

MC/26/0561

Date Received: 20 March 2026

Location: St John Fisher School, 79 Maidstone Road, Chatham Medway

Proposal: Conversion of the existing building to accommodate up to 11 residential units, (demolition of existing extensions), and the construction of an apartment block to the rear accommodating up to 12 units with associated works for access, parking and infrastructure.

Applicant Imperium Engineering Ltd c/o DHA Planning

Imperium Engineering Ltd

Agent DHA Planning

Mr John Collins

Eclipse House

Eclipse Park

Sittingbourne Road

Maidstone

ME14 3EN

Ward: Fort Pitt

Case Officer: Tom Stubbs

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 23 September 2026.

Recommendation – Approval Subject to:

- A. Subject to the applicant entering into a legal agreement under the terms of Section 106 of the Town and Country Planning Act 1990 to secure:
- £7,985.37 towards sports facilities (£347.19 x 23 dwellings) – Medway Park sports hall equipment for club and community use;
 - £5,675.71 for waste and recycling (£246.77 x 23 dwellings);
 - £5,416.50 for libraries (£235.50 x 23 dwellings) – to improve equipment and facilities at Chatham Community Hub and/or Walderslade Hook Meadow and/or libraries in the vicinity;
 - £83,682.05 towards open space and outdoor formal sport (£3,638.35 x 23 dwellings) with:
 - o £79,497.95 to enhance open space facilities within the vicinity of the development; and
 - o £4,184.10 towards Medway's Metropolitan Park - Great Lines Heritage Park
 - £2,568.64 towards youth provision (£111.68 x 23 dwellings);
 - £6,009.67 towards community facilities (£261.29 x 23 dwellings);
 - £8,053.68 for bird disturbance mitigation in the North Kent SPA/Ramsar sites (£350.16 x 23 dwellings);

- £43,443.80 for education with
 - o £7,507.96 towards mainstream nursery education within a 2 mile radius from the development site, and/or SEND education within Medway;
 - o £7,078.93 towards mainstream primary education within a 2 mile radius from the development site, and/or SEND education within Medway;
 - o £21,641.10 towards mainstream or SEND secondary education within Medway;
 - o £7,215.82 towards mainstream sixth form education within Medway;
- £19,112 for health (23 dwellings) – towards refurbishment, reconfiguration and or extension to healthcare facilities, including general practices and Healthy Living Centres, within a 3-mile radius of the development site or towards new healthcare facility to be provided in the community in line with the healthcare infrastructure strategy for the area.

B. The imposition of the following conditions:

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

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

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

Received 20 March 2026

100.000 - SITE LOCATION PLAN
 150.100 - BASEMENT DEMOLITION PLAN
 200.100 - PROPOSED FLOOR PLAN - LEVEL 01
 200.11R - PROPOSED ROOF PLAN

Received 8 April 2026

200.310 - PROPOSED ROAD SECTIONS

Received 28 May 2026

150101 - GROUND FLOOR DEMOLITION PLAN
 150102 - FIRST FLOOR DEMOLITION PLAN
 150103 - SECOND FLOOR DEMOLITION PLAN
 200.101 REV P1 - PROPOSED GF
 200.102 REV P1 - PROPOSED FF
 200.103 REV P1 - PROPOSED SECOND FLOOR
 200.10R REV P1 - PROPOSED ROOF PLAN

Received 6 July 2026

200.200 REV P2 - PROPOSED NORTH & EAST ELEVATIONS (NORTH & EAST ELEVATIONS)
200.301 REV P2 - PROPOSED SITE SECTION A&B
200.302 REV P1 - PROPOSED SITE SECTION C&D
200.330 - PROPOSED AND EXISTING SURFACING
25.0046.200.320 - MAIDSTONE ROAD SOUTH ENTRANCE ELEVATION
25.0046.200.321 - MAIDSTONE ROAD SOUTH ENTRANCE SECTION

Received 28 July 2026

200.110 REV P2 - NEW BUILD APARTMENTS FLOOR PLAN LEVEL 00
200.111 REV P1 - NEW BUILD APARTMENTS FLOOR PLAN LEVEL 01
200.112 REV P1 - NEW BUILD APARTMENTS FLOOR PLAN LEVEL 02
200.201 REV P3 - 79 MAIDSTONE ROAD - PROPOSED SOUTH & West Elevations
200.210 REV P1 - NEW BUILD APARTMENTS PROPOSED ELEVATIONS
200.211 - NEW BUILD APARTMENTS PROPOSED ELEVATIONS
25.0046-HOL-200.330 P0 - SOUTHERN ACCESS ROAD - CELL WEB

Received 30 July 2026

MR79/TPP/2441-02 REV G - TREE PROTECTION PLAN
200.020 REV P4 - PROPOSED SITE PLAN

- 3 No development shall take place (including any demolition, ground works or site clearance) until a Construction Environmental Management Plan (CEMP) incorporating a Construction Traffic Management Plan that describes measures to control, amongst other matters, hours of construction working, measures to control noise affecting nearby residents, parking of operatives vehicles, deliveries to the site, wheel cleaning/chassis cleaning facilities, dust control measures, lighting, pollution incident control and site contact details in case of complaints for the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The construction works shall be carried out in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: Required before commencement of development in order to minimise the impact of the construction period on the amenities of the locality including nearby residents and on the road network and with regard to Policies BNE2 and T1 of the Medway Local Plan 2003.

- 4 No development shall be undertaken (including any ground works, site and/or vegetation clearance) until a construction ecological management plan (CEMP) which contains full details of the measures outlined in Ecological Assessment Ref J20930_P11, Bat Survey Report Ref J20930_P12 and Reptile Survey Report Ref J20930_P13, Greenspace Ecological Solutions, associated with 79 Maidstone Road, Chatham, Kent has been submitted to

and approved in writing by the Local Planning Authority. The CEMP shall be based on up-to-date ecological survey information, as advised by a suitably qualified ecologist and include the following:

- Retained tree and hedgerow protection measures in accordance with BS 5837:2012;
- Extent and location of proposed construction and mitigation works, shown on appropriate scale maps and plans;
- Specific measures (which may be presented as a series of method statements) to avoid impacts to badgers, bats, fox, nesting birds and reptiles and a timetable for implementation of the measures;
- Persons responsible for implementing the measures, including times during construction when specialist ecologists need to be present on-site;
- The role and responsibilities of an Ecological Clerk of Works (ECoW) or similarly competent person(s);
- Contingency plans should a protected species be encountered;
- Copies of any protected species mitigation licences issued by Natural England as required; and
- Details of the safe disposal of any wastes for implementing measures.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason: Required prior to commencement to irreversible impacts on biodiversity in accordance with the Policy N2 of the NPPF and Local Policy LPRSP14(A), to avoid an offence under the Wildlife and Countryside Act 1981 (as amended) and with consideration for Species of Principal Importance under the Natural Environment and Rural Communities Act 2006.

- 5 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.

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 to manage surface water during and post construction and for the lifetime of the development as outlined at Policy F8 of the National Planning Policy Framework 2026.

- 6 No development shall commence 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) has been submitted to and approved in writing by the Local Planning Authority. 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 agreed details

Reason: Required prior to commencement to manage surface water during and post construction and for the lifetime of the development as outlined at Policy F8 of the National Planning Policy Framework 2026.

- 7 The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan (submitted as part of the deemed condition discharge application), and based on the most up-to-date and/or relevant ecology surveys as determined by a suitably qualified ecologist, has been submitted to, and approved in writing by, the Local Planning Authority. The Plan shall include:

- 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 (including detailed landscaping plan(s) and planting schedule(s)) to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- d) The management measures to maintain 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 in respect of the retained, created or enhanced habitat.

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

Reason: To ensure the development delivers the required biodiversity net gain on site in accordance with Local policy BNE 37 and Schedule 7A of the Town and Country Planning Act 1990.

8 No development above ground floor slab level shall take place until:

- Details and samples of all materials to be used externally have been submitted;
- A sample panel of all types of brickwork and mortar joints is made available for inspection on site.

And these details/panel have been 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, BNE12 and BNE14 of the Medway Local Plan 2003.

9 No development above ground floor slab level shall take place until details of the following have been submitted to and approved in writing by the Local Planning Authority:

- Window frames and cills;
- Glazing types and openings for windows;
- Doors and door frames;
- Fascias, capping, junctions of materials, soffits and rainwater goods;
- Balcony design (including screening).

The development shall be implemented in accordance with the approved details and retained as such thereafter. No windows or similar openings other than those herein approved shall be added to the building without the prior written approval of the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual and residential amenity, in accordance with Policies BNE1, BNE2, BNE12 and BNE14 of the Medway Local Plan 2003.

10 No development shall take place above ground floor slab level for the new build or on the conversion of the existing building until an acoustic assessment to determine the impact of noise from transport related sources in accordance with BS8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings has been undertaken, and the results of the assessment and details of a scheme of acoustic protection have been submitted and approved in writing by the Local Planning Authority. The scheme shall include details of acoustic protection sufficient to ensure internal noise levels (LAeq,T) no greater than 30dB in bedrooms and 35dB in living rooms with windows closed and a maximum noise level (LAm_{ax}) of no more

than 45dB(A) with windows closed. Where the internal noise levels will be exceeded with windows open, the scheme shall incorporate appropriate acoustically screened mechanical ventilation. The scheme shall include details of acoustic protection sufficient to ensure amenity/garden noise levels of not more than 55dB (LAeq,T). All works which form part of the approved scheme for each unit shall be completed before that unit is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To ensure suitable living conditions and in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 11 No development shall take place above ground floor slab level for the new build or on the conversion of the existing building until an acoustic assessment to determine the impact of noise from adjoining commercial related noise sources in accordance with BS4142 2014: Method for rating and assessing industrial and commercial sound has been undertaken, and the results of the assessment and details of a scheme of acoustic protection have been submitted and approved in writing by the Local Planning Authority. The scheme must demonstrate that the internal noise levels within the residential units will conform to the indoor ambient noise levels for dwellings identified by BS8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. All works which form part of the approved scheme for each unit shall be completed before that unit is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To ensure suitable living conditions and in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 12 No development shall take place above ground floor slab level until a Biodiversity Enhancement Plan (BEP) has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include full details and locations of the biodiversity enhancement features as detailed in Section 7, Ecological Appraisal, Greenspace ecological Solutions, Mar 26, to be implemented on-site together with a timetable for implementation.

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

Reason: To protect and enhance biodiversity in accordance with Policy N2 of the National Planning Policy Framework (2026), and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 13 No development shall take place above ground floor slab level until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include the finished material of hard surfaced areas and a schedule of plants, noting location, species, size at time of planting and numbers/densities, together with a timetable for implementation. 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.

- 14 No development shall take place above ground floor slab level until details of the provision of 14 electric vehicle charging point have been submitted to and approved in writing by the Local Planning Authority. Details shall include the location, charging type (power output and charging speed), associated infrastructure and timetable for installation. The development shall be implemented in accordance with the approved details and shall thereafter be maintained in working order.

Reason: In the interests of sustainability in accordance with Policy TR4 of the National Planning Policy Framework 2026.

- 15 Prior to the first occupation of the development a finalised access arrangement plan shall be submitted to and approved in writing by the Local Planning Authority. The finalised Access Arrangement Plan shall include the following:
- The final access geometry, access widths, stop-line/waiting position, visibility splays, pedestrian access, intervisibility areas, boundary treatment/wall heights, landscaping, surfacing and any priority/give-way arrangements;
 - Demonstrate that vehicles exiting the site can wait square-on to Maidstone Road with adequate visibility in both directions, without encroaching into the live carriageway or obstructing pedestrian movements across the access.

The finalised Access Arrangement Plan shall be implemented in accordance with the approved details prior to the first occupation of any dwelling and shall thereafter be kept fully operational (subject to any amendments thereto first being approved in writing by the Local Planning Authority).

Reason: In the interests of sustainability and amenity in accordance with Policies T1, T2 and T13 of the Medway Local Plan 2003.

- 16 Prior to the first occupation of the development a Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Parking Management Plan shall include the following:

- The allocation, management and monitoring of parking spaces, including arrangements for visitor parking, disabled parking provision, electric vehicle charging facilities and the management of any future parking demand;

- Details of how no parking, waiting or informal stopping will occur within the access route, passing/waiting areas, refuse vehicle swept path areas or emergency access routes.

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 kept fully operational (subject to any amendments thereto being first approved in writing by the Local Planning Authority).

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

- 17 Prior to the first occupation of the development full details of refuse storage arrangements shall be submitted to and approved in writing by the Local Planning Authority. The approved arrangements for each unit shall be provided before that unit is first occupied and shall thereafter be retained as approved, available for use at all times.

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

- 18 Prior to the first occupation of the development full details of refuse management shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the refuse collection method, vehicle type, collection frequency, responsibility for private collection, collection points, management arrangements and measures to ensure that the access route and swept path areas are kept clear at all times.

Thereafter the refuse collection shall be undertaken in accordance with the approved details.

Reason: To ensure the provision and permanent retention of refuse storage in accordance with Policy BNE2, T1 and T2 of the Medway Local Plan 2003.

- 19 Prior to the first use of any of the buildings (or within an agreed implementation schedule), a signed verification report carried out by a qualified drainage engineer (or equivalent) must be submitted to and approved in writing by the Local Planning Authority to confirm that the agreed surface water systems 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: To manage surface water during and post construction and for the lifetime of the development as outlined at Policy F8 of the National Planning Policy Framework 2026.

- 20 Prior to the first occupation of the development full details of the cycle storage facilities (including security measures) shall be submitted to and approved in

writing by the Local Planning Authority. The cycle storage facilities shall be provided on site in accordance with these approved details and thereafter the facilities shall be retained as approved and available for use at all times.

Reason: To ensure provision of suitable accommodation for cycle storage in accordance with Policies BNE1 and T4 of the Medway Local Plan 2003.

- 21 No development shall take place above ground floor slab level until a plan indicating the positions, design, materials and type of boundary treatment and enclosures has been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be completed in accordance with the approved details prior to the 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 or residential amenity in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 22 No part of the development shall be first occupied until the area shown on the submitted layout, drawing number 200.020 REV P4 as vehicle parking has been provided in accordance with the approved details. 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 the reserved vehicle parking and turning area.

Reason: Development without provision of adequate accommodation for the parking 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.

- 23 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the Climate change and efficiency Statement. 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 Policy CC2 of the National Planning Policy Framework 2026.

- 24 No part of the development shall be occupied until the final details of the Travel Plan have been submitted to and approved in writing by the Local Planning Authority. The final travel plan shall be implemented in accordance with the approved details and timetable and thereafter be complied with as long as any part of the development is occupied.

Reason: To ensure the sustainable transport objective related to the development of this site and to reduce potential impact on the surrounding area in accordance with Policy T14 of the Medway Local Plan 2003.

- 25 No development in respect of the alterations to the Maidstone Road boundary treatment shall take place until full details of these proposed alterations, including the finishing of the lowered section of wall and the form, material and finish of the railings have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to first occupation and retained as such 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 Policies BNE1, BNE12 and BNE14 of the Medway Local Plan 2003.

- 26 Prior to the first occupation of the development or the installation of any external lighting, whichever is the sooner, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the location, type and spill of lights including in lux levels and shall confirm and demonstrate compliance with the Bat Conservation Trust/Institute of Lighting Professionals 'Guidance Note 08/23: Bats and Artificial Lighting at Night' and avoid any overspill to neighbouring properties. All external lighting provided on the site shall accord with the approved details, both when installed and thereafter.

Reason: To limit the impact of the lighting on the wildlife and neighbours and with regard to Policies BNE2, BNE5, BNE37 and BNE39 of the Medway Local Plan 2003.

- 27 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a method statement to and obtained written approval from the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with and the works shall thereafter proceed in accordance with the approved details. 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 first occupation of the development.

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.

- 28 The separating partition(s) between the bedrooms and living/kitchen/dining rooms of residential units in separate occupation shall resist the transmission of airborne sound such that the weighted standardised level difference

(DnT,W +Ctr) shall not be less than 50 decibels as measured and calculated in accordance with BS EN ISO 16283-1 2014.

Reason: To ensure suitable living conditions and in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 29 In this Condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars being Tree Protection Plan (Rev G); and paragraphs a) and b) below shall have effect until the expiration of 5 years from the date of occupation of the development hereby approved.
- a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars. It is noted that tree group G3 will need to be removed but annotated to remain;
 - b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority;
 - c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the details hereby approved before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered nor shall any excavation be made without the written approval of the Local Planning Authority.

Reason: To protect the appearance and character of the site and locality, in accordance with Policies BNE1 and BNE43 of the Medway Local Plan 2003.

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

Proposal

This is a revised application for the conversion of the existing building to flats and the construction of new residential units to the rear. The single storey rear extensions to the existing building would be completely removed (they have already been partially demolished), as would the conservatory to the southern side of the building and the single storey detached outbuilding to the north of the main building. A two-storey extension with accommodation in the roof would be added to the southeast rear corner to the same depth as the main existing south and east walls, the proposed design including a mix of roof forms with gables to the rear and a central green roof section. The existing, altered and extended building, would be laid out to provide

four, one-bedroom flats on each of the ground and first floors, with one, one-bedroom flat and two, two-bedroom flats within the second floor/roofspace. To the rear of the site, it is proposed to construct a three-storey contemporary style building with four, two-bedroom flats on each floor, a total of twelve units. The design includes projecting windows to the sides to focus outlook towards the rear of the site, with balconies to either end and a flat roof with solar panels on a green roof.

Originally the site layout included vehicular access to the rear of the site to the north of the existing building. However, following concerns raised (mainly regarding the impact on trees) this has been altered such that vehicular access would now be provided to the south of the building. Six parking spaces are shown within the site frontage with twelve to the rear, between the existing and proposed buildings. The two access points onto Maidstone Road would remain, with the northern access being for pedestrians, not vehicles. Cycle parking is shown in the basement of the existing building and to the northern side of the proposed building, with an accessible store also shown to the front of the proposed building. Refuse storage is indicated to the north of both buildings.

Site Area/Density

Site Area: 0.2725 hectares (0.673 acres)
Site Density: 84.4dph (34.2dpa)

Relevant Planning History

MC/25/0345 Conversion of existing house recently used as a school to 11 residential apartments together with construction of 8 houses with parking area (demolition of existing extension).
Refused 9 June 2025

The following applications relate to the adjoining land to the south of the current site, also part of the former school site (several applications pursuant to the conditions of MC/25/0753 have also been made). Previous applications (pre-2000) relate to various alterations and extensions to this former school site.

MC/25/0753 Demolition of existing buildings and structures and construction of a new food retail store (Use Class E(a)), with access, car and cycle parking, landscaping and associated works.
Approved 7 January 2026

MC/25/0203 Prior Notification under Schedule 2 Part 11 Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for demolition of part 2 and part 1 storey school building (not including the original school building at 79 Maidstone Road).
Withdrawn 27 February 2025

Representations

The application has been advertised on site, in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties. Historic England, KCC Biodiversity, Kent Police, Southern Gas Networks, Southern Water, The Victorian Society and UK Power Networks have also been consulted.

Seven objections from six people have been received, in summary raising the following matters:

- Gross overdevelopment of a constrained site;
- Overcrowding of the site and wider Chatham town centre, strain to local infrastructure and community resources which are already struggling including waste collection, drainage systems, GP surgeries and local schools, becoming unsustainable, will exacerbate this;
- Lack of justification for such a high-density scheme;
- Backland development and harm to local character, inconsistent with established form of the area, undesirable precedent;
- Overlooking and loss of privacy;
- Loss of outlook;
- Noise and light pollution;
- Intensified vehicle movements close to boundaries;
- Poor living conditions due to proximity to Aldi supermarket and car park;
- Health and safety issues due to position of bin sheds by neighbouring property;
- Safety concerns for elderly neighbours, increased movements and proximity to development;
- Conservation Area and Article 4 protection, CA Appraisal includes threat of loss of front garden to parking;
- Incompatible with Conservation Area, harm to Edwardian building which is a major feature of this site and the scale and design of three storey modern block is out of keeping, and has a negative visual and heritage impact;
- Were alternatives considered to increase parking by raising the roof;
- Question why the front wall needs to be altered, scrutiny and full details needed in this historic location;
- The site needs attention irrespective of development, including the front gate piers;
- Pedestrian routes and inclusive access for all are not clear;
- Disabled and EV parking spaces should cater for all disabled including visitors;
- Insufficient parking including for second cars and visitors, parking level does not meet standards and unrealistic to assume such low car ownership;
- Increased local pressure for further parking, already difficult, safety and amenity harm;
- Additional burden onto heavily trafficked section of Maidstone Road, traffic flow and safety concerns including for pedestrians/children, no information on right turn movements;
- Highway Assessment and Transport Statement are not adequate/justified, including as the cumulative effect of traffic movements is inadequate, the

former site use is not comparative, topography is relevant, a robust and transparent evaluation is required, a severe impact is likely, contrary to the NPPF;

- Impact on buses and emergency vehicles;
- Revised scheme is an improvement but still matters to clarify/address;
- Not clear that the revised access route is wide enough for all uses, manoeuvring, etc.

One letter commenting on behalf of Aldi Stores Ltd raises the following matters:

- Need to ensure the development does not have a detrimental impact on the operation of the store;
- Not clear if the delivery and opening hours of Aldi have been assessed, the onus is on the proposed development to ensure appropriate noise mitigation measures.

Historic England confirm that they provide advice when their engagement can add most value. In this case they are not offering advice, which should not be interpreted as comment on the merits of the application, and they suggest that we seek the views of our specialist advisers.

KCC Biodiversity initially advised that insufficient ecological information was provided to determine the application, a bat emergence survey for building B1 and a reptile survey being required. These matters have been addressed and agreed subject to conditions – see below.

Protected species - A ground level tree assessment for bats was conducted for trees to be impacted by the proposed development. Some trees required further assessment and will be subject to a supervised ivy removal and soft fell approach which is appropriate if precautionary measures are in place. This can be included within a construction environmental management plan (CEMP). A preliminary roost assessment was carried out internally and externally for all building within the site. Building B1 was assessed as having low suitability to support roosting bats and in line with guidelines further emergence surveys are proposed May - August.

Badgers were considered due to the presence of mammal paths and potential suitable holes. Camera trapping noted only used by foxes and, therefore, badgers were deemed not present. The ecologist has stated that if works do not commence within 12 months of the survey 27/2/26 that further surveys are required, this can be included within a CEMP. As fox holes would be affected, appropriate precautionary measures have been provided for sensitive clearance measures under the supervision of the ecologist, and these can be included within a CEMP.

The ecologist states that reptile surveys were not required as there is fragmented habitat. However, the adjacent (Aldi) site was surveyed for reptiles and reported a low population of slow worms, with a peak count of 3. There is some suitable habitat and debris such as rubble and log piles associated with the disused site and areas of tussocky grass, therefore, due to this confirmed presence in 2024 and these features, it is considered that reptile surveys are required. These have now been

provided and considered acceptable and precautionary mitigation with regards to habitat manipulation and searches can be included in the CEMP.

Recreational disturbance - The application site falls within the 6km zone of influence of the Marshes Special Protection Area, Medway Estuary and Marshes Special Protection Area and its associated Wetland(s) of International Importance under the Ramsar Convention (Ramsar Site). The development may cause additional recreational disturbance, and likely significant effects on birds using the SPA and Ramsar sites. As such, the North Kent Strategic Access Management and Monitoring Strategy applies and the applicant will be required to make a tariff payment which is based on the net number of additional dwellings proposed, to mitigate for additional recreational effects on the designated sites. There is also a need for the local planning authority to carry out an Appropriate Assessment as part of a Habitats Regulations Assessment (HRA).

Biodiversity Net Gain (BNG) – All planning applications (unless exempt) must deliver at least 10% BNG. Having reviewed submitted information, they consider 10% BNG is a statutory requirement of this proposed development and that there is no local policy BNG requirement for above 10%. The submitted BNG Metric proposes other neutral grassland in moderate condition which may be difficult to achieve due to recreational pressures and as it is under trees. This will require a review and may need to be changed due to poor condition. The green roof consideration for solar panels is appropriate.

Sufficient BNG information has been provided and any changes to post development habitats can be provided with a biodiversity gain plan, if approved. Currently the habitats achieve -5.66% and hedgerows 250.67%. Off-site units will be required for the habitat unit deficit, subject to any changes from comments above.

An enhancement plan will be required, and suitable measures are proposed within the ecological report. A sensitive lighting strategy will be required.

Kent Police have reviewed the application in regard to Crime Prevention Through Environmental Design (CPTED) and in accordance with the NPPF. They recommend applicants/agents consult their Designing out Crime Officers (DOCO's) to address CPTED and incorporate Secured By Design (SBD) as appropriate.

There is a carbon cost for crime and new developments give an opportunity to address it. Using CPTED along with attaining an SBD award using SBD guidance, policies and academic research would be evidence of the applicants' efforts to design out the opportunity for crime. They make recommendations for informal association spaces, boundary treatment, parking, tree planting, lighting, door and window standards, ground floor bedroom windows, entry systems, cycle and bin stores, mail delivery, CCTV, natural surveillance, footpaths, planting and site security for the construction phase.

Southern Gas Networks advise that there is a high-pressure pipeline in the vicinity of the works (Maidstone Road) and provide associated guidance regarding this.

Southern Water advise that insufficient information is provided and request a condition to require the means of foul/surface water drainage disposal to be approved in consultation with them.

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 2026 (NPPF) and are generally considered to conform. Where non-conformity exists, this is addressed in the Planning Appraisal section below.

The emerging Local Plan, the Medway Local Plan 2041, has been submitted to the Inspectorate for examination under Regulation 22. The policies within this version of the emerging plan have limited weight in the determination of planning (and associated) applications.

Planning Appraisal

Background

The site is part of what was formerly one of two separate sites for the St John Fisher secondary school. In 2022 both sites relocated to a single new purpose-built campus off City Way, Rochester and since this time the wider school site in this location has been vacant. Permission for a retail store (Aldi, reference MC/25/0753) has been granted and is now under construction on the part of the former school site to the south of the current site but excluding the former playing field to the east.

A previous application for the current site, MC/25/0345, for the conversion of the main building to eleven flats and the erection of eight houses to the rear (two terraces of four houses) was refused for 9 reasons. In brief, these related to heritage impact, the proposed flat roof extension, cramped new development, poor conditions for the basement flat, the impact of the access on trees, a lack of information on protected species impact, a lack of BNG information, no developer contributions being secured and no mitigation made for bird disturbance in Special Protection Areas.

Principle

The site is within the urban area as defined by the Local Plan, with Maidstone Road shown as being for bus preference measures (Policy T5) and the former school playing field to the south as protected open space (Policy L3). The front part of the site is within the Maidstone Road, Chatham Conservation Area, at the southern end of the Conservation Area. Aside from the Conservation Area, there are no site annotations in the Regulation 22 Draft Local Plan 2041 (the emerging Local Plan).

The site is within an urban area and was previously part of a secondary school site. Policy CF1 of the Local Plan says that development which would result in the loss of community facilities will only be permitted in exceptional circumstances and that replacement facilities will be sought. Policies T27 and T29 of the emerging Local

Plan refer to reducing health inequalities and supporting health and wellbeing and to community and cultural facilities, with a presumption against the loss of community facilities unless given circumstances apply. Policy HC6 of the NPPF relates to the retention of key community facilities and public service infrastructure unless replaced by equivalent or better facilities. In the current case the school facilities have been replaced by new, purpose-built facilities in City Way, such that improved community facilities have been provided, and in these circumstances, there is no overriding objection to the re-purposing for the building for alternative use.

The site includes an informal hard surfaced play area in a confined area to the rear of the building, approximately 30m by 20m. This was not the main sports area for the former school, nor its playing fields, these areas being outside of the current application site. It is not included as part of the protected open space subject of Policy L3 of the Local Plan (which covers the adjacent playing fields) and in the circumstances, including its confined nature, position, the replacement school facilities elsewhere and that the main former school outdoor facilities are not within the site, on balance no overriding objection is raised to its use for alternative purposes, including with regard to Policy T28 of the emerging Local Plan and Policy HC8 of the NPPF.

Policy H4 of the Local Plan gives support for housing in the urban area, including the change of use of buildings no longer required for non-residential use and the infilling in residential areas providing that a clear improvement in the local environment will result. Policy H5 supports high density housing including close to town centres and near public transport links. Policy T11 of the emerging Local Plan encourages the development of small housing sites that contribute positively to the local community and adhere to sustainable development principles subject to detailed criteria. The use of this urban site, which is close to local facilities and on a bus route to central Chatham, for residential purposes is, therefore, supported in principle.

Design and Heritage

The front part of the site is within the Maidstone Road, Chatham Conservation Area. Maidstone Road developed as a residential suburb between 1874 and 1909 and largely remains a suburb, being characterised by large late Victorian and Edwardian houses of very high quality. The Conservation Area designation is in recognition of this architectural value, seeking to preserve its distinctive character. The Conservation Area Appraisal (Adopted October 2004) notes the building on the current site, 79 Maidstone Road, as the 'most interesting building in the area', having been 'a substantial private house built in 1901 for a Mr C Bessant by G E Bond' and being 'dominated by a stone oriel window rising the entire height of the building and capped with a dome', featuring 'a grand front door under a first floor gallery set in surrounds of alternating bands of brick and stone'. At the time of the previous application, MC/25/0345, the Victorian Society had made a request for this building to be listed, however, Historic England did not agree to this, and the building remains as a non-designated heritage asset.

Policy BNE1 of the Local Plan refers to general principles for built development, that should be appropriate in relation to the character, appearance and functioning of the built and natural environment, Policy BNE12 refers to the need for special attention

to the character and appearance of Conservation Areas and Policy BNE14 provides further guidance on development in Conservation Areas. Policy T1 of the emerging Local Plan refers to high-quality design and amenity, Policy DM5 to housing design, Policy DM6 to Sustainable Design and Construction, Policy S8 to the Historic Environment, Policy DM9 to Heritage Assets and Policy DM10 to Conservation Areas. Policy DP3 of the NPPF refers to design and Policies HE4, HE5, HE6 and HE9 of the NPPF set out how to consider impact historic environment and being of particular relevance. A Heritage Impact Assessment has been submitted with the application, supplemented by a Heritage Addendum following revisions to the original proposals.

The current proposals are a significant improvement on the previous scheme which included reasons for refusal relating to the inadequacy of the heritage assessment, the addition of a two-storey flat roof extension to the existing building and the cramped overdevelopment of the site. A more detailed heritage assessment has been provided with the current application. The removal of the unattractive rear additions to the main building would be an enhancement to the building and its setting. The amended plans also include the removal of the conservatory to the southern side of the building – this is also a relatively modern addition and there is no objection to its removal which would better reveal an original bay window. The internal alterations to the building would now retain the main entrance hall and staircase, as opposed to their removal as part of the previous application, which is pleasing.

The extensions and alterations to the existing building include a rear addition with a central, hidden flat green roof and gables to the rear. The proposed changes are considered sympathetic to the original building and its setting, generally replicating the architectural detailing of the original house.

To the rear, the previous scheme was for two terraces of houses whereas a single block of flats is now proposed. The single block and the greater separation between the existing and proposed buildings would result in a less cramped form, restoring open space behind the existing building following the demolition of previous additions. The new building would also have a relatively simple design compared to the existing building and would be at a lower ground level, such that its roof would be at a similar height to the eaves of the higher main building despite being a full three-stories. The modern approach to design would contrast with the existing building, however, in the site context, and with the Aldi retail store development adjacent to the south, it is not considered that this would be visually harmful to the site or its setting, including the Conservation Area (the new building being close to but not within the Conservation Area). The architectural detailing of the new building would be key to its success and full details would, therefore, need to be secured by condition.

The proposals include alterations to the front boundary wall of the site, to lower sections of the wall to either side of the vehicular access to improve visibility, replacing these upper sections with metal railings. Subject to detailing, which would be secured by condition, there is no visual or heritage objection to this fairly small change, which would not appear out of character in this locality.

In summary the development would result in an enhancement to the existing historic building, a non-designated heritage asset, and to its immediate setting including the Conservation Area through the removal of inappropriate additions to the building. It would also help secure a viable long-term use consistent with the original use of this building. The proposed new building is outside the Conservation Area and would be subservient to the existing building. Subject to detailing, its modern approach is not considered harmful in the site context, and, on balance, no objections are raised to the application from a design and heritage perspective. The application is, therefore, in accordance with Policies BNE1, BNE12 and BNE14 of the Local Plan, Policies T1, DM5, DM6, S8, DM9 and DM 10 of the emerging Local Plan and paragraphs DP3, HE4, HE5, HE6 and HE9 of the NPPF.

Residential Amenity

Policy BNE2 of the Local Plan, Policy T1 of the emerging Local Plan and Policy P3 of the NPPF provide guidance on amenity. There are two main amenity considerations, firstly the impact of the development on neighbouring amenity and secondly the living conditions which would be created for the potential occupants of the development itself.

Neighbouring amenity

With regards to the new building to the rear of the site impact on neighbours. It would be offset from the northern boundary between approx. 3.5m adjacent the neighbouring parking area, to approx. 7.4m off the boundary of 92 and 97 Ingle Road. With regards to privacy and overlooking there is an approx. 17m gap between habitable windows of the proposed new building and the above mentioned properties in Ingle Road. This would normally be considered acceptable with regards to back to back properties with a 7m garden and no objection is raised. Furthermore the design of the proposed buildings mean that the habitable windows in this elevation have angled windows and, therefore, are not directly looking into the rear windows of the properties and assist in minimizing any overlooking of the rear gardens consequently it is not considered to be a significantly detrimental impact. Conditions would be required to ensure the balconies to the rear of the new building have sufficient screening to prevent overlooking to the north.

With regards to sunlight and daylight the application is supported by a sunlight and daylight assessment which has calculated the sun and daylight impact on 92 and 97 Ingle Road from both the new build and associated refuse and cycle store. The BRE guidance uses a number of different elements of assessment including the Average Daylight Factor (ADF) which assesses actual light distribution within defined room areas, whereas the Visual Sky Component (VSC) considers the proportion of the sky visible from a room and No Sky Line (NSL) is divides the areas of roof with direct view of the sky to those that cannot. The latter two assessments are considered the most appropriate for assessing the impact on neighbouring properties as the properties are physically there. The sunlight and daylight assessment which concludes that all windows assessed in the seven rooms assessed within the rear elevation of these properties would meet BRE guidelines under Vertical Sky Component and No Sky Line for daylight and Annual Probable Sunlight Hours for sunlight.

With regards to sunlight on the ground by virtue of the land level changes, relationship to neighbouring gardens and orientation of the site and paths of the sun the overshadowing of the neighbouring properties would be in accordance with the BRE guidance. As a result of meeting BRE guidance there is not considered to be a significantly detrimental impact on neighbouring amenities.

No concern is raised regarding the impact of the alterations to the existing building on neighbours.

With regard to noise and disturbance, the previous use of the site as a school with an open play area to the rear means that historically it has not been a quiet, secluded area. The front of the site faces Maidstone Road, a through-route and the access along the northern part of the site adjoins an access and parking area on the other side of the boundary. In this context it is not considered that the finished development would result in harmful noise and disturbance to neighbours. The temporary impact of construction could be addressed by a condition requiring an environmental construction management plan. Similarly, details of lighting and fencing could be secured by conditions, to ensure suitable arrangements with respect of the amenities of neighbours.

Prospective resident amenity

With regards to future occupiers' amenity the proposed houses and flats have been considered with regard to the technical housing standards - nationally described space standard, DCLG March 2015, and, for matters not addressed by these, with regard to the Medway Housing Standards (interim) November 2011 (MHS) that private balconies should be provided.

With regard to the flats within the conversion, it would not be appropriate to provide each flat with a balcony due to its historic nature, which is accepted in the MHS. All apart from the ground and first floor flats within the north east of the building meet or exceed the gross internal floor areas set out in the national standards for 1-bedroom 2-person flats and 2-bedroom 3-person flats. The two failing flats have GIAs of 45m² and 46m² of which the standard is 50m². On the basis that the development is a conversion of an existing building, and its historic nature, and will secure bringing it back into use, while the proposed internal layouts and rooms are well designed, no objection is raised. With regard to daylight and outlook each habitable room would have a window with good outlook for prospective residents. It is noted that the properties within the southern elevation are served by roof lights but these would be at a level that provides suitable outlook.

With regard to the new build flats to the rear, each property would have a balcony or private garden area which meet or exceed the standards. The flats are a mixture of 2 bedroom 3-person and 2-bedroom 4-person flats. It is noted that the flats on ground, first and second floor at the front within the north elevation are labelled as 2-bedroom 4-person flats. These have been considered as 2-bedroom 3-person flats in the assessment because the ground floor flat smaller bedroom falls under the standard in area for a double bedroom and has been considered as a single person room. All flats apart for the 3 identical flats on the front southern section of the building meet the standards.

With regard to daylight and outlook each habitable room would have a window with satisfactory outlook. The submitted sunlight and daylight assessment also demonstrates the new build element provides sufficient sunlight and daylight.

Subject to the recommended conditions it is considered the development would be statutory with regards to impacts on future and neighbouring amenity in accordance with Policy BNE2 of the Local Plan and Policy P3 of the NPPF.

Noise, Air Quality and Contamination

Policies BNE2, BNE23 and BNE24 of the Local Plan, Policies DM2, DM3 and DM4 of the emerging Local Plan and Policies P2 and P3 of the NPPF include guidance on these matters.

With regard to noise, there are two potential concerns, road traffic noise from Maidstone Road and commercial noise from the adjacent permitted retail store which is currently under construction. An assessment of these matters with details of any necessary mitigation is required to ensure that future residents of the proposed flats would be adequately protected and conditions to address this are recommended. In addition, to avoid any potential issues due to the internal layouts between units, for example bedrooms adjacent to living rooms, a condition to require enhanced airborne sound insulation is also proposed.

No air quality concerns are raised. However, a Construction Environmental Management Plan (CEMP) would be required to limit the impact of the construction period on neighbours and highway users, and a condition is recommended.

With regard to contamination, the previous site use was for residential and education purposes. A condition to address any unexpected contamination found during the implementation of development is recommended.

Subject to the abovementioned conditions, the application is considered in accordance with Policies BNE2, BNE23 and BNE24 of the Local Plan, Policies DM2, DM3 and DM4 of the emerging Local Plan and Policies P2 and P3 of the NPPF.

Flood Risk

Policy DM1 of the Draft Local Plan addresses flood and water management with Policies F4 – F8 of the NPPF referring to flood risk and sustainable drainage systems. The site is within Flood Zone 1 and under a hectare in size, therefore, a site-specific flood risk assessment is not essential. A drainage strategy has been submitted with the application. Although acceptable in principle to the Lead Local Flood Authority, further detailed design information would be required in due course. The detailing would also need to take account of the subsequent revisions to the scheme since the strategy was prepared and the potential impact on trees. Appropriate conditions are recommended.

Subject to the above-mentioned conditions the application is considered in accordance with Policy DM1 of the Draft Local Plan and Policies F4 – F8 of the NPPF.

Highways and Parking

Policies T1, T2, T3, T4 and T13 of the Local Plan, Policies T26, DM18, DM19 and DM20 of the draft Local Plan and Policies TR3 – TR6 of the NPPF provide guidance on transport matters. A Transport Statement has been submitted with the application.

The site has two access points to Maidstone Road. When the application was originally submitted, it was proposed to use the northern access as a way in, with vehicular access along the northern part of the site to serve parking to the rear of the existing building, and the southern access to be used primarily as an exit. However, due to issues arising from the impact of associated ground alterations on trees, the proposal has been amended. The northern accessway, which is of confined width and close to retained trees, is now shown to be for pedestrian use only, with a path along the northern side of the site (not suitable for vehicular use) also proposed in connection with this. Vehicular access would be from the southern access only, with 6 parking spaces shown in the site frontage and a further 12 to the rear between the two buildings, with vehicular access to the rear now being proposed to the south of the existing building.

The proposed vehicular access is constrained in width such that two vehicles could not pass each other at the site entrance. From a heritage and conservation perspective, and due to the potential impact on trees, the widening of the access is undesirable. The accessway within the site to the south of the existing building is also too narrow for vehicles to pass, however, the vehicular area widens once in the site, such that vehicles could pass within the site frontage, and there would be intervisibility between the front and rear parts of the site, vehicles also being able to pass in the rear area. It is acknowledged that the access could operate as from the extant use without consent, therefore, subject to a suitably worded condition to secure a detailed access arrangement plan including, the final access geometry, access widths, stop-line/waiting position, visibility splays, pedestrian access, intervisibility areas, boundary treatment/wall heights, landscaping, surfacing and any priority/give-way arrangements. The plan should demonstrate that vehicles exiting the site can wait square-on to Maidstone Road with adequate visibility in both directions, without encroaching into the live carriageway or obstructing pedestrian movements across the access to ensure the access is safe via visibility. A condition would also be required to secure refuse management to keep it clear how waste collection would be achieved onsite.

Vehicle tracking and vehicle waiting plans have been provided to assess how opposing cars can manoeuvre suitably on the site. These are considered acceptable in the circumstances subject to these waiting and passing areas being left clear which can be controlled by a parking management plan condition as recommended.

The level of parking is below the Interim Medway Parking Standards providing 18 spaces for the 23 flats of which 14 would be electric charging points. This is considered acceptable due to the sustainable location and subject to a parking management plan to control allocation of parking spaces and visitors as well as the points raised above for the access. A separate residential travel plan would be required as well to help reduce the impact on the existing road network. The

development includes cycle stores in the basement of the converted dwelling and a cycle store for the new building. A condition would be required to finalise the details of this provision.

Subject to the abovementioned conditions there is no objection from a highways perspective. Accordingly, the application is considered acceptable with regards to Policies T1, T2, T3, T4, T13 and T14 of the Local Plan and Policies TR3, TR4 and TR6 of the NPPF.

Impact on Trees

Policy BNE43 of the Local Plan, Policies S1 and T1 of the draft Local Plan and Policies N2 and N3 of the NPPF provide guidance on trees.

There are some large trees on the site and those at the front are afforded some protection as the front part of the site is within a Conservation Area. The application has been supported by a revised arboricultural survey and tree protection plans marking the trees to be retained onsite and protection measures to those retained trees. The submitted details are considered acceptable and overcome the concerns about the impacts on category A tree 20 which resulted in the refusal of the previous application.

It is noted on the tree protection plan that tree group G3 are not marked to be removed but will be required to be removed to form the access road, however, it is not considered to be an issue and is acceptable.

Concern is, therefore, raised with regard to Policy BNE43 of the Local Plan and Policies N2 and N3 of the NPPF.

Ecology

Policies BNE37 and BNE39 of the Local Plan, Policy S2 of the draft Local Plan and Policy N2 of the NPPF recognise the importance of nature conservation and protected species and habitat. An Ecological Assessment was submitted with the application, followed by a Bat Survey Report and a Reptile Survey Report.

With regards to bats, a ground level tree assessment for trees to be impacted by the development and trees T5, T23 and G1A subject to ivy removal and further assessment is required. The ecologist has stated these would be subject to supervised ivy removal and soft fell approach which is appropriate if precautionary measures are in place and a suitably worded construction environmental management plan (CEMP) condition is recommended. Preliminary roost assessments were undertaken internally and externally for all buildings on site and the existing building was considered to have a low suitability to support roosting bats. Further surveys were undertaken and no bats were observed and no further surveys are required. A sensitive bat lighting condition is recommended.

With regards to badgers there was evidence of mammal paths and potential holes. Camera trapping noted they were only used by foxes and badgers were not present. If the works are not commenced within 12 months of the previous survey (27/2/2026) then further survey will be required and this can be included within a CEMP. As there

are foxes present and will be affected by the development, sensitive clearance measures under supervision of an ecologist will be required and can be included within a CEMP.

The neighbouring site was surveyed for reptiles and it was reported that there was a low population. Surveys on this site have now been undertaken and no reptiles were reported. As precautionary measures have been provided these too can be included within the CEMP condition.

Subject to the above-mentioned CEMP condition the application is considered to be in accordance with Policies BNE37 and BNE39 of the Local Plan, Policy S2 of the draft Local Plan and Policy N2 of the NPPF.

Biodiversity Net Gain (BNG)

Policy S2 of the emerging Local Plan and Policy N2 of the NPPF highlight the importance of biodiversity. Under the Environment Act 2021, all planning applications now submitted (unless exempt) must deliver at least a 10% biodiversity net gain (BNG). A BNG assessment has been completed for baseline habitats and a (draft) biodiversity gain plan provided. Although KCC Biodiversity have raised queries regarding the method of achieving a 10% gain, they confirm that sufficient information has been provided for the determination of the application, confirming the baseline habitat, and that any necessary changes to post development habitats can be addressed when the biodiversity gain plan is submitted post-decision. The supporting information includes additional biodiversity enhancements which can be secured via a biodiversity enhancement plan.

The application is considered to be in accordance with Policy S2 of the emerging Local Plan and Policy N2 of the NPPF.

Climate Change and Energy Efficiency

Policy BNE4 of the Local Plan, Policy DM6 of the emerging Local Plan and Policy CC2 of the NPPF refer to these matters. A climate change and efficiency statement has been submitted with the application. This includes reference to the proposed use of high-performance internal insulation for the conversion of no. 79, to green roof and photovoltaic panels and to mechanical ventilation with heat recovery alongside air source heat pumps. A condition requiring a verification report confirming implementation of these measures is recommended.

Subject to the recommended conditions, the application is in accordance with Policy BNE4 of the Local Plan, Policy DM6 of the draft Local Plan and Policy CC2 of the NPPF.

Bird Mitigation

Policies S6 and BNE35 of the Local Plan, Policy S2 of the draft Local Plan and Policy N2 of the NPPF are of relevant to this matter. As the application site is within 6km of the North Kent Marshes SPA/Ramsar Sites, the proposed development is likely to have a significant effect, either alone or in-combination, on the coastal North

Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest. Natural England has advised that an appropriate tariff of £350.16 per dwelling should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. This tariff should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation).

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

The applicant has agreed to pay the SAMMS mitigation contribution as part of a S106 agreement if planning permission is granted, therefore there is no objection to the development on this ground and the application is in accordance with Policies S6 and BNE35 of the Local Plan, Policy S2 of the draft Local Plan and Policy N2 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 has been undertaken as a separate assessment to the planning application.

Section 106 (including Affordable Housing)

Policy S6 of the Local Plan refers to planning obligations and Policy S24 of the emerging Local Plan to infrastructure delivery, with further guidance in Policies DM5 and DM6 of the NPPF.

Policy H3 of the Local Plan seeks affordable housing for urban developments of 25 or more dwellings and, therefore, affordable housing was not requested on this occasion.

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 following requests received for contributions comply with these tests because they have been calculated based on the quantum and location of the proposal and are directly related to the development (figures from the June 2026 Contributions Guide):

- £7,985.37 towards sports facilities (£347.19 x 23 dwellings) – Medway Park sports hall equipment for club and community use;
- £5,675.71 for waste and recycling (£246.77 x 23 dwellings);
- £5,416.50 for libraries (£235.50 x 23 dwellings) – to improve equipment and facilities at Chatham Community Hub and/or Walderslade Hook Meadow and/or libraries in the vicinity;
- £83,682.05 towards open space and outdoor formal sport (£3,638.35 x 23 dwellings) with:
 - o £79,497.95 to enhance open space facilities within the vicinity of the development; and
 - o £4,184.10 towards Medway's Metropolitan Park - Great Lines Heritage Park;
- £2,568.64 towards youth provision (£111.68 x 23 dwellings);
- £6,009.67 towards community facilities (£261.29 x 23 dwellings);
- £8,053.68 for bird disturbance mitigation in the North Kent SPA/Ramsar sites (£350.16 x 23 dwellings);
- £43,443.80 for education with:
 - o £7,507.96 towards mainstream nursery education within a 2 mile radius from the development site, and/or SEND education within Medway;
 - o £7,078.93 towards mainstream primary education within a 2 mile radius from the development site, and/or SEND education within Medway;
 - o £21,641.10 towards mainstream or SEND secondary education within Medway;
 - o £7,215.82 towards mainstream sixth form education within Medway;
- £19,112 for health (23 dwellings) – towards refurbishment, reconfiguration and or extension to healthcare facilities, including general practices and Healthy Living Centres, within a 3-mile radius of the development site or towards new healthcare facility to be provided in the community in line with the healthcare infrastructure strategy for the area.

The applicant is agreeable to these contributions. Subject to the completion of the S106 agreement the application is in accordance with Policies S6, BNE2 and BNE35 of the Local Plan; Policy S24 of the emerging Local Plan and Policies N2, DM5 and DM6 of the NPPF.

Conclusions and Reasons for Approval

The proposal is considered to be acceptable in terms of principle, design, amenity and highway aspects and with regard to all other material planning considerations. The proposal accords with the provisions of Policies S6, L3, L5, CF1, H4, H5, BNE1, BNE2, BNE4, BNE12, BNE14, BNE23, BNE24, BNE35, BNE37, BNE43, T1, T2, T3, T4, T13 and T14 of the Local Plan, Policies S2, S8, S24, DM1, DM2, DM3, DM4, DM5, DM6, DM9, DM10, T1, T11, T27, T28 and T29 of the emerging Local Plan and Policies CC2, N2, DP3, HC6, HC8, HE4, HE5, HE6, HE9, P2, P3, F4, F5, F6, F7, F8,

TR3, TR4 and TR6 of the NPPF. Accordingly, the application is recommended for approval subject to conditions and the completion of the S106 agreement.

The application would normally be determined under delegated powers but is being referred to Committee for decision due to the number of representations 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 on Medway Council's Website <https://publicaccess1.medway.gov.uk/online-applications/> .