

MC/24/2535

Date Received: 13 December 2024
Location: Arethusa Venture Centre, Upnor Road, Upnor Rochester
Proposal: Demolition of existing buildings and construction of two new buildings to provide 31 no. apartments (Use Class C3) including landscaping, parking, access and associated infrastructure.
Applicant: Arethusa Upnor Ltd
Agent: Mr S Basi
On Planning
Mr Ben Young Logan House
St Andrews Close
Canterbury
Kent
CT1 2RP
Ward: Strood Rural
Case Officer: Madeline Mead
Contact Number: 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 26 August 2026.

Recommendation: Approval subject to:

- A. The applicants entering into a Section 106 to secure the following:
- i) £10,762.89 towards the development of a gender-neutral changing area including improved shower facilities with increased accessibility for families, schools and disability users which will enable the help and supervision of carers. Plus an additional well-being studio for classes such as yoga, pilates, meditation at Hoo Sports Centre.
 - ii) £7,649.56 towards the provision, improvement and promotion of waste and recycling services to cover the impact of the development.
 - iii) £58,462.66 towards Mainstream nursery/primary education within a radius of 2 miles from the development site, and/or SEND education within Medway and Mainstream or SEND secondary education within Medway.
 - a. £10,189.36 towards the provision of nursery education within a radius of 2 miles from the development site and/or SEND Education within Medway
 - b. £25,327.89 towards the provision of primary education within a radius of 2 miles from the development site and/or SEND Education within Medway

- c. £22,945.41 towards the provision of mainstream or SEND secondary within Medway
- v) £11,894.39 towards the development of improved civic space and gateways to Strood town centre or Hoo centre (greening projects, bollards and signage).
- vi) £12,584.76 towards interpretation at Upnor Castle.
- vii) £7,300.50 towards improvement of equipment and facilities at Hoo Library and/or Strood Library and/or libraries in the vicinity.
- viii) £27,953.32 towards the creation of additional capacity in Health Care premises required as a result of the increase in housing and resulting patient registrations.
- ix) £106,024.86 towards enhancing open space facilities within the vicinity of the development, including Deangate Country Park.
- x) £8,099.99 towards a community facility to benefit residents of the development and the local community.
- xi) £2,412.11 towards the improvements of RS127 including but not limited to signage, lighting, furniture and accessibility enhancements.
- xii) £1,000 towards enhancing the National Trail between Cockham Fort and the foreshore at Upchat Road/ Tower Hill.
- xiii) £10,854.96 towards mitigation measures to protect wintering birds habitat areas from the additional footfall/visitors that would result from the development.

B. The following conditions:

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

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

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

Received 13 December 2024:

3332-059 Rev G	Riverside elevation
3332-062 Rev A	Proposed side elevation Albion Place
3332-063 Rev A	Proposed rear elevation
3332-064 Rev B	Proposed side elevation
3332-066	Proposed refuse storage
3332-067 Rev H	Proposed ground and first floor plans
3332-068 Rev E	Proposed second and third floor plans
3332-071	Proposed site sections
3332-072	Site location plan
AC/T00/2260-02-C	Tree protection plan

Received 31 March 2025:

3332_069 Rev F Proposed fourth floor and roof layout
3332-065 Rev H Proposed detailed site plan

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

- 3 No development shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health;
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
- adjoining land;
- groundwaters and surface waters;
- ecological systems;
- archaeological sites and ancient monuments.

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

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

- 4 No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared and submitted to and approved in writing by the

Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

- 5 No development shall take place (other than development required to enable the remediation process to be implemented) until the approved remediation scheme has been carried out in accordance with its terms. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

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

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

- 6 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 4, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 5, 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 5 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 5.

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

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

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

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

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

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

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

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

- 9 No development shall commence until a Habitat Management and Monitoring Plan for on-site habitats (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan and section 10 of the Ecological Impact Assessment (ref: 1242_R01_PEA) prepared

by Native Ecology, dated 24th May 2024), and including the information required by (a) to (e) below, has been submitted to, and approved in writing by, the local planning authority:

- (a) A non-technical summary;
- (b) The roles and responsibilities of the people or organisation(s) delivering the HMMP;
- (c) The planned habitat retention, creation and enhancement works to conserve, create and/or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan. This shall include the provision of scaled and detailed soft landscaping plans, as well as planting schedules and details of habitat features such as integrated bird and bat boxes;
- (d) The management measures to conserve, maintain and improve habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- (e) The monitoring methodology and frequency by suitably qualified person, in respect of the retained, created and/or enhanced habitat to be submitted to the Local Planning Authority.

The retained, created and/or enhanced habitat specified in the approved HMMP shall be managed, created and maintained in accordance with the approved HMMP.

Reason: Required prior to commencement of development to ensure the development delivers the required biodiversity net gain on site in accordance with Policy BNE37 of the Medway Local Plan 2003 and Schedule 7A of the Town and Country Planning Act 1990.

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

The scheme shall include (where applicable):

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

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

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

- 11 No development shall take place until the tree protection measures as shown on the tree protection plan, drawing reference AC/TPP/2260-02-C have been installed. The tree protection measures shall remain in place until the completion of the development.

Reason: In order to protect the retained trees during construction on site in accordance with Policy BNE43 of the Medway Local Plan 2003.

- 12 From commencement of works on site (including site and/or vegetation clearance) and for the duration of construction, methods for the protection of retained habitats and precautionary mitigation measures for protected species shall be followed in accordance with the details contained in Appendix 1 of the Ecological Impact Assessment report (Reference: 1242_R01_PEA) prepared by Native Ecology, 24th May 2024.

Reason: In order to protect habitats and species identified in the ecological surveys from adverse impacts during construction with regard to Policies BNE37 and BNE39 of the Medway Local Plan 2003.

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

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

- 14 No part of the development shall be occupied until:

- The habitat creation and enhancement works set out in the approved HMMP have been completed; and
- A dated completion report written by a suitably qualified ecologist, and evidencing the completed habitat retention, creation and enhancements, has been submitted to, and approved in writing by the Local Planning Authority.

Reason: To ensure suitable habitat creation and enhancements have been provided on site with regard to Policies BNE37 and BNE39 of the Medway Local Plan 2003.

- 15 Prior to first occupation of the development, a lighting design plan(s) for biodiversity shall be submitted to and approved in writing by the local planning authority. The plan(s) shall include the following:
- The identification of areas/features on-site where disturbance could occur to biodiversity features such as invertebrates, hazel dormice and bat roosting sites and/or foraging/commuting routes;
 - The provision of appropriate, scaled plan(s) to show how and where external lighting shall be installed;
 - The provision of technical specifications for the external lighting;
 - The provision of lighting contour plans to show expected lux levels on both the horizontal and vertical planes (as appropriate), so that it can be clearly demonstrated that areas to be lit shall not disturb the activity of relevant ecological receptors.

All external lighting shall be installed prior to first occupation of the development in accordance with the specifications and locations set out in the plan(s), and these shall be maintained thereafter in accordance with the plan(s).

Reason: Required prior to occupation of the development to limit the impact of light pollution from artificial light in accordance with paragraph 198(c) of the National Planning Policy Framework 2024. With consideration for bats and other nocturnal wildlife in accordance with paragraph 187(d) of the National Planning Policy Framework 2024.

- 16 Prior to first occupation of the development, the refuse storage areas as shown on drawing number 3332-065 Rev H shall be installed as shown on the approved plan. The refuse storage areas shall thereafter be retained for the purpose of refuse storage only.

Reason: To ensure the adequate provision of refuse storage in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 17 Prior to first occupation of the development, the cycle storage areas as shown on drawing numbers 3332-067 Rev H and 3332-065 Rev H shall be installed as shown on the approved plan. The cycle storage areas shall thereafter be retained and available for the purpose of cycle storage only.

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

- 18 Prior to first occupation of the development, a drawing showing the location and details of the flood defence barrier shall be submitted to and approved by the Local Planning Authority. The approved flood defence barrier shall be installed prior to first occupation and retained in good working order for the life of the development.

Reason: In order to protect the future occupants of the building from flooding in accordance with paragraph 181 of the National Planning Policy Framework 2024.

- 19 Prior to first occupation of the development a plan indicating the positions, design, materials, and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be implemented in accordance with the approved details before first occupation of the development and shall thereafter be retained.

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

- 20 Prior to first occupation of the development a Landscape Management Plan (LMP), 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 (except for small, privately owned, domestic gardens) within that phase 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.

- 21 No flat herein approved shall be occupied until (or within an implementation schedule agreed by the Local Planning Authority) a signed verification report carried out by a qualified drainage engineer (or equivalent) must be submitted to and approved by the Local Planning Authority to confirm that the agreed surface water system has been constructed as per the agreed scheme and plans. The report shall include details and locations of critical drainage infrastructure (such as inlets, outlets and control structures) including as built drawings, and an operation and maintenance manual for the unadopted parts of the scheme as constructed.

Reason: This condition is sought in accordance with paragraph 181 of the National Planning Policy Framework 2024 to ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk on site or elsewhere.

- 22 No flat herein approved shall be occupied until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted

Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

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

A timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and timetable and any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

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

- 24 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the energy statement by NRG Consulting, dated September 2024 (report reference: PP2438/FA/ES/202409-RT). The development shall not be occupied until a verification report prepared by a suitably qualified professional has been submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been implemented.

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

- 25 No part of the development shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall contain details of sustainable measures to encourage walking, cycling, using public transport, car sharing and a timetable for review. The Travel Plan shall be implemented in accordance with the approved details upon the first occupation of the development.

Reason: to assess the proposed development in terms of traffic generation and the impact on the local highway network and in accordance with Policy T1 of the Medway Local Plan 2003.

- 26 Prior to occupation of the development full details of outreach and interpretation opportunities for the development, for future occupants to better understand the heritage asset and to minimise any low level of harm to the heritage asset, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details prior to the first occupation of the development and shall thereafter be retained.

Reason: In the interests of understanding the heritage asset, in accordance with Policy BNE20 of the Medway Local Plan 2003.

- 27 Written monitoring reports shall be submitted to, and approved in writing by, the Local Planning Authority, in accordance with the methodology and frequency specified in the approved HMMP. Year one of monitoring shall be said to commence subsequent to the Local Planning Authority's written approval of the dated habitat retention, improvement and creation works completion statement written by a suitably qualified ecologist and as secured by condition 14. The monitoring reports shall include details of any necessary remedial management to achieve the required biodiversity net gain. The remedial management measures shall be implemented as approved.

Reason: To ensure the development delivers the required biodiversity net gain on site in accordance with Policy BNE37 of the Medway Local Plan 2003 and Schedule 7A of the Town and Country Planning Act 1990.

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

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

- 29 Within six months of the first occupation of the buildings, the existing vehicular dropped kerb on Upnor Road shall be reinstated as a footpath.

Reason: In order to provide a level footpath and remove an unnecessary dropped kerb which creates an accessible pedestrian environment. In accordance with Policy T3 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

The application proposes the demolition of the existing, vacant buildings that were formerly in use as the Arethusa Venture Centre and the construction of two buildings comprising 31 apartments along with landscaping, parking, access and associated infrastructure.

The two buildings would be positioned across the site south west to north east, with one block being four storeys in height with a two storey element to the south west of the site and the other block being five storeys in height with a two storey element to the north east of the site.

The block to the south west of the site would have an overall height of approx. 13m, width of up to approx. 27m and depth of up to approximately 25m. The accommodation would comprise at ground floor and first floor level, five flats on each level (three 1-

bedroom and two 2-bedroom), at second floor level three 2-bedroom flats and at third floor level a 3-bedroom flat.

The block to the north east of the site would have an overall height of approx. 16m, width of up to approximately 27m and depth of up to approx. 25m. The accommodation would comprise at basement level seven car parking spaces, two bike storage areas (23 spaces for block A and 30 spaces for block B), plant room and motor room, at ground floor and first floor level, five flats on each level (three 1-bedroom and two 2-bedroom), at second and third floor level three 2-bedroom flats on each level and at fourth floor level a 3-bedroom flat.

The 1-bedroom flats would comprise lounge/kitchen, bedroom and bathroom, the 2-bedroom flats would comprise lounge/kitchen, two bedrooms (one with en-suite) and bathroom and the 3-bedroom flats would comprise lounge/kitchen, three bedrooms (one with en-suite) and bathroom.

Forty car parking spaces are proposed to the rear of the buildings and seven car parking spaces in the basement of one of the blocks. Refuse storage areas are proposed within the car parking area to the rear of the buildings and a refuse storage area to the side of the building to the south west of the site.

Both of the blocks are of similar design and would be flat roofed, with the top storey being set in from the building line of the rest of the building. Large terraces and balconies are proposed to each flat and green roofs are proposed to both of the buildings.

A communal area would be provided to the front of the blocks and would provide seating areas and soft landscaping.

Relevant Planning History

None relevant.

Site Area/Density

Site Area: 0.09 hectares. (0.2 acres)

Site Density: 344 dph (155 dpa)

Representations

The application has been advertised on site and in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties. The Environment Agency, Historic England, Kent County Constabulary, Natural England, National Highways, UK Power Networks, Southern Gas Networks, Southern Water Services, Chatham World Heritage, KCC Biodiversity, KCC Archaeology, Frindsbury Extra Parish Council, Allhallows Parish Council have also been consulted.

5 letters of representation have been received, objecting to the proposal for the following reasons:

- The village would be unable to cope with additional houses;
- Swimming pool is an iconic building;
- Impact on neighbour amenity, exhaust fumes, cars passing directly outside habitable room window, noise from pumping system, loss of privacy, would appear overbearing and oppressive when viewed from neighbouring properties;
- Impact on existing parking areas;
- Access road into the development is a risk to pedestrians and cyclists;
- Land is contaminated;
- Lack of parking spaces proposed would lead to further pressure on existing limited on street parking;
- Impact on road safety due to the width of Upnor Road;
- Not in a sustainable location;
- Loss of trees;
- Impact on bats;
- Proposed design and scale of building are not in keeping with other properties within the village;
- Proposed materials are not in keeping with other properties within the village;
- Height of the building would break an already established skyline;
- Site is in an area of flood risk;
- Overdevelopment of the site.

1 letter has been received supporting the use of the site for housing but raises concerns regarding the existing faded double yellow lines on the road and the lack of enforcement of these no parking areas on Upnor Road and, therefore, concludes that the construction of further residential flats without improvements would be dangerous.

The Dicken's Country Protection Society object for the following reason:

- Development is out of character and scale with the area

Frindsbury Extra Parish Council regrets the loss of the Arethusa Venture Centre but accepts the principle of the proposed application. They raise concerns with regard to the impact of the development on the local highways and would like to see additional traffic calming measures as part of the application.

Natural England have advised that they have no objection subject to the Council carrying out an appropriate assessment and securing appropriate mitigation for recreational pressure impacts on habitat sites (European sites).

KCC Ecology have advised that sufficient information has been provided with the application and ecology will be discussed in the report below.

Kent Police have advised of certain recommendations for the layout and design of the scheme and welcome a discussion with the applicant/agent about site specific designing out crime.

Environment Agency raise no objection subject to conditions.

National Highways have advised that they have no objection.

Development Plan

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

Emerging Local Plan

In addition, the Final draft (Regulation 22) Local Plan - Medway Local Plan 2041 (Emerging Local Plan) 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

Principle

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

The NPPF seeks to pursue sustainable development, in a positive way through a presumption in favour of sustainable development, unless the policies within the NPPF provide clear reasons for refusing development, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits (paragraph 11). Paragraph 61 of the NPPF also seeks to boost the supply of housing by bringing forward a variety of land to meet specific housing requirements. In addition, paragraph 124 of the NPPF states 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 of the NPPF gives substantial weight to the value of using suitable brownfield land within settlements for homes.

The site is within a rural settlement as defined on the proposal maps to the Local Plan and is not a site allocation within the emerging Local Plan. Policy H11 of the Local Plan

advises that unless the site is allocated for housing development in the Local Plan, or an exceptional justification can be made, housing development in the rural area will be restricted to minor development. This development is not a minor development, and, therefore, would be contrary to this policy, however, the development makes good use of a large vacant previously developed site and would bring much needed housing to the area.

Policy CF1 resists the loss of existing community facilities unless it can be demonstrated that exceptional circumstances exist such that it would be beneficial to redevelop the site and replacement facilities of a similar scale and kind can be provided. Although it could be argued that the building is a community facility, the Arethusa Venture Centre, in its later years, was used by local schools for a range of activities and provided dormitories for overnight stays. The use of the building ceased a number of years ago, due to not being viable anymore and the buildings and land sold off separately. Therefore, it is considered that the community aspect of this building was limited as it did not provide an everyday community use and benefit, as it catered for larger school parties as an activity centre.

In principle, given that this site sits within a rural settlement area and is considered to be development of a brownfield site, the use of this site for housing delivery is supported subject to compliance with the detailed matters of these policies which are subject to assessment below.

Heritage

The site is a former youth charity activity centre, which began as the Shaftesbury and Arethusa charity in the 19th century and more latterly became the Shaftesbury Young People charity. The centre was set up in the 1930s following the removal of what was a training ship for young people on the river.

There are several heritage assets, designated and undesignated, that could be affected by the proposed development. These include but are not limited to the scheduled ancient monument of Upnor Castle, the Upper Upnor Conservation Area, the grade II* listed Ordnance yard buildings that are within the conservation area and associated riverfront grade II listed wall (which visibly and historically are associated with the historic dockyard across the river), the two grade II listed boundary stones on the main road near to the site, the non-designated heritage asset of the site itself, and most importantly the grade II listed figurehead to the original Arethusa ship, which was salvaged when the ship was broken up. In accordance with paragraph 207 of the NPPF, their significance and the contribution of the site towards their significance have been assessed in the heritage statement submitted with the application.

Due to the scale and position of the new blocks, particularly their skewed orientation and the fact that they do not break the ridgeline behind, means that there would be no change to the setting of the Castle or Conservation Area, nor the listed Ordnance buildings. The setting of the London Stones is largely comprised of the river to which the boundary point refers and their exact location denoting this, so the development would

not affect the significance of these two listed structures. Harm would be caused to the significance of the centre through the total loss of a use, and the associated interwar buildings, which is important to the history of the area, but this is proportionate to the fact that the buildings are not themselves of any merit. Finally, harm will also be caused to the significance of the figurehead by the change in setting and severance of the associated charity use of the site, where the original Arethusa was docked in the 19th century for charity purposes.

The list description of the figurehead is relevant to assessing the contribution of the site towards its significance. Figureheads are symbolic, and whilst this figurehead was removed from the ship to which it was attached, it remains symbolic of the latter uses of the ship, which then transferred to the land here at this site. There is clear communal value to this. The charity's history of supporting disadvantaged young people is long, interesting and complex, having begun in 1843 with Lord Shaftesbury, 7th Earl, as patron. The 'Shaftesbury Boy's School' was created, and then two boats, including the Arethusa, were secured by Lord Shaftesbury in 1866 for use as training ships. In 1904, the charity name changed to 'Shaftesbury Homes and Arethusa'. This association with the surviving Arethusa figurehead must not be lost when the use of the site changes. The relevant parts of the list description are as follows:

'Following decommissioning in 1874, the ship was loaned by the Admiralty to a charity as a Training Ship to provide a refuge and teach maritime skills to destitute young boys.' 'The original Arethusa returned to the Admiralty and was sold to Castle's ship-breakers on 2 August 1933. It was demolished in London the following year. The figurehead was retained by the charity (now Shaftesbury Young People) and displayed at their onshore premises at Lower Upnor, where it remains (2019). The figurehead provides a strong and tangible link to the charity's past as a former Training Ship.'

Rot to the central core of the figurehead, coupled with damage from wood wasps, threatened to destroy the outer carving. Following fundraising in 2010 by the Arethusa Old Boys Association – who trained on the second Arethusa – a specialist wood carver was employed to undertake renovation. The upper part of the figurehead was noted to be in a very poor condition and had to be split into two pieces. The core had to be cut away with the remainder being treated and a new timber core added. Renovation of the figurehead was completed in 2013.'

The list description clearly sets out the importance of the figurehead to the charity. It is now isolated from this context through the removal of the charity's presence on the site and the communal, associative value significantly reduced. This, unfortunately, cannot be controlled through the planning process, but the effect of the removal of the buildings needs to be taken into consideration in terms of the impact on the significance of the figurehead as described above. Less than substantial harm, therefore, will be caused to the significance of the figurehead. Paragraph 215 states that *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'*. The potential heritage benefits through improvements to the immediate setting of the listed figurehead (a

change to the hard landscaping and boundary treatments) can be considered a public benefit, as would the addition of residential units in this location. Paragraph 208 of the NPPF, states that the Local Planning Authority should use their knowledge of the significance of a heritage asset to avoid or minimise harm. The landscape plan indicates the intention for the new seating area and hardstanding around the figurehead to be publicly accessible and not closed off for residents only, which is also considered to be a heritage benefit.

The site itself is considered to be a Non-Designated Heritage Asset as it demonstrably represents an interwar 'youth camp' as part of the charity's history. Harm will be caused by its total loss, and so a balanced judgement must be made as per paragraph 216 of the NPPF.

With regard to the heritage statement submitted with the application, the statement comes to a conclusion of 'no harm' to the castle in particular due to lack of visibility. It is not considered that the viewpoints provided are representative of the most visible panoramas from the opposite side of the river and there is clear co-visibility with all of the heritage assets upriver, including Scheduled Ancient Monuments, Grade I, Grade II* and Grade II listed heritage assets. However, the presence of the proposed apartment block, whilst a brand new typology on that side of the river, due to the recessive form of the elevations and the small scale combined with distance, will not distract from those heritage assets.

It is considered that the contribution of the setting of the site to the figurehead's significance is misunderstood, even though the statement quotes the list description sentence about the strong historic value through the association with the Arethusa Training Centre site. The assessment discusses only the lack of architectural merits of the buildings on site, which again misses the point about communal value and the associative contribution to significance through the former use of the site, and the collective memory of this.

Paragraph 219 of the NPPF is applicable regardless of harm being identified. A condition is recommended for ways in which the heritage significance of the site may be better revealed and enhanced. This would be beneficial to existing and future occupants.

In accordance with paragraph 215 of the NPPF, where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, this harm should be weighed against the public benefits of the proposal. The proposal provides public benefits, most notably the redevelopment of a long term vacant building, provision of market housing and some community benefits and would bring forward a sustainable form of development. This is considered a heritage benefit in its own right, particularly in relation to the enhancement to the figurehead and its setting and overall the public benefits of the proposal outweigh the less than substantial harm.

The proposal is, therefore, considered to be in accordance with Policies BNE1 and BNE18 of the Local Plan and paragraphs 212-221 of the NPPF.

Design

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. 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.

The proposed development would be highly visible within the street scene, from neighbouring properties and from wider views due to its location on the river frontage. The settlement of Upnor is a mixed character area with commercial elements at the Ordnance Yard, boatyards, public houses and residential development.

The development would provide two blocks of flats adjacent to each other fronting onto the river. The block to the west of the site would be up to four storeys in height and the block to the east would be five storeys in height. Both blocks would have ground and first floor levels as the full extent of the buildings with the remaining floors being set in from the building lines of the lower floors. Balconies and terraces are proposed all around the blocks with the main shared landscaped area to the front of the buildings.

The land level of the site where the flats would be constructed would be raised by approx. 1m, at its highest, towards the front of the buildings, to provide a level area to build on and also due to the risk of flooding at the site and to enable the habitable rooms on the ground floor to be sufficiently raised to avoid any risk from flooding.

The proposal would also accommodate off street parking to the rear of the buildings. Whilst from a design perspective this does result in a large area within the site dedicated to parking, it would be softened by the addition of soft landscaping.

The quality of materials and appearance is important in terms of integrating the proposed development into the existing setting and not distracting from the heritage assets upriver and, therefore, although the palette of building materials submitted with the application appear appropriate with regard to the built and natural environment around the site a condition is recommended for further details of the materials to be submitted.

Overall, it is considered that the design, scale, mass and height of the buildings, would be acceptable in this location. The development would be in accordance with Policy BNE1 of the Medway Local Plan 2003 and paragraphs 131, 135 and 209 of the NPPF.

Amenity

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

Neighbouring Residential Amenity

To the east of the site is a public car park and to the west a road and Shaftesbury House which is currently unoccupied, but its previous use was in connection to the Arethusa Venture Centre. To the north west is a block of flats and a distance of approx. 25m would be retained from the proposed building to the block of flats and approx. 15m to Shaftesbury House. Due to the distances to neighbouring residential properties, it is not considered that the development would have a detrimental impact on neighbouring amenity in terms of loss of daylight, sunlight, outlook or privacy.

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

Amenity of Future Occupiers

With regard to the amenities of the future occupiers, the proposed flats have been considered against the Technical Housing Standards - Nationally Described Space Standard dated March 2015 (NDSS).

The proposed flats would comprise twelve 1-Bedroom 2-Person, seventeen 2-Bedroom 4-Person and two 3-Bedroom 6-Person. The NDSS require a gross internal floor area of 50m² for a 1-Bedroom 2-Person, 70m² for a 2-Bedroom 4-Person and 95m² for a 3-Bedroom 6-Person flat. A double bedroom should have a floor area of 11.5m² and be at least 2.55m. All the proposed flats would exceed these requirements.

All habitable room windows would provide sufficient outlook.

All of the flats would be provided with either balconies or terraces and all of these would be over 5m² and, therefore, the future occupants would be provided with adequate private external amenity space.

It is considered that the flats would not have a detrimental impact on neighbouring amenity and would provide sufficient internal and external amenity for the future occupiers of the development and would, therefore, comply with Policy BNE2 of the Local Plan and paragraph 135f of the NPPF.

Ecology

It is considered that sufficient ecological information has been provided with the application and conditions are recommended.

Paragraph 187 of the NPPF 2024 states: "Planning policies and decisions should contribute to and enhance the natural and local environment by: ... d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and

incorporating features which support priority or threatened species such as swifts, bats and hedgehog...”

An Ecological Impact Assessment (EclA) prepared by Native Ecology (May 2024), informed by a Preliminary Ecological Appraisal undertaken in April 2023 and subsequent bat surveys in June and July 2023, has been submitted in support of the application.

The site comprises a previously developed activity centre extending to approximately 0.5ha and contains buildings, areas of hardstanding, grassland, scrub, hedgerow and small areas of woodland. The site lies adjacent to Tower Hill and Cockham Woods Site of Special Scientific Interest (SSSI) and within the 7.2km Zone of Influence of the Medway Estuary and Marshes Special Protection Area (SPA) and Ramsar site.

With regard to nationally designated sites, the site directly adjoins the Tower Hill and Cockham Woods SSSI. The assessment identifies the potential for accidental damage and indirect impacts during construction, including dust, noise and increased visitor pressure. The report recommends a range of mitigation measures, including ecological supervision, protective fencing, construction controls and habitat buffering.

The assessment identified limited potential for hazel dormice within woodland and tree habitats adjacent to the northern boundary. While no further survey work is considered necessary, precautionary vegetation clearance measures and habitat protection are recommended. No evidence of badgers was recorded, although occasional use of the site cannot be ruled out due to the proximity of adjoining woodland. Precautionary construction measures are, therefore, proposed. The site also provides potential habitat for hedgehogs and nesting birds, and appropriate mitigation is recommended to avoid harm during site clearance and construction works.

The EclA found the site to be unsuitable for great crested newts, reptiles, water voles, otters, beavers and protected plant species, and no further surveys or mitigation are considered necessary for these receptors.

Conditions are recommended for precautionary working measures to avoid mitigate for potential impacts to hazel dormice, badgers, hedgehogs, and breeding birds, along with a wildlife sensitive lighting design along with ecological enhancements.

Bats

A bat presence/likely absence survey was undertaken by Native Ecology in June and July 2023 in support of the proposed redevelopment of the Arethusa Venture Centre site for residential development. Buildings B1 and B5 were assessed as having moderate suitability for roosting bats and were subject to two dusk emergence surveys, whilst Buildings B2 and B3, assessed as having low suitability, were subject to one dusk emergence survey.

No bats were recorded emerging from or re-entering any of the surveyed buildings during either survey. Low levels of bat activity were recorded within the wider site, comprising noctule, common pipistrelle and soprano pipistrelle bats commuting and foraging through the area. No evidence of bat roosting was identified.

The survey concludes that roosting bats are likely absent from the buildings proposed for demolition and that the development is unlikely to result in impacts upon bat roosts. Consequently, no further bat survey work or mitigation measures are considered necessary.

Overall, it is considered that subject to a recommended condition to avoid/mitigate for potential impacts to bats roosting, the submitted bat survey demonstrates that the proposal is unlikely to adversely affect bats or their roosts and is, therefore, considered acceptable.

Subject to recommended conditions, no objections are raised with respect to Policies BNE35, BNE37 and BNE39 of the Local Plan and paragraphs 187 and 193 of the NPPF.

Subject to recommended conditions, no objections are raised with respect to Policies BNE35, BNE37 and BNE39 of the Local Plan and paragraphs 187 and 193 of the NPPF.

Biodiversity Net Gain

Under the National Planning Policy Framework (NPPF) 2024, proposals achieving a biodiversity net gain with no specific percentage target should be viewed favourably.

Under the Environment Act 2021, all planning applications for development (unless exempt) must deliver at least a 10% biodiversity net gain. This mandatory 10% biodiversity net gain is provided through the provision of habitats and does not require the provision of habitat features such as bird boxes, bat boxes, hedgehog highways etc. The provision of such habitat features may be required for both mandatory 10% biodiversity net gain exempted and non-exempted developments to meet necessary protected and/or priority species mitigation/compensation, and/or to contribute to biodiversity enhancements as per the NPPF.

The metric submitted with the application indicates that there would be a 1% biodiversity loss in habitat (area) units on-site, and a 916% biodiversity gain in hedgerow units onsite. Off-site compensation will, therefore, be required to achieve a 10% biodiversity net gain.

The net loss of habitat units will need to be addressed through the purchase of biodiversity units through a habitat bank, and this will be secured (including implementation and maintenance details), through an agreement between the relevant parties to achieve a minimum of 10% BNG for at least 30 years.

It has been considered, if the habitats to be created/enhanced within the site could be considered as significant. The National Planning Policy Guidance offers advice for

significant on-site enhancements and provides examples of what would count as a significant enhancement. In consideration of this development, they would be providing some habitats of medium distinctiveness, however, it is in a relatively small area having regard to the size of the development site. The habitats to be created also would not be considered a significant enhancement that would include creating a wildflower meadow or a nature park.

Overall, it is not considered that the habitats to be created/enhanced are considered as significant and the proposed habitats can be secured through the BNG plan submission.

Subject to the imposition of the recommended conditions the application is considered acceptable and in accordance with Policy BNE37 of the Local Plan and paragraphs 180 and 186 of the NPPF.

Trees

None of the trees within the application site are protected, however, they do make a positive contribution to the area. An Arboricultural Assessment (AIA) dated 19 September 2024, has been submitted with the application. This assessment identifies thirteen individual trees and four groups of trees. The trees have been graded into quality assessment categories in accordance with recommendations provided in BS5837:2012 Trees in Relation to Design, Demolition and Construction. One tree is provisionally graded in Category A1; three individuals and three groups are graded in Category B; all other subject trees are graded in Category C.

The assessment advises that five trees would require removal to accommodate the scheme and these are graded as one within category B1 and four within category C1. Two of these trees are located on the eastern boundary of the site adjacent to the public car park and the other three trees are located on the western boundary.

Overall, it is considered that although there would be some loss of trees on this site, the proposed landscaping details provide for further tree planting within the site and, therefore, it is considered that the development would not have a detrimental impact on the character of the area. The development is considered to accord with Policy BNE43 of the Local Plan and paragraph 136 of the NPPF.

Contamination

The application has been submitted with a Phase 1 Desk Study (Lustre Consulting R236PH1-01.0_4931 March 2024) and recommends a ground investigation as part of a geotechnical investigation or soil characterisation testing which would likely be needed to facilitate offsite disposal of soil arisings which can also be compared against human health and controlled water guidance thresholds to demonstrate the absence of unacceptable risks and prove a negative. Therefore, conditions are recommended to secure this. With the above mentioned conditions imposed, no objection is raised in

terms of contamination under Policy BNE23 of the Local Plan and paragraph 196-197 of the NPPF.

Noise

The noise levels that would affect the site are relatively low, with no discernible contribution from activities at the adjacent yacht club. It is not considered that any specific mitigation would be required to achieve the internal and external guideline noise levels recommended in BS8233:2014, and maximum noise levels are controllable with closed standard double glazed windows and trickle vents and, therefore, no objection is raised and the development is considered to comply with Policy BNE2 of the Local Plan and paragraphs 187 and 198 of the NPPF.

Highways

Policy T1, T2 and T13 of the Local Plan states development proposals should not have a significant or unacceptable impact on highway safety or the existing road network and should make vehicle parking provision in accordance with the adopted standard.

Trip generation

The Transport Statement submitted with the application includes the expected trip generation to the proposed site and explains the use of the TRICS database to generate the relevant figures, which is considered acceptable.

In terms of vehicle trips, the proposals are predicted to generate 9 two-way trips in the AM Peak hour and 8 two-way trips in the PM peak, which equates on average to about a vehicle movement every 7 minutes during the peak hours.

The predicted trips of sustainable modes of travel during the peak hours are relatively low and can be easily accommodated on the existing footway network beyond the site and will not result in any material impact.

These figures are deemed to be acceptable and in line with what is typically expected for a development of this size.

Access arrangements

The existing access to the eastern part of the Venture Centre site is proposed to be removed and a new access provided approximately 11m further north. The new vehicular access will be in the form of a dropped kerb, similar to the existing access.

The access width leading to the site from this access will be a shared surface 5.5m. Visibility splays from this access are shown within Appendix 6 of the Transport Statement. The splays provided to Upnor Road approaches are in excess of that required for the speeds at the site and, therefore, considered acceptable.

An independent Stage 1 Road Safety Audit has also been submitted with the application and no concerns were found.

The access arrangements at the site are considered to be acceptable. It should be noted that the applicant will need to enter into an agreement to reinstate the existing access.

Vehicle parking

The development proposes 31 residential units comprising 12 x 1-bed flats, 17 x 2-bed flats and 2 x 3 bed flats.

Size of the units	Total number of Units	Parking Required	Total Parking Required
1	12	1	12
2	17	1.5	25
3	2	2	4
Visitor Spaces		0.25	7
Total	31		48

Medway Council Interim Parking Standards, for this development would require 48 car parking spaces to be provided (see table above). The application proposes 47 car parking spaces and is, therefore, short by one space, however, the shortfall of one car parking space is deemed to be acceptable.

Forty of the car parking spaces would be provided externally with seven proposed within the basement of the eastern block. As part of Appendix 6 of the Transport Statement, various car parking manoeuvres in the form of swept path analysis within the external and basement car park have been provided and these are considered to be acceptable.

The applicant has stated that 2 of the 47 parking spaces are disabled spaces with one being located at the entry of the site for the proposed western block and the other within the eastern block basement.

It is proposed for 10% of the car parking spaces (5No) to be active electric charging spaces, with the remaining spaces being passive charging (wiring and cable conduit in place under/within the car park) to cater for future demand.

Cycle parking

Cycle parking standards for residential developments are also set out in the Medway Council Interim Parking Standards (2010). The standards state that residential dwellings require a minimum of one cycle parking space per unit.

Therefore, for the proposed 31 apartments this would require 31 cycle parking spaces. The documents submitted with the application has stated that the provision of two spaces for the larger two- and three-bedroom units is to be applied, which amounts to a total of 53 cycle parking spaces, which is an overprovision but is welcome.

This cycle store is located in the eastern block basement. Residential cycle parking needs to be covered, secure, not upright, not over steps and usable. The minimum width of the access door into the store needs to be 1.2m.

Refuse and servicing arrangements

As part of the Transport Statement, the applicant has included swept path analysis as part of Appendix 6.

The correct service vehicle dimensions as stated within the Waste Management Requirements for new developments (2019) document. The carry distance between the refuse collection point would be no more than 25m and that the carry distance from any unit in the site to the refuse collection point would be no more than 30m and this is considered acceptable.

Conditions are recommended for a travel plan to be submitted and for the reinstatement of the footpath (removal of dropped kerb).

With above mentioned conditions imposed it is considered that the development would comply with Policies T1, T2, T4, T13 and T14 of the Local Plan and paragraphs 115 and 116 of the NPPF.

Flooding/SUDS

The site lies within Flood Zone 1, 2 and 3 (Low to high Risk) according to the Environment Agency Mapping. The mapping also shows that there is localised risk of surface water within the surrounding area.

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

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

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

It is recommended that rainwater harvesting, grey water recycling and water butts where practicable in order to provide an additional means of surface water attenuation as well as reduced demand on potable water supplies are used.

It should be ensured that there is a maintenance schedule in place for the lifetime of the development to maintain any Sustainable Drainage Systems (SuDS), which serve it. All SuDS should be located in publicly accessible areas, unless deemed inappropriate or not possible, to allow for suitable access for maintenance. A plan of the frequency of maintenance for each SuDS feature on site based on guidance in the CIRIA SuDS Manual as well as details of who will carrying out the maintenance would need to be submitted and, therefore, a condition is recommended to secure this.

Subject to the condition mentioned above, the development is considered to be in accordance with paragraph 182 of the NPPF.

Sequential test

Paragraph: 027 Reference ID: 7-027-20220825 of the National Planning Policy Guidance (NPPG) advises that the sequential test should be applied to 'Major' and 'Non-major' development proposed in areas at risk of flooding, as set out in paragraphs 173 to 174 of the NPPF. Paragraphs 175, 176 and 180 set out exemptions from the sequential test.

In applying paragraph 175 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, (therefore, addressing the risks identified e.g. by Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the sequential test need not be applied.

The development is considered to be safe from current and future surface water flood risk for the lifetime of the development, without increasing flood risk elsewhere and, therefore, a sequential test does not need to be applied, however, the application was submitted prior to this advice within the NPPG and the application has been submitted with the sequential and exception test.

The application site is located within Flood Zones 1, 2 and 3 and is, therefore, subject to the flood risk requirements set out within paragraphs 175-179 of the NPPF. A Sequential Test has been submitted which examines alternative sites identified through the Medway Brownfield Register, Land Availability Assessment and other available land sources. Using criteria agreed through pre-application discussions with the Local Planning Authority, including site size, development capacity and availability, the assessment concludes that there are no reasonably available alternative sites at a lower probability of flooding capable of accommodating the proposed development. The proposal is, therefore, considered to satisfy the Sequential Test.

The development is classified as More Vulnerable development and consequently the Exception Test is also required. The proposal would provide wider sustainability benefits through the redevelopment of a previously developed site and the delivery of additional housing. The accompanying Flood Risk Assessment demonstrates that the

development can be made safe for its lifetime without increasing flood risk elsewhere. Subject to the recommended mitigation measures and conditions, both parts of the Exception Test are considered to be satisfied and the proposal complies with national planning policy relating to flood risk.

It is considered that the development complies with paragraphs 175-179 and 181 of the NPPF.

Climate Change and Energy Efficiency

The application has been submitted with an energy statement, which outlines within it how the building would be constructed to address climate change and energy efficiency and include:

- Thermal insulation specified to achieve U-Values lower than the Part L 2021 notional;
- LED Lighting with high luminous efficacy (lm/W) will be provided to all fittings;
- Air Permeability target of 3 m³/(hm²) @50Pa;
- Exhaust air heat pumps;
- Electric vehicle charging points.

A condition is recommended for an energy efficiency and climate change verification report to be submitted, that shows the measures within the energy statement have been carried out.

With the above mentioned recommended condition imposed the development would be considered to comply with paragraph 164 of the NPPF.

Bird Mitigation

As the application site is within 6km of the North Kent Marshes SPA/Ramsar Sites. As 31 residential units are proposed for this development, it is considered that recreational impacts would occur in the protected areas. The 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 £350.16 per unit (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 (SAMB) 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 would need 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 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.

Affordable Housing and Section 106 Contributions

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

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

The proposed development would require the delivery of affordable housing on site as set out in Policy H3 of the Local Plan. This would represent 25% of the total number of homes. The emerging Local Plan Policy T3 sets out that on Previously Developed sites, 10% of homes should be affordable.

However, the applicant has raised concerns with the viability of the scheme when affordable housing is proposed to be delivered on site. Paragraph 59 of the NPPF states that it is for the applicant to demonstrate whether circumstances justify the need for a viability assessment at the application stage. In this case a viability assessment report has been produced, which addresses the viability of development across the application site. The viability assessment has been verified by an independent development consultant who concludes that the development is only a viable scheme if it contains no affordable homes and commuted sum payments totalling £265,000.00.

The following contributions have been requested in accordance with Medway Council's Developer Contributions Guide, which would amount to a total of £271,763.99.

- i) £10,762.89 towards the development of a gender-neutral changing area including improved shower facilities with increased accessibility for families, schools and disability users which will enable the help and supervision of

carers. Plus an additional well-being studio for classes such as yoga, pilates, meditation at Hoo Sports Centre.

- ii) £7,649.56 towards the provision, improvement and promotion of waste and recycling services to cover the impact of the development.
- iii) £58,462.66 towards Mainstream nursery/primary education within a radius of 2 miles from the development site, and/or SEND education within Medway and Mainstream or SEND secondary/sixth form education within Medway.
 - a) £10,189.36 towards the provision of nursery education within a radius of 2 miles from the development site and/or Send Education within Medway.
 - b) £25,327.89 towards the provision of primary education within a radius of 2 miles from the development site and/or Send Education within Medway.
 - c) £22,945.41 towards the provision of mainstream or SEND secondary sixth form education within Medway.
- iv) £11,894.39 towards the development of improved civic space and gateways to Strood town centre (greening projects, bollards and signage).
- v) £12,584.76 towards interpretation at Upnor Castle.
- vi) £7,300.50 towards improvement of equipment and facilities at Hoo Library and/or Strood Library and/or libraries in the vicinity.
- vii) £27,953.32 towards the creation of additional capacity in Health Care premises required as a result of the increase in housing and resulting patient registrations.
- viii) £112,788.85 towards enhancing open space facilities within the vicinity of the development, including Deangate Country Park.
- ix) £8,099.99 towards a community facility to benefit residents of the development and the local community.
- x) £2,412.11 towards the improvements of RS127 including but not limited to signage, lighting, furniture and accessibility enhancements.
- xi) £1,000 towards enhancing the National Trail between Cockham Fort and the foreshore at Upchat Road/ Tower Hill.
- xii) £10,854.96 towards mitigation measures to protect wintering birds habitat areas from the additional footfall/visitors that would result from the development.

As the total of contributions would be £271,763.99 and over the £265,000 agreed to be viable there is a requirement to reduce the overall level of contribution by £6,763.99 to

ensure a viable scheme. It is considered that in this case it would be most appropriate to reduce the £112,788.85 towards enhancing open space facilities within the vicinity of the development, including Deangate Country Park by £6,763.99 to leave a contribution of £106,024.86. This approach would ensure that critical service improvements e.g. education and health would be fully mitigated (as would the other requests) and the contribution to open space would remain significant at £106,024.86, which would provide a significant level of mitigation from the additional demand from residents.

*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.

The Council cannot demonstrate a five-year supply of housing land sought by paragraph 72 of the NPPF. There is, therefore, a significant need for new housing in the Medway area, as the development proposed would create new housing, the presumption in favour of sustainable development as set out in Paragraph 11(d) of the NPPF is engaged. Paragraph 11(d)(ii) applies which states that:

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Footnote 8 of the NPPF states that 11(d) also includes for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. The Council cannot currently demonstrate a 5-year supply of housing. Furthermore, the latest Housing delivery test results show the Council has provided 72% of its housing need and thus the presumption in favour of sustainable development applies. There is, therefore, a significant need for new housing in the Medway Area.

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

Social

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

There are benefits from the scheme through the provision of housing to help meet the 5 year supply. The development would also enhance an area of previously developed land that has become derelict. It is considered that significant weight can be attached to the social benefits arising from the proposal.

Economic

Economically, the site would boost the local economy during construction process providing jobs in the short-term, this economic benefit carries some positive weight in the balance.

The planning obligations set out in the s106 include a range of financial contributions to make the proposal acceptable. These financial contributions are intended to mitigate the effects of the development and render it acceptable in planning terms. Whilst the development would provide additional council tax income this would be used to mitigate for and deliver of necessary services and infrastructure for the residents and would, therefore, be a neutral effect.

Environmental

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

The applicant has submitted surveys and reports to cover ecological matters and enhancements and the development would provide the required 10% biodiversity net gain. The site is not located within any protected sites, however, Tower Hill and Cockham Wood SSSI is located adjacent to the site. The site is bordered by residential dwellings and a public car park and boat yard. The landscape value of the site is, therefore, limited by these immediate surroundings.

Overall, the impact of residential development here would not cause sufficient harm to the heritage assets, SSSI, landscape views to outweigh the presumption in favour of this sustainable development.

Conclusions and Reasons for Approval

It is considered that the scale, mass and design of the proposal is considered acceptable in this location and there would be no detrimental impact on the heritage asset, the amenities of future occupiers, neighbouring residential amenities or highways safety. The application is, therefore, in accordance with Policies S6, BNE1, BNE2, BNE18, BNE23, BNE35, BNE37, BNE39, BNE43, H11, CF1, T1, T2, T4, T13 and T14 of the Local Plan, the advice set out in paragraphs 11, 59, 61, 115, 116, 120, 124, 131, 135, 136, 164, 175, 179, 181, 182, 186, 187, 193, 194, 195, 196, 197, 198, 207, 209, 212-221 National Planning Policy Framework 2024.

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

Background Papers

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

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