or in such a position as to preclude vehicular access to these reserved vehicle access, parking, loading and turning areas.

Reason: Development without provision of adequate accommodation for access, parking, loading, off-loading and turning of vehicles is likely to lead to hazardous conditions in the public highway and in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

- 58 The proposed access onto Pier Road serving the SGN Facility as shown on drawing number 24009-11 shall not be brought into first use until the following details have been submitted to and been approved in writing by the Local Planning Authority:

- Details of the location and type of the proposed signage to warn operatives egressing the access to observe pedestrians and cyclists;
- Proposals to rationalise and adjust the proposed access and boundary fencing to improve visibility.

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

Reason: In the interests of highway safety and in compliance with Policy T2 of Medway Local Plan 2003.

- 59 No part of the development within each phase pursuant to Condition 46 shall be occupied until the visibility splays associated with that phase have been provided in accordance with the following drawings:

Received 20 May 2025

Phase 1: 24009-010 Rev A - Proposed Site Access Strand Approach Road  
Phase 2: 24009-011 - Proposed SGN Access Pier Road

Once provided, the splays shall thereafter be retained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level.

Reason: In the interests of highway safety and in compliance with Policy T2 of Medway Local Plan 2003.

- 60 The retail food store shall only be open to members of the public between the hours of 08:00 to 22:00 Mondays to Saturdays inclusive and for up to 6 hours between the hours of 10:00 to 18:00 on Sundays.

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.

- 61 No delivery vehicles in connection with the retail food store shall arrive or depart within the application site or any goods be loaded, unloaded, stored or otherwise handled other than in accordance with the following maximums:

- Up to a total of 6 deliveries in any 24-hour period;
- Within this total, up to 2 deliveries between 06:00 and 07:00;
- A maximum of 1 delivery within any 15-minute period between 06:00 and 07:00;
- A maximum of 4 deliveries in any 1-hour period between 07:00 and 23:00;
- No deliveries between 23:00 and 06:00.

Deliveries shall only take place in the loading bay, and it shall include a dock leveller with the tailgate to be enclosed within the building.

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.

- 62 The retail food store approved as part of Phase 1 shall be used for the purposes of Class E(a) retail use only and shall not be used for any other purpose,

including any other purpose allowed within the Town and County Planning (Use Classes) Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or in any provision equivalent to that Class in any statutory instrument(s) revoking or re-enacting those Orders (with or without modification).

Reason: To clarify what has been permitted and to allow further assessment of any alternative use in the interests of sustainability/town centre priority, amenity and highway safety including with regard to Policies BNE2 and T1 of the Medway Local Plan 2003.

- 63 No development within each phase pursuant to Condition 46 shall take place above ground floor slab level until a scheme to minimise the transmission of noise from each of the gas depot and retail food store, has been submitted and approved in writing by the Local Planning Authority. Noise from these premises (including noise emitted from any plant or equipment) should be controlled, such that the noise rating level (L<sub>Ar,Tr</sub>) emitted from the development shall not exceed the background noise level (L<sub>A90,T</sub>) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014. All works which, form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

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

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

## **Proposal**

This is a Hybrid Planning Application consisting of:

- (i) Full Planning Application for the demolition of existing structures and ancillary buildings relating to the former gas works, and the construction of a food retail store (Class E) and reprovision of a new SGN facility. Including associated highways works and access, consisting of a 'spine' road from the existing access from Strand Approach Road with areas of landscaping and associated infrastructure and
- (ii) Outline Planning Application (with all matters reserved for future determination) for the construction of up to 500 residential units, a care home and/or later living of up to 140 beds and Class E floorspace within the residential blocks with parking, landscaping and associated infrastructure.

The detailed component comprises the construction of a food store (Class E), within a single storey building measuring approx. 73.1m in length, approx. 31.1m in width and

approx. 6.25m in height. The gross internal floor area would measure approx. 2,021 sqm, including back of house storage areas, staff offices/meeting rooms and staff amenity areas. The customer retail sales area would measure approx. 1,228 sqm. The proposed material schedule would include facing brickwork, cladding, aluminium pressing and corner flashing with large, glazed elements. A total of 111 parking spaces including 7 x disabled bays, 7 x parent/child bays and 4 x EV parking spaces would be provided in addition to 10 x cycle parking spaces in the form of Sheffield stands. Access would be via Strand Approach Road with works proposed to widen the existing junction.

The proposed SGN training, office and depot facility which also forms part of the detailed application would comprise a two-storey building (including mezzanine) measuring approx. 22.3m in length, approx. 19.5m in width and approx. 9m in height. The gross internal floor area would measure approx. 750 sqm, split between the ground and first floor. The ground floor would consist of storage space with the first floor reserved for additional storage, offices, meeting rooms and staff amenity areas. The proposed material schedule would include facing brickwork, cladding and glazing. A compound would also be provided which would provide a total of 14 x van parking spaces, 12 car parking spaces, including 2 x disabled bays and 1 x EV parking space. This area would also provide servicing facilities in connection with SGN's existing operations. Access would be via Pier Road with works proposed to widen the existing historic access. The detailed application also includes public realm and landscaping improvements with a new shared access for pedestrians and cyclists between the site and Pier Road. This would comprise seating, planting and informal play.

The Outline Component comprises up to 500 dwellings (Class C3) and up to 140 beds for either a Care Home and / or Later Living (Class C2 and / or C3). Although indicative a total of 312 residential parking spaces, including 10 car club spaces are proposed for the apartment blocks alongside 27 parking spaces, including 6 disabled bays and a pickup/drop off layby/ambulance bay in connection with the later living. Provision is also sought for flexible Class E use / ancillary residential space within the residential blocks, in order to provide a range of potential amenities such as café / gym / office / nursery uses. This also includes potential reprovision for the sailing clubhouse should it be required and subject to alternative arrangements for its provision. The maximum area for this space is 2,695 sqm. All matters are reserved for future determination, albeit the application is supported by parameter plans and a design principles document.

It is anticipated that the proposed development will be delivered in phases. The detailed element of the application will be delivered as the initial phase. The outline element will be delivered through a subsequent reserved matter application(s).

### **Site Area/Density**

Site Area: 4.49 hectares (11.09 acres)  
Site Density: 111 dph (45 dpa)

## Relevant Planning History

MC/24/2167

Town and Country Planning Act (Environmental Impact Assessment) Regulations 2017 (as amended) request for an EIA screening opinion for a mixed use development comprising of up to 510 residential units, a food store, a care home/retirement living (Class C2/C3) and smaller ground floor Class E units, including the reprovision of a new SGN facility and provision of a new sailing clubhouse.  
Decision: EIA not required  
Decided: 11 November 2024

## Representations

The application has been advertised on site, in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties. Active Travel England, The Environment Agency, ESP Utilities Group, Health and Safety Executive, KCC Archaeology, KCC Biodiversity, Kent Fire Service, Kent Police, Kent Wildlife Trust, Kent Fire and Rescue, Marine Management Organisation, National Highways, Natural England, Peel Ports, Royal Society for Protection of Birds, Scottish & Southern Electricity (SSE), SGN, Southern Water and UK Power Networks, have also been consulted.

**25 letters** of representation have been received objecting to the application for the following reasons:

- Development is too dense, and residential blocks are too high;
- Impact of development on existing infrastructure such as GP surgeries, Dentists, Schools, Public Transport;
- Increased traffic congestion;
- Retail unit is not required given prevalence of similar uses in the vicinity;
- No provision for affordable housing;
- Construction Impacts;
- Flood risks;
- Contamination Risks;
- Insufficient parking is being provided;
- No benefit in providing access to Marina and Victory Pier due to security concerns;
- Potential displacement/loss of Segas Sailing Club;
- Environmental Impacts of the development;
- Lack of s106 contributions;
- Impact on noise levels and air pollution;
- Impact on the character and appearance of the area;

- Impact on neighbouring amenity.

**3 letters** of representation have been received neither supporting nor objecting to the application but making the following comments;

- The requirement for housing should be prioritised for young people;
- The application should safeguard Segas Sailing Club and Medway Water Sports operations;
- Due care should be taken during excavation.

**1 letter** of support has also been received.

**Active Travel England** support the principle of the development; however, a further review of active travel measures relating to walking and cycling was initially requested. Specifically, it has been suggested that a footpath link be provided between the proposed food store and the later living building, and additional information is required to demonstrate that cycle parking provision has been maximized for the residential apartment blocks.

*As these elements form part of the outline application, they will be considered in more detail at the Reserved Matters stage. The feasibility of delivering the suggested footpath link will need to be reviewed in light of land level changes and Secure by Design principles. In addition, a potential financial contribution to promote safe walking and wheeling will need to be assessed in the context of the site's viability.*

**ESP Utilities Group** have provided standard advice and guidance when carrying out work in the vicinity of underground gas pipes.

**The Environment Agency** initially objected to the application on the grounds that vulnerable land uses were proposed within Flood Zone 3b, contrary to national policy. In response to these concerns, the applicant undertook additional flood modelling and submitted further technical information. The Environment Agency has since reviewed the updated flood risk, drainage and contamination documentation, and following further engagement with both the Council and the applicant has confirmed that it is now satisfied with the proposals. The EA has, therefore, withdrawn its objection, subject to a series of planning conditions securing flood-risk mitigation measures, contaminated land remediation, and controls on piling.

The **Health and Safety Executive** have advised that the development site lies within the HSE consultation zones for a site with consent to hold hazardous substances. HSE has identified that the proposed development is located within the inner consultation zone of the gas holder station. HSE understands that although the hazardous substance consent for Gillingham Gas Holder Station is still in force, the installation itself is being decommissioned. Therefore, and if the hazardous substances consent(s) for the Gillingham Gas Holder Station were formally revoked in accordance with Section 14 or 17 of the Planning (Hazardous Substances) Act 1990, the consultation zones for

the gas holder would be removed and the proposed development site would then only be in the outer consultation zones for the high pressure gas pipelines. HSE does not advise against the development types proposed in the outer consultation zone. Therefore, and subject to a condition to ensure the development proposed, other than the SGN offices, training facility and depot are not occupied until the Hazardous Substances Consent(s) for the Gillingham Gas Holder Station at Pier Road, Gillingham have been revoked under Section 14 or 17 of the Planning (Hazardous Substances) Act 1990 (as amended) they raise no objection.

**KCC Archaeology** initially requested further archaeological information. In response, the applicant submitted an updated Archaeological Desk-Based Assessment along with a specialist geoarchaeological assessment of the site's potential. KCC has confirmed that these reports provide sufficient information to satisfy paragraph 207 of the NPPF and, subject to appropriate conditions, they raise no objection.

**KCC Biodiversity** have advised that sufficient ecological information has been provided to determine the application, and subject to conditions, no objections are raised. A Biodiversity Net Gain (BNG) assessment demonstrates that the development will deliver a net gain of 2.97 habitat units (58.34%) and 2.03 hedgerow units (242.06%) onsite. However, the standards of the trading summary have not been met due to the loss of medium-distinctiveness habitats. As a result, either additional opportunities will need to be explored onsite, or offsite units will need to be secured to achieve full compliance. This can be secured via the BNG Plan.

**Kent Fire and Rescue** have advised that the road emergency access requirements for the detailed element of the application appear to have been met. Further guidance has also been provided in respect of the outline element, which will be subject to consideration at reserved matters stage. This includes guidance in respect to the access routes and turning facilities for fire tenders.

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

**National Highways** raise no objections to the proposal, and they are satisfied that the development, if permitted, would not have an unacceptable impact on the safety, reliability and/or operational efficiency of the strategic road network. However, they have requested a condition in respect to a Construction Traffic Management Plan.

**Natural England** have advised that they are not able to provide specific advice on this application and, therefore, has no comment to make on its details. They have, however, provided their general standing advice. Notwithstanding this an appropriate mitigation for recreational pressure impacts on habitat sites will be secured through the SAMMS mitigation contribution.

**The Marine Management Organisation** have not commented directly on the merits of the application; however, they have provided their standing advice in relation to Marine Licensing, Marine Planning, Wildlife Licensing, Commercial Fisheries and other marine uses.

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

**Southern Water Services** have advised that they have undertaken a capacity check to understand the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network. This 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, therefore, need to be provided by Southern Water. Southern Water will liaise with the developer in order to review if the delivery of their network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement. Southern Water has also advised that it might be possible to divert the sewer main, so long as this would result in no unacceptable loss of hydraulic capacity, and that the work is undertaken at the developer's expense. They have also provided advice in respect to the adoption of SuDS features, demolition near water supply apparatus and tree planting near public apparatus as well as advice on development in floodplains.

**Scottish & Southern Electricity (SSE)** have confirmed that there are no records of any owned apparatus within the specific area. However, they have provided standard advice in respect to site safety when working in the vicinity of electrical apparatus.

**SGN (Southern Gas Networks)** initially raised concerns regarding the application due to the presence of a high-pressure gas pipeline located in the vicinity of the site. They highlighted issues relating to the proposed safe separation distances between the high-pressure pipeline and the proposed habitable accommodation, the adequacy of the SGN compound to meet their operational requirements, and the absence of any formal agreement for the relocation of SGN assets. In response, the applicant submitted an amended site layout to ensure that appropriate easements and separation distances were maintained from the underground gas infrastructure, and the size of the SGN compound was increased accordingly. Following this, SGN was re-consulted, and they advised that before any works commence, the precise location of the pipeline and associated SGN assets must be confirmed in consultation with them. SGN has also provided guidance on safe working practices in proximity to a high-pressure pipeline, including restrictions relating to mechanical excavation, easement strip requirements, piling, and other intrusive construction activities. This will be included as an informative.

## **EIA Screening**

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

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

A request for an EIA Screening Opinion was submitted to Medway Council under MC/24/2167 on 21 October 2024. The screening request assessed the Schedule 2 development against specific selection criteria for screening as required by Schedule 3 of the 2017 Regulations. This includes the characteristics of development, location of development and types and characteristics of the potential impact. The screening request concluded that the proposed development is unlikely to result in significant effects on the environment and, therefore, is not 'EIA development' and an environmental impact assessment is not required.

## **Development Plan**

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within these documents and used in the processing of this application have been assessed against the National Planning Policy Framework December 2024 (NPPF) and are generally considered to conform. Where non-conformity exists, this will be highlighted and addressed in the appraisal section below. The Building Height Policy for Medway 2006 and Gillingham Waterfront Planning Brief (2004) is also applicable.

In addition, the Final draft (Regulation 22) Local Plan - Medway Local Plan 2041 was submitted to the Inspectorate for examination in December 2025. The policies within this version of the Final draft plan have weight in the determination of planning (and associated) applications and relevant policies have been referenced where applicable in this report.

## **Planning Appraisal**

### *Background*

The application site lies to the north of Pier Road and is accessed via Strand Approach Road. It is bounded by the river Medway to the north, leisure uses comprising Medway Waters Sports and Medway Cruising Club to the east, with the Strand beyond. The built-up area of Gillingham is located to the south with Gillingham Marina to the west. The site is within an urban area with the surrounding context characterised by a range

of land uses including a mix of residential, commercial and leisure uses and would constitute previously developed land as per the NPPF definition.

The site currently comprises operational and decommissioned SGN buildings and structures, which includes two former gasholders which are now obsolete. There is also existing operational gas infrastructure/pipelines below ground level which for operational requirements must remain in situ. The existing site also includes storage for the Segas Sailing Club as well as their current clubhouse. The remainder of the site constitutes made up areas of hardstanding with some areas of vegetation at the southern boundary.

### *Principle of Residential, Later Living and SGN Facility*

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

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

Paragraph 129 of the NPPF also states that decisions should support development that makes efficient use of land, taking into account the identified need for different types of housing and other forms of development, viability, the availability and capacity of

infrastructure and services, the desirability of maintaining an area's prevailing character and setting and the importance of well designed, attractive and healthy places.

The site is located within the urban area of Gillingham as defined on the proposal maps to the Local Plan. 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. Policy H4 of the Local Plan states that within the urban area residential development in the form of the redevelopment of existing residential areas, including the use of vacant or derelict land with mixed uses, is acceptable providing that a clear improvement in the local environment will result. Policy H5 of the Local Plan also seeks greater intensity of development at places with good transport accessibility or around major nodes along good public transport corridors. Policy CF5 of the Local Plan also permits accommodation providing nursing or special care to meet needs arising in local neighbourhoods, subject to there being no undue loss of amenity to neighbouring residents. Proposals should be of a size, design and location that will provide a satisfactory environment for future residents. Part of the site is also designated in the Local Plan as an area for water-based leisure to which Policy L13 applies. Policy L13 states the development of water-based leisure facilities along the river will be permitted provided there is no adverse effect on nature conservation, there is adequate land-based access for pedestrians, cyclists and road traffic and it does not prejudice the amenity of local residents.

The adopted Local Plan is of some age, being adopted in 2003. The Council does not currently have a five-year housing land supply. The Housing Delivery Test Action Plan (2025), details that the Council had only delivered 72% of its target number of dwellings compared with the defined housing requirement as of December 2024. This is despite a significant increase in the number of homes delivered since 2020, compared with preceding years and indeed the highest levels of delivery Medway has had since its inception in 1998. These levels of delivery have generally been sustained until a sharp decline in net completions between 2024/2025 where only 634 homes were built compared to the target of 1,636 set by the government's standard method (Annual Monitoring Report, 2025). This means that an action plan should be prepared, a buffer of 20% should be applied to the local housing need and a presumption in favour of sustainable development applies.

### *Regulation 22 Medway Local Plan 2041*

The Local Planning Authority is progressing the Medway Local Plan 2041 to replace the Medway Local Plan 2003. The preferred sites will allocate the amount of housing and commercial land required to meet the borough's up-to-date targets. The Regulation 22 Local Plan has provided for a housing need of 24,540 over the plan period, equating to 1,636 new homes per year. This is the Local Housing Needs requirement as defined through use of the government's standard method formula. The Local Plan provides for housing land supply through implementation of schemes with planning permission – 'pipeline' sites, new site allocations for development, and allowance for 'windfall' sites. The supply provided in the draft plan consists of: Pipeline sites (with planning consent,

not completed or allocated) – 1,762; Local Plan allocations – 21,194; and Windfall sites – 1,584. This provides a small buffer on supply over need.

The Spatial Development Strategy sets out a 'brownfield first' approach, using previously developed land to bring forward opportunities for investment in urban centres and waterfront sites, such as Chatham Docks and the former Gas Holders as part of a wider riverside regeneration area, continuing to deliver on Medway's regeneration potential. This component will deliver around 40% of the housing needs in the Local Plan. The application site is allocated as a site (GN6) within the (Regulation 22) Medway Local Plan 2041 which could accommodate up to 500 new homes, including residential, older persons accommodation and convenience retail within the first 5 years of the plan period. Policy SA4 sets out the objectives and criteria for this, with the design principles established through a master planning approach. This seeks to ensure development within the River Waterfront area delivers greater accessibility for residents to the waterfront through increased permeability and connectivity between the sites and the surrounding area. In doing so, future development should make a positive contribution towards health, accessibility, and amenity objectives, while enhancing the quality of the environment for both future residents and the existing community.

A (Draft) Medway Waterfront Regeneration Vision has been produced by Peel in collaboration with Blueberry Homes and the Council. The document helps to articulate the significant potential of regenerating land along the river waterfront as identified in policy SA4. This includes the proposed site allocations at Chatham Docks Industrial Estate and Chatham Waters along with Gillingham Marina, land in the Council's ownership at Pier Approach Road Depot, the former gas holder site the subject of this application and the proposed green link to Gillingham town centre. It is envisaged that this document will be presented to the Inspector as part of the Local Plan examination.

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

#### *Principle of Food store*

The site is located within the urban area, but outside the Core Retail Area and not within an area allocated for retail or any other use on the proposals map to the Local Plan. Policy R13 of the Local Plan relates to retail development outside of the main retail centres and requires such proposals to apply a sequential approach. Policy R13 of the Local Plan states that retail development outside the main retail centres will only be permitted when it is demonstrated that sites suitable for the proposed retail development are not available in accordance with the following sequence:

- (i) within the Core Areas of Chatham, Strood, Gillingham and Rainham; then
- (ii) on the edge (i.e. within 200-300 metres) of the Core Areas of Chatham, Strood, Gillingham and Rainham; then
- (iii) within or adjacent to one of the Local Centres, Village and Neighbourhood Centres as listed in policy R10.

Development will be assessed in accordance with the following criteria:

- (iv) the extent to which the proposal would undermine the strategy and objectives of the local plan to sustain and enhance the vitality and viability of existing centres; and
- (v) whether the scale and type of retailing by itself, or cumulatively with other proposals, would have a detrimental impact on the vitality and viability of the Core Areas, Local Centres, Villages or Neighbourhood Centres; and
- (vi) whether the location enables access by a choice of transport, including public transport;
- (vii) the overall impact on travel, the likely changes in travel patterns and reduction in the reliance on the car.

The sequential approach to the siting of town centre uses is also supported in the NPPF at paragraphs 91 and 92.

Paragraph 91 of the NPPF states that:

*“Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.”*

Paragraph 92 of the NPPF states that:

*“When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.”*

Paragraph 90 of the NPPF also 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, management and adaptation”*.

Paragraph 011 of the NPPG (Reference ID: 2b-011-20190722) states how the sequential test should be used in decision-making. It goes on to provide a checklist that sets out the considerations that should be taken into account in determining whether a proposal complies with the sequential test. Lastly, paragraph 011 of the NPPG (Reference ID: 2b-011-20190722) states “In line with paragraph 86 (now paragraph 91) of the National Planning Policy Framework, only if suitable sites in town centre or edge of centre locations are not available (or expected to become available within a reasonable period) should out of centre sites be considered. When considering what a reasonable period is for this purpose, the scale and complexity of the proposed scheme and of potentially suitable town or edge of centre sites should be taken into account.”

## *The Sequential Test*

A Sequential Assessment was appended to the applicants Planning Statement (Appendix 1). The site is in an 'out-of-centre' location as defined by the NPPF and is not allocated for development for main town centre uses. As such a sequential assessment is required under the terms of the NPPF. This was carried out in accordance with the requirements of paragraphs 91 and 92 of the NPPF and the appropriate Planning Practice Guidance – Town Centres and Retail which states that *use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations.*

The sequential test looked at the following sites within the retail areas of Gillingham and Chatham as agreed with the LPA:

Land at Green Street, Gillingham  
Land between Jeffery Street and High Street, Gillingham  
Former Go Outdoors, The Brook, Chatham  
Former Debenhams, High Street, Chatham  
Pentagon Shopping Centre (including former Wilkinsons Unit), Chatham  
Land at Richard Street/Best Street  
Trafalgar Centre, Chatham  
121-127 High Street, Chatham  
Queen Street and Slicketts Hill Car Park  
High Street, Chatham (Southeastern End)  
Wickes, New Cut, Chatham  
3 New Road, Chatham  
21-23 New Road, Chatham

Each of these sites were assessed in terms of their suitability, accessibility, availability and viability in accordance with the aforementioned guidance.

### Land at Green Street, Gillingham

This comprises various plots of land on opposite sides of Green Street, including a current Royal Mail facility and the former Riley's Snooker Hall, which is identified as a site allocation within the (Regulation 22) Medway Local Plan 2041 for circa 57 residential units. The sites are located outside of but adjoining the Core Retail Area. It is, therefore, an edge-of-centre location.

The former snooker hall site is subject to an extant planning permission granted in February 2024 (MC/22/2514) for a residential scheme comprising of 57 apartments. It is, therefore, too small to accommodate the proposed development (or the food store in isolation). The Royal Mail facility is currently occupied and, therefore, not available. It is also too small to accommodate the proposed development (or the food store in isolation) allowing for servicing access and parking, whilst its lack of visibility / frontage

and accessibility constraints would not attract any interest from a food store operator. Remaining parts of the wider site are much smaller. It can, therefore, be concluded that this 'site' is not available or suitable for the proposed development.

#### Land between Jeffery Street and High Street, Gillingham

This area comprises various small commercial and residential premises fronting the High Street and Skinner Street, with small car parks to the rear accessed from Jeffrey Street. The western car park forms part of a historic allocation, along with adjacent units fronting the High Street and Skinner Street, under Policy R5 of the Local Plan for retail development to include a food store of up to 2,000 sqm. The site is located within the Core Retail Area and, therefore, classed as 'in-centre' in retail policy terms.

A part of the site within the Policy R5 allocation, fronting Jeffrey Street, has recently undergone development for a residential led scheme pursuant to planning permission MC/18/2448. The two car parks on the wider site, which are separated by the recent residential scheme, are too small and currently in active use. These are too small to accommodate the proposed development (or the food store in isolation).

The remaining area, comprising of a range of small scale commercial and residential premises, are in a range of ownerships, the vast majority of which are occupied and would require complex land assembly and cannot be considered available. It can, therefore, be concluded that this 'site' is not available or suitable for the proposed development.

#### Former Go Outdoors, The Brook

The site comprises the former Go Outdoors unit and market hall which have now been demolished. It is located within the Core Retail Area. Medway Local Plan Policy R3 identifies this site including the adjacent car park, for development for retail and / or other appropriate uses to a town centre location.

A planning application for the redevelopment of the site was submitted in December 2024 under MC/24/2495, which proposed a residential led development of the site for 319 apartments and 744 sqm of flexible commercial space (Class E). A resolution to approve the application was granted by planning committee on 4 June 2025 subject to the completion of an s106 agreement.

The commercial space is split across 4 blocks, of which a maximum of 541 sqm could be provided as a single unit, albeit this would be an awkward configuration. Notwithstanding this, it is too small for the proposed development (or the food store in isolation).

### Former Debenhams, Chatham

The site comprises the former Debenhams store which is identified as a site allocation within the (Regulation 22) Medway Local Plan 2041 for circa 60 residential units. The store contains a ground floor area of approx. 2,791 sqm, with the building itself arranged over 3/4 floors. It is located on a slope such that the High Street (front) level is a full floor below the Richard Street (rear) level, which also contains access and a delivery area.

The topography of the site does not lend itself to the proposed development, with a food store typically requiring a single level floorplate. The configuration of the building and servicing access at first floor, does not readily lend itself to the conversion of a food store at ground floor level either. Further, there is no direct dedicated parking at the site, or the ability to provide this in close proximity, which a retailer would require in order to operate a store of the proposed size, even allowing for flexibility. On this basis, the site is not considered to be suitable for the proposed development.

### Pentagon Shopping Centre (including former Wilkinsons Unit), Chatham

The Pentagon Centre is located within the Core Retail Area. The first floor of the former Wilkinsons unit within the shopping centre is being converted to the James Williams Health Centre and is, therefore, not available. The remaining ground floor is too small to accommodate the proposed development (or the food store in isolation) and, being approximately two thirds of the size of the proposed food store, falls beyond a reasonable degree of flexibility. Other vacant units within the centre would individually be too small and sufficient floorspace could only be achieved through the amalgamation of existing units. No plans have come forward for the expansion of the centre, and it is currently neither suitable nor available.

### Land at Richard Street/Best Street

The site comprises vacant land between Richard Street, Best Street, Clover Street and James Street. It forms part of a larger allocation under Policy R1 of the Medway Local Plan for retail and service uses (former Use Classes A1, A2 and A3). It is also within the Core Retail Area. The site is too small for the proposed development (or the food store in isolation), allowing for reasonable flexibility. In addition, an application has been approved as of 15 December 2025 under MC/25/0846 for 42 residential units on the site. The larger allocation is in multiple ownership and unlikely to come forward within a reasonable time period and as such is not available or suitable.

### Trafalgar Centre, Chatham

This site comprises the now demolished former shopping centre and is located within the Core Retail Area. An outline planning application for the residential-led redevelopment of this site, and the adjacent Rhode Street multi storey car park was approved in September 2022 (MC/21/3671) with subsequent reserved matters approval

in December 2024 (MC/24/1762). The approved scheme includes Class E floorspace of 130 sq. m, which could also be used as a creative art studio. The site, and the quantum of potential retail floorspace within the approved scheme, is too small for the proposed development (or the food store in isolation). The site is, therefore, not available or suitable for the proposed development.

#### 121-127 High Street, Chatham

The site comprises a former Argos store, which was last occupied by Gillingham Street Angels. The existing building is part 2 / part 3 storeys and comprises a ground floor footprint of approx. 1,800 sqm, with a total building floorspace of approx. 4,600 sq m across these different floor levels. It is located within the Core Retail Area and also part of the wider 'Medway's "City" Centre' allocation under Local Plan Policy S5, which supports retail use as part of the wider multi-use city centre for Medway.

The ground floor footprint of the existing building is too small to accommodate the proposed development (or the food store in isolation), allowing for reasonable flexibility, and in particular has very limited car parking provision at the rear, which is too small to accommodate a food store operator's requirements in this location, and even more so once servicing access has been taking into account. The site is, therefore, not suitable for the proposed development.

#### Queen Street and Slicketts Hill Car Park

This approx. 0.71-hectare site is located to the northeast of Chatham town centre (outside the Core Retail Area) and is bound by The Brook, Queen Street, Slicketts Hill and Cross Street. The site is defined as an edge of centre site but is separated from the Core Retail Area by The Brook, a busy main distributor route.

Outline planning permission was granted for a mixed retail (Classes A1 and A2) and residential scheme on 21 April 2010 (reference MC/09/2626). The outline scheme proposed 1,350 sq. m. retail floorspace, with a further 2,080 sq. m. of flexible floorspace plus 118 residential units. In terms of the retail floorspace previously permitted, although only in outline, the Planning Statement submitted in support of the planning application identified that this would comprise a larger anchor unit (1,350 square metres) together with 2,025 square metres of flexible retail space. However, there was no end user identified. Since permission was granted in 2010 no reserved matters application has been submitted. The outline permission has now expired and in this regard a retail unit on this site is not available.

A further application for the site was granted in 2022 under MC/20/2782 for 179 apartments in 4 blocks. However, this was never implemented and has now expired. The site is now identified in the (Regulation 22) Medway Local Plan 2041, site (CCB31) for a residential led development with a yield of 179 dwellings.

Notwithstanding this, the land, due to its topography and difficulty in providing service and delivery arrangements from the Brook would have a potential adverse impact on highway safety and free flow of traffic and as such the site would not be suitable for the nature of the proposal and the prospective tenant. Furthermore, the limited site area means that any parking that could be provided would be very limited. Accordingly, it is considered that this site is neither suitable nor available to accommodate the proposed development (or the food store in isolation).

### High Street, Chatham (Southeastern End).

This 'site' comprises a number of properties on the northern side of Chatham High Street, broadly equating to site CCB26 of the (Regulation 22) Medway Local Plan 2041, identified for residential led mixed use development, including 49 dwellings, with a site area of 0.43ha. It is located within the Core Retail Area.

The majority of the premises are occupied with ground floor retail / service uses and many appear to have residential uses above. The only vacant unit on this part of the site is the former KFC unit, which is too small to accommodate the proposed development (or the food store in isolation). There would be complicated land assembly required and significant constraints in relation to delivering the proposed development in this area particularly in relation to parking and servicing. It would also result in the loss of a range of existing businesses and homes. It is, therefore, neither suitable or available for the proposed development.

### Wickes, New Cut, Chatham

The site comprises a Wickes store and car park. It is an edge-of-centre site being located outside of the Core Retail Area albeit is in close proximity via Railway Street. The premises measures approx. 2,300 sqm and could physically accommodate the proposed food store element of the scheme, albeit not the wider proposed development. It is, however, currently occupied by Wickes, with no evidence that they are likely to vacate, and is not, therefore, available.

### 3 New Road, Chatham

The site measures approx. 2,100 sqm. It is located outside of the Core Retail Area, separated by The Paddock and Best Street. Planning permission for the residential development of the site for 61 apartments under MC/23/2669) was granted in July 2024, and ground works are currently taking place on the site. It is, therefore, not available.

Notwithstanding the above, the site is significantly constrained allowing for appropriate setbacks from the boundary in particular due to adjacent residential premises, and for customer / delivery access. The ability to accommodate the food store is therefore extremely limited. In addition, it would not be able to accommodate customer parking and the ability for deliveries to be undertaken safely would be challenging. The site is, therefore, not available or suitable.

## 21-23 New Road, Chatham

The site comprises a vacant building on a site of approximately 600 sqm. It is located outside of the Core Retail Area, separated by The Paddock and Best Street. Planning permission for the residential development of the site was granted in December 2018 under MC/18/0715. This permission has been implemented as confirmed by the Lawful Development Certificate granted under MC/21/3497. An application to amend the approved drawings was then granted in January 2025 under MC/23/2044. The site is too small for the proposed development (or the food store in isolation) and is being brought forward for a residential scheme under the extant permission. It is, therefore, neither available or suitable for the proposed development.

### *Conclusions on matters of principle and Sequential Test*

The application is not located within a Core Retail Area, nor within any other area allocated for retail use. The Sequential Test appended to the Planning Statement has been considered having regard to the provisions of (i) – (iii) of Policy R13 of the Local Plan, and paragraphs 91-92 and 95 of the NPPF.

It is considered that the identified sites within the catchment retail areas of Gillingham and Chatham have been appropriately assessed and it is concluded that there is no suitable site within these Core Retail Areas that would be suitable for the development proposed.

### *The Need for a Retail Impact Assessment*

Paragraph 94 of the NPPF states that when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sqm. of gross floorspace). This should include assessment of:

- a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

Paragraph 015 of the NPPG (Reference ID: 2b-015-20190722) also provides guidance on when the impact test should be used. It states that the impact test only applies to proposals exceeding 2,500 sqm. gross of floorspace unless a different locally appropriate threshold is set by the local planning authority. In setting a locally appropriate threshold it will be important to consider the:

- scale of proposals relative to town centres;
- the existing viability and vitality of town centres;
- cumulative effects of recent developments;
- whether local town centres are vulnerable;
- likely effects of development on any town centre strategy;
- impact on any other planned investment.

As a guiding principle, impact should be assessed on a like-for-like basis in respect of that particular sector (e.g., it may not be appropriate to compare the impact of an out of centre DIY store with small scale town-centre stores as they would normally not compete directly). Retail uses tend to compete with their most comparable competitive facilities. Conditions may be attached to appropriately control the impact of a particular use.

Where wider town centre developments or investments are in progress, it will also be appropriate to assess the impact of relevant applications on that investment. Key considerations will include:

- the policy status of the investment (i.e., whether it is outlined in the Development Plan);
- the progress made towards securing the investment (for example if contracts are established);
- the extent to which an application is likely to undermine planned developments or investments based on the effects on current/forecast turnovers, operator demand and investor confidence.

In setting the default threshold at 2,500sqm gross in paragraph 90 of the NPPF and paragraph 015 of the NPPG (Reference ID: 2b-015-20190722), it suggests that it is considered that retail units smaller than 2,500sqm are unlikely to have a significant adverse impact. If this were not the intention, it would seem pointless to have set a scale of development that should not require an impact assessment. In the case of this application the applicant has confirmed that the proposed retail and leisure floorspace across the detailed and outline elements of the scheme will be limited to 2,450 sqm gross external area. This can be controlled by a suitably worded condition.

The current Local Plan does not state a threshold and given that the Local Plan was adopted in 2003 consideration must be given as to the weight that should be afforded to its retail policies, in particular Policy R13 of the Local Plan. Paragraph 232 (Annex 1) of the NPPF states:

“However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to the degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

As outlined above, the 'adopted' Local Plan does not provide a locally set floorspace threshold which would require the need for a formal Retail Impact Assessment and, therefore, the default threshold is 2,500sqm. In these circumstances the submission of a Retail Impact Assessment is not a requirement as across the development it would not exceed this threshold. Additionally, paragraph 95 of the NPPF states that where an application fails to satisfy the sequential test or is likely to have a significant adverse impact on one or more of the considerations in paragraph 94, it should be refused. It does not say in the absence of an impact assessment the application should be refused.

In these circumstances, although Policy R13 of the Local Plan was adopted in 2003, it is not considered wholly out of date. This Policy does not state that a formal Retail Impact Assessment should be submitted, however, it does outline that development will be assessed in accordance with specific criteria, which is considered to broadly conform with paragraph 94 of the NPPF and paragraph 015 of the NPPG (Reference ID: 2b-015-20190722). Therefore, due weight should be given to Policy R13 of the Local Plan in assessing retail impact.

The (Regulation 22) Medway Local Plan 2041 proposes a locally set threshold for retail impact assessments that is lower than the default threshold in the NPPF. Under Policy T17 of the emerging Local Plan, proposals for comparison, convenience retail, or leisure uses exceeding 500 sqm would require an impact assessment. On this basis, the proposal would trigger the requirement for a retail impact assessment if the emerging policy were to be applied.

However, although the emerging Local Plan has now been submitted to the Inspectorate, paragraph 49 of the NPPF is relevant when considering the weight that can be afforded to it. Paragraph 49 states that weight may be given to emerging policies having regard to:

- a) *the stage of preparation of the plan (with greater weight afforded to more advanced stages);*
- b) *the extent of unresolved objections to relevant policies (with greater weight where objections are limited); and*
- c) *the degree of consistency between the emerging policies and the NPPF.*

In this instance, a number of objections were submitted during the Regulation 19 consultation in respect of Policy T17. These include objections to the 'blanket' application of the 500 sqm threshold, as well as a specific objection from Hempstead Valley Shopping Centre (HVSC) arguing that the requirement for an impact assessment is not compliant with the NPPF.

Given the substance of the unresolved objections, only limited weight can be afforded to Policy T17 at this stage in the plan-making process as there is no guarantee following examination that the policy will be adopted in the form it is presented. It is, therefore, not

considered reasonable or proportionate to refuse planning permission on the basis that no retail impact assessment has been submitted.

### *Assessment of Retail Impact (Policy R13)*

The following is the assessment against the criteria of Policy R13 of the Local Plan.

- (iv) *the extent to which the proposal would undermine the strategy and objectives of the local plan to sustain and enhance the vitality and viability of existing centres;*

The Gillingham Town Centre Masterplan (GTCM) has been produced which identifies significant potential for development in the town centres. Following consultation, the document was approved by Cabinet on 17 December 2019 to be published as an evidence base document for the preparation of the new Local Plan. The document also recognises the former Budgens store offers opportunity for change but also states the challenge for retail development given the site is distant to the core retail area at the eastern end of the High Street. Whilst the recommendation of the GTCM is to condense the A1 retail offer into a smaller defined primary shopping area, the document acknowledges the difficulties with land assembly and, therefore, does not specifically promote within the recommendations, a larger food store within the town centre. Furthermore, the former Budgens store is now occupied by Kent and Medway NHS and Social Care Partnership Trust so is no longer in retail use.

- (v) *whether the scale and type of retailing by itself, or cumulatively with other proposals, would have a detrimental impact on the vitality and viability of the Core Areas, Local Centres, Villages or Neighbourhood Centres;*

Due to the nature and size of the development Rochester and Strood are not within the catchment area. Each of the sites in the sequential test were assessed carefully in terms of their suitability, accessibility, availability and viability and it was concluded that none of them would meet the requirements of this development. Although the supporting information does not indicate who the end user for the proposed retail store would be, it is understood that it would be Aldi. When considering the breakdown between convenience and comparison goods, Aldi is considered a discount food retailer with a limited range of grocery products and base their retail offer on selling those products at very competitive prices. The three major LADs in the UK were Aldi, Lidl and Netto each of which carries in the region of 1,000 to 1,800 product lines. Netto have now ceased trading in the UK and sold their portfolio of stores to Asda. It is considered due to the limited range of goods that would be on offer, compared to the much wider range of goods available in Gillingham Town centre, convenience goods, comparison goods and a range of services falling within use Classes E and Sui Generis (Formally Classes A2, A3, A4 and A5) there would be very limited impact on the town centre.

Although a new Lidl supermarket operates within approximately 800 metres of the site, and Policy CF13 requires consideration of cumulative impacts, the proposed development, given its scale and retail offer, would not have a detrimental effect on the

vitality or viability of Core Areas, Local Centres, Villages, or Neighbourhood Centres. The limited range of goods proposed, when compared to the much broader retail offer available in Gillingham Town Centre, ensures that any cumulative impact would be minimal and not adverse. Accordingly, the development is considered to comply with relevant policy requirements and will not undermine the established retail hierarchy.

(vi) *whether the location enables access by a choice of transport, including public transport.*

The area around the development site encourages the use of public transport, with designated walking and cycling routes and nearby bus stops immediately outside the site on Pier Road, with toucan crossings on both sides of the carriageway. The proposal also includes onsite cycle storage provision, and a new shared access for pedestrians and cyclists between the site and Pier Road.

(vii) *the overall impact on travel, the likely changes in travel patterns and reduction in the reliance on the car.*

It is considered that some trips associated with the proposal would be likely passing by from other trips such as work commutes and school runs and would, therefore, not represent an increase of traffic in the town centre road network.

In summary, having assessed the proposal against the criteria of Policy R13 of the Local Plan it is concluded that the proposal supports the strategy and objectives of the local plan to sustain and enhance the vitality and viability of the existing centres of Chatham and Gillingham. In addition, the scale and type of retailing by itself, or cumulatively with other proposals, would not have a detrimental impact on the vitality and viability of the Core Areas, Local Centres, Villages or Neighbourhood Centres. Furthermore, its location would enable access by a choice of transport, including public transport. Therefore, the proposal complies with Policy R13 of the Local Plan and the relevant parts of the NPPF and NPPG in respect of assessment of retail impact.

### *Building Heights Policy*

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

The SPD also goes on to provide specific guidance on suitable locations for higher buildings. The site is located within the area identified as Gillingham Waterfront. Although it is important to highlight that the Building Heights Policy was adopted prior to the redevelopment of both Chatham Waters and Victory Pier, the policy states that “higher buildings are appropriate at the centrepiece of the regeneration of Gillingham waterfront, capitalising on the focal point and attraction of Gillingham Pier”.

When considering development proposals for higher buildings in this area it sets out key development considerations. This includes but is not limited to accommodating a mix of uses with active ground floor frontages, being mindful of the visual impact on the existing residential areas of Gillingham and demonstrating a consideration of the impact of short and longer distance views from the river. The SPD also references the Gillingham Waterfront Planning Brief (2004), however, this principally relates to the redevelopment of the former Akzo Nobel site, now Victory Pier. The appropriateness of the building heights proposed as part of this application is discussed in more detail below.

### *Design, Scale, Layout and Visual Impact*

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 and satisfactory in terms of scale, mass, proportion, details, and materials. Policy S4 of the Local Plan relates to landscape and urban design and states that development should respond appropriately to its context, reflecting a distinct local character. Paragraphs 131 and 135 of the NPPF also emphasises the importance of good design. In particular, development should be visually attractive as a result of good architecture. Policies T1 and SA4 of the (Regulation 22) Medway Local Plan 2041 also requires that development shall be of high-quality design that makes a positive contribution and responds appropriately to the character and appearance of its surroundings.

Given the hybrid nature of the application, it includes the detailed design of the food store and SGN facility and their associated elements and then provides parameters and design intent for the outline elements (residential/later living). Included within the application is an Illustrative Masterplan which shows how the entire site could be developed, which would be in accordance with the proposed parameter plan and the Design Principles document, which sets the framework for the proposed development.

Prior to submitting the application, the applicant undertook a Design Review with Design South-East (DSE) in August 2024. In summary the panel supported the principle of a mixed used development and made a number of key recommendations relating to the vision, urban design and landscape strategy, active travel and connectivity, pedestrian desire lines, long distance views, layout and ground floor uses. These recommendations have been incorporated as part of the design principles.

### *Detailed Application – Food store and SGN Facility*

The detailed component of the application comprises the construction of a food store (Class E) within a single storey building measuring approximately 73.1m in length, 31.1m in width, and 6.25m in height. The proposed design adopts a modern, contemporary style, featuring a mono-pitched roof and a simple palette of materials, including brickwork, cladding, aluminium pressing, and corner flashing, complemented by large, glazed elements. A canopy wraps above the shop frontage along the north and east elevations.

The design incorporates larger glazed elements on the northern elevation and parts of the eastern elevation, addressing public spaces and the highway. This glazing will provide views into the sales area, add visual interest, and create an active frontage. In terms of scale and massing, the size and design of the store are derived from its function and are comparable to other retail stores locally. Photovoltaic panels are also proposed on the roof to assist in meeting future energy demands.

In terms of layout, the retail store and its car park would be located at the entrance to the site adjacent to Strand Approach Road. This arrangement limits the number of vehicles and HGV's passing through the site to access the facility. During the application process, the applicant was asked to explore opportunities for 'layering', incorporating residential uses above the food store to create a stronger gateway into the development. However, following discussions with the applicant and retail operator, this was deemed unfeasible and would have risked the site's deliverability. On balance, and considering the site's characteristics, appearance, and constraints, the design is considered acceptable in its context.

The proposed SGN training, office, and depot facility, also forming part of the detailed application, comprises a two-storey building (including mezzanine) measuring approximately 22.3m in length, 19.5m in width, and 9m in height. The design adopts a modern, contemporary style, incorporating a flat roof, facing brickwork, cladding, and glazing. The variation in materials and large glazed sections, particularly on the southern and western elevations, help break up the façades and add visual interest. In terms of layout, the SGN facility and its car park would be located adjacent to Pier Road within the southwest corner of the site, utilising a separate existing access point. This location reflects SGN's operational requirements and the presence of existing underground infrastructure that must be retained. Furthermore, having a separate access ensures that servicing vehicles do not need to use the main access serving the wider development.

Overall, the design of both buildings is considered acceptable, having regard to their intended function and the surrounding context. To ensure that the final architectural quality is fully realised on site, a condition is recommended requiring the submission and approval of external materials and detailed architectural components, including window frames and cills, doors and door surrounds, weatherboarding, fascias and soffits.

## *Outline Application – Residential and Later Living*

The outline application and accompanying indicative design parameter plans establish the baseline objectives for the scale of development, taking into account local context, physical characteristics, and integration with adjacent land uses. While these plans provide an indicative demonstration of how the development could be accommodated on site, the outline elements will be subject to further reserved matters applications. The appropriateness of the proposed scale and density has been tested against an initial baseline townscape and visual impacts as well as daylight and sunlight considerations, which are discussed in more detail below. Further discussions will be required in relation to these matters as part of future reserved matters submissions.

The applicant's Design and Access Statement and Design Principles Document explain how the proposed tall buildings have been designed to respond to Victory Pier, creating a skyline that broadly relates with the surrounding context on this side of the river. The design aims to mark the edge of the built-up area of Gillingham, where it transitions towards The Strand and the lower-density development further west. The proposed development adopts a tiered massing approach, stepping down from Pier Road to the south and increasing in height towards the waterfront to the north. The tallest element, Block E, is located at the northwest corner of the site and based on the indicative parameter plans, reaches a maximum parameter height of up to 21 storeys. Elsewhere the blocks range from 18 – 5 storeys, with the lower blocks located directly adjacent to The Strand. This arrangement seeks to respond to the site's context, creating a transition in scale towards the river. To the west, the Victory Pier development establishes a benchmark for building heights, which informs and limits the proposed height on that side of the site, however, Blocks B, C and E would, based on the illustrative parameter plans, exceed the height of any existing building along the waterfront.

The Council have tested the massing of the proposed development within its own sketch up model which plots the proposed building heights alongside neighbouring developments. The massing model is a simplified architectural representation focusing on overall form, volume, and site relationship, using basic shapes to explore design ideas, scale, and zoning. This has then been interrogated by the Council's Urban Design Officers. Overall, it is considered that further detailed work is required in relation to layout, scale, appearance and access. However, as these matters fall within the remit of the outline application and the parameter plans are not being approved here, the subsequent Reserved Matters application(s) will be critical in securing a development that is acceptable in respect of scale, appearance and layout. Notwithstanding this, the principle of delivering higher densities on this allocated site is acceptable.

While the detailed design and material specification for these buildings is also a reserved matter and will be confirmed at a later stage, the accompanying elevation and indicative precedent imagery illustrate the intended architectural character within the outline element. It is proposed that the material palette will comprise a combination of high-quality brickwork, cladding panels, and concrete banding, ensuring durability and

visual coherence with the surrounding context. Given the location of the development on the waterfront the applicant will need to ensure the proposed materials are of high quality and are resilient and durable to differing weather conditions given the sites exposed nature.

In conclusion, while the outline submission establishes the principle of height and provides initial consideration of illustrative broad development parameters, it is recognised that further detailed work is required in relation to layout, scale, appearance and access. For this reason, it is not proposed to impose a parameter-plan condition relating to building heights on the outline consent. However, these matters will be fully addressed and refined through subsequent Reserved Matters applications, which will be critical in ensuring that the final scheme delivers a high-quality form of development that responds appropriately to its context and meets wider placemaking objectives. Notwithstanding this, the principle of delivering higher densities on this allocated brownfield site is accepted and aligns with the strategic aspiration in the Reg 22 Draft Local Plan to optimise housing delivery in this location for up to 500 units.

### *Visual Impact*

An initial Townscape and Visual Impact Assessment (TVIA) (Ref: 00771\_HTAL, April 2025) has been submitted in support of the application. This was followed by a TVIA Addendum Note and updated TVIA (Ref: V3D 240904A, dated November 2025) which was issued in response to feedback from the Council, and the initial concerns with regards to massing on the eastern boundary (Strand edge), leading to the redistribution of the heights of the apartment blocks on the parameter plan, and a subsequent reduction in height to Blocks F, G and H. The assessment within the TVIA is based on 17 representative viewpoints agreed in consultation with Medway Council officers. This includes identified viewpoints from within Gillingham (including the Great Lines and Gillingham Green) as well as longer distance views from across the River Medway including the Saxon Shore Way, Upnor and Riverside Country Park. Accurate visualisations have been prepared for each viewpoint, with full-size baseline photography and both summer and winter views are included to illustrate seasonal variation, with the 'worst-case scenario' considered for the assessment—winter views when trees are not in leaf. The existing gas holder is the most visually prominent feature on the site, and generally the only structure seen within the site beyond the immediate boundaries. The gas holder is most prominent in views along Pier Road. Incidental views of the gas holder can also be seen from the south given the elevated land levels. Views from the River Medway and distant views from the northern shore of the river are also possible, where the gas holder is seen as part of the wider urban area. The visibility of the development was informed by an initial Zone of Theoretical Visibility mapping (ZTV), and a site visit which verified the initial findings on the extent of visibility.

The TVIA assessment has included:

- A review of relevant policy and guidance;
- Identification of the baseline quality and characteristics of the local townscape character and local views and identification of key visual receptors and representative viewpoints; and,
- Assessment of the impact of the proposed development on townscape character and key views.

The Townscape Character Areas (TCA) identified in the Medway Waterfront Renaissance Strategy and the conservation area boundary were considered to provide townscape receptors of an appropriate scale and level of detail for the purposes of this assessment. This included;

TCA 1 – Gillingham Waterfront - This area includes the site itself and extends along the edge of the River Medway including the Gillingham Marina and Victory Pier to the west and Strand open space to the east. Land use in the area is mixed, comprising of the leisure facilities associated with the marina, taller residential development associated with the Victory Pier (ranging up to seventeen storeys), more moderate scale residential development to the east of this (ranging up to seven storeys around Pegasus Way) and some commercial uses closer to Pier Road, including car show rooms. A further land use of this area is the Strand open space which has a much greener character than the wider TCA. The area is considered to be of lower value due to the limited number of designated features or assets which exist within the area, and the area having limited townscape importance.

TCA 2 – Gillingham Green - This area is located approx. 120m to the southeast of the site and comprises the Gillingham Green Conservation Area. The conservation area does not have an adopted character appraisal. The key elements of this character area are of a primarily residential area located around the Church of St Mary Magdalene, which is located to the southwest of the TCA, and expansive open space of Gillingham Green located to the southeast of the TCA. A group of listed buildings and structures are located around Church of St Mary Magdalene. The church is Grade II\* listed and the remaining funerary structures are Grade II listed. The topography of this area banks up in a southerly direction towards the church, where heights are approximately +34m AOD. The area is considered to be of higher value when compared to TCA1 due to the designation as a conservation area and the listed buildings within it.

TCA 3 – Strand to Hillyfields - This area is located to the south of Pier Road approx. 35m from the site boundary, extending in a southerly direction. It is a predominantly residential area comprising of a mixture of building ages and styles. The area to the immediate south of the Site and Pier Road comprises the Court Leet Estate which includes purpose-built flats and maisonettes ranging up to six storeys. The remainder of the character area comprises of lower two to three storey houses. With the exception of the Court Leet Estate, house types tend to be short terraces or pairs of semi-detached properties with fewer detached properties. The area is considered to be of lower value

due to the limited number of designated features or assets which exist within the area, and the area having limited townscape importance.

The site is not located within any designated townscape areas of high value but is situated close to the King Charles III England Coastal Path (National Trail) and the Saxon Way (Long Distance Path), both of which bypass the site boundary. The nearest conservation area is Gillingham Green, located to the southeast. The baseline assessment identifies the site as being within 'TCA 1 – Gillingham Waterfront, which is considered to have low sensitivity. The site currently makes a limited positive contribution to the townscape character, presenting an opportunity to enhance the character of the site and indirectly improve the surrounding area.

The TVIA identifies a range of visual receptors with potential to be affected by the proposed development. These include:

- Pedestrians and motorists along Pier Road and residential streets to the south of Pier Road;
- Boat users on the River Medway and visitors to Gillingham Marina;
- Open space users at The Strand and within elevated areas to the south of the Site;
- Public Right of Way (PRoW) users along the Saxon Shore Way / King Charles III England Coast Path on the southern side of the River Medway;
- PRoW users to the south of Hoo St Werburgh, including those using the Saxon Shore Way / King Charles III England Coast Path on the northern side of the River Medway;
- Open space users within Great Lines Heritage Park.

The sensitivity of these receptors ranges from Medium-High to Medium-Low, reflecting variations in the degree of visual engagement and the importance of views within the local context.

The proposed increase in height and massing would undoubtedly alter the appearance of the skyline and, therefore, would result in adverse effects on the site and its immediate surroundings, including some overshadowing and a reduction in perceived open sky. Additionally, the removal of the gas holder, a feature that may be considered locally distinctive, could be regarded as an adverse effect on visual amenity and townscape character. However, the outline scheme incorporates a public realm design that will include features referencing the site's heritage, providing a sense of continuity and identity which would be secured at reserved matters stage. Notwithstanding this the site is allocated within the (Regulation 22) Medway Local Plan 2041 with an indicative yield of up to 500 new homes, reflecting a clear aspiration for increased housing capacity in this area on a brownfield site. Delivering this level of growth will inevitably require densification and larger-scale development.

The baseline assessment within the TVIA identified key views and visual receptors within the surrounding area. It concluded that the proposed development would have

limited potential to affect the strategic views set out in the Tall Building Height's Policy. These views are either orientated away from the site or located at such a distance that the scheme would appear only as a minor background element or be screened by intervening features such as vegetation, existing buildings, or landform. The proposed development would also introduce changes to local views. In close proximity to the site, the quality of streetscape views is expected to change dramatically though the redevelopment of what is largely, an undeveloped plain in terms of built form. In longer-distance views, such as those from the northern side of the River Medway and areas further east, the proposed development would appear as additional taller built form within the background of views. However, the scale and character of the development would be broadly consistent with the established and emerging waterfront context on the southern side of the Medway, where taller buildings are already a defining feature.

The original TVIA (April 2025) concluded that the proposed development would lead to the following residual, permanent type of effect and magnitude of change on the assessed visual receptors;

<b>Receptor</b>	<b>Sensitivity</b>	<b>Overall Effect (TVIA – April 2025)</b>
Pedestrians and motorists of Pier Road (Representative Viewpoint 1,2,3,4)	Medium-Low	Minor-Moderate (short distance views adjacent to the Site) to Minor to Negligible (longer views).
Pedestrians and motorists of residential streets to the south of Pier Road (Representative Viewpoint 5)	Medium-Low	Minor-Moderate (where visible) Neutral.
Boat users of the River Medway (Representative Viewpoint 10,12)	Medium	Moderate (short distance views) to Minor (longer views) Neutral.
Boat users and visitors to Gillingham Marina (Representative Viewpoint 8)	Medium	Moderate Neutral.
Open space users of the Strand (Representative Viewpoint 7)	Medium	Moderate (short distance views) to Minor (longer views) Neutral.
Open space users within elevated spaces to the south of the Site (Hilly Fields Community Park Representative Viewpoint 9, The Anchorians Representative Viewpoint 15 and Grange Road Common Representative Viewpoint 6)	Hilly Fields Community Park – Medium The Anchorians - Medium Grange Road Common Medium-High	Hilly Fields Community Park – Moderate to Minor Neutral; The Anchorians – None; Grange Road Common – Moderate Adverse.
Public Right of Way users of the Saxon Shore Way/King Charles III England Coast Path (southern side of River Medway) (Representative Viewpoint 7, 8, 13, 14,16)	Medium-High	Moderate (short distance) to Minor to Negligible (longer distance) Neutral.
Public Right of Way users to the south of Hoo St Werburgh including those using the Saxon Shore Way/King Charles III England Coast Path (northern side of River Medway) (Representative Viewpoint 10,11,12)	Medium-High	Minor to Negligible Neutral

Open space users within Great Lines Heritage Park (Representative Viewpoint 17)	Medium	None
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Following amendments to the indicative building height parameters and the redistribution of massing within the site during the course of the application, the TVIA Addendum Note (November 2025) concludes that the resulting changes would lead to only minor alterations to the previously identified townscape and visual effects. The amalgamation of Blocks B and C within the outline element is noted as having the potential to create a more consolidated massing form within the centre of the site.

The reduced maximum heights proposed for the eastern blocks (F, G and H) would be most perceptible in views from the east, including those experienced by users of the open space at The Strand. While the overarching principle of introducing taller built form in this location remains unchanged, the height reductions would lessen the perceived scale of these blocks and provide a modest improvement to the transition in height from the open space into the site.

Conversely, the increase in height to the western blocks, each rising by two storeys, resulting in heights of between 18 and 21 storeys, means that Blocks B, C and E would exceed the height of any existing building along the waterfront. This concentration of taller built form would have a noticeable effect on localised views from Pier Road, where the increased scale would create a more continuous frontage with fewer gaps or breaks in the skyline.

The proposed development would make a positive contribution to the wider, emerging regeneration ambitions for the estuary-side area of Gillingham, delivering the comprehensive redevelopment of a heavily contaminated brownfield site within the urban area. The site is allocated (Site GN6) within the Regulation 22 Medway Local Plan 2041 for mixed-use development, with an indicative capacity of up to 500 new homes, reflecting a clear policy aspiration for increased housing delivery in this brownfield location. Achieving this level of growth will inevitably require a degree of densification and larger-scale-built form.

However, notwithstanding the indicative height parameter plans submitted, further detailed design work will be required at the Reserved Matters stage, in close consultation with Council officers, to refine building heights, massing and layout. This approach will provide greater flexibility and allow a more comprehensive assessment of scale, design quality and placemaking as part of subsequent applications. While it is acknowledged that increased height and density will form part of the overall strategy for delivering the site's allocated growth, this must not undermine wider placemaking objectives or the creation of a high-quality townscape.

Accordingly, it is not proposed to impose a parameter-plan condition relating to building heights on the outline consent, thereby allowing continued dialogue and refinement at the Reserved Matters stage based on a unit yield of up to 500 homes.

## *Landscaping*

Paragraph 103 of the NPPF promotes access to a network of high-quality open spaces and recognises the value of such spaces in delivering important physical and mental health benefits. This aligns with Policy L4 of the Local Plan.

The existing site is predominantly laid to hardstanding and, as a former industrial site containing redundant gas holders alongside the operational Segas Sailing Club, provides very limited landscaping. Vegetation and trees are largely confined to the site's periphery, with minimal soft landscaping within the main body of the site. As part of the detailed application, public realm and landscaping improvements are proposed, including a new shared pedestrian and cycle route between the site's southern boundary and Pier Road, incorporating seating, planting, and informal play areas. Existing vegetation along the eastern, southern, and western boundaries will also be retained, complemented by new native planting within the retail store car park, the SGN compound, and along the site entrance. Further details of which will be secured by condition.

Although subject to further consideration at Reserved Matters stage, an illustrative masterplan has been submitted showing the proposed strategy for landscaping and public realm improvements. Within the outline element, this includes ground-floor amenity and play spaces, as well as podium gardens for residents, with full details to be secured at Reserved Matters stage. It also includes indicative connection points to the adjacent land parcels with a view to securing a continuous riverside walk. Given the site's constraints, the quality of the public realm will be very important and will need to be explored further at reserved matters stage. Its design should also seek to acknowledge and celebrate the site's industrial heritage, using the location of the former gasholders as a focal point for new public amenity and place-making opportunities. Opportunities to re-use the gas holder framework should also be explored, such as for play and/or retaining features within the development.

## *Amenity*

There are two main amenity considerations, firstly the impact of the proposed development on neighbours and secondly the living conditions which would be created for potential occupants of the development itself. Policy BNE2 of the Local Plan, Policy T1 of the (Regulation 22) Medway Local Plan 2041 and paragraph 135 of the NPPF relates to the protection of these amenities.

### Neighbouring Residential Amenity

The adjoining land uses, most notably Gillingham Marina and Medway Water Sports/Cruising Club, are non-residential in nature. As such, the proposed development is unlikely to have any detrimental impact on the operation or function of these existing uses. While there is a residential block (The Hamptons) within Gillingham Marina, it is located approx. 100 metres from the site boundary, ensuring there would be no

unacceptable harm to neighbouring amenity. Similarly, the nearest residential properties to the south are situated on the opposite side of Pier Road, approx. 40 metres from the site boundary. Furthermore, the predominant massing of the scheme will be formed by high-rise apartment blocks concentrated within the site and orientated towards the river.

Taking into account the distance between the application site and the nearest residential properties to the south and west, it is considered that the proposed development will not adversely affect the amenities of neighbouring occupiers in respect of outlook, sunlight, or daylight provision. The site is also located within a mixed-use area, with a range of commercial uses situated close to residential properties and in proximity to busy roads. In this context, and given the existing and adjacent land uses, any noise generated by residents and visitors to the proposed development and those associated with the commercial uses would not result in unacceptable harm to the living conditions of neighbouring dwellings. Furthermore, the separation distance between the site and adjacent residential properties will ensure there is no unacceptable harm by reason of overlooking, particularly given the site's urban location, where built form is generally more finely grained and of greater density, especially on the northern side of Pier Road.

While it is acknowledged that the residential element is in outline form, and, therefore, a full assessment of potential impacts on adjacent properties cannot be undertaken at this stage, the nature of the surrounding uses and the intervening distances indicate that any impact is likely to be minimal. Any potential concerns can be addressed at the Reserved Matters stage.

It is also considered that the development can be undertaken in a way that will not prejudice future appropriate development within Gillingham Marina, which is also allocated for development in the reg 22 draft Local Plan.

However, due to the potential for nuisance during the construction phase, a Construction Environmental Management Plan (CEMP) will be required as a condition of approval. Subject to this condition, no objection is raised to the application under the provisions of Policy BNE2 of the Local Plan, Policy T1 of the (Regulation 22) Medway Local Plan 2041 and paragraph 135 of the NPPF.

### Daylight, Sunlight and Overshadowing

A Daylight, Sunlight and Overshadowing Report (Ref: P3675, February 2025) has been submitted in support of the application. In the absence of formal national planning guidance or legislation on daylight and sunlight, the most widely recognised reference is the Building Research Establishment (BRE) publication Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice (Third Edition, 2022). While the BRE Guidelines provide numerical benchmarks for daylight, sunlight, and overshadowing, these should not be treated as absolute targets. The document is advisory rather than policy, and, therefore, a degree of flexibility is appropriate.

For detailed planning applications, the BRE recommends the use of Climate-Based Daylight Modelling (CBDM) for daylight and Sunlight Exposure for sunlight, both of which align with British Standard BS EN17037. These assessments require design details, including internal layouts, window sizes, balcony positions, and material specifications. Given that the residential accommodation is being submitted in outline, such information will not be available until the reserved matters stage.

In instances where room layouts and window locations are undecided, for daylight, the BRE recommends calculating the Vertical Sky Component (VSC) at a series of points on each main façade of the building. The applicant has, therefore, undertaken a VSC façade analysis which calculates a series of VSC points across the entire outline massing using a 1000mm grid. These same points have also been used to calculate the Annual Probable Sunlight Hours (APSH) levels for sunlight. The façade assessments can, therefore, be used to inform where to place windows, balconies, room uses etc to maximise the daylight and sunlight performance of the future buildings.

### Daylight and Sunlight Analysis Neighbouring Properties

A daylight and sunlight analysis has been undertaken for the proposed development in accordance with the 2022 BRE Guidelines. The assessment is based on a photogrammetry model, with window positions plotted as accurately as possible. To enhance the reliability of the analysis, floor plans for surrounding properties have been incorporated where available. The properties assessed have been confirmed as residential through reference to Council Tax records. All other properties have been assumed to be non-residential and have, therefore, been excluded from the assessment.

In total, 11 residential properties have been included within the analysis. These comprise 40–54 Pier Road, Bowers House, Snow House, and 79–96 St Albans Close. All of these properties are located to the south of the site, on the opposite side of Pier Road. The results of the technical analysis demonstrate that all windows and rooms would comfortably meet the BRE criteria, and the neighbouring occupants will, therefore, not notice any changes to their daylight and sunlight amenity.

For sunlight, only a small number of south-facing rooms within 40 Pier Road and 79–96 St Albans Close have been considered in the analysis. Due to the orientation of these properties relative to the proposed development, they would experience no loss of sunlight in respect of both winter APSH and total APSH. Consequently, there would be no change to the sunlight amenity of any of the assessed properties.

Based on this assessment the proposed development would, therefore, have no noticeable adverse impact on the daylight or sunlight amenity enjoyed by occupiers of nearby residential properties.

## Amenity of Future Occupiers

The residential element of the application is submitted in outline. At the Reserved Matters stage, all dwellings will be required to comply with the Technical Housing Standards – Nationally Described Space Standard (2015) for gross internal floor area (GIA) and bedroom sizes. In addition, the Medway Housing Design Standards (MHDS) require each flat to have access to at least 5 m<sup>2</sup> of private outdoor amenity space. Where this cannot be provided externally, the additional space should be incorporated within the GIA, in addition to meeting the national standard. Furthermore, all habitable rooms must provide adequate outlook to ensure a satisfactory living environment.

## Overshadowing of Proposed Amenity Space

An overshadowing assessment has been undertaken for the proposed amenity area within the development. This assessment is based on the outline massing, representing a worst-case scenario, and it is anticipated that sunlight availability will improve as the scheme is refined through the reserved matters process. The analysis has been carried out in accordance with the BRE methodology, using the two-hour sun-on-ground test on 21 March. A total of 21 spaces have been assessed, comprising 12 roof terrace amenity areas, 3 private residents' communal podium courtyards, and 7 public amenity areas.

The results show that 20 out of 21 amenity spaces meet the BRE recommendations for 21 March, with these spaces receiving two hours of sunlight across 77.3% to 100% of their area. This represents an acceptable level of sunlight provision, ensuring that each space remains sufficiently sunlit throughout the year. The only space that falls slightly below the BRE guidance is the roof terrace located on the north-eastern 'shoulder' of Block G3. Northerly orientated terraces naturally receive lower levels of sunlight; however, this space would still achieve two hours of direct sunlight across 47.3% of its area, meaning it is only marginally below the recommended level. This shortfall is not considered material, as occupants will have access to numerous well-sunlit areas throughout the development. Furthermore, this terrace benefits from clear, elevated views across the River Medway, offering significant amenity value.

Overall, the assessment demonstrates that scheme will allow for good levels of sunlight permeability to public amenity areas and residents communal areas throughout the entire year. Further assessments will be required as part of the reserved matters applications.

## Daylight Availability to Proposed Development

As the residential elements of the scheme are being submitted for outline permission, detailed information such as internal layouts, window positions, balconies, and room uses is not yet available. Consequently, it is not possible at this stage to undertake a detailed study of the internal daylight and sunlight amenity for the proposed development.

The BRE Guide acknowledges that, in the absence of detailed layouts and window positions, the potential for skylight reaching a proposed site can be assessed by calculating the Vertical Sky Component (VSC) at a series of points along the relevant façades. In line with this guidance, the applicant has undertaken a VSC assessment on the façades of the outline residential blocks (Plot 4) and the later living block (Plot 3). This assessment covers nearly 140,000 VSC points across the scheme, using a 1000mm grid to ensure comprehensive coverage.

While the number of VSC assessment points significantly exceeds the number of windows that will ultimately come forward at the detailed design stage, this approach provides a strong indication of the potential for adequate daylight within the proposals. A more detailed technical analysis will be expected at the Reserved Matters stage, as VSC is a fundamentally different methodology from the Climate-Based Daylight Modelling (CBDM) recommended by the BRE for detailed planning submissions.

The results indicate that the vast majority of assessment points (79.9%) achieve at least 27% VSC, a level at which conventional window design typically provides reasonable daylight. A further 19.3% fall within the 15–27% VSC range, where adequate daylight can usually be achieved through good design. In total, this represents 99.2% of all assessment points across the scheme, from ground floor to the 15th floor, indicating that good daylight levels should be achievable throughout. The applicants have confirmed that this will be monitored and refined during the reserved matters design evolution to ensure daylight provision is maximized.

The remaining 0.8% of assessment points are located in natural pinch points, such as corners, where access to daylight is inherently more limited for example, the courtyard facing corners of Block C1. If any windows are positioned in these areas, they are likely to serve as secondary rather than primary windows. However, in accordance with the recommendations of the Daylight, Sunlight and Overshadowing Assessment, a more detailed analysis will be required at the Reserved Matters stage. This work should inform the evolving design to ensure daylight levels are optimised throughout the development. This requirement can be secured by condition.

### *Segas Sailing Club*

Segas Sailing Club currently occupies part of the site for its clubhouse and associated boat-storage facilities. These would be displaced to facilitate the proposed residential development. Although the applicant initially proposed rehousing the sailing club within the ground-floor (storage) and first-floor (office) areas of one of the new apartment blocks, this arrangement was not considered operationally suitable by the club.

Following discussions between the developer, the Council, and key stakeholders, including Segas Sailing Club, the Medway Water Sports Trust, and the Medway Cruising Club, the developer has now committed to constructing a new combined clubhouse facility on adjacent Council-owned land currently occupied by the Medway Water Sports Trust.

The new clubhouse will be fully constructed, fitted out, and operational prior to the demolition and relocation of the existing Segas facility and will include the provision of a new pillar crane and hydraulic boat trailer. Blueberry Homes has agreed to fund the works, covering all costs above £1,000,000, subject to obtaining the necessary permissions. This arrangement could include the temporary use of part of the Council-owned car park for winter boat storage, although this will be subject to further negotiations with the Councils property team, alongside leisure and parking services.

Although there is no specific planning policy or Local Plan designation that safeguards the Segas Sailing Club, the proposed approach ensures that the club will be provided with a new, modern facility from which to operate, thereby supporting and securing its longer-term future.

### *Noise*

Given the proximity of the site to Pier Road and other nearby commercial noise sources, a Noise Assessment (Ref; 678685\_Report01\_Rev03, dated 28 April 2025) has been submitted alongside the application.

The acoustic assessment identifies road traffic noise as the dominant source affecting the proposed residential units. Calculations have been undertaken to determine the mitigation required to achieve acceptable internal noise levels in accordance with relevant guidelines. As this forms part of the outline application, the final design and internal layouts should incorporate the proposed mitigation measures set out in the noise assessment. These include the use of double glazing and passive trickle vents. Subject to conditions requiring submission of a detailed mitigation scheme implementing these measures, no objections are raised on this matter.

The noise assessment briefly references potential impacts from plant noise associated with the retail store and SGN depot. A condition is recommended as a result to control noise rating levels from plant and equipment, so they remain below the existing representative background sound level at any residential premises. However, no assessment has been provided for other operational noise sources, such as servicing and deliveries linked to the retail and SGN functions. To address this, a condition is recommended to require the submission of a mitigation scheme to minimise transmission of noise from the gas depot and retail food store, ensuring it remains below the background noise level at the nearest residential receptors.

In view of the above and subject to the aforementioned conditions no objection is raised with regards to Policy BNE2 of the Local Plan, Policy DM4 of the (Regulation 22) Medway Local Plan 2041 and paragraph 187 and 198 of the NPPF.

### *Air Quality*

The application site lies immediately adjacent to the Gillingham Air Quality Management Area (AQMA), covering an area along Pier Road in Gillingham. The site is also

immediately adjacent to the Medway Estuary and Marshes Ramsar Site, Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI). A Revised Air Quality Assessment (Ref; 674601, dated 27 November) has, therefore, been submitted alongside the application which has assessed the air quality impacts associated with the construction and operational phases of the development.

The Defra Damage Cost Appraisal Kit has been applied to estimate the monetary value of health impacts associated with NO<sub>x</sub> and PM emissions resulting from additional traffic generated by the proposed development. The overall damage cost from emissions associated with the additional traffic generated is estimated at £188,659. This amount should be allocated to practical mitigation measures for the project. The preferred mitigation option is to support electric vehicle (EV) charging infrastructure, with provision conditioned to reflect the full value of the calculated damage costs.

It should be noted that the proposal incorporates several inherent mitigation measures, including the provision of active travel connections to maximise opportunities for walking and cycling. The site itself is also in a sustainable location for active travel, surrounded by a well-developed pedestrian network with multiple crossing facilities. In addition, the area offers access to a range of employment, retail, and leisure destinations within a residential catchment. The local environment is also conducive to cycling, with numerous services and amenities within cycling distance, providing excellent opportunities for residents, staff, and visitors to travel by bike.

In view of the above, and subject to a condition requiring the submission of an Air Quality Emissions Mitigation Statement giving full details of the measures that will be implemented as part of the development with regards to road transport emissions, no objection is raised with regards to Policy BNE24 of the Local Plan, Policy DM3 of the (Regulation 22) Medway Local Plan 2041 and paragraphs 187 and 199 of the NPPF.

### *Contamination*

The applicant has submitted the following supporting documents as part of their application:

- Phase 1 Preliminary Risk Assessment (Ref: G1-109-/001 V3, dated April 2025);
- Ground Investigation and Generic Quantitative Risk Assessment, 00(Ref: G1-109-/002 V3, dated April 2025);
- Detailed Quantitative Risk Assessment (Ref: G1-109-/003 V2, dated January 2025);
- Remediation Strategy and Remediation Plan (Ref: G1-109-/004 V2, dated January 2025).

The Phase 1 Preliminary Risk Assessment includes a site walkover, review of historical data, and development of a conceptual site model. The Ground Investigation & Generic Quantitative Risk Assessment and Detailed Quantitative Risk Assessment draw upon

information gathered during the intrusive site investigation, as well as data from previous investigations.

The investigation identifies contamination within soil and groundwater, attributable to historic site uses. Ground gas and vapours from volatile organic compounds (VOCs) have also been detected. Given the proposed mixed-use development, sensitive receptors (including residential) will be present on site. It is noted that several structures remained in situ during the intrusive investigation, meaning contamination may exist in areas not yet assessed. Further intrusive investigation is, therefore, required to delineate the extent and nature of contamination and can be secured by condition.

Ground gas monitoring commenced in 2024 and is ongoing to confirm site characteristics and determine appropriate protection measures. VOC monitoring within soil samples has also been undertaken; however, additional investigation is required to assess VOC presence across the site.

The submitted Remediation Strategy and Remediation Plan (January 2025) outlines potential remediation options. This document will need to be revisited and updated following further site assessment and any revisions to the detailed risk assessment. In addition to soil impacts, the investigation considers potential effects on groundwater.

Subject to the imposition of conditions relating to contamination, including further investigation and risk assessment, a detailed remediation scheme, a verification report, and a contingency condition for unexpected contamination during construction, no objection is raised with regard to Policy BNE23 of the Local Plan, Policy DM2 of the (Regulation 22) Medway Local Plan 2041 and paragraphs 187, 196, and 197 of the NPPF.

### *Highways*

Policies T1, T2 and T13 of the Local Plan, and Policy DM18 of the (Regulation 22) Medway Local Plan 2041 states development proposals should not have a significant or unacceptable impact on highway safety or the existing road network and should make vehicle parking provision in accordance with the adopted standard. Policies T3 and T4 of the Local Plan also require development to provide safe and attractive pedestrian routes and secure cycle facilities.

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

The application has been submitted with a Transport Assessment (Ref; 240009/TA, dated April 2025), Framework Residential Travel Plan and Staff Travel Plan (Ref; 240009/TA, dated April 2025) and Highways Technical Note (dated, 17 November 2025).

### Existing Conditions

The site is located within the urban area of Gillingham, north of the A289 Pier Road and west of Strand Approach Road. Both Pier Road and Strand Approach Road are flanked by existing footways with street lighting, providing good connectivity to the local pedestrian and cycle network. Adjacent to the site access, Strand Approach Road has an approximately 3m wide footway and a 3.5m footway/cycleway on its eastern side. Although there is an existing dropped kerb crossing with tactile paving present at the site access, new upgraded dropped kerb crossings are proposed as part of the development. Pier Road benefits from a 3–3.5m footway/cycleway on its northern side adjacent to the site boundary and a 3m footway on the southern side. Signalised toucan crossings are provided to the east and west of The Strand roundabout on Pier Road, with an additional signalised pedestrian crossing along the site frontage approx. 150m west of the roundabout. Further connectivity is provided via Pegasus Way, Church Street, Knight Avenue, Corporation Road, and Milner Road, all of which have footways on both sides, linking the site to the wider pedestrian network.

The site benefits from good access to a wide range of services and amenities within walking distance. These include The Strand Leisure Park immediately to the east, Gillingham Mini-mart, Saxon Way Primary School, Riverhead School, and Hillyfields Community Park to the south, as well as Gillingham Marina, Tesco Express, Lidl, Asda, and the Waterfront UTC. Although Pier Road is a busy distributor road, considering the existing pedestrian infrastructure and proximity to these facilities, the site is considered to be well connected to the local pedestrian network and offers opportunities for residents, visitors, and employees to make trips by foot, supporting sustainable travel objectives.

The nearest bus stops are located directly adjacent to the site boundary on the A289 Pier Road. The eastbound stop benefits from a bus shelter, while the westbound stop is indicated by a flag-and-pole. Both stops include bus lay-bys and timetable information, with the westbound stop accessed via a signalised pedestrian crossing, ensuring safe passage across Pier Road. Regular services operated by Arriva provide connections to destinations including Chatham and Walderslade, with frequencies of up to two buses per hour in each direction on weekdays and Saturdays, and hourly services on Sundays. In addition, Gillingham railway station is located approximately 1.4 km from the site, offering regular services to London, Ramsgate, and Dover, further enhancing sustainable travel opportunities.

National Cycle Route 1 runs along the southern and eastern boundaries of the site, providing a direct cycle route to Chatham and wider connections. In addition, both the A289 Pier Road and Strand Approach Road feature off-road footway/cycleways, linking

the site to the local cycle network. Further cycle facilities are available on Yokosuka Way, offering connections towards Rainham. Given the urban character of surrounding roads there are realistic and viable opportunities for trips to be made by bicycle.

The Manual for Streets (DfT, 2007) suggests that walkable neighbourhoods are typically characterised by a range of facilities located within an 800m walking distance. Similarly, CIHT guidance on *Providing for Journeys on Foot* (2000) identifies 2,000m as the preferred maximum walking distance for commuting and school trips, and 1,200m for other destinations. The site is within 800m of several local services and amenities, including leisure, retail, and education facilities. Combined with its proximity to regular bus services and Gillingham railway station (approximately 1.4km away), the site is considered to be in an accessible location, supporting sustainable travel objectives in line with national policy.

### Access Arrangements

All elements of the proposed development, with the exception of the SGN compound, will be served via the existing priority junction on Strand Approach Road. This junction will be improved to increase its width and rationalise its layout to optimise functionality for the proposed uses. The Transport Assessment demonstrates that acceptable visibility splays can be achieved at this junction, in compliance with the 30mph speed limit on Strand Approach Road. Access to the Medway Water Sports Centre will also be retained.

Internally, the main access will connect to an approximately 10m-wide spine road, from which internal routes will serve the apartment blocks, food store, later living accommodation, and other proposed uses. The SGN compound will be accessed separately via the reinstated dropped kerb and gated access on the A289 Pier Road, ensuring segregation of SGN HGVs and works vehicles from residential traffic. A 104m visibility splay can be achieved at the SGN access, meeting requirements for the 40mph speed limit on Pier Road. Signage and road markings will be provided at the SGN access to alert pedestrians and cyclists to emerging vehicles. While initial concerns were raised regarding the proposed SGN access onto Pier Road, it is important to note that this would utilise an existing historic access point. In addition, adjacent land uses such as Gillingham Marina and the car showroom operate under the same arrangement without any identified highway safety issues. Furthermore, the SGN facility is expected to generate fewer vehicle movements than these neighbouring uses, which further reduces any potential impact. On this basis, there are no overriding objections on highway safety grounds. Notwithstanding this, the access onto Pier Road will be adjusted to provide improved visibility for vehicles egressing, ensuring that drivers can adequately observe pedestrians and cyclists using the Pier Road footway/cycleway.

Footways will be provided from Strand Approach Road on both sides of the main vehicular access, continuing along the internal spine road. Informal pedestrian crossings with dropped kerbs and tactile paving are proposed at the main access junction, internal junctions, and on Strand Approach Road to facilitate safe movement. A

dedicated pedestrian and cycle access is proposed from Pier Road. This route will provide 4.5m-wide lanes in each direction, connecting to the internal footways along the spine road and designed in accordance with LTN 1/20 cycle guidance. The dedicated route will offer a convenient non-car access option for residents and food store users and is positioned close to the eastbound bus stop on Pier Road. While indicative at this outline stage, potential pedestrian and cycle links are also proposed to the north and west of the site, further enhancing connectivity.

### Highway Capacity and Safety

In order to assess the movements associated with the proposed land use, the transport assessment has used TRICS to establish the trip generation. The proposed SGN compound will allow some gas operations to continue from the site, albeit rationalised with office space and a small training facility. TRICS rates suggest low peak-hour movements: around 14–15 trips for office use and 2–3 for industrial use. However, the assessment ultimately relies on existing site survey data, showing 8 two-way trips in the AM peak and 31 in the PM peak.

The Transport Assessment indicates that the proposed SGN unit, which combines office space with a small training facility, is expected to generate only modest trip numbers, broadly comparable to (and in some cases lower than) typical office or light-industrial sites. Because the existing SGN activity already produces a small number of vehicle movements, the assessment ultimately assumes that existing observed SGN trips are reassigned to the new SGN access, meaning the redevelopment does not meaningfully increase SGN-related traffic. In contrast, the food store is expected to generate the highest number of trips, with TRICS data indicating around 54 vehicle movements in the AM peak, 191 in the PM peak, and 239 on a Saturday peak hour. However, a substantial proportion of these will not be new trips: many will be pass-by, diverted or linked trips from drivers already travelling along Pier Road or visiting nearby amenities. The residential element, assessed for up to 500 apartments, is forecast to generate approximately 104 AM peak trips, 113 PM peak trips, and 109 Saturday peak trips, derived from TRICS data for comparable suburban apartment developments; this is considered a robust assumption because it does not account for reduced car use associated with affordable units or the proposed on-site car club. Finally, the care home / later living accommodation, assumed for assessment purposes as a 140-bed care home, generates the lowest traffic levels of all the primary land uses, with around 24 AM peak trips, 18 PM peak trips, and 16 Saturday peak trips, reflecting that most movements are staff-related rather than resident-generated. Overall, the trip generation profile is dominated by the food store, with residential trips forming a secondary component and the SGN and care home elements contributing relatively low levels of traffic.

A PICADY capacity assessment has also been undertaken which shows that the site Access/Strand Approach Road, SGN Access/Pier Road, and The Strand Roundabout all continue to operate within capacity in both the 2030 and 2035 assessment years with the proposed development in place, with low ratio of flow values, minimal queues, and

short delays across all peak periods. The most heavily loaded movement at The Strand Approach roundabout (Arm 1) has been modelled on a worst-case scenario. Although this has also been assessed under the vision-led scenario, the longest delays would continue to occur at this junction. However, the most significant delays would arise only during the PM peak period. Given that the development is located in a highly sustainable area, where a proportion of trips are expected to be made by non-motorised modes, the residual impacts on the highway network would not amount to a severe impact. The analysis also confirms no road safety concerns, with collision data showing no patterns indicating layout deficiencies. Overall, the development's traffic can be accommodated without causing operational issues or severe residual impacts, and there are no highways or transport grounds for refusal.

In addition, the latest available five-year collision record does not indicate a pattern or cluster of collisions in the vicinity of the site, and it is, therefore, considered that there are no highway safety concerns on the local highway network that will need to be addressed as part of the redevelopment of this site.

### Parking

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

The outline application proposes a total of 312 residential parking spaces for the apartment blocks, representing a significant reduction from Medway Councils Interim Residential Parking Standards (2010). According to these standards, applicable as minimum requirements, the development, based on indicative bedroom numbers, should provide approx. 699 spaces for residents, plus a further 125 visitor spaces, totalling 824 spaces. However, the proposed reduction in parking provision has been quantified using Census data, and average car ownership levels for flats in the Ward. According to this data, and average levels of car ownership across the board in Gillingham this equates to 0.68 cars per dwelling based on 1–3-bedroom flats. On the basis that the development delivers 500 new dwellings, this would equate to a total of 340 parking spaces (not including visitors). A total of 10 car club spaces are also proposed. For sites of this nature 1 car club bay has the potential to replace 8 regular parking spaces. Applying this ratio by providing 10 car club spaces this could save up to 80 private cars on site. A total of 27 parking spaces, including 6 disabled bays and a pickup/drop off layby/ambulance bay are also proposed in connection with the later living accommodation which also forms part of the outline application. Further details of the proposed parking provision for the outline elements will be required at reserved matters stage.

In respect to the detailed elements a total of 111 parking spaces including 7 x disabled bays, 7 x parent/child bays and 4 x EV parking spaces are proposed in connection with the food store alongside 12 parking spaces, including 2 x disabled bays and 1 x EV parking space for the SGN element. The quantum of parking proposed in relation to these uses is generally considered acceptable.

A Framework Travel Plan for both residents and staff have also been provided which suggests measures that could be implemented to encourage more sustainable modes of travel, including further information in respect to bus timetables, cycle routes, car sharing and car clubs. Further details of how these measures will be implemented and monitored will be secured either via condition or as part of the s106 agreement.

### Cycle Parking

A total of 16 covered cycle spaces are proposed for the SGN compound and retail food store, provided in the form of Sheffield stands. This is deemed acceptable and will be secured by condition.

The Transport Assessment also confirms that, as part of the outline application, 10 cycle spaces are proposed for the later living accommodation and up to 568 cycle spaces for the residential element. In accordance with LTN 1/20, provision must also accommodate non-standard cycles, with sufficient spacing between stands to allow ease of use. Cycle parking for the residential accommodation should be secure, sheltered, and located within fixed structures with appropriate lighting. For apartment blocks, it is preferable that cycle parking is distributed across several smaller stores rather than a single large facility, reducing the number of users accessing each store and improving security. Further details of the proposed cycle provision for the outline elements will be required at reserved matters stage.

### Delivery and Servicing

With the exception of the SGN compound, all delivery and service vehicles, including refuse vehicles, will access the main development via the Strand Approach Road junction. The SGN compound will be served via the reinstated dropped kerb and gated access on the A289 Pier Road, ensuring segregation of SGN-related HGVs and works vehicles from residential traffic.

According to the Transport Assessment, a food store of the proposed size typically receives an average of three to four HGV deliveries per day, comprising three articulated HGVs and one medium-sized goods vehicle. Daily deliveries of milk, bread, and fresh produce occur prior to or shortly after store opening. Food stores of this scale generally include a cardboard bailer within the warehouse, allowing cardboard and plastics to be baled and backloaded onto HGVs for recycling. The store will feature a delivery ramp, sheltered canopy, and dock leveller system, enabling unloading without external activity such as forklift trucks or cages. The service yard has been designed to accommodate turning manoeuvres for the largest anticipated vehicle (FTA 16.5m

articulated goods vehicle), allowing forward entry, reversing into the ramp, and forward exit.

It should be noted that the residential, later living, flexible space, and potential Sailing Club clubhouse are all considered in outline. Accordingly, their design has taken into account the need for refuse vehicle access; however, detailed arrangements will be provided at the reserved matters stage. This approach is considered acceptable and appropriate. The tracking generally appears satisfactory and demonstrates that vehicles can manoeuvre without overriding kerbs or requiring excessive reversing distances.

A comprehensive refuse and servicing strategy, including detailed layouts and management arrangements for the outline elements should be addressed further at reserved matters stage.

### Summary of Highways

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

Subject to securing the aforementioned conditions the development is considered acceptable with regard to Policies T1, T2, T3, T4 and T13 of the Local Plan, Policy DM18 of the (Regulation 22) Medway Local Plan 2041 and paragraphs 110, 115 and 116 of the NPPF.

### *Ecology*

An Ecological Impact Assessment (Ref; 6600-LLB-RP-EC-0006 Rev P3, dated 2 October 2025), Reptile Survey Report (Ref; 6600-LLB-RP-EC-0005 Rev S4, dated 5 March 2025), Black Redstart Survey Report (Ref; 6600-LLB-RP-EC-0004, dated 5 March 2025), Winter Bird Survey Report (Ref; 6600-LLB-XX-XX-T-EC-0002) and Information to Inform a Habitats Regulations Assessment (Ref; 6600-LLB-RP-EC-0007 Rev P03, dated 19 May 2025) have been submitted in support of the application.

### Reptiles

Habitats on site have some suitability for supporting reptile populations; therefore, a series of reptile surveys were undertaken. No reptiles were recorded, and they are considered likely absent from the site or only incidentally present in very low numbers. It

is acknowledged that some areas of suitable habitat were not accessible for survey, and as such, precautionary working measures will be required when removing suitable habitat such as scrub to avoid the risk of killing or injuring any reptiles that may be present. These measures will be detailed within a Construction Ecological Management Plan (CEMP), which can be secured by condition.

### Wintering Birds

The site lies within 100 metres of the Medway Estuary and Marshes Ramsar site, Special Protection Area (SPA), and Site of Special Scientific Interest (SSSI). A series of wintering bird surveys were undertaken between 2023 and 2025, as detailed in the Winter Bird Survey Report. The surveys focused on suitable adjacent habitats, including shingle beaches and mudflats, covering approximately 2 km of foreshore. A Public Right of Way (PRoW) will connect the development site to the SPA/Ramsar, creating a high potential for increased recreational disturbance. Current recreational use of the foreshore is considered low. Surveys recorded 18 species that form qualifying features or part of the qualifying assemblage of the Medway Estuary and Marshes SPA/Ramsar, and 34 wintering bird species overall. While significant numbers of qualifying species were observed—such as 900 dunlin, 199 shelduck, 175 oystercatcher, and 105 avocets—none exceeded the 1% threshold criteria. These findings informed the Habitats Regulations Assessment (IIHRA), which concludes that survey effort was sufficient to identify potential impacts and mitigation requirements.

### Black Redstart

Habitats on site provide some suitability for black redstart, and an incidental sighting was recorded during the Preliminary Ecological Appraisal (PEA) on 20 July 2024. KCC Biodiversity are satisfied that the survey effort undertaken, comprising five surveys during the nesting bird season, has been sufficient to assess the likely presence or absence of this Schedule 1 species. No evidence of black redstart was recorded during the breeding bird survey period, and no further surveys are required prior to determination. However, in line with the recommendations of the Black Redstart Survey Report, a pre-commencement survey should be undertaken prior to works starting.

Additional species recorded on site included wren, feral pigeon, swift, greenfinch, song thrush, and dunnock, as well as large off-site starling roosts. No full breeding bird surveys were undertaken, but given the limited suitability of habitats present, the site is not considered likely to support notable breeding bird assemblages or species associated with the nearby Medway Estuary and Marshes designations. Precautionary measures should be implemented when removing suitable nesting habitat, which will be detailed within the Construction Ecological Management Plan (CEMP), and enhancement opportunities will be set out within the Landscape and Ecological Management Plan (LEMP).

## Bats

Four buildings on site were assessed as having low suitability for roosting bats, and three buildings were assessed as having moderate suitability. A single emergence survey was undertaken on the low-suitability buildings, and two emergence surveys were undertaken on those of moderate suitability (Bat Report, Lloydbore, June 2025). No roosting bat activity was recorded, and bat activity in surrounding habitats was low, dominated by common pipistrelle and soprano pipistrelle. A toolbox talk will be required prior to commencement of works, and a sensitive lighting strategy must be implemented. Further details and recommendations for enhancement are provided within the Ecological Impact Assessment (EclA) (Lloydbore, March 2025) and will be incorporated into the Construction Ecological Management Plan (CEMP) and Landscape and Ecological Management Plan (LEMP).

It should be noted that bat roosts are protected at all times under the Conservation of Habitats and Species Regulations 2017 (as amended), even when bats are temporarily absent. Planning permission does not override the need to obtain a bat licence if an offence is likely. Should bats or evidence of bats be found during works, the applicant must cease work and seek advice from an independent ecologist.

## Other Mammals

There is potential for hedgehog and foxes to be present on site, although no evidence was recorded during surveys. The applicant is reminded that all wild mammals are protected from deliberate acts of cruelty under the Wild Mammals (Protection) Act 1996. Mammal burrows belonging to foxes or rabbits may be present on site, and the destruction of an occupied burrow could constitute an offence. Excavation works affecting mammal holes should be undertaken in accordance with a precautionary method statement and supervised by a suitably qualified ecologist. Works should avoid disturbance during periods when young mammals are likely to be present. Enhancement measures for hedgehog, as recommended in the Ecological Impact Assessment (EclA), will be incorporated into the Landscape and Ecological Management Plan (LEMP), and measures to avoid impacts on all wild mammals will be included within the Construction Ecological Management Plan (CEMP). Subject to these requirements being secured by condition, the proposal is considered acceptable.

## Medway Estuary and Marshes Ramsar/SPA

The site lies approximately 53 metres from the Medway Estuary and Marshes Ramsar site, SPA, and SSSI, and is connected via a Public Right of Way (PRoW). There is potential for both direct and indirect impacts on these designations during the construction and operational phase of the development. A series of wintering bird surveys were undertaken to inform the IiHRA. The site is not considered to be Functionally Linked Land (FLL) as habitats onsite are not suitable for birds associated with Medway Estuary and Marshes Ramsar/SPA.

The IIHRA concludes that, in the absence of mitigation, significant adverse impacts on qualifying features are likely. To address this, a Construction Ecological Management Plan (CEMP) will be required, including measures to reduce disturbance during construction. A noise assessment was completed which predicts operational noise levels to be below the tolerance threshold for waterbird assemblages. No water quality impacts are anticipated due to the proposed drainage strategy and SuDS features.

While current visitor pressure on the adjacent foreshore is low, increased recreational disturbance is expected and will be mitigated through contributions to the North Kent Strategic Access Management and Monitoring Strategy (SAMMS). Informative signage should be installed to raise awareness among residents and encourage responsible behaviour (e.g., keeping dogs on leads), and natural screening buffers recommended in the EclA should be implemented via the Landscape and Ecological Management Plan (LEMP). The SAMMS tariff payment, based on net additional dwellings, must also be secured prior to first occupation to mitigate recreational impacts. This is outlined in the 'Bird Mitigation' section of this report below. Overall, KCC Biodiversity are satisfied with the IIHRA and recommend that its findings be adopted, subject to the implementation of the identified mitigation measures.

In summary and subject to the recommended conditions in respect to lighting, ecological enhancements and a Landscape and Ecological Management Plan no objections are raised in regard to Policy BNE39 of the Local Plan, Policy S2 of the (Regulation 22) Medway Local Plan 2041 and paragraphs 187 and 193 of the NPPF.

### *Biodiversity Net Gain (BNG)*

As the application was submitted after the 12 February 2024 the mandatory requirements to deliver a minimum 10% BNG would apply. The application has, therefore, been submitted with an updated BNG Feasibility Assessment (Ref; 6600-LLB-RP-EC-0008 Rev P03, dated 10 February 2026) and updated BNG Metric. Baseline habitats on site are dominated by hardstanding in the form of buildings and infrastructure, habitats with the highest value for biodiversity comprise small parcels of mixed scrub, bramble scrub, hazel scrub and individual trees. These will largely be lost to facilitate development proposals. Habitat creation to offset this loss includes new tree planting, grassland creation and scrub creation.

A BNG assessment has been submitted which demonstrates that a net gain of 2.97 habitat units (+58.34%), and 2.03 hedgerow units (242.06%) will be achieved onsite. However, the standards of the trading summary have not been met, due to the loss of medium distinctiveness habitats. Therefore, either additional opportunities will need to be explored onsite, or offsite units will need to be sought. This can be secured post-determination via the BNG Plan which will be included as an informative.

## *Trees*

An Arboricultural Report (Ref: 6600-LLB-ZZ-ZZ-RP-AB-0001 Rev P1, dated 16 May 2024) and Arboricultural Impact Assessment (Ref: 6600-LLB-XX-XX-T-AB-0001 Rev P4, dated 29 April 2025) have been submitted with the application.

Given the site's industrial character, arboricultural features within the site are limited. However, there are individual trees and tree groups located around the perimeter, particularly adjacent to the south-east boundary with Pier Road and Strand Approach Road and along the site's boundary with Gillingham Marina.

A total of two individual trees and seven tree groups were surveyed. None of the trees are subject to a Tree Preservation Order (TPO), and the site is not located within a Conservation Area. These comprise a mix of species including sycamore, cypress, ash, silver birch, common lime, hazel, whitebeam, and field maple, generally of early-mature to semi-mature age. The two individual trees were classified as Category C, along with five of the tree groups. The remaining two tree groups were classified as Category B under the BS5837:2012 criteria. Under BS5837:2012, Category B trees are defined as those of moderate quality and value, while Category C trees are considered to be of low quality and value.

It is proposed that individual trees T1 and T2, along with tree groups G4, G5, G6, G7, and G8, will be removed to facilitate the scheme. Of these, G7 is classified as Category B, while the remaining individual trees and groups proposed for removal are Category C. When weighing the value of the trees proposed for removal against the wider benefits of the scheme, such as regenerating a brownfield site, delivering much-needed housing, and implementing indicative landscaping that includes the planting of numerous native species, there are no objections to the loss of these trees.

The construction of the proposed food store will involve works within a section of Group G9's Root Protection Area (RPA), specifically where excavations are required for a retaining wall positioned to the rear of adjacent parking spaces serving the food store. The incursion is minor and located at the outer edge of the RPA. Given the limited extent of the conflict and its peripheral location, it is considered that the impact on the trees will be negligible, and the group can be successfully retained. To ensure their protection during development, an Arboricultural Method Statement (AMS) should be prepared and a condition is recommended. This will provide clear guidance for implementing appropriate tree protection and working measures around the RPA's throughout the construction process.

In view of the above, and subject to the imposition of a condition requiring the submission and implementation of an Arboricultural Method Statement, it is considered that the proposal would not result in unacceptable harm to existing trees or the wider landscape character. The development is, therefore, in accordance with Policy BNE43 of the adopted Local Plan, Policy T1 of the (Regulation 22) Medway Local Plan 2041 and paragraph 136 of the NPPF.

## *Heritage*

The application site is not located within a Conservation Area, with the nearest designated area being the Gillingham Green Conservation Area, situated approximately 150 metres to the southeast. There are no designated heritage assets within the site boundary either. The closest listed buildings comprise the Church of St Mary Magdalen (Grade II\*) and the associated gravestone and tombs within its churchyard (Grade II), located approximately 400 metres to the south/southeast. Given the separation distance and the level of urban development between the site and these designated heritage assets, there is no functional, visual, or historical relationship, and the proposal is not considered to affect their setting.

There is also the Strand Park and Lido, which lies immediately to the east of the site. The Strand is part of the Kent Gardens Trust/KCC compendium of local historic parks and gardens. The site was first laid out as a public park in 1892 and includes the extant 1896 lido. The Strand is not a statutorily designated Historic Park and Garden and, therefore, carries less weight and significance in decision-making than Registered Parks and Gardens.

A report is being prepared for Cabinet in March proposing an initial local heritage asset list. As part of this emerging work, The Strand is included on the draft list owing to its identification within the Kent Gardens Trust/KCC Compendium of Local Historic Parks and Gardens. It is also acknowledged that the gas holder structure could potentially meet the emerging criteria for local listing, on the basis of its landmark qualities and its association with the historic former use of the site. As such, any potential future identification of the gas holder or The Strand as Non-Designated Heritage Assets (NDHA) needs to be considered.

Notwithstanding this and in line with Historic England's guidance on redundant gasworks, all column and frame gasholders are typically recommended to be recorded to Level 2 as non-designated heritage assets. As per the recommendations of the Heritage Desk Based Assessment the remaining No. 3 gasholder on the site is assessed as being of low heritage significance, and it is, therefore, not considered necessary to require any enhanced level of recording beyond this standard Level 2 approach (a descriptive record drawn from a visual inspection of the interior and exterior of a structure, advised by historical research and accompanied by a photographic survey).

The remaining spiral gasholder is also recommended to receive Level 2 historic building recording, alongside the former wharf structures and any surviving boundary walls. A small number of associated buildings remain adjacent to the No. 3 gasholder; however, these are largely 20th-century additions and do not date from the original gasworks. As such, they are also assessed as being of low significance. This, approach has been supported by KCC's Archaeological Advisor, and a programme of building recording can be secured via condition.

Paragraph 216 of the NPPF 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.’

The proposal would not result in the loss of The Strand Park or the Lido, both of which would continue to provide riverside access and leisure facilities for new and existing residents. However, the characteristics of the application site would change permanently, from a largely open and undeveloped area to one containing substantial high-rise apartment blocks. This change in character would affect the setting and appreciation of The Strand and the Lido, particularly in views experienced from within the park itself. The existing gasholder on the site would need to be removed to facilitate the proposed development. Although the applicant has suggested that elements of the structure could be retained and incorporated into the public realm to reference the site’s industrial heritage, its removal would nevertheless result in the loss of the non-designated heritage asset in the form in which it is currently experienced and appreciated.

In taking a balanced view, the proposed development would make efficient use of previously developed land, in accordance with paragraph 124 of the NPPF, which encourages the redevelopment of underutilised land and buildings. The regeneration of this brownfield site would significantly improve its condition through the delivery of new development, public realm and amenity spaces, thereby reducing pressure on more sensitive greenfield locations. In addition, the site is allocated within the Regulation 22 Local Plan (Site GN6), supporting the overarching Spatial Development Strategy which promotes a ‘brownfield first’ approach and seeks to focus investment within urban centres and waterfront locations.

The development would deliver up to 500 new homes, including later-living accommodation, at a time when there is a substantial shortfall in the supply of deliverable housing land. The introduction of commercial and retail floorspace as part of the mixed-use element of the scheme would also support the vitality and functionality of the local community. These commercial uses would generate additional employment opportunities and contribute to the wider economic activity of the area, with the construction phase providing further short-term economic benefits.

Taking account of the significance of the gasholder as a symbol of the site’s industrial heritage, its loss attracts a moderate degree of negative weight in the overall planning balance. However, in conclusion, when weighed against the substantial public benefits arising from the redevelopment of an allocated brownfield site, the delivery of much-needed housing, the provision of new green infrastructure, and the wider socio-economic benefits of the scheme, the loss of this non-designated heritage asset is considered acceptable. However, it would be appropriate to impose a condition requiring the submission of details for interpretation boards within the development, reflecting the site’s former industrial use.

Consequently, the development would accord with Policy DM9 of the (Regulation 22) Medway Local Plan 2041 and paragraph 216 of the NPPF.

### *Archaeology*

An updated Archaeological Desk-Based Assessment (Ref: V2, dated 30 August 2025) and Geoarchaeological and Palaeolithic Desk-Based Assessment (dated 28 August 2025) have been submitted with the application.

The site contains no designated archaeological assets; however, it lies on the southern bank of the River Medway, historically characterised by low-lying marshes and tidal mudflats, often dissected by creeks, but with a long history of reclamation. The specialist assessments provide useful additional information, drawing on archaeological, geoarchaeological, and geotechnical data to describe the deposit sequences expected beneath the proposed development site. These sequences are noted as potentially significant, with some deposits of high importance buried at depth.

The geoarchaeological assessment recommends field evaluation works, including a combination of test-pitting and purposive boreholes to further characterise the deposit sequence. Where the depth of made ground permits, stepped or shored evaluation trenches may also be required, including to assess for burial remains associated with the “Prisoners’ Bank” burial site. Historical mapping indicates that part of the site remained marshland until the early 19th century, when French Napoleonic prisoners of war who died on prison hulks were buried in these marshes.

Kent County Council’s Archaeological Advisor has been consulted and is satisfied that the recommended archaeological and geoarchaeological evaluation, along with any subsequent mitigation works, can be secured through the recommended planning conditions. Subject to these conditions, no objection is raised under Policy BNE21 of the Local Plan, Policy DM9 of the (Regulation 22) Medway Local Plan 2041, and paragraphs 207 and 208 of the NPPF.

### *Flood Risk*

Policy CF13 of the Local Plan seeks to protect development within areas subject to tidal flood risk. In addition, Policy DM1 of the (Regulation 22) Medway Local Plan 2041 provides guidance on flood and water management, requiring developers to apply the Sequential Test and, where necessary, the Exception Test. The NPPF reinforces this approach by directing development away from areas at highest risk of flooding.

A Flood Modelling Technical Note (dated 22 December 2025), Revised Flood Risk Assessment and Drainage Strategy (Ref: 24-0365, dated 18 September 2025), Flood Evacuation Management Plan (Ref: 24-0365, dated 19 August 2025), Technical Note EA Consultee Response (Ref: 240298, dated 6 October 2025) and Flood Risk Sequential Assessment and Exception Test (dated May 2025) have been submitted in support of the application.

The Environment Agency's Flood Map for Planning identifies the site as falling within all Flood Zones. The northern section lies within Flood Zone 3 (high risk), a small central area within Flood Zone 2 (medium risk), and the southern section within Flood Zone 1 (low risk). Strategic Flood Risk Assessment mapping also shows small areas of Flood Zone 3b (functional floodplain) within the site.

The NPPF sets out national policy on flood risk, supported by the Planning Practice Guidance (PPG), which classifies the vulnerability of different land uses and promotes development in areas of lowest flood risk wherever possible. Both documents emphasise the importance of ensuring that development does not increase flood risk elsewhere within the wider catchment.

As set out in Table 2 of the PPG, development classified as More Vulnerable, which includes residential dwellings under Annex 3 of the NPPF, is only appropriate in Flood Zone 3a if both the Sequential Test and Exception Test are satisfied. Furthermore, the PPG specifies that development should not be permitted within Flood Zone 3b unless it comprises a water-compatible use or essential infrastructure, subject to passing the Exception Test.

Although residential blocks E and F are technically located in Flood Zone 3b, the applicant is proposing to improve and replace the existing river defence walls, which would then remove these blocks from Flood Zone 3b without increasing flood risk elsewhere. As a result, and in response to the EA's concerns, detailed hydraulic modelling has been undertaken to better understand and quantify the impact of upgrading the existing flood defences along the river.

The updated flood modelling was undertaken following consultation with the EA. Its purpose was to demonstrate the effect of proposed flood defence upgrades along the site frontage and to confirm that the development, including residential elements, would be located outside the functional floodplain. The modelling used the North Kent Coast hydraulic model to compare an undefended 1 in 20-year tidal event with a defended scenario incorporating the proposed crest level increases to 4.95m AOD, as agreed in principle with the EA.

The results confirm that the upgraded defences would remove the developable part of the site from the functional floodplain and that the proposals are consistent with the Flood Risk Assessment, and with finished floor levels raised to the agreed level would be considered acceptable for residential development. A comparison of depth grids shows that the defended scenario results in a maximum water-level increase of only 1mm, all of which is contained within the estuary channel. There is no increase in flood extent or depth on any surrounding land or existing development. These changes fall well within typical hydraulic modelling tolerances of 10mm and do not create any additional flood risk for third-party land.

Overall, the assessment demonstrates that the proposed defence improvements achieve a policy-compliant position and satisfactorily address the EA's outstanding concerns, and they have confirmed this conclusion.

### *Flood Risk Sequential Test and Exception Test*

Paragraph 172 of the NPPF states that all plans should apply a sequential, risk-based approach to the location of development during plan-making. Paragraph 174 confirms that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed use in areas of lower flood risk. The PPG refers to 'reasonably available' for the purposes of the sequential test if their location is suitable for the type of development proposed, they are able to meet the same development needs and they have a reasonable prospect of being developed at the same time as the proposal. In considering whether alternative lower-risk sites (which could include, where relevant, a series of two or more smaller sites and/or part of a larger site if these) would be capable of accommodating the proposed development, such alternative sites do not need to be owned by the applicant to be considered 'reasonably available'.

Paragraph 177 explains that where it is not possible to locate development in areas of lower flood risk, taking into account wider sustainable development objectives, the Exception Test may need to be applied. Paragraph 178 further requires that the application of the Exception Test be informed by a strategic or site-specific Flood Risk Assessment. To pass the exception test it should be demonstrated that:

- a) The development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible, will reduce flood risk overall.

The PPG states that in applying paragraph 175 of the NPPF a proportionate approach should be taken. Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development, without increasing flood risk elsewhere, then the sequential test need not be applied. The absence of a 5-year housing land supply is not a relevant consideration in applying the sequential test for individual applications. However, housing considerations, including housing land supply, may be relevant in the planning balance, alongside the outcome of the sequential test.

Medway Council commissioned a Level 1 Strategic Flood Risk Assessment (SFRA) in April 2020. This assessment provides detailed guidance on Flood Risk Assessment requirements for developers, outlines the extent of flood risk across the Council area, and sets out the process for applying the Sequential Test to individual planning applications. The report also includes planning policy recommendations and confirms

that Medway Council will publish further guidance on the application of the Sequential Test. In September 2021, the Level 2 SFRA was published. This builds on the Level 1 assessment and aims to inform the evidence base supporting the final allocation of sites within the Medway Local Plan. The Council's Land Availability Assessment Interim Report (LAA) was subsequently published in October 2023 following the assessments provided within the Level 1 & 2 SFRA.

The proposed development adopts an approach which proposes the 'more vulnerable' uses of the care home / later living within Flood Zone 1 and the residential units above the design flood level. The outline element of the proposals provides an indicative design approach which proposes lower vulnerability uses on the ground floor (i.e. parking / commercial / bins stores etc) and residential units all being at first floor and above.

### *Flood Risk Sequential Test*

The site lies within all flood zones so has a high/medium probability of flooding. Dwelling houses are categorised as "more vulnerable" development. Therefore, the proposal should be subject to a sequential test. The aim of this is to steer new development to areas with the lowest risk of flooding from any source. A flood risk sequential test assessment has been undertaken by the applicant.

For the purposes of the Sequential Test, the Flood Risk Assessment has considered both the site as a whole (in terms of overall area) and the residential element in isolation (in terms of its capacity). As the only part of the site that falls within Flood Zone 3, aside from a small area associated with the SGN facility, is the area proposed for residential development, the assessment has, for completeness, also examined alternative sites capable of accommodating this element alone. This ensures that sites have been assessed not only on the basis of total site area but also on their ability to accommodate the residential capacity proposed.

The Sequential Test identifies that the SGN facility must remain in the south-west corner of the site, as it involves the re-provision of essential underground infrastructure, including the gas governor. This area contains existing buried utilities that cannot realistically be relocated, meaning this component of the scheme cannot be disaggregated or moved elsewhere. In contrast, the proposed food store and later-living uses are located wholly within Flood Zone 1. On this basis, the Sequential Test has considered both alternative sites capable of accommodating the entire mixed-use development and, where appropriate, sites capable of accommodating only the residential element, which is the sole part of the scheme situated within Flood Zone 3.

For the purposes of this sequential test, reasonably available sites have been assessed against the following criteria, taking into account allocated sites, sites identified in published documents, sites with planning permission, and those currently on the market:

- Site Size: Sites with an area within  $\pm 20\%$  of the application site (4.5 ha), i.e., up to approximately 5.4 ha. As per the Inspector's approach (Ref: APP/X3540/W/20/3250557);;
- Site Capacity: Sites capable of accommodating 450–550 residential units;
- Area of Search: Sites located within the defined urban area of Medway;
- Policy Designation: Sites without restrictive planning constraints such as Green Belt, Areas of Outstanding Natural Beauty (AONB), areas of local landscape importance, special landscape areas, protected employment land, proposed open space, or new playing fields;
- Sites within Flood Zones 1 and 2; and
- Sites that are 'available now' or as identified within the Land Availability Assessment to come forward within the next five years and as identified within the Emerging Local Plan.

The parameters outlined above were agreed with the Council in advance as part of the initial Sequential Test Scoping Note.

All urban sites identified within the Council's *Land Availability Assessment Interim Report* (October 2023) were reviewed. As part of this exercise, any sites located within Flood Zone 3 were discounted from further consideration. A significant proportion of the remaining sites were found to be too small to accommodate the proposed development and were, therefore, excluded from the assessment.

As a result, two sites were identified for detailed assessment: Gun Wharf 2010 (CCB5) and Chatham Docks (SM15). Gun Wharf was discounted because part of the site lies within Flood Zone 3, it is currently occupied by Medway Council offices and other active uses, is subject to recent listed building consents indicating continued operational use and contains significant heritage constraints limiting redevelopment potential. Chatham Docks was discounted because the land is allocated both in existing Local Plan and in the reg 22 draft plan and is being actively promoted already by the Landowners and, therefore, it is not available as an alternative to the application site.

The assessment also considered whether the residential component, being the only part of the proposal located in Flood Zone 3, could be accommodated on alternative sites independently of the wider mixed-use scheme. However, no suitable or available sites were identified that met the agreed criteria and could deliver the required capacity. Overall, the sequential assessment concludes that no reasonably available sites exist within lower-risk flood zones that could accommodate either the full mixed-use scheme or the residential element alone.

Although parts of the application site are at lower risk of flooding, such as the area proposed for the supermarket and SGN facility, the purpose of the Sequential Test is to direct more vulnerable uses, including residential development, to areas of lowest flood risk. It is, however, for the Local Planning Authority to determine whether the Sequential Test has been satisfactorily met. In this case, locating the supermarket and SGN facility within the higher-risk areas would fundamentally undermine the placemaking strategy

for the site. From an urban design and amenity perspective, it would also result in new housing being positioned closer to the busy Pier Road, which would be undesirable. Notwithstanding this, the flood modelling demonstrates that the scheme has been designed so that all habitable accommodation would remain unaffected by even extreme flood events. The development would, therefore, be safe for its lifetime. This approach ensures that this brownfield site can be brought back into productive use and make an important contribution toward addressing the significant housing shortfall within the borough.

### *Exception Test*

Having applied the Sequential Test, and concluding that there are no reasonably available sites in areas of lower flood risk capable of accommodating the development, when wider sustainable development objectives are taken into account, it is necessary to apply the Exception Test. In accordance with Table 2 of the Planning Practice Guidance and the Flood Risk Vulnerability Classification, residential buildings fall within the 'more vulnerable' category. As such, the development must now demonstrate that it can provide wider sustainability benefits to the community that outweigh the flood risk, and that it will be safe for its lifetime without increasing risk elsewhere.

The proposal would deliver significant planning and sustainability benefits through the redevelopment of a large brownfield site within the urban area of Gillingham. It would provide up to 500 much-needed new homes in an authority with a severe housing shortfall, alongside a 140-bed care home helping to meet identified needs for older persons' accommodation. The scheme would regenerate a long-neglected waterfront site, contributing positively to the strategic vision for Medway's urban waterfront in the Emerging Local Plan. It would secure major environmental improvements, including the remediation of contaminated land and upgrades to the deteriorating sea wall. The development would also deliver economic benefits by supporting local services, generating new employment through commercial floorspace, and providing construction-phase jobs. Sustainability benefits include the incorporation of renewable energy technologies to support the transition to a low-carbon economy, and the delivery of at least 10% biodiversity net gain across the site. The significance of these benefits fully supports the objectives of the NPPF.

In addition, the Environment Agency now accepts the conclusions of the submitted Flood Risk Assessment and the updated hydraulic modelling, which confirm that the development can be made safe for its lifetime provided that the residential floor levels are raised to 6.65m AOD. To support this approach, a Flood Evacuation and Management Plan (August 2025) (FEMP) has been submitted. The FEMP sets out the procedures and physical measures that will be implemented to ensure the development can operate safely in the event of tidal flooding.

A key part of the flood-risk strategy is the provision of elevated residential floor levels, with all homes set at 7.70m AOD, well above the modelled extreme tidal flood level. This ensures residential areas remain dry, while ground-floor non-residential spaces will

incorporate flood-resilient construction, raised services such as electrics, and the ability to deploy temporary barriers. The FEMP outlines clear procedures for warnings, preparedness and evacuation. A Lead Flood Coordinator would be appointed to manage flood-related actions, and the site would be registered with the Environment Agency's Flood Warning Service. On receipt of a Flood Warning, evacuation measures would be initiated if deemed appropriate, with refuge provided in upper floors if conditions do not allow safe evacuation. Additional measures include CCTV monitoring, on-site emergency equipment, clear signage and post-event safety inspections. Together, these measures provide a comprehensive and robust framework to manage flood risk and ensure occupant safety. These measures will be secured by condition and their principles carried forward and embedded within any subsequent reserved matters submission.

Overall, and for the reasons outlined above, the scheme would satisfy the exception test and would be safe for its lifetime taking into account the vulnerability of its users in accordance with paragraph 178, 179 and 181 of the NPPF.

### *Surface Water and Foul Drainage*

Surface water will be discharged to the River Medway at a reduced brownfield runoff rate for all return periods. Attenuation will be provided through attenuation crates and permeable paving, designed to accommodate the 1-in-100-year storm event plus 40% climate change allowance. The final layout and design of the surface water drainage network will be confirmed at the detailed design stage.

Foul water from the proposed development will be collected via a traditional gravity drainage system and directed to the diverted Southern Water combined public sewer located within the site access, flowing east. This connection is subject to a capacity check and agreement from Southern Water.

The proposed surface and foul water drainage arrangements are considered acceptable, and subject to conditions requiring further information with respect to sustainable drainage principles, a construction surface water management plan and a drainage verification report no objection is raised with regard to Policy CF13 of the Local Plan, Policy S1 of the (Regulation 22) Medway Local Plan 2041 and paragraph 181 of the NPPF.

### *Climate Change and Energy Efficiency*

An Energy and Sustainability Statement (dated May 2025) has been submitted in support of the application. The report states that the development will be constructed to the latest standards and feature energy efficiency in the design and include measures to reduce energy demand for heating, lighting, and ventilation in accordance with both local and national policy. In particular the buildings will incorporate the following energy efficiency measures and design elements:

- The proposed design will achieve a 163.4% reduction in regulated carbon emissions compared to Building Regulations Part L 2021 baseline;
- The scheme will adopt a fabric first approach to reduced energy demand by specifying low U-values and high-performance glazing;
- Architectural detailing will focus on minimising thermal bridging and achieving low air permeability;
- An all-electric energy strategy will be sought complemented by roof mounted PV panels;
- Enhancement to on-site biodiversity;
- The efficient use of resources, the reuse of materials and minimisation of waste;
- Materials will be selected based on their longevity and maintenance requirements;
- Buildings will be designed for flexibility and adaptability in line with the permitted uses;
- Local materials will be specified where possible and the reuse of materials will be prioritised;
- All timber will be FSC/PEFC certified;
- Indoor water consumption will be minimised through the specification of low flow fittings and fixtures, combined with flow restrictors where required;
- The proposed development will incorporate SuDS principles;
- Provision of secure cycle parking to encourage cycling;
- Maximum use of natural ventilation where possible;
- Direct access to open space;
- Location and provision of safe routes to public transport.

Further details of these measures will be requested as a condition in accordance with paragraph 161 of the NPPF.

### *S106 Matters and Affordable Housing*

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

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

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

22) Medway Local Plan 2041 is seeking to adopt a lower threshold, requiring that 10% of all residential units proposed on previously developed land are affordable (Policy T3).

Paragraph 59 of the NPPF states that it is the applicant's responsibility to demonstrate whether circumstances justify the need for a viability assessment at the application stage. In this case, a Financial Viability Appraisal was prepared and submitted by Strutt & Parker (Ref; 267737, dated 28 January 2025), addressing the viability of development across the application site. This appraisal has subsequently been reviewed by an independent viability consultant, Pathfinder, to ensure robustness and impartiality.

The proposed scheme of 500 market-sale homes and associated commercial uses generates a Residual Land Value (RLV) of £2,126,567, equating to 100% of the benchmark land value, alongside maximum Section 106 contributions of £1,480,000. This level of land value is considered economically viable in accordance with the NPPF, which requires sites to deliver "a minimum return at which it is considered a reasonable landowner would be willing to sell." Furthermore, the recently published Viability Testing Local Plans guidance reinforces the principle that schemes must provide a competitive return to the developer and generate a land value sufficient to incentivise the landowner to release the land for development.

The inclusion of affordable housing on-site is likely to require the allocation of at least one of the eight blocks shown on the indicative masterplan. Affordable rented homes are expected to achieve values of no more than 50% of market value, while shared ownership units are anticipated at approximately 70% of market value. This significant reduction in revenue would severely impact scheme viability and, consequently, its deliverability.

In summary Pathfinder's assessment, therefore, concludes that a viable scheme is one which contains 500 homes for market sale and commercial uses with maximum S106 contributions of £1,480,000.

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

- i) £113,490.00 to improve equipment and facilities at Gillingham Library and/or Rainham Library and or Medway Mobile Libraries and/or libraries in the vicinity.
- ii) £1,809,806.28 toward mitigating the impact of the additional pupils generated by the development comprising:
  - Nursery - £258,441.82
  - Primary - £775,326.67
  - Secondary - £581,985.79
  - Sixth Form - £194,052.00

- iii) £125,508.60 to assist with development of public realm improvements to Gillingham Town Centre.
- iv) £118,920.00 for the provision, improvement and promotion of waste and recycling services to cover the impact of the development.
- v) £2,080,139.43 to support the creation of additional capacity on primary and community healthcare services and acute care to mitigate the impact of the increased population through the provision of additional estate capacity comprising:
  - Primary and community care contribution - £608,398.35
  - Acute care contribution - £1,471,741.08
- vi) £50,000 towards Commodores Hard surface improvements and introduction of a sea lane buoy system to separate watercraft from swimmers.
- vii) £125,920.00 towards enhancement and/or expansion of community facilities which will serve the new residents of the development.
- viii) £168,745.00 towards Designated Habitats Mitigation.
- ix) £167,315.00 towards the complete refurbishment of the Strand Lido including new flooring.
- x) £1,753,375.00 to enhance open space facilities within the vicinity of the development.
- xi) £53,820.00 to support youth development in the Gillingham Area.

The total sum of the contributions requested equates to £6,567,039.31 which would exceed the sum of s106 contributions available based on Pathfinders appraisal which concluded that a viable scheme could deliver £1,480,000 of commuted sum payments.

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

- i) £168,745.00 towards Designated Habitats Mitigation.
- ii) £167,315.00 towards the complete refurbishment of the Strand Lido including new flooring.
- iii) £50,000.00 towards Commodores Hard surface improvements and introduction of a sea lane buoy system to separate watercraft from swimmers.
- iv) £78,940.00 towards open space enhancements within the vicinity of the development mainly The Strand.

- v) The construction of a new combined Club House facility on the adjacent Council-owned land currently occupied by the Medway Water Sports Trust. Including a pillar crane and hydraulic boat trailer (Blueberry Homes to cover any cost over and above £1,000,000).
- vi) £15,000.00 towards a new bus shelter on Pier Road to include real time information.
- vii) To use reasonable endeavours to seek apprenticeships and entry level employment opportunities during the construction of the Development.
- viii) Details of the proposed Car Club Scheme providing a minimum of 10 Car Club parking spaces.

In addition, given the considerable design uncertainty that remains for the residential (outline) element of the scheme, it would be prudent to secure a late-stage review at 90% completion. This approach would enable an overage mechanism to capture 50% of any surplus profit above that assumed within the agreed viability assessment.

#### *Bird Mitigation*

As the application site is within 6km of the North Kent Marshes SPA/Ramsar Sites, the proposed development is likely to have a significant effect, either alone or in-combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest. Natural England has advised that an appropriate tariff, that at the time of submission, stands at £337.49 per dwelling (excluding legal and monitoring officer's costs) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. This tariff should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation).

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

The applicants have agreed to pay this tariff, and this would be secured as part of a section 106 agreement. The proposal is, therefore, in accordance with Policies S6 and BNE35 of the Local Plan, Policy S3 of the (Regulation 22) Medway Local Plan 2041 and paragraphs 194 and 195 of the NPPF.

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

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

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

In this regard, the Council is unable to demonstrate a five-year supply of housing land sought by paragraph 78 of the NPPF. There is, therefore, a significant need for new housing in the Medway area. Paragraph 11 (d) of the NPPF indicates that in such circumstances permission should be granted unless:

- (i) the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

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

### Social

The development is located within the urban area and would deliver up to 500 new homes, including later-living accommodation, at a time when there is a significant shortfall in the supply of deliverable housing land. The provision of commercial and retail floorspace as part of the scheme would further support the vitality and functionality of the local community. Together, these elements represent substantial social benefits that attract **significant positive weight**, consistent with paragraph 61 of the NPPF and the national objective to boost the supply of homes.

While the proposal does not include any affordable housing and seeks reduced S106 contributions, matters that weigh **negatively** in the planning balance, a Viability Appraisal has been submitted and independently reviewed. This assessment sets out the financial position regarding both affordable housing provision and planning obligations. It is also recognised that viability constraints present a considerable challenge in bringing forward brownfield sites of this nature.

### Economic

Given the site's urban location, with good access to services, facilities and employment opportunities, the introduction of up to 500 new homes would increase local demand and support existing services. This uplift in spending would contribute positively to the local economy. In addition, the proposed commercial floorspace would generate further employment opportunities and enhance the economic activity of the surrounding area. The construction phase would also provide short-term economic benefits. Collectively, these economic benefits attract **positive (moderate) weight** in the planning balance.

Although the development would generate additional Council Tax revenue, this income is used to deliver and maintain necessary services and infrastructure for residents. As such, this represents a **neutral** effect in the overall balance.

### Environmental

The site is located within a sustainable urban area, which promotes the use of sustainable modes of transport. The proposal would also make efficient use of previously developed land, in accordance with paragraph 124 of the NPPF, which encourages the redevelopment of underutilised land and buildings. The regeneration of this brownfield site would also improve its overall condition through the introduction of new buildings and amenity areas. These matters attract **significant positive weight** in favour of the development.

Environmental benefits would also be realised through the delivery of Biodiversity Net Gain (BNG). The applicant proposes on-site enhancements equating to a gain of 2.97 habitat units (58.34%) and 2.03 hedgerow units (242.06%). This represents an environmental benefit of **important (moderate) weight**. In addition, through a fabric-first approach, and as set out in the applicant's Climate Change and Renewable Energy Statement, the scheme would deliver a reduction in energy demand, which also carries **positive (moderate) weight** in the balance. The proposal would further provide new areas of amenity space for future occupiers and the wider community. Moreover, the redevelopment of this brownfield site would alleviate pressure to build on more sensitive greenfield locations elsewhere, which further **weighs in favour** of the scheme.

While concerns have been raised by residents regarding building heights, design, amenity impacts, parking provision, highway safety, the impact on local services, and the layout of open spaces, the application is supported by appropriate technical

assessments which demonstrate that these matters would not result in adverse impacts sufficient to warrant refusal. In this context, paragraph 125(c) of the NPPF indicates that refusal should only be considered where it can be demonstrated that substantial harm would result, which sets a very high bar. Furthermore, a Viability Appraisal has been submitted and independently reviewed, setting out the financial position in respect of affordable housing provision and S106 contributions.

### Weight of the Emerging Local Plan

The site is allocated as Site GN6 within the Regulation 22 version of the Medway Local Plan 2041. The allocation identifies the capacity for up to 500 new homes, including general residential development, older persons' accommodation, and convenience retail, to be delivered within the first five years of the plan period. This allocation acknowledges the site's strategic role in meeting identified housing needs, supporting planned growth, and delivering a 'brownfield first' approach.

By allocating the site for a development yield of up to 500 homes, the Council implicitly accepts that significant building heights and massing will be required to achieve this quantum of development, given the site's constraints. Such change will have a permanent and long-term effect on the character of the Gillingham Waterfront area, broadly consistent with the scale and form of more recent regeneration schemes such as Chatham Waters and Victory Pier. The allocation process, therefore, recognises that while some degree of visual and townscape change, that could be perceived as harm, will occur, this must be balanced against the imperative to plan positively for growth and to ensure that sustainable and deliverable sites are identified, in line with national planning policy.

Although the emerging Local Plan is not yet adopted, it is at an advanced stage, having been submitted for examination in December 2025. In accordance with paragraph 49 of the NPPF, it is appropriate to afford **moderate weight** to the GN6 allocation. This **weighs positively** in favour of the proposal, particularly given the site's importance within the Council's overall spatial strategy.

### **Conclusions and reasons for Approval**

On the wider tilted planning balance, there are no adverse impacts that would significantly and demonstrably outweigh the identified benefits, when assessed against the development plan as a whole. Overall, the proposal represents sustainable development for which the NPPF indicates there should be a presumption in favour. Accordingly, planning permission should be granted. For the reasons as set out in this report it is, therefore, recommended that planning permission is granted subject to conditions and the completion of a s106 agreement.

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

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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/>