

MC/11/2756

Date Received: 31 October, 2011

Location: Land at Chatham Docks, Pier Road, Gillingham, Kent

Proposal: Outline application with some matters reserved (appearance/landscaping/layout/scale) for a mixed use development comprising up to 179,297m<sup>2</sup> of floorspace, incorporating Employment Uses (B1 and B2), Residential (C3 - up to 950 units), Student Accommodation (Sui Generis), Hotels (C1), Leisure, Conference, Events and Education Facilities (D1 and D2), Retail Uses (A1-A5) including Superstore, an Energy Centre, Petrol Filling Station and associated open space, access, parking and infrastructure

Applicant: Peel Land & Property (Ports No. 3) Limited

Agent: Mr N Fillingham Indigo Planning Limited Lowry House 17 Marble Street Manchester Lancs M2 3AW

Ward River

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 30 May, 2012.**

**Recommendation - Section 106 - Approval with Conditions**

- A) Referral to the Secretary of State under the provisions of Circular 07/99 Town and Country Planning (Development Plans and Consultation) (Departures) Directions 1999 due to the application being accompanied by an environmental statement; it being a departure from Policies ED1 and ED9 of the Medway Local Plan 2003, in that the development proposes uses not falling within a B1, B2 or B8 use class and as the resolution conflicts with the advice of a statutory consultee (Health & Safety Executive).
- B) The applicant / owner entering into an agreement under Section 106 of the Town and Country Planning Act to secure:
- i) 25% affordable housing
  - ii) Informal Open Space – 1ha on site or £113 per person
  - iii) Equipped Play Areas – 4000msq on site or £158 per person
  - iv) Formal Sports Provision - £300,000

- v) World Heritage - £100,000
- vi) Primary Education - £8,320 per pupil place
- vii) Healthcare – On site facility or £191 per person
- viii) Waste & Recycling – £108.80 per person
- ix) Training & Workforce – £1 per m2 of commercial space, £150 per 1 or 2 bed dwelling and £200 per 3 bed dwelling
- x) Community Facilities – On site facility of 65sqm or £55.80 per person
- xi) Gillingham Pier – Undertake works to the western arm of Gillingham Pier or pay Medway Council £150,000
- xii) Highway capacity and traffic management improvements at the A289 Pier Road/Gillingham Gate Gyratory
- xiii) Highway capacity and traffic management improvements at the A289 Pier Road/Strand Approach junction
- xiv) Traffic management improvements at the A289 Pier Road/Maritime Way junction - £57,000
- xv) Walking and cycling accessibility and infrastructure improvements between the site and Gillingham Town Centre, Gillingham Railway Station and local schools and colleges - £94,000
- xvi) Bus Service Strategy for the site
- xvii) Travel Plan monitoring - £12,000

C) The imposition of the following conditions (delegated authority being granted to the Development Manager to make minor amendments to the wording of the conditions if considered desirable before the issuing of the permission): -

### **Time Limits**

- 1) The development hereby permitted shall not commence later than 2 years from the date of the final approval of the reserved matters set out in condition 3.

Reason: As required by the provisions of Section 92(2)(b) of the Town and Country Planning Act 1990.

- 2) The application for approval of the reserved matters required by condition 3 shall be made not later than 15 years after the date of this outline planning permission.

Reason: As required by the provisions of Section 92(2)(b) of the Town and Country Planning Act 1990.

- 3) Approval of the details of the layout, scale and appearance of the buildings, and the landscaping (hereinafter called "the reserved matters") for either the whole development, phase or sub-phase shall be obtained from the Local Planning Authority in writing before any development within that part of the site is commenced.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the proposal in accordance with the relevant policies in the adopted development plan.

### **Plans**

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

Drawings 03273-00-001 Rev C and 03273-00-401 Rev B received on 31 October 2011 and drawing 032-00-402 Rev C received on 6 February 2012.

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

### **Environmental Statement**

- 5) The development hereby permitted shall be undertaken in accordance with the Environmental Statement Volume 1: Non Technical Summary dated October 2011, Environmental Statement Volume 2: dated October 2011, Environmental Statement Volume 3: Technical Appendices dated October 2011 together with Environmental Statement Policy Update (National Planning Policy Framework) dated May 2012 accompanying the planning application or in accordance with any written approval or modification approved in writing by the Local Planning Authority during any subsequent reviews.

Reason: To ensure that the development is implemented in a manner that accord with the assessment of its environmental implications as detailed in the Environmental Statement accompanying the submitted planning application.

### **Design / Appearance**

- 6) The details submitted in pursuance of Condition 3 for phase 1 shall include a spatial design framework for the entire application site that covers the following topics.
  - Housing and Commercial Building Typologies
  - Character Areas including Street Widths and Treatment of Ground Floor Frontages
  - Landscape and Public Realm Concepts

- Relationship of Buildings to Public Realm and Movement Network
- Movement Network on site (car, public transport, service vehicles and pedestrians including parking arrangements)
- Integration of Flood Defences with Public Realm and Built Form
- Integration of Development with Surrounding Urban Context
- Parameters on Building Height and Massing
- Sequencing Plan

A draft of the spatial design framework shall be submitted for an independent design review process prior to the submission of the first reserved matters application. The review shall be undertaken by an independent third party to be agreed in writing by the Local Planning Authority. The subsequent submission shall outline how the comments of the design panel have been taken into account in the submitted spatial design framework.

Prior to the submission of each subsequent reserved matters application a design framework review shall be submitted to and approved in writing by the Local Planning Authority. All reserved matters applications shall be submitted in accordance with the approved design framework.

Reason: To ensure the development is carried out in accordance with policies S1 and S2 of the Medway Local Plan 2003 and to ensure a coordinated design and development across phases.

7) No spatial design framework review shall propose:

- a) More than 950 dwellings;
- b) More than 475 student apartments (in lieu of residential units);
- c) More than 5,641m<sup>2</sup> gross floorspace of ancillary uses falling within Use Classes A1, A2, A3, A4, A5, D1 and D2 of the Town and Country (Use Classes) Order 1987 (as amended);
- d) Less than 40,516m<sup>2</sup> gross floorspace for employment or educational uses falling within Use Classes B1, B2, D1 and D2 of the Town and Country (Use Classes) Order 1987 (as amended);
- e) More than 2 hotels providing more than 200 bedrooms

Reason: To ensure that the development does not create environmental impacts above and beyond those identified in the submitted Environmental Impact Assessment and to take into account its status as an allocated employment site in accordance with policy ED1 of the Medway Local Plan 2003.

8) The details pursuant to condition 3 with regard to significant elements of the scheme (defined as revisions to the spatial design framework approved under condition 6, and/or the external appearance of building(s) of over 750m<sup>2</sup> in footprint) shall be subject to a design review process by an external body approved in writing by the Local Planning Authority. This review shall take place prior to the submission of any reserved matters application, and the subsequent submission shall outline how the conclusion of the design review has been taken into account.

Reason: In the interests of design quality in accordance with policy BNE1 of the Medway Local Plan 2003

- 9) No development of the external faces of an individual building shall take place in any phase or sub-phase until details and samples of all materials to be used on all external faces of that building in that phase or sub-phase have been submitted to and approved in writing by the Local Planning Authority. Each building shall thereafter be constructed in accordance with the approved details.

Reason: To ensure a satisfactory external appearance in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 10) Applications for the approval of reserved matters in relation to appearance for any part of the site must include the following details:
- (i) Typical sections through external walls showing eaves, verges, lintels, cills, balconies and porches of each building type at a scale to be agreed in writing with the Local Planning Authority
  - (ii) Details in plan and section at a scale to be agreed in writing with the Local Planning Authority of any typical front garden between the buildings frontages and the adjoining footway, including details of any bin stores and carports.

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

Reason: To ensure a satisfactory external appearance in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 11) Any reserved matters application seeking approval for 'scale' for any phase or sub-phase of the development hereby permitted that includes any buildings that are proposed to exceed a height of 5 storeys and/or 20 metres shall be accompanied by accurate visual renditions.

Reason: In the interests of visual amenity in accordance with Policy BNE1 of the Medway Local Plan 2003.

## **Landscaping**

- 12) The details submitted in pursuance of Condition 3 for landscaping for any phase or sub phase of the development hereby permitted shall include both hard and soft landscaping works within that phase or sub phase including typical landscaping treatment for the highway network, typical landscaping treatment for each of the use areas, typical landscaping treatment for any open space areas, existing and proposed finished ground levels, car parking layouts, other vehicle and pedestrian access and circulation areas. The development shall be carried out in accordance with the approved details and retained thereafter.

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

- 13) Within 3 months of the commencement of development within any phase or sub phase of the development hereby approved full details of all hard and soft landscaping and any artefacts to be located within external areas. Hard landscaping works shall include all decking, paving and external hard surfacing material. Minor artefacts and structures shall include seating, refuse receptacles, planters, tree grilles and any other decorative feature(s). Soft landscape works shall include details of planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance), schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and implementation programme.

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) All hard and soft landscape works shall be carried out in accordance with the approved details. The works relating to a phase or sub-phase shall be carried out prior to the occupation of any part of that development phase or sub-phase or alternatively in accordance with a programme submitted to and approved in writing by the Local Planning Authority.

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

- 15) Any tree and/or shrub planted pursuant to condition 13 and being removed or severely damaged, dying or becoming seriously diseased within 5 years of planting shall be replaced with a tree or shrub of similar size and species to that originally required to be planted.

Reason: In the interests of residential and visual amenity in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003

- 16) Prior to the implementation of the approved landscape reserved matters for any phase or sub-phase hereby permitted a landscape management plan relevant to that phase or sub-phase, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the local planning authority. The landscape management plan for the phase or sub-phase shall be implemented in accordance with the approved details and maintained thereafter.

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

Local Plan 2003.

### **Boundary Treatment**

- 17) No development shall take place in any phase or sub-phase of the development hereby permitted until details and samples, where appropriate, of all boundary walls, railings, gates, fences and other means of enclosure relating to that phase or sub-phase shall be submitted to and approved in writing by the Local Planning Authority. The relevant phase or sub-phase of the development shall be implemented in accordance with the approved details and all approved details and samples shall thereafter be retained.

Reason: To ensure a satisfactory external appearance and a satisfactory external relationship with its surroundings in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

### **Riverside Walk**

- 18) No development within any phase or sub phase, along the waterfront, of the development hereby permitted shall take place until full details for the design of the riverside walk and a timetable for its provision within that phase or sub phase has been submitted to and approved in writing by the Local Planning Authority. The riverside walk shall be constructed and be made available for public use in accordance with the approved details and approved timetable and shall thereafter be retained.

Reason: To ensure satisfactory arrangements for cyclists and pedestrians in accordance with Policies T3 and T4 of the Medway Local Plan 2003.

### **Play Equipment / Public Art**

- 19) No development of any residential accommodation (other than student accommodation) shall take place in any phase or sub-phase of the development hereby permitted until full details of any play equipment and safe surfacing to be provided in that phase or sub-phase has been submitted to and approved in writing by the Local Planning Authority. Any play area or areas within the phase or sub-phase to which they relate shall be installed in accordance with the approved scheme prior to the first occupation of the residential accommodation in the phase or sub-phase of the development to which they relate and shall thereafter be retained in accordance with the approved details.

Reason: To ensure the satisfactory provision of play equipment in accordance with Policy L4 of the Medway Local Plan 2003.

- 20) No development shall take place in any phase or sub-phase of the development hereby permitted until details of any public art and or historical/environmental interpretation boards to be incorporated within that phase or sub phase of the development have been submitted to and approved in writing by the Local Planning Authority. The submitted details

shall include location, design, dimensions and materials. The approved items of public art and/or interpretation boards shall be installed prior to the first occupation of the phase or sub-phase of the development to which they relate. The approved public art and/or interpretation boards shall thereafter be retained.

Reason: To ensure a satisfactory visual appearance in accordance with Policy BNE1 of the Medway Local Plan 2003.

## **Lighting**

- 21) Within 3 months of the commencement of development within any phase or sub-phase of the development hereby permitted details of all external lighting relating to that phase or sub phase, including for open parking courtyard areas, enclosed parking spaces, any individual covered parking area and areas of communal open space, shall be submitted to and approved in writing by the Local Planning Authority. The details of the lighting shall include design, the exact position, light intensity and spillage and be illustrated on the associated landscaping plans for that phase or sub phase. The lighting shall be installed in accordance with the approved details prior to the first occupation of any part of the phase or sub-phase to which it relates. The approved lighting shall be retained in accordance with the approved details.

Reason: To ensure a satisfactory external appearance and to ensure the provision of lighting does not result in glare or light overspill to surrounding properties in accordance with Policies BNE2 and BNE5 of the Medway Local Plan 2003.

## **Residential Amenity**

- 22) All residential dwellings within the development hereby approved shall be built to conform to the 'Lifetime Homes Standard' or any subsequent amending standard.

Reason: To ensure a satisfactory provision of dwellings in accordance with policy BNE2 of the Medway Local Plan 2003.

- 23) All details submitted in pursuance of Condition 3 for layout and appearance for any phase or sub-phase of the development hereby permitted shall include a statement detailing how the development meets the requirements of 'Secured by Design'.

Reason: To ensure a safe and secure environment in accordance with Policy BNE8 of the Medway Local Plan 2003.

- 24) All reserved matters applications shall be accompanied by an assessment of the proposals against the Building for Life standards, or any equivalent assessment.

Reason: In the interests of sustainability and energy efficiency, in accordance

with Policies BNE4 and CF11 of the Medway Local Plan 2003.

- 25) The details to be submitted in pursuance of Condition 3 for residential development shall accord with the Medway Housing Design Standards 2011 or any subsequent revision to that document adopted by the Local Planning Authority.

Reason: To provide adequate levels of amenity for future occupiers in accordance with policy BNE2 of the Medway Local Plan 2003.

- 26) The details submitted in pursuance of Condition 3 for residential development (other than student accommodation) shall include daylight calculations in accordance with the BRE Guide 'Site Layout Planning for Daylight and Sunlight'.

Reason: To ensure adequate levels of amenity for future residents in accordance with policy BNE2 of the Medway Local Plan 2003

### **Highways / Parking**

- 27) Any reserved matters applications for the approval of access for a phase or sub-phase hereby permitted shall include details of the road, footway, footpath and cycleway layout and shall show the alignment, widths, forward visibility sight lines and vision splays, speed restraint measures, gradients and details of the strategic pedestrian and cycle network connections from that phase or sub-phase to the existing off-site pedestrian and cycle infrastructure adjoining the application site. The development shall be implemented in accordance with the approved reserved matters prior to the first occupation of any building within the relevant phase or sub-phase.

Reason: To ensure satisfactory arrangements for cyclists in accordance with Policy T4 of the Medway Local Plan 2003.

- 28) The details to be submitted in pursuance of Condition 3 shall show adequate land, reserved for the parking or garaging of vehicles and the manoeuvring of vehicles to accord with the provisions of the adopted vehicle parking standards applicable at the time. No building shall be occupied until such time as the parking facilities relating to it have been constructed in accordance with the approved details and are available for use. Thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), shall be carried out on the land so shown (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access to the reserved vehicle parking and manoeuvring areas.

Reason: To achieve sustainable objectives by ensuring the development does not have an adverse affect on the local road network by the generation of unacceptable levels of traffic in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

- 29) No development shall take place within a phase or sub-phase of the

development hereby permitted until details of the total number and location of the parking spaces to be provided for use by disabled persons within that phase or sub-phase have been submitted to and approved in writing by the Local Planning Authority. The parking spaces designed for disabled persons shall be provided in accordance with the approved details prior to first occupation of that phase or sub phase and shall thereafter be retained.

Reason: To ensure a satisfactory provision of dwellings, meeting the needs of wheelchair users in accordance with policy T22 of the Medway Local Plan 2003.

- 30) No development shall take place within any phase or sub-phase of the development hereby permitted until details of cycle parking facilities for that phase or sub-phase to accord with the Local Planning Authority's adopted cycle parking standards have been submitted to and approved in writing by the Local Planning Authority. The details shall incorporate secure, lockable and covered protection, where necessary. Individual phases or sub-phases of the development shall not be occupied until the approved cycle parking arrangements relating to the relevant phase or sub-phase have been provided and shall thereafter be retained.

Reason: To ensure the provision and permanent retention of bicycle spaces in accordance with Policy T4 of The Medway Local Plan 2003.

- 31) Prior to the first occupation of each phase or sub-phase of the development hereby approved, a site-wide Parking Management Plan covering the phase or sub phase and any preceding phases shall be submitted to and approved in writing by the Local Planning Authority. The parking areas shall thereafter be maintained and managed in accordance with the approved plan.

Reason: In the interests of highway and pedestrian safety and to prevent parking inconsiderate to other road users in accordance with Policies T1, T2 and T3 of the Medway Local Plan 2003.

- 32) No development shall take place within a phase or sub-phase of the development hereby permitted until details of access and vehicle routing arrangements for construction traffic for that phase or sub-phase have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall take into account the impact on the amenities for existing and future occupiers of the development. The construction access and routing arrangements for each phase or sub-phase of the development shall be implemented in accordance with the approved details.

Reason: To ensure the development does not have a prejudicial impact on the local road network in accordance with Policy T1 of The Medway Local Plan 2003.

- 33) Prior to the occupation of any phase or sub phase of the development hereby permitted a strategy for the access and movement of vehicles around the site for deliveries, refuse collection and/or any other commercial servicing activity

shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter

Reason: To safeguard conditions of residential amenity in accordance with policy BNE2 of the Medway Local Plan 2003

- 34) Within 6 months of commencement of the development, a management plan for the use of the railway line within the site, including details of safety measures for pedestrians, cyclists and vehicle occupants in respect of the crossing of the railway line, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to occupation of any part of the development and retained thereafter.

Reason: To ensure adequate vehicular access to the site in accordance with policy T2 of the Medway Local Plan 2003.

- 35) No development of works to the Strand roundabout illustrated in drawing M10110-A-025 Rev B shall take place until a scheme of landscaping (hard and soft) and enclosures (including any retaining structures) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following completion of the highway works.

Reason: Pursuant to condition 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policy BNE1 and BNE6 of the Medway Local Plan 2003.

- 36) Prior to first occupation of the development, a site-wide Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include, as a minimum, details of:

- The appointed Travel Plan Coordinator
- The Travel Plan Welcome Pack to be issued to the main users of the site
- Travel Plan targets, including a car-sharing strategy
- A programme for monitoring and reviewing the Travel Plan
- A site specific website
- A car club for occupiers of the commercial and residential development on site within an agreed timetable
- Measures for securing the provision of a Travel Plan by individual occupiers within the site

The updated Travel Plan shall be implemented in accordance with the approved details and maintained thereafter.

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.

### **Sustainability**

- 37) No development shall take place until an energy demand assessment has been submitted to and approved in writing by the Local Planning Authority. The energy demand assessment should demonstrate all electricity and heat requirements when in use and the likely annual carbon emissions. Energy savings through energy efficient design and technology should be assessed and renewable energy technologies should be incorporated into the development's design to provide at least 20% of the site's electricity and heat needs where feasible. The likely energy supply from renewable sources and where possible carbon savings should be stated as a percentage of total energy usage (established from the energy demand assessment). If renewable options are rejected, justification should be provided. The development shall be undertaken in accordance with the approved details.

Reason: To ensure satisfactory arrangements are made for energy efficiency and for renewable energy in the interests of sustainability in accordance with Policy BNE4 of the Medway Local Plan 2003.

- 38) Any application for reserved matters for a phase or sub-phase of the development hereby permitted shall be accompanied by details of an energy sustainability strategy, including details of energy efficiency and the renewable technologies to be incorporated within that phase or sub-phase. The energy sustainability strategy shall be developed incorporating the details approved under the requirements of condition 37. The development of the phase or sub-phase to which the reserved matters application relates shall be implemented in accordance with the approved details and retained thereafter.

Reason: To ensure satisfactory arrangements are made for energy efficiency and for renewable energy in the interests of sustainability in accordance with Policies BNE4 and CF11 of the Medway Local Plan 2003.

- 39) All residential units within the development shall be constructed to achieve at least Code for Sustainable Homes Level 3 for residential or any other equivalent standard and all non-residential units shall be constructed to achieve Building Research Establishment Environmental Assessment Method (BREEAM) very good standard. All other buildings shall be constructed to achieve an equivalent standard appropriate to the type of building.

Reason: In the interests of sustainability and energy efficiency, in accordance with Policies BNE4 and CF11 of the Medway Local Plan 2003.

### **Contamination**

- 40) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out, as part of an approved scheme of remediation must not commence until conditions 41 to 44 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the

unexpected contamination to the extent specified in writing by the Local Planning Authority until condition 44 has been complied with in relation to that contamination.

Reason: To ensure that any contaminated land on the application site is identified and remediated in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 41) An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development of each phase or sub phase. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development of that phase or sub phase. 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,
- archeological 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: To ensure that any contaminated land on the application site is identified and remediated in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 42) A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and submitted to and approved in writing by the Local Planning Authority prior to commencement of development of that phase or sub phase. 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: To ensure that any contaminated land on the application site is identified and remediated in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 43) The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

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

Reason. To ensure that any contaminated land on the application site is identified and remediated in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 44) 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 42, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 41, 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 42 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 43.

Reason: To ensure that any contaminated land on the application site is identified and remediated in accordance with Policy BNE23 of the Medway Local Plan 2003.

## **Drainage**

- 45) No development shall take place in any phase or sub-phase of the development hereby permitted until a scheme detailing a surface water drainage strategy, including provision for tidelock conditions, pollution prevention measures such as by the incorporation of trapped gullies within the highway surface water systems, and silt traps and light-liquid separators and the use of rainwater harvesting systems and other grey water technologies has been submitted to and approved in writing by the Local Planning Authority. No infiltration of surface water drainage into the ground is permitted other than with the written approval of the Local Planning Authority for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The approved surface water drainage arrangements for any phase or sub-phase shall be provided prior to the first occupation of any part of the phase or sub-phase to which it relates.

Reason: To ensure the adequacy of the means of surface water disposal from the site in accordance with Policy CF12 of the Medway Local Plan 2003.

- 46) No development shall take place in any phase or sub-phase of the development hereby permitted until details of the method for piling foundations or any other foundation designs using penetrative methods and any other proposals involving below ground excavation relating to that phase or sub-phase have been submitted to and approved in writing by the Local Planning Authority. Piling works shall be implemented in accordance with the approved details.

Reason: To prevent pollution of the water environment in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 47) No development shall take place in any phase or sub phase of the development hereby permitted until full details of the proposed means of foul water sewerage disposal relating to that phase or sub-phase has been submitted to, and approved in writing by, the Local Planning Authority. The development shall be implemented in accordance with the approved details and retained thereafter.

Reason: To prevent pollution of the water environment in accordance with Policy BNE23 of the Medway Local Plan 2003.

## **Flooding**

- 48) The development hereby permitted shall not be commenced until such time as a scheme for flood defences as described in the Flood Risk Assessment (dated October 2011) has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme.

Reason: To ensure the structural integrity of existing and proposed flood

defences thereby reducing the risk of flooding in accordance with policy CF13 of the Medway Local Plan 2003

- 49) No development shall take place within a phase or sub-phase of the development hereby permitted until details of an unobstructed, internal means of escape route from any basement parking area to a higher level and details for the provision for an emergency route off the application site in the event of any flood which relate to that phase or sub-phase has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented in accordance with the approved details prior to the first occupation of the relevant part of the development and shall be retained thereafter.

Reason: To significantly reduce the risk of entrapment and subsequent risk to life from tidal flooding in accordance with Policy CF13 of the Medway Local Plan 2003.

- 50) The finished floor levels of the buildings within the development hereby permitted shall be no lower than:
- Commercial – 5.70m Above Ordnance Datum (AOD)
  - Residential Living Accommodation – 6.40m Above Ordnance Datum (AOD)
  - Residential Sleeping Accommodation – 6.70m Above Ordnance Datum (AOD)

Reason: To reduce the risk of flooding to the proposed development and future occupiers in accordance with policy CF13 of the Medway Local Plan 2003.

## **Archaeology**

- 51) No development shall take place until the applicant, or their agents or successor in title, has secured the implementation of: -
- Archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
  - Following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record in accordance with policy BNE21 of the Medway Local Plan 2003.

- 52) No development shall take place until the applicant, or their agents or

successors in title, has secured the implementation of a programme of building recording in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that historic building features are properly examined and recorded in accordance with BE6 of the South East Plan 2009.

### **Training & Workforce**

- 53) No development shall take place until a scheme for targeting and utilising local people for construction and post construction employment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: To ensure that the regeneration benefits of the development can be maximised in accordance with Policy S2 of the Medway Local Plan 2003.

### **Retail**

- 54) The superstore hereby permitted shall not exceed 4,165sqm net floorspace with no more than 40% of the net floorspace being used for the sale of comparison goods. The floorspace for the purposes of this condition shall include any basement, mezzanine or upper level.

Reason: To safeguard any future impacts on nearby town centres.

- 55) No more than 2,500m<sup>2</sup> of floorspace within the development, other than the retail foodstore, shall be occupied for the purposes falling within Class A1 (retail) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Order revoking and re-enacting that Order).

Reason: To ensure the provision of local retail facilities in accordance with policy R9 of the Medway Local Plan 2003.

- 56) No single retail unit falling within Class A1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Order revoking or re-enacting that Order), other than the retail foodstore hereby permitted, shall have a floorspace greater than 450 square metres (gross internal area).

Reason: To ensure the provision of local retail facilities in accordance with policy R9 of the Medway Local Plan 2003.

### **Noise**

- 57) The cumulative noise level from plant at the site shall not exceed a level of 5dB below the Background level or a rating level of 35dB(A), when assessed in accordance with BS4142:1997.

Reason: To safeguard conditions of aural amenity in accordance with policy

BNE3 of the Medway Local Plan 2003

- 58) No development of any residential development or student accommodation, in any phase or sub phase of the development hereby permitted shall take place until an acoustic assessment has been submitted to and approved in writing by the Local Planning Authority that details the measures to ensure the internal noise levels are no more than 35dB in living rooms and 30dB in bedrooms, at night. The noise assessment shall be a rigorous assessment as set out in BS 8233:1999 Sound Insulation and Noise Reduction of Buildings - Code of Practice. Where the noise level exceeds 35dB living rooms and 30dB in bedrooms at night, details of a full mechanical ventilation system shall be submitted to and approved in writing by the Local Planning Authority with the approved measures being implemented prior to occupation and retained thereafter.

Reason: To safeguard conditions of amenity in accordance with policy BNE3 of the Medway Local Plan 2003.

- 59) No development of any phase or sub phase of the development hereby permitted shall take place until an acoustic assessment has been submitted to and approved in writing by the Local Planning Authority for that phase or sub phase, which assesses industrial, commercial and shipping noise, in accordance with BS4142:1997. Where the specific noise level L(A) eq, T, is greater than 5dB(A) than the background level L(A)90, details of mitigation measures shall be submitted to and approved in writing by the Local Planning Authority to reduce the noise to below those levels. The development shall be carried out in accordance with the approved details and retained thereafter.

Reason: To safeguard conditions of amenity in accordance with policy BNE3 of the Medway Local Plan 2003.

- 60) Prior to the first occupation of any residential unit or student accommodation hereby approved an assessment of the passage of sound shall be submitted to and approved in writing by the Local Planning Authority that confirms the internal noise level in the living room is no more than 40dB during the day and 35dB at night and in the bedroom no more than 35dB during the day and 30dB at night.

Reason: To safeguard conditions of amenity in accordance with policy BNE3 of the Medway Local Plan 2003.

- 61) No development in any phase or sub phase of the development hereby approved shall take place until an acoustic assessment has been submitted to and approved in writing by the Local Planning Authority that details the measures within that phase or sub phase to ensure that the noise levels in private garden areas or community spaces does not exceed 55dB(A) Leq, 16 hour. The development shall be built in accordance with the approved details.

Reason: To safeguard conditions of amenity in accordance with policy BNE3 of the Medway Local Plan 2003.

## **Air Quality**

- 62) No development of each phase or sub phase of the development hereby permitted shall take place until an air quality assessment has been undertaken to determine the impact of that portion of the development on the Gillingham Air Quality Management Area. The results of the assessment and, if adverse or worse, the details of a scheme of mitigation measures necessary to ensure an appropriate level of air quality shall be submitted to and approved in writing by the Local Planning Authority, which ensures the level is reduced to no more than moderate adverse. All works, which form part of the approved scheme, shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: In the interests of residential amenity in accordance with policy BNE24 of the Medway Local Plan 2003.

- 63) Where receptors are identified within the application site by the assessment in condition 62 a scheme of mitigation shall be submitted to and approved in writing by the Local Planning Authority that ensures that the occupiers of each building are not exposed to levels of Nitrogen Dioxide above the annual or hourly the objective level. The development shall be carried out in accordance with the approved details and retained thereafter.

Reason: In the interests of residential amenity in accordance with policy BNE24 of the Medway Local Plan 2003.

## **Energy Centre**

- 64) Applications for the approval of reserved matters in relation to the energy centre shall include an assessment of the noise, air quality, transport and odour associated with the centre. The report shall include the impact on receptors on the site, surrounding dwellings and any Air Quality Management Area (AQMA). Where the impact on any receptor or AQMA is classified as 'slight adverse' or 'greater' an appropriate scheme of mitigation shall be submitted to and approved in writing by the Local Planning Authority that ensures the impact is no greater than 'slight adverse'. The development shall be built in accordance with these approved details.

Reason: To ensure appropriate consideration of the energy centre in accordance with policies BNE2, BNE3 and BNE24 of the Medway Local Plan 2003.

## **Environmental Health**

- 65) No deliveries, refuse collection and/or any other commercial servicing activity to any non-residential unit shall be taken out or dispatched during the hours of 23:30 and 06:00 Monday to Saturday and during the hours of 18:00 and 08:00 Sundays and Bank Holidays unless agreed in writing by the Local Planning

Authority on a case by case basis 7 working days beforehand.

Reason: To ensure that the occupiers of neighbouring residential properties are not unduly affected by noise and disturbance, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 66) No development of non residential buildings which includes the provision for the preparation and serving of hot food for consumption by the public, shall take place within any phase or sub-phase of the development hereby approved until details for the conduction and extraction of cooking odours within that phase or sub-phase has been submitted to and approved in writing by the Local Planning Authority. Where high level fume dispersion at one metre above ridge height of the nearest building is possible a typical installation should include hood mounted grease filters, pre-filter(s) and activated carbon treatment. Proposals for fume dispersion at lower levels must incorporate suitably enhanced methods of filtration and odour control. All equipment must be installed in accordance with the approved details and be in full working order prior to the first use of the commercial kitchen to which they relate and shall thereafter be maintained in accordance with the manufacturers instructions for as long as the approved use of the commercial kitchen to which they relate continues to operate.

Reason: To ensure the satisfactory dispersal of cooking odours and fumes in accordance with Policies BNE2 and R18 of the Medway Local Plan 2003.

- 67) No development shall take place within any phase or sub-phase of the development hereby permitted until a Construction Environmental Management Plan (CEMP) relevant to that phase or sub-phase has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include amongst other matters details of: hours of construction working; noise and vibration limitation and monitoring regimes; access points; screening/mitigation; wheel cleaning/chassis cleaning facilities; dust control measures; protection of surface and groundwater resources, including arrangements for the storage of oils, fuels or chemicals; pollution incident control; site illumination including any cowls to be fitted to ensure that light spillage on sensitive areas is avoided; and location of construction compound and offices. The construction works for the phase or sub-phase shall thereafter be carried out at all times in accordance with the CEMP approved for that phase or sub-phase.

Reason: To safeguard the amenities of neighbouring residents in accordance with policies BNE2 and BNE3 of the Medway Local Plan 2003.

## **Refuse**

- 68) Prior to the submission of any reserved matters application for a phase or sub-phase hereby permitted, a Site Waste Management Plan (SWMP) for that phase or sub-phase shall be submitted to and agreed in writing by the Local Planning Authority. The approved SWMP shall be used to inform development proposals for the phase or sub-phase to which it relates and any reserved

matters application(s) for layout, scale and appearance shall be accompanied by details showing the arrangements for the storage of refuse. The details shall include the siting and design for storage and shall make provision for recyclables as well as general waste. No building shall be occupied within the phase or sub-phase to which the reserved matters approval relates until the refuse storage arrangements for that building have been implemented in accordance with details approved by the approval of reserved matters. The refuse storage arrangements shall be retained thereafter.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policy BNE2 of the Medway Local Plan 2003.

### **Telecommunications / TV Cabling**

- 69) No development within any phase or sub-phase of the development hereby permitted that currently contains telecommunications equipment and / or the shipping radar tower shall take place until a strategy for the relocation of such equipment has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved strategy.

Reason: To ensure that such equipment is an integral part of the design of the development in accordance with policies BNE1 and CF14 of the Medway Local Plan 2003.

- 70) The details submitted in pursuance of Condition 3 for layout, scale and appearance for each phase or sub phase shall include a strategy for the provision of telecommunications to serve that phase or sub phase. The development shall be carried out in accordance with the approved details and retained thereafter.

Reason: To ensure that such equipment is an integral part of the design of the development in accordance with policies BNE1 and CF14 of the Medway Local Plan 2003.

- 71) No development of any residential accommodation, hotel or student accommodation in any phase or sub phase of the development hereby permitted shall take place until details for the installation of cable TV pre-ducting have been submitted to and approved in writing by the Local Planning Authority. The cable TV pre-ducting arrangements shall be installed in accordance with the approved details during the construction phase of development and shall be available for use prior to the first occupation of the phase or sub-phase, which it serves.

Reason: To ensure a satisfactory visual appearance in the interests of visual amenity and to mitigate the visual impact of above ground TV apparatus and equipment in accordance with Policy BNE1 of the Medway Local Plan 2003.

## **Ecology**

- 72) All demolition works associated with the development hereby approved shall take place outside of the bird-breeding season unless a fully qualified ecologist confirms in writing to the Local Planning Authority the absence of nesting birds from areas to be cleared.

Reason: To protect local wildlife in accordance with policy BNE37 of the Medway Local Plan 2003.

- 73) The details submitted in pursuance of Condition 3 for landscaping for each phase or sub phase of the development hereby approved shall include details of ecological enhancements (including replacement roosting opportunities for bats where appropriate). The development shall be built in accordance with the approved details and maintained thereafter.

Reason: To ensure appropriate mitigation for the development in accordance with the provisions of policy BNE37 of the Medway Local Plan 2003.

## **Removal of Permitted Development Rights**

- 74) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no mezzanine floor area shall be inserted into any of the retail buildings hereby permitted.

Reason: To safeguard any future impact on nearby town centres.

- 75) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development within Part 1 (Classes A-H) inclusive, Part 2 (Class A), Part 25 (Classes A to B), Part 33 and Part 42 (Class A) of the Second Schedule to the Order shall be carried out on the site without express planning permission first being obtained.

Reason: To ensure that the visual impact of development can be considered in accordance with Policies BNE1 of the Medway Local Plan 2003.

## **Lock Gates**

- 76) No development shall take place until a strategy for the repair or replacement of the lock gates between basin 3 and the River Medway has been submitted to and approved in writing by the Local Planning Authority. The strategy shall illustrate how the measures would aid in the retention of the commercial dock. The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development.

Reason: To secure the retention of the remaining part of Chatham Docks in accordance with policy ED9 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 seeks outline consent for a mixed-use development with access being considered at this stage and all other matters reserved for future consideration. The proposals have been defined for Environmental Impact Assessment (EIA) purposes through defined uses and quantum together with two parameter plans. The mixed use development would consist of up to 179,297m<sup>2</sup> of floorspace, incorporating Employment Uses (B1 and B2), Residential (C3 - up to 950 units), Student Accommodation (Sui Generis), Hotels (C1), Leisure, Conference, Events and Education Facilities (D1 and D2), Retail Uses (A1-A5) including Superstore and associated Petrol Filling Station, an Energy Centre and associated open space, access, parking and infrastructure.

The application seeks approval of two parameter plans 1) land use zones and 2) building heights (maximum and minimum).

Parameter plan 1 divides the site into four land use zones. The southeastern area, adjacent to Pier Approach Road, proposes a mix of A1 (Shops), A2 (Professional Services), A3 (Cafes and Restaurants), A4 (Drinking Establishments), A5 (Hot Food Takeaways) and Petrol Filling Station. The southwestern area, adjacent to Pier Road, proposes a mix of B1 (Business), C1 (Hotel), A3 (Café and Restaurant) and A4 (Drinking Establishment). The central spine area of the site, which also includes narrow extensions to the southeastern frontage of the site to Pier Road and towards the retained docks, proposes a mix of B1 (Business), B2 (General Industry) and D1 (Non-Residential Institutions) uses. The fourth area extends along the basin frontage and onto the River Medway, including the frontage of the site onto Gillingham Pier, and proposes a mix of A1 (Shops), A2 (Professional Services), A3 (Cafes and Restaurants), A4 (Drinking Establishments), A5 (Hot Food Takeaways), C1 (Hotels), C3 (Dwellinghouses), D1 (Non-Residential Institutions), D2 (Assembly and Leisure) and Student Accommodation (Sui Generis).

Parameter Plan 2, the 'Storey Heights' parameter plan, identifies six areas with minimum and maximum height parameters. The minimum height in every zone is shown as 1-storey. The four zones along the frontage with Pier Road and in the centre of the site would be between 4-storey and 8-storey. Taller buildings would be located around the rim of the site with maximum of 16 storeys facing out over Basin 1 and 17 storeys adjacent to Gillingham Pier and the River Medway.

The access to the site is being considered at this stage and the drawings show access coming directly from Pier Road (A289). The existing access to Chatham Docks would be retained and altered to allow for a right turn exit towards the Medway Tunnel. An additional access would also be created to the east of the existing access, again, onto Pier Road. This access arrangement would result in various changes to the Gillingham Gate junction in terms of vehicle lanes, pedestrian connections, cycle routes and landscaping.

Matters of appearance, landscaping, layout and the scale of the buildings are

reserved for future consideration and would be the subject of reserved matters applications. The outline permission is sought for a period of 15 years and an indicative phasing plan has been provided showing 6 phases with the earlier phases located closer to Pier Road and the central spine with the waterfront edges being developed later.

An 'illustrative masterplan' has been submitted showing how the development could come forward within the parameters for use and height that would be set within this application. This notional scheme also reacts to the various constraints and opportunities of the site and has been used for the purposes of EIA testing for maximum quantum. The scheme shows each of the two access points onto Pier Road to roundabouts on site with the western access generally serving the retained dock and the eastern access the new development. An internal loop road is shown to connect these two accesses. An area of landscaping is shown to the front of the site that would be dissected by various pedestrian routes and the Chatham Docks branch railway line. The landscaped area is shown to extend into the site providing a setting for the commercial element located in the central spine and a linear park, allowing views towards a possible event complex and River Medway beyond. The application includes the western arm of Gillingham Pier and the notional scheme shows public realm improvements taking place at the Pier that would link the Victory Pier development to a new riverside walk that would stretch around the entire frontage of the site. A variation in the height of the buildings around the water's edge is also illustrated.

The submission documents describe two development scenarios; the first an employment led scheme delivering the B1 and B2 floorspace with standard residential accommodation (flats) and the other being a university campus with associated student accommodation. The overall floorspace of 179,297m<sup>2</sup> is split into the following maximum floorspace per use: -

Commercial (B1 and B2)	40,516m <sup>2</sup>
Education Teaching Campus (D1 and D2) in lieu of some commercial	40,516m <sup>2</sup>
Hotel (C1)	200 Bedrooms
Residential (C3)	950 units
Student Accommodation in lieu of some residential units (sui generis)	475 apartments
Event / Conference Facility (D1)	9,540m <sup>2</sup>
Retail Foodstore (A1)	7,376m <sup>2</sup>
Energy Centre (Energy Centre)	29,793m <sup>2</sup>
Other Ancillary Uses (A1, A2, A3, A4, A5, D1 and D2)	5,641m <sup>2</sup>

### Site Area/Density

Site area: 14.6 hectares (36.08 acres)

Site density: 65 dph (26.3 dpa)

It should be noted that this has been calculated on the basis of residential development across the entire site. The density of the residential zones (which cover only part of the site) is much higher.

## Relevant Planning History

### Planning Application for Relocation of Kent Wire

MC/11/3099            Demolition of buildings 42, 43, 45, 46, 47 and part of building 40 and construction of three new joined port-related warehouse buildings (A, B and C) together with a three storey office building.  
Approved with Conditions, 2 March 2012

### Scoping Opinion for the Proposed Development

MC/11/1023            Town and Country Planning [Environmental Impact Assessment] [England and Wales] Regulations 1999 - request for a scoping opinion for a mixed use development comprising of new employment accommodation (B1, B2 and B8); conference, leisure and university facilities (D1 and D2); residential accommodation comprising of apartments, family and affordable housing (C3); hotels (C1); retail floorspace including (A1, A2, A3, A4 and A5); associated open space, landscaping, car parking and infrastructure.  
EIA Required, 20 April 2011

### Original Consent for Chatham Docks

GL/82/224            Change of use from present use to use by the Company for the purpose of commercial port operations and operations ancillary thereto, for those parts of the area which do not already enjoy such use.  
Approved with Conditions, 15 February 1983

## Representations

The application has been advertised on site and in the press and by individual neighbour notification letters to the owners and occupiers of nearby properties. The Environment Agency, Highways Agency, Kent Wildlife Trust, Kent Fire & Rescue, Natural England Kent Police, RSPB, EDF Energy, Southern Gas Networks, Southern Water, English Heritage, NHS Medway, Medway Ports Authority, St Marys Island Residents Association and Chatham Maritime Trust have also been consulted.

**47 letters** have been received raising the following objections:

- Increase traffic and congestion
- Utility consumption
- Air Pollution and Dust
- Noise
- Increase carbon footprint
- Health concerns
- Odours from bio-fuel

- Fire Risks associated with energy centre
- Parking on surrounding streets
- Concerns with the deliverability of the scheme
- Access to the site and conflict with dock activity
- Focus on retail which should be located in town centres
- Need to keep manufacturing jobs on site
- Scheme should utilise the railway line from Gillingham for sustainable transport
- Energy Centre could use bio-fuel exacerbating existing problems
- Increase in the local population would mean more people are affected by the commercial docks
- Queries with regards the relationship of the development to the MOD land with reference to groundwater and security
- Need to consider bus routes in the area to serve the development
- Poor design
- S106 contributions needed towards local infrastructure and services
- Impact traders on Gillingham High Street and Chatham Town Centre
- Unclear what commitment Peel has to repair the lock gates
- Unsustainable as residential units would be located close to the dock
- Flood Risks
- Should not be determined until after Core Strategy examination
- Undermine future of the docks that should be retained

All other matters raised not listed above are non-material

**19 letters have been received raising objection** to the application due to concerns regarding the future viability of the relocation of Gillingham Football Club.

**5 letters have been received in support** of the application making the following comments: -

- Regeneration benefits
- Need to consider connections with existing centres possibly by light rail
- Further information needed on the energy centre
- Well considered masterplan

**Berkeley Homes** have written in supporting the redevelopment of the site but have raised concerns with the layout of the development with particular reference to the location of the supermarket service yard

**Gillingham High Street Forum** have objected to the application due to the impact on Gillingham Town Centre

**St Marys Island Residents Association** raise no objections to the principle of the proposal however concerns are raised with regards the proposed energy centre.

**Chatham Maritime Trust** raises no objection to the application but has requested a condition regarding the use of the outer cession for emergency access

**Kent Wildfowling & Conservation Association** raise objection to the application

for the following reasons: -

- Environmental Statement fails to address the impact of the development on the Medway Estuary, SSSI, SPA and Ramsar Site
- Disturbance caused through noise and light pollution and recreational pressure

**Highways Agency** raises no objections

**Kent Fire & Rescue** raises no objections but highlight the need for further consultation at detailed stage to ensure adequate access is provided.

**Southern Gas Networks** raise no objections

**Southern Water** raises no objections subject to conditions

**Health & Safety Executive** 'advise against development' due to the proximity of the site to hazardous installations

**Health & Safety Executive – Explosives Inspectorate** makes no comment on the application, as the scheme does not fall within the consultation distance.

**Kent Police** have objected to the scheme, as without appropriate Developer Contributions it would be contrary to policy.

**Natural England** raises no objection to the application.

**English Heritage** raises no objection to the application and should be determined in connection with the council historic environment advisors.

**Environment Agency** raises no objections subject to conditions.

**South East Marine Association** objects to the application due to the loss of the docks and associated wharves

**South East Design Panel** has reviewed the application and made the following observations: -

- Applicants commendable analysis has not translated into a satisfactory masterplan
- Poor integration with its surroundings and would be also hidden from Pier Road
- There is no merit in placing the park (open landscaped area) at the site entrance by the main road. It would be little used in this location
- Links to Gillingham town centre and railway station and to Victory Pier not strong enough
- Supermarket format looks like an out-of-centre store rather than one that embraces its urban context
- Discourages movement on foot or by bicycle
- Position of multi-storey car park and supermarket service area do not exploit views over Gillingham Pier, nor contribute to the proposed mix of uses proposed around Gillingham Pier.

- Masterplan needs greater structure and hierarchy of streets and spaces
- Parameter plans do not give sufficient safeguard for the quality of the scheme.

## **Development Plan Policies**

The Development plan for the area comprises the South East Plan 2009 and the Medway Local Plan 2003. The relevant Supplementary Planning Documents (SPD) are the Medway Housing Design Standards 2011; the Building Heights Policy 2006 and the Developer Contributions Guide 2008. The Gillingham Waterfront Development Brief 2004 and the emerging Core Strategy are also material considerations.

The National Planning Policy Framework (NPPF) 2012

## **Planning Appraisal**

### *Background*

Chatham Docks comprises the former naval dockyard Basin 3 and adjacent land. It adjoins St Mary's Island to the west, the River Medway to the north, Gillingham Pier to the east and the A289 (Pier Road) to the south. The total site area is 58.7 hectares. It has been a commercial port since the Dockyard closed in 1984. It is accessed via twin lock gates that also govern water levels in Basins 1 and 2 and provide flood protection to large parts of Chatham Maritime. The condition of the site has deteriorated in recent years but it continues to trade successfully. The lock gates need refurbishment or replacement. There are a number of tenant businesses on the site including Kent Wire.

The site is a bonded port and has the benefit of a full railhead via the Gillingham Branch Line as well as direct access to a major dual carriageway. There are no particular restrictions on the current dock operations and 24 hour working is permissible. The site has also become well known for the storage and transshipment of waste materials for recycling. The current employment density on the site is not particularly high. The proposed development would be confined to a site of around 14.6 hectares in the southeastern portion of the docks.

### *Principles of Development*

In accordance with Section 38(6) of the Planning & Compulsory Purchase Act 2004 the determination of an application for planning permission must be made in accordance with the development plan unless material considerations indicate otherwise. The Council's Development Plan consists of saved policies within the Medway Local Plan 2003 and the South East Plan 2009.

The application site is identified as an employment site under policy ED1 of the Medway Local Plan 2003 as being suitable for activities falling within B1, B2 and B8 use classes. This broadly highlights the importance of the site within Medway as a location for economic development, providing jobs and a suitable location for industrial activities. Furthermore policy ED9 of the Local Plan identifies the potential for growth at Chatham Docks subject to improvements to the setting of Pier Road

and maximising the use of the rail network. Few sites combine a sheltered and secure dock with a working railhead and dual carriageway access to the principal road network. Although it does not cater for large vessels Chatham Docks is well suited to coastal shipping operations and services operating to and from the near continent. As such the established policy in relation to the site is to afford it long-term protection as a working port with a railhead.

In compiling the Local Development Framework (LDF) Core Strategy this safeguarding was reassessed and the Core Strategy (submission draft) states:

*“Chatham Docks caters for smaller vessels – up to 8,000 tonnes – with lock gates controlling access from the Medway. The site and associated facilities need reinvestment but there is every indication that it has a long-term commercial role, complementing the larger ports catering for deep-sea traffic and handling vessels too large for local wharves and jetties. Accordingly it is intended that it should continue to be safeguarded although some consolidation within the site may be possible.”*

The resulting Policy CS24 (submission draft) states ‘*Existing wharf and port capacity will be safeguarded in order to meet national and regional capacity requirements and to encourage the local transportation of goods by water*’.

The application only relates to a portion of the overall Chatham Docks complex, approximately a quarter, with the residual area being retained for port facilities and associated employment land. The emerging policy allows for the consolidation of some of the uses within the site but highlights the importance of maintaining the docks in some form. As such the release of a portion of the land is accepted in principle

The submission documents state the need to upgrade the lock gates at the seaward entrance to the Docks to ensure the retention and continuation of the dock operation on the residual land, The return from the proposed development would fund the replacement or refurbishment of these lock gates thus allowing for the docks to remain in operation. The emerging policy allows for the consolidation of some of the uses within the site and highlights the importance to maintain the docks in some form. As such the release of a portion of the land is accepted in principle, however a condition is recommended to secure the replacement or refurbishment of the locks gates before the first occupation of the new development and thus maximising the potential of the residual land for dock activities as outlined in policy ED9 of the Local Plan.

The proposal seeks consent for an ‘employment led’ mixed-use development in accordance with Policy ED1 of the Local Plan However, each of the land use components of the application must be considered to assess their appropriateness on site with regards the impact they may have on the remaining dock area and each other.

### Employment Uses (B1 and B2)

The application seeks consent for up to 40,516 m<sup>2</sup> of floorspace falling into a B1 (Business) or B2 (General Industry) use classes. This element of the proposal is in accordance with the adopted and emerging policy background and as such the principle of this form of development on site is considered acceptable. Opportunities exist for well-configured B2 employment space, including incubator space for local businesses and value added activities associated with the port. The Core Strategy (submission draft) identifies sufficient floorspace capacity to meet the jobs target of 21,500 for Medway by 2028 without any redevelopment of the Chatham Dock site. However, such commercial development is supported and it has the potential to deliver a significantly higher number of jobs on site than is currently the case.

### Education Campus (D1 and D2)

The application seeks consent for 40,516m<sup>2</sup> of D1 (Non-Residential Institutions) and D2 (Assembly & Leisure) uses as an alternative to B1 and B2 employment uses outlined above., (this is referred to as the 'alternative development scenario' in the application documents).

The growth of higher education in Medway over the last 10 years has been one of the most significant changes to occur. It provides a foundation for growth in the local labour market and the attraction of higher value activities as sought in the economic development strategy. A further expansion of this sector is therefore supported. Whilst this would not constitute development falling within a B1, B2 or B8 use class it would create jobs and potentially be a catalyst for further business and job creation. The Universities Campus where Greenwich University, Canterbury Christchurch University and the University of Kent are located is close to the application site and student accommodation is already present in the local area. The expansion of the higher education sector is supported and the proximity of the site to the existing provision means it would be suitable for the locality. As such this element of the proposal is considered acceptable.

### Hotels (C1)

One or two hotels are proposed with a maximum combined bedroom capacity of 200 bedrooms. Both the Medway Local Plan 2003, policy ED13 and Core Strategy (submission draft) policy CS18 support new hotel development that complements regeneration opportunities. In this instance the hotel would support local businesses, educational establishments and the event complex and so the principle of hotel accommodation on site is supported.

The indicative phasing plan shows the hotel coming forward in Phase 1 of the development with the event complex and most of the employment or educational facilities coming forward in a later phase. Whilst the full potential of the hotel may not be realised until the site is built out, in the short term the hotel could cater for the local jobs markets including businesses at the residual port and provide short stay accommodation for the nearby Universities Campus, which typically has guest lecturers and other visitors. The indicative plans show the provision of one or two hotels and so the capacity could be increased to meet demand. As such the early

delivery of hotel accommodation is acceptable.

### Energy Centre and Multi Storey Car Park (Sui Generis)

An energy centre and multi-storey car park are to be accommodated in a single building of 29,792m<sup>2</sup> in size. This represents a fairly small portion of the overall floorspace of the development .

The energy centre would provide for the energy needs of the whole development. However due to the flexibility in the uses proposed the energy needs of the development can not be established at this stage. The technical feasibility and economic viability of the energy solutions would alter as policy and solutions evolve but a tri-generation system is likely which includes heating, cooling and power. This is a very efficient form of energy generation which will contribute to sustainability objectives A positive approach to energy use is welcomed and on-site generation would be a new approach in Medway. The environmental impacts of such a centre need to be carefully considered but in principle it is supported.

An indication of parking on the site has been submitted with the application documents and dedicated parking would be associated with the residential units and retail foodstore. However more general site wide parking would also be needed to cater for the event complex and business units, including restaurants/bars on this and adjoining sites and this element would provide 950 spaces. As such the multi-storey car park is also supported in principle.

### Events City/Conference Space (D1)

The event and conference space would measure 9,540m<sup>2</sup>. Policy CS18 of the Core Strategy (submission draft) supports the principle of providing conference and exhibition space along the urban waterfront. This application proposes the development of an event complex that could be used for conferences or exhibitions together with lecture space for nearby or on-site educational establishments. As such it would complement local employment and education facilities. Whilst the Chatham Waterfront Development Framework seeks to encourage the provisions of a major new performing arts facility close to Sun Pier it is envisaged that this would comprise flexible performance / rehearsal space. The event complex proposed at Chatham Docks would not necessarily be arts based and so it would not prejudice the delivery of this facility.

### Residential (C3)

The application proposes up to 950 residential units and an indicative mix comprising of 35% one bedroom apartments/studios, 50% two bedroom apartments and 15% three bed apartments, town houses or live/work units is shown. Due to the sites allocation as an employment site in residential terms it would represent a 'windfall' site. Housing land supply in Medway is very healthy with already identified capacity significantly exceeding the housing target to 2028. Accordingly there is no 'need' for the significant quantum of residential development proposed on this site. However this is not a reason to resist the application.

The development would consist a mixed-use quarter complementing the Victory Pier development and other regeneration proposals along the waterfront. In itself, therefore, the principle of residential development is acceptable. However careful consideration should be given to its relationship to the residual commercial dock area and other non-residential uses proposed on site. In this respect there are some concerns that the residential component of the development would be situated in quite a noisy environment- specifically where it is in close proximity to the entrance to the Port and where it faces out over the commercial activities around Basin 1. In the future this may lead to questions about the compatibility of dock uses with residential development. This question is addressed in greater detail in other sections of this report.

A site with the quantum of development proposed should provide a suitable mix of housing on the site. The planning statement indicates a range of units sizes and types, including a substantial proportion of two-bed flats or larger. Policies H2 and H4 of the South East Plan 2009 and policy H10 of the Medway Local Plan 2003 support the delivery of a mix of dwellings including different types and size. Any reserved matters applications to come forward should reflect the indicative mix shown.

Policy H3 of the Medway Local Plan 2003 sets out a requirement for 25% of the new housing within the site to be affordable housing. Affordable housing includes affordable rented and intermediate housing, provided to specified eligible households whose needs are not met by the market. National guidance and Policies H2 and H3 of the South East Plan 2009 also recognise the importance of the provision of affordable housing. The Guide to Developer Contributions state that the provision of affordable housing should be in accordance with the current adopted Local Plan Policy. The application proposes 25% affordable housing. This level of provision is in accordance with Policies H2 and H3 of the South East Plan 2009 and Policy H3 of the Medway Local Plan 2003 and is in accordance with the Government's objectives for affordable housing provision. The provision of affordable housing should be secured through a legal agreement accompanying any planning permission for the proposed development.

#### Student Accommodation (Sui Generis)

The student accommodation element would be provided in-lieu of residential dwellings as part of the 'education campus scenario' and would result in 475 apartments being developed. The student accommodation would support any future university campuses or existing campuses in the locality. Due to the reasons previously outlined in the support of the higher education sector student accommodation is considered acceptable on site. Furthermore there are likely to be less conflict between the residual port and this type of residential accommodation. As such this element is also considered acceptable.

#### Retail Foodstore (A1)

The foodstore proposed would have a gross area of 7,3762 (4,165m<sup>2</sup> net) and a retail assessment has been submitted. When considering the policy issues relating to the retail element of the development consideration should be given to various

policies in the Medway Local Plan 2003 and the emerging policies in the Core Strategy (submission draft). Policies R1 and R2 of the Medway Local Plan 2003 allocate a major site in Chatham for both convenience and comparison goods floorspace and at a scale equivalent to the application proposal. Policies R4, R5 and R6 set a general presumption in favour of additional provision in the Strood, Gillingham and Rainham core areas and allocate specific sites in Gillingham and Rainham. Policy R9 encourages provision within new neighbourhoods. Furthermore policy CS19 of the Core Strategy (submission draft) deals with 'Retail and Town Centres'.

### Sequential Approach

Policy S2 of the Medway Local Plan 2003 requires a 'sequential approach' to retail development. Town centres are the preferred location for such development. Edge-of-centre and out-of-centre sites should only be considered acceptable if there are no suitable town centre sites.

The provisions of policy S2 were not only to reflect national policy but it also recognised the urgent need for reinvestment in Medway's town centres as part of the regeneration strategy. In that sense it is not simply an academic or technical test but one designed to positively safeguard the town centres from inappropriate out of centre developments. It is considered that the development plan context and the site's location suggest that Chatham is the main potentially sequentially preferable location for a large food store given the planning ambitions to promote it as the 'city centre' for Medway.

Following the categories in the National Planning Policy Framework (NPPF) the site is considered to be 'out of centre'. However, the retail assessment submitted as part of the application considers and dismisses three town centre sites in Chatham together with sites at Gillingham, Rainham, Rochester and at Lodge Hill.

The applicant has discounted these sites for a variety of reasons.

- The site allocated in the Medway Local Plan 2003 at Gillingham is too small to meet a main food shopping need being only 0.6ha in size, and the larger site identified in the Gillingham Town Centre Framework 2007 is occupied by a large number of shops and businesses making it unavailable for development without the use of Compulsory Purchase Orders (CPO). The Development Framework accepts that the Council or a developer would require site assembly and the Council have not pursued this route.
- Orchard Precinct in Rainham accommodates the key retailers in Rainham including an existing foodstore and it is not realistically available for development. The Rochester Riverside Regeneration area has consent for 7,800sqm of A3, A4 and A5 uses with a condition limiting no more than 2,500sqm identified for retail (A1). The retail store permitted on this site was intended to meet no more than the local needs of this development.
- The Corporation Street site is identified in the Core Strategy (submission draft) as the appropriate location for a convenience store of 3,500sqm. Queries have been raised as to whether a store of this size could be delivered

on site as it is only 0.5ha in size. Irrespective of this a store of the size proposed at Chatham Waters could not physically be accommodated on this site..

- Lodge Hill is identified in the Core Strategy (submission draft) as appropriate for a new 5,000sqm gross foodstore. However, this is intended to serve the new settlement and a different catchment area than that served by the Chatham Waters scheme.6) The development of the three sites in Chatham are clearly sequentially preferable to Chatham Waters. It is therefore necessary to consider whether they are available and suitable for supermarket development. The sites are:
  - Waterfront Regeneration Area
  - Pentagon Shopping Centre and
  - Richard Street/Best Street.

The planning context for all three sites is provided in the Medway Local Plan, LDF Core Strategy (submission draft) and a number of adopted Supplementary Planning Documents (SPDs). These include the Chatham Centre and Waterfront Development Brief, adopted in 2004, Chatham Centre and Waterfront Development Framework, adopted in 2008 and the Chatham High Street/Best Street Masterplan (Chatham 21), adopted in 2010. These SPDs collectively support major development at Chatham centre including the expansion and refurbishment of the Pentagon Centre and mixed-use development at the waterfront including a new cultural centre, cafes, restaurants and shops. The High Street/Best Street area is seen as suitable for an 8,000sqm gross foodstore. The documents state that the Council is prepared to consider the use of CPOs to facilitate site assembly as a last resort.

The Waterfront Regeneration Area was dismissed by highlighting that the Development Framework encourages alternative forms of development on this site, namely cultural facilities with ancillary non-food retail floorspace. Two applications have been submitted for the development of this area and planning committee has resolved to approve both applications. Due to the level of commercial floorspace proposed and the associated conditions both schemes combined would only provide 1,018m<sup>2</sup> of retail (A1) floorspace, which would be insufficient to cater for the foodstore proposed at Chatham Docks. Whilst a revised scheme could come forward a mix of uses is encouraged and so it is unlikely the site would be suitable for a foodstore.

On the Pentagon Shopping Centre the applicants conclude that it is more appropriate for additional comparison goods retailing. The developable area is said to be around 0.4ha however this would require the demolition of the Pentagon multi-storey car park or a section of High Street frontage of 15 shop units occupied by a range of national multiple retailers. The opportunity to extend the Pentagon Centre has been promoted by the Council for a number of years without attracting developer interest and overall it is concluded that it is not suitable or available for foodstore development.

The High Street/Best Street site (site c) is allocated in the SPDs as a potential development site for an 8,000sqm foodstore and is clearly sequentially

preferable to the application site. However, the applicants have concluded that it is not suitable and is unlikely to become available within a reasonable period of time for the following reasons:

- There is a conflicting planning policy context with the emerging Core Strategy policies being inconsistent with the SPDs for the area.
- The site is in multiple ownership and site assembly would require the Council to pursue CPOs, which has not been carried out.
- The long and narrow shape of the site could only provide a sales area with a width of less than 40m and would result in a severely constrained layout, which would be functionally and commercially unacceptable.
- The Masterplan aspiration for an 8,000sqm foodstore is unlikely to be achieved and realistically the site could only accommodate 2,000sqm gross, which does not provide an alternative to the proposed development.

Whilst it is considered that some of these points do not have merit or have been fully justified, the shape and size of the site with regards commercial viability is accepted and on this basis the site is not considered sequentially preferable to the application site.

It should also be noted that the Core Strategy (submission draft) under policy CS19 identifies the need for convenience retail space at Lodge Hill and Corporation Street only. These sites have been discounted above.

As such, overall, it is concluded that there are no available sequentially preferable sites for the retail foodstore element of the proposed development.

#### Available Expenditure

The application was submitted prior to the publication of the final version of the NPPF and as such in accordance with the requirements of PPS4 an analysis of capacity was undertaken and submitted in the application documents. Whilst the publication of the NPPF no longer states this is a requirement it is helpful to examine this work in order to understand how the development would fit within the Medway area.

As the proposed foodstore is the main retail component of the application, the analysis in the retail statement has focused on convenience goods capacity. By comparison the amount of non-food retail floorspace would be more limited, although the precise amount of non-food floorspace is not specified in the Retail Statement. The 'Medway Council Retail Needs Study' (March 2009), concluded that Medway's retention of convenience expenditure in the core catchment area is high. The potential to claw back expenditure leakage from the core catchment area is therefore limited. Based on this assumption it was estimated that there would be a surplus expenditure of approximately £65.1m at 2016, which could support between 4,249sqm net and 5,607sqm net of large food store sales floorspace and between 2,550sqm net and 3,364sqm net of small food store sales floorspace (depending on the population scenario adopted). The floorspace figures assume that 80% of the

expenditure surplus would be accommodated within large food stores (at least 1,000 sqm net) and that the remaining 20% would be accommodated in smaller stores. These capacity figures take account of the commitments that were in place at the time of the study (i.e. Aldi at Strood and the extension to Tesco at Courtney Road, Gillingham). The study noted that there were 6 large foodstores within Medway and also 6 medium sized foodstores. It was concluded that most of Medway's residents are located in close proximity to a large foodstore and that there is reasonable foodstore provision in most of the main centres. In summary, the study found that in qualitative terms there was no obvious location deficiency in foodstore provision in the Medway area.

In preparing their need assessment, the applicant has undertaken their own bespoke household interview survey, covering some 900 interviewees. The survey has been spread over 6 separate survey zones based on postcode sector geography, and it is understood that the survey zones and study area boundary closely reflect the Medway Retail Needs Study 2009. The applicant has derived their population projections for the study area zones from an Experian Profile Report and has made no allowances for future residential development within the study area over and above these projections. This is considered to be a reasonable and conservative approach.

With regard to expenditure growth for convenience and comparison goods, forecast growth percentages have been applied in accordance with the ultra-long term trend sourced from Experian Retail Planner Briefing Note 9. For convenience goods, the applicant has used 0.6% per annum and for comparison goods 5.9% per annum. It is considered appropriate to use the ultra long-term data for the purposes of capacity forecasting and this approach is considered reasonable. For benchmark turnovers, the applicants have used a mixture of data sources, including Verdict 2010 and Mintel Retail Rankings 2010, estimates based on Medway Retail Needs Study 2009, and their own experience. Similarly, for net floorspace figures, they have used the Medway Retail Needs Study 2009, IGD, Goad Centre Reports and their own surveys. Whilst there are variations in the precise benchmark turnovers for individual store operators used, the approach adopted is broadly appropriate.

The submission documents suggest that existing centres and stores are trading at a level above benchmark expectations with the market share of existing facilities achieving a turnover of £399.35m in 2011, which is £73.95m above the benchmark. On the whole, convenience goods floorspace in the study area is overtrading. However there is some variation with, for example Tesco at Courtney Road, Gillingham overtrading by around £37m whilst Tesco at The Brook, Chatham is under trading by around £30m.

The application documents indicate that the residual capacity available to support the proposed foodstore in 2016 is £81.3m, which is in excess of that identified in the Medway Retail Needs Study 2009. The difference between the studies appears to be due to the wording of the questions, which tried to identify where respondents go for various types of shopping. The applicants' form of wording could be viewed as providing a more accurate picture of typical shopping patterns and so it is acknowledged that there is considerable market share for convenience retailing. Furthermore retail development does sometimes provide the opportunity to increase

market share and reduce outflow of expenditure. Medway currently retains around 90% of expenditure, which is a very healthy level, and whilst there may be limited opportunity to increase this figure the proposed foodstore would not lead to a reduction.

### Impact on Town Centres

The submission documents conclude that 'Chatham City Centre is the key shopping destination in Medway. The pedestrianised High Street is an attractive and busy shopping street that, together with the adjoining Pentagon Shopping Centre, accommodates a range of multiple retailers and a diverse range of uses. Whilst the centre is vital and viable, there are areas for improvement'. The conclusions reached are broadly consistent with that of the Medway Retail Needs Study 2009 (MRNS). The centre's relatively fragile state is shown in the level of vacancies, which, according to Experian Goad, increased between 2008 and 2011. The MRNS study highlighted that in May 2008, the Experian Goad survey recorded that vacancies accounted for 17.4% of total retail units (as compared to the national of 11%). By February, this total had increased to 22.8% (as compared with the then national average of 13.12%). However it should be noted that a number of these vacant units are located outside the Core Retail Area.

The extent to which the vitality and viability of the centre is dependent upon its convenience goods offer is clearly an important aspect in the context of the application proposals. Whilst Chatham's core retail function is that of a comparison goods shopping destination, in order to continue to provide a rounded retail offer and to maintain its position in the retail hierarchy as the key shopping destination in Medway, convenience goods shopping remains an important component. The additional retail statement details the cumulative convenience goods impact of the proposal. The cumulative table covers the proposed Asda store at Chatham Waters, the committed Sainsbury's store at Medway City Estate, and the committed Tesco store at Cuxton Road in Strood. The applicants assume that because of the locations and sizes of the three stores they would not each achieve their respective company average turnovers and have revised the turnover of the proposed store downwards at 2016 from £39.04m to £34.12m. Based on the analysis the applicants estimate that Chatham Town Centre is likely to experience a cumulative convenience goods impact of 8.57%. However, whilst the applicant has not sought to quantify the effects, the new development at Chatham Waters will over a period of years generate an additional catchment population and a local workforce, who will need to shop somewhere. It is likely that a proportion of these additional people will shop in Chatham and make use of other local facilities. Collectively, this may offset/mitigate any adverse impacts as a consequence of the proposed foodstore.

The need for Chatham to continue to invest and to promote new retailing and other town centre facilities is therefore as important as ever, and is vital if the centre is to maintain its prominent position in the local retail hierarchy. As such conditions are recommended to control the split between convenience and comparison floorspace within the foodstore as outlined in the application documents to ensure any future impacts on Chatham Town Centre can be assessed.

The applicant has concluded that Gillingham Town Centre is vital and viable and in the main appears to perform the role of an important shopping and service

destination for the local population. Its shopping role is to a large extent restricted by the centre's proximity to Chatham. The centre has a reasonable range of convenience goods retailers and has managed to reduce the number of vacancies in the last 12-18 months to a point where the percentage is broadly in line with the national average, as measured by Experian Goad. As such it is unlikely that the proposal would cause a material adverse affect on Gillingham Town Centre.

Rochester centre has a comparatively limited provision of foodstores and its vacancy rate is comparatively high, as such it is considered that those food stores that are present (principally small independents) are unlikely to be significantly adversely affected by the proposed foodstore and therefore the economic health of the centre as a whole is unlikely to be compromised.

Hempstead Valley Shopping Centre is anchored by a large Sainsbury's superstore and a Marks & Spencer store. As a whole the centre performs well and is a popular and well-frequented shopping destination in Medway. In terms of the Sainsbury's store, the applicants estimate that this store will witness a reduction in its turnover of some £6.25m at 2016, equating to an impact of 7.57%. This is a not insignificant level of impact on a defined district centre. However the centre trades well and it is considered that the Sainsbury's store and the centre as a whole, on balance, is sufficiently robust to withstand the additional competition provided by the proposed foodstore and to continue being a popular shopping destination in the region.

The defined Core Retail Area of Rainham comprises the Orchard Centre and the adjacent High Street and Station Road. The convenience offer is dominated by the Tesco Metro store in the Precinct. The submission documents conclude this is a vital and viable centre that appears to be performing well in meeting the day-to-day retail and service needs of the local population in a pleasant shopping environment. It is therefore considered that the centre as a whole would be unlikely to be materially adversely affected by the proposed foodstore at Chatham Waters.

The retail offer of Strood comprises the defined Core Retail Area and the adjacent Strood Retail Park. Although they are separated in planning policy terms, they effectively function as a connected centre. Aside from the heavy vehicular traffic, which runs through Strood, both the Medway Retail Needs Study 2009 and the assessment undertaken by the applicant suggest that the centre is performing at a reasonable level. One of the most significant retail elements within central Strood is the approved replacement Tesco store and the impacts on the delivery of this scheme is discussed earlier in this report.

#### *Impact on Committed, Planned & Existing (out of centre) Schemes*

The retail statement submitted with the planning application concludes that whilst the council has produced a number of supplementary planning documents that promote the regeneration of town centre and waterfront areas, none of the sites are suitable and available at the present time to accommodate a foodstore of the size proposed. It is only the Rochester Riverside Regeneration Area that has consent capable of implementation planning permission and this is intended to meet the local needs of the development.

Medway Council is promoting the development of a new settlement at Lodge Hill. A

Development Brief for the site has been adopted and the site has the capacity for up to 5,000 dwellings together with retail provision (including a new foodstore). It is anticipated that the new foodstore would cater for residents of the development and the development of the proposed foodstore would be unlikely to prejudice opportunities for securing a foodstore at the new settlement. The approved and proposed Aldi store at Friary Place, Strood, is more likely to compete with existing comparable stores in and around the local catchment area.

A replacement store has also been recently granted approval at the Tesco store in Strood. The applicants consider that Tesco needs to invest in Strood in order to compete effectively with other predominantly larger food stores in the town and within the local area. Whether the decision to invest in the permitted new Tesco store is likely to be adversely impacted upon is difficult to say, but a new foodstore as proposed at Chatham Waters is likely to place even greater competitive pressures on food stores in Strood. However, on balance, it is considered that whilst there may be some convenience goods expenditure drawn from the district centre in Strood to Chatham Waters as a result of the Asda proposal, it is unlikely to be sufficient to prejudice the development of a new expanded Tesco store in Strood district centre.

Policy CS18 of the Core Strategy (submission draft) encourages the development of a 3,500sqm gross food store on Corporation Street in Rochester. As previously noted in the review of the sequential site assessment, it is accepted that the site is not suitable for the purposes of accommodating a store of the size proposed, it could be capable of attracting a comparatively large food store of around 3,500 sq m gross. The applicants contend that the site is too small to accommodate a store of this size and have appended various illustrative sketches to illustrate the problems with the site and to estimate what, in their view, is a more reasonable (i.e. commercially viable) size of store for the site. The plans also illustrate the difficulties of accommodating this size of store within the confines of the existing site area. Coupled with the proximity of the railway track and the embankment, the potential to enlarge the size of the site is limited. It appears that a store of nearer to 1,000 sqm (gross) could be accommodated on the site, but even this would be compromised by the inability to segregate service vehicle movements.

Both the Tesco at Courtney Road, Gillingham and the Asda at Maidstone Road, Chatham occupy out-of-centre locations and, therefore, increased competition with these stores would not have a direct impact upon the vitality or viability of any centre highlighted in the NPPF.

Accordingly no objections are raised with regards the provisions of policies S2, R1, R2, R4, R5, R6 and R9 of the Medway Local Plan 2003.

#### Other Floorspace (A1/A2/A3/A4/A5/D1/D2)

There is some 5,641sqm gross of other floorspace in the proposed development that could potentially be used for retailing in an out-of-centre location. The application seeks a flexible permission to allow uses across the above range, including leisure uses. They contend that these uses are ancillary to the overall scheme and will provide accommodation for cafes, bars, restaurants, sandwich shops, hair and beauty salons, health care facilities, estate agents, and day nurseries. It is intended that these uses would serve residents and workers of the development and visitors

to the hotel and Event City. There is no objection to this approach however a condition is recommended to limit the amount of retail space (A1) to be provided to 2,500sqm.

### *Regeneration, Phasing and Delivery*

As well as considering the application against the policy background discussed above the scheme should be examined as a whole to ascertain any potential impacts on the wider Medway area. Regeneration is a priority for Medway and the applicants' submission makes reference to the regeneration potential of the proposed development.

The overall vision for the proposed Chatham Waters development is summarised in the Regeneration Report submitted with the application as being "to invest in an employment-led, mixed use regeneration scheme which will create a vibrant commercial and cultural hub serving as a key destination for Medway." This overall approach is supported.

In terms of the delivery of the employment portion of the development (located within the central spine), the proposal describes two different scenarios – the core development scenario (employment) and the alternative development scenario (further education) . The provision of retail, hotel and conference facilities can be seen in both scenarios with the educational facilities included in the alternative scenario taking the place of some of the commercial (B1 and B2 uses) shown in the core development scenario.

The report states that the core development scenario would generate up to 3,549 permanent jobs on site (764 in Phase 1). The creation of this volume of jobs on a designated employment site (which is currently the location of only three businesses employing a total of 75 people), represents an opportunity for local residents and an excellent opportunity to boost the local economy. The fact that the proposal purports to be an employment led scheme is also a change to previous regeneration schemes along the Medway waterfront.

The alternative development scenario includes the provision of a university or education related campus that would pump prime other office or commercial employment. This is also supported in view of its excellent potential to stimulate higher value business investment in the area. Furthermore the existing main employer on the site (Kent Wire) would relocate within the retained docks area maintaining these existing jobs. Planning permission has already been granted for this relocation and is detailed in the planning history section above.

The benefits associated with the commercial and educational scenarios above, particularly through job creation is supported. However, it is disappointing that these elements are not envisaged to come forward in the early phases of the scheme. The indicative phasing plan shows the retail foodstore, hotel and one commercial block (B1 and B2 use) being delivered in phase 1. This would result in only a small portion of jobs within B1 and B2 use classes as identified in policy ED1 of the Medway Local Plan 2003 being delivered by the first phase, with the real job opportunities not being

delivered until the implementation of later phases of the development at an unspecified time in the future. The applicants have explained that the early delivery of the foodstore is necessary as an 'enabler' which will pay for significant upfront costs involved in preparing the overall site for development. These include decontamination of the land, flood defence and highway works and together with S106 contributions would total around £12 million. As such it is understood that significant upfront investment is needed to develop the site and once the site has been prepared for development it is likely future phases would come forward and the commercial elements are currently envisaged as phase 2.

The regeneration report also identifies the potential benefits for the local impact area, which is defined as the wards of River, Gillingham North, Gillingham South, Chatham Central and Luton & Wayfield. The report emphasises the importance of "overcoming barriers and maximising linkages" and rightly states that "the development scheme needs to overcome the existing physical and social barriers which have made it difficult for the area to fulfil its potential to date. The design should maximise the scope for creating successful linkages with other major regeneration initiatives and commercial developments close to the area". The report goes to some length to map out the type and levels of disadvantage experienced by the local impact area. This commitment made by the applicant in the Regeneration Report to ensuring that the Chatham Waters regeneration scheme will generate such significant regeneration benefits for Medway's most disadvantaged communities in the local impact area is supported.

In order to directly address a number of key socio-economic challenges facing Chatham and Gillingham, including the crucial need to increase economic activity rates and tackle worklessness in the local impact area, it is anticipated that the physical regeneration of the site would be undertaken in complete conjunction with the social regeneration of the local impact area, to benefit disadvantaged communities.

This means the following commitments should be realised:

- Contract with construction companies that are committed to delivering significant numbers of local apprenticeships and local recruitment and employment opportunities.
- Establish an employment and skills programme on site at Chatham Waters as an integral part of the infrastructure and construction works in order to deliver the local apprenticeships and local job opportunities.
- Work in close partnership with local employment support providers such as Employ Medway and local workforce training providers, resourcing directly and facilitating access by local people to significant workforce skills training and recruitment opportunities in construction on site. For this, there should be a particular focus on disadvantaged communities benefiting from the "local impact area".
- Form partnerships with the Council, other local stakeholders and employment end users of the site commercial and employment spaces in order to market and promote recruitment opportunities to local residents, resourcing work with employment support providers to enable access by local unemployed people to job opportunities arising on site at Chatham Waters.

Other key indicators include the provision of community infrastructure, such as community centres, on site, the creation of attractive and safe public realm and improved access to north Gillingham and Chatham through improved pedestrian access and sustainable transport modes. These key aspects are dealt with in different sections in this report together with an overall discussion on the sustainable credentials of the scheme.

In addition to the points listed above the social regeneration action to be undertaken by the applicant goes beyond “bespoke training and skills development opportunities for local residents”. It includes a commitment to enabling direct access to vital outreach services to those disadvantaged communities of the local impact area, thanks to the regeneration of the Chatham Waters site. The applicant should also provide for action to deliver physical neighbourhood improvements in the local impact area itself, whilst also supporting the capacity building of key voluntary sector “community champion” organizations.

The applicant has provided further supporting information during the course of the application, which includes the following: -

- A commitment to providing a training and skills programme for the local workforce with particular focus on the disadvantaged communities of the local impact area
- A commitment to ensuring a full-scale employment and skills programme is delivered during any forthcoming construction phases on site at Chatham Waters
- A commitment to working in partnership with Employ Medway and other local workforce training providers in getting local people into jobs and apprenticeships on site
- A commitment to enabling significant numbers of apprenticeship opportunities
- A commitment to contract with construction companies that are genuinely committed to recruiting locally and providing local apprenticeship opportunities

The best way to securing the delivery of an employment and skills programme on site and the points detailed above would be via an appropriate S106 contribution and this is detailed later in the report. In order to maximise the potential for delivery of commercial activity on site a condition is recommended to ensure a marketing strategy be agreed to market the site strongly, consistently and effectively. Accordingly the proposal accords with the provisions of policy CS17 of the Core Strategy (submission draft).

### *Sustainability*

The newly published National Planning Policy Framework (NPPF) states there should be a presumption in favour of sustainable development and as such an assessment of the sustainable credentials of the development is appropriate. At the heart of sustainable development is the simple idea of ensuring a better quality of life for everyone, now and for future generations. The proposed development is a high density, mixed use development, which makes efficient use of previously developed land. It is located in an urban area where people can access services on foot, bicycle or by public transport rather than having to rely on the car. Employment and retail uses are to be provided on site. Accordingly the proposal is considered to satisfy key

sustainable objectives of promoting the more efficient use of land, of reducing the need to travel and ensuring good access to services.

As this is an outline planning application many of the issues relating to the sustainability of building design and energy efficiency would be considered at a later detailed stage. The application documents, however, go to some length to explain how the scheme would constitute sustainable development. The submission explains that all residential properties would achieve a Code for Sustainable Homes Level 5 and zero carbon (as defined by central government at the relevant time). All non-domestic property would be built to achieve BREEAM 'very good' up until 2016 and BREEAM 'excellent' thereafter. These levels accord with the requirements of the policy background.

The Code for Sustainable Homes assesses the performance of new homes in nine separate areas such as Energy and Carbon Dioxide Emissions; Water; Materials and Surface Water run-off. In general terms, the Code for Sustainable Homes aims to reduce Energy Use and Emissions, Water, Waste and Pollution. It seeks to reduce the consumption of materials that are used in construction, and replace those that are used with more environmentally friendly options. It aims to reduce surface water run-off through better management of the land required for development. The BREEAM assessment follows similar criteria but for non-residential buildings.

In relation to renewable technology and the contribution of these to meeting a target of providing at least 20% of the site's electricity and heat needs where feasible, it is considered that there are a number of renewable energy technologies that could be possibly incorporated into the final development. Solar thermal water heating (STWH) systems are a good way of achieving gains in energy efficiency. The extent of STWH will be governed by the amount of appropriate roof space available. Solar photovoltaics (PV) also provide possibilities on the Chatham Waters site, but would be subject to similar requirements to that of STWH in terms of constraints from roof orientation and over-shadowing. Furthermore an on-site energy centre is proposed in the application, which would provide a Combined Heat and Power (CHP) plant serving the needs of the development with any excess being put into the national grid. The basic element of a CHP plant comprises one or more 'prime movers' usually driving electrical generators, where heat generated in the process is utilised via heat recovery equipment for a variety of purposes including: industrial processes, community heating and space heating. The environmental impacts of such a plant in terms of air quality and noise also needs to be considered and whilst the inclusion of this on site is supported a condition is recommended to ensure further assessment is carried out to ascertain the appropriate form.

Accordingly with the imposition of the suggested conditions, the development would be in accordance with policies CC1, CC2, CC4, NRM11, NRM12, NRM13 and NRM14 of the South East Plan 2009, policies BNE4 and CF11 of the Medway Local Plan 2003 and policies CS3 and CS4 of the Core Strategy (submission draft).

Furthermore the applicant has outlined an aspiration to achieve BREEAM Communities 'Excellent'. This framework covers aspects such as place shaping, transport and movement, ecology and biodiversity together with climate and energy and is a more holistic approach to assessing and ultimately achieving sustainable

development. These various aspects have been considered individually within this report, for example with pedestrian and cycle links in the transport section but it encouraging that the developer is also aware of the broad scope of 'sustainable development'. A BREEAM Outline Pre-Assessment has been submitted with the application and it appears meeting the 'excellent' level within the framework is achievable and this is welcomed.

### *Waste*

One of the significant issues facing the region is the growing amount of waste and how to manage it. A new approach and a change towards how waste is dealt with will be required. Priority should be given to reduction, re-use, recycling and recovery of value before disposal is considered. Policy W1 of the South East Plan 2009 encourages the reduction of waste as the first step towards change. Policy W2 of the South East Plan 2009 promotes the integration of adequate space to facilitate storage, re-use, recycling and composting. As this application is for outline planning permission, no details showing the exact arrangements of refuse storage are given. These details will be considered at detailed stage but to ensure the refuse storage arrangements are designed into the scheme including details for waste separation, rather than appearing as an afterthought, it is recommended that a condition be attached to any forthcoming planning permission to ensure this is taken into account. In addition to this and in accordance with the developer contributions guide, a financial contribution towards waste management for those elements that are not already provided by the development proposals has been agreed as detailed later in this report.

Accordingly, with the inclusion of the suggested condition and the agreed contribution, the proposal would be in accordance with policies CC1, CC3, CC4, W1, W2 and W8 of the South East Plan 2009 and policy S2 of the Medway Local Plan 2003

### *Design, Layout and Landscaping*

The application site is of considerable size and if developed would constitute, along with Victory Pier, a substantial new 'quarter' for Medway. An illustrative 'masterplan' is contained within an extensive Design and Access Statement submitted as part of the planning application. The purpose of the illustrative design is to demonstrate that the proposed quantum of development can be accommodated satisfactorily on site, without undue environmental disadvantages. It therefore forms the basis of the environmental impact assessment that forms part of the application. However, apart from the design of the entrance to the site, the illustrative masterplan is not submitted for planning permission in itself. Instead permission is sought for the approval of a set of 'parameter' plans (possibly more easily understood as 'zoning plans') that are broad enough in scope to offer flexibility to vary the designs that might come forward in subsequent years. Given the inevitable long-term timescale for the delivery of the scheme this wish for flexibility of the applicant is understandable.

In assessing the acceptability of the proposals it is necessary to consider:

- Whether the principles inherent in the parameter plans and indicated by the illustrative masterplan are acceptable
- Whether the illustrative masterplan (and the Environmental Statement that tests it) adequately demonstrates that the quantum of development can be properly accommodated on site,
- The process whereby future design iterations for all or part of the application site will be assessed

Whether the principles inherent in the parameter plans and indicated by the illustrative masterplan are acceptable

Both the notional scheme and the parameter plans show a tall 'rim' of housing development (with some commercial uses at ground level) round the east, north and western edges of the site- facing over Gillingham Pier, the locks and Basin 1 of the Docks respectively. The internal part of the site is reserved for lower, but still substantial, commercial development (office, further education, media events centre), and at the landward south-east entrance to the site at Pier Road, a supermarket.

The illustrative masterplan indicates a large open area of landscaping at the site entrance at Pier Road. This extends into the site to provide a setting for the commercial development and to allow for views right through the site from the entrance to the events complex and the River Medway beyond. An internal loop road leads from the two roundabouts at the site entrance and separates the commercial and residential zones within the site.

The South East Design Panel has reviewed the application and made the following observations: -

- Applicants commendable analysis has not translated into a satisfactory masterplan
- Poor integration with its surroundings and would be also hidden from Pier Road
- There is no merit in placing the park (open landscaped area) at the site entrance by the main road. It would be little used in this location
- Links to Gillingham town centre and railway station and to Victory Pier not strong enough
- Supermarket format looks like a standard out-of-centre store rather than one that embraces its urban context
- Discourages movement on foot or by bicycle
- Position of the multi-storey car park, energy centre and supermarket service area do not exploit views over Gillingham Pier, nor contribute to the proposed mix of uses proposed around Gillingham Pier.
- Masterplan needs greater structure and hierarchy of streets and spaces
- Parameter plans do not give sufficient safeguard for the quality of the scheme.

The applicants vigorously disagree with many of the SE Panel points. They are committed to the green space at the entrance to the site, and have put some effort

into working up a sophisticated design concept for it. They see it as of visual importance and that it opens up the links into the docks rather than shutting the development off from the surrounding area. With regard to the supermarket they point out ASDA's commitment to good design, they have amended the height parameter plan and that the full assessments should be at reserved matters stage. Overall, the applicants argue that the design is an outstanding synthesis of the various land use, site constraints and site opportunities.

Whilst there is considerable scope to vary the illustrative masterplan, the overall layout and design will still be defined to an extent by the land use and building height parameter plans. In this regard there are concerns over the proximity of residential areas (as indicated by the parameter plans) to the noisy site entrance and to the commercial activities around Basin 1. These are dealt with in more detail in subsequent sections of this report.

In addition, the parameter plans indicate low buildings (up to four storeys) and commercial uses to the south east of the site. These will serve to dictate the general position of the supermarket. However, they do not preclude alternative concepts (as compared to the illustrative masterplan) coming forward for this area. Similarly, the parameter plans do not define open space- this will allow alternative concepts of open space to be developed. Other concerns such as the relationship with Gillingham Pier, are also not particularly dictated by the parameter plans.

In summary therefore, the parameter plans allow some flexibility to address many of the design panel points at a later stage. The applicants have agreed to submit future plans for a design review. This may lead to many of these matters being resolved.

*Whether the illustrative masterplan (and the Environmental Statement that tests it) adequately demonstrates that the quantum of development can be properly accommodated on site.*

The proposal is for very tall residential blocks (up to eighteen storeys around the perimeter of the site). The Environmental Statement shows that the development would be highly visible from many points along the river and estuary. The development would also be highly visible (albeit more distant) from many middle distance townscape views within Medway. In all it would stand out as a large development and one that is quite separate from the rest of the Medway towns.

The notional scheme which forms the basis of the Environmental Statement and the visual impact assessment shows a scheme which is big enough and bulky enough to substantially block views from across the river to the hilly townscape backdrop that is a characteristic of the Medway towns. In this respect the scheme will have more of an effect on the landscape than the adjacent Gillingham Pier development, which although high is broken to relatively widely spaced individual towers.

The applicants state that a development of the scale proposed for Chatham Waters is entirely appropriate for a major new development from a new focal point, and that its impact, as compared to the smaller scale warehousing it would replace, will be 'beneficial'. It is agreed that, as a major mixed use destination, the site is one where taller buildings would be acceptable, subject to overshadowing, sunlight, wind, and

other environmental factors, There are concerns about the illustrative scheme's relatively unbroken mass (The effect of the scheme as viewed from various viewpoints in dealt with in more detail in the section on 'visual impact' below).

The applicants have confirmed that if all of the buildings were built out at an average height they would be 8-storey. The approval of the heights shown on the parameter plans would provide scope to provide more variation in the building heights along the basin and river edges edge and to provide some views through to the backdrop.

In order ensure a variety of heights along the water edge it is necessary to have rather more in the way of guidelines/ principles to shape future building scales. It is proposed that these guidelines should be contained in a spatial development framework to be developed and submitted for approval along with the first reserved matter application.

In addition, all reserved matter applications will be subject to environmental impact screening. It is thus likely that subsequent variants of the design are therefore likely to be accompanied by new visual impact assessments. This will allow this matter to be looked at again.

Tall buildings proposals also need be tested for local environmental effects with regard to wind, shadowing and daylight. No comprehensive testing of these effects has been carried out at this stage. However, in general, the building blocks, as dictated by the parameter plans, and as indicated on the illustrative masterplan, are higher towards the north than the south. This will allow for good sunlight penetration. Experience elsewhere indicates that wind effects can generally be mitigated by various architectural and landscape features. This can be fully tested at later stage. Adequate daylight penetration may be an issue with regard to lower levels of the some of the tall perimeter blocks. This is dealt with in detail later in this report.

In general, issues with regard to environmental factors can be dealt with at the reserved matters stage and via conditions.

*In summary, the indicative masterplan raises some concerns with regard to the potential scale of parts of the development. However, the parameter plans allow for considerable variation- even within the overall quantum of development proposed. Other environmental issues that may arise as a result of the scale and hence quantum of development can also be examined and dealt with via reserved matters. Accordingly, based on the broad parameters that are being considered as part of this application no objection is raised with regards policy BE1, CC8 and C7 of the South East Plan 2009 and policies BNE1, BNE6, L4 and L11 of the Medway Local Plan 2003, subject to the imposition of a series of conditions.*

### Assessing and controlling future design iterations

There are a number of development principles laid down in the illustrative masterplan including building typologies, flood mitigation, scale, access, transport strategy, ecology strategy, passive design and microclimate. These principles are important to the success of any scheme. Conditions are recommended to ensure that these are carried forward in any future agreed masterplan, agreed at the submission of first reserved matters application.

The mixed-use component of the site, which includes business, conference and retail space, is crucial to the success of the site as a destination. It is therefore important that individual parts are not 'cherry picked' and that public realm improvements are carried out in tandem with the development of buildings. An indicative phasing plan has been submitted with the application but a sequencing plan to show the delivery of particular elements is also required to ensure quality and coherence throughout lifespan of development to completion and a condition is recommended to control this.

In order to understand the collective impact of the scheme reserved matters applications will have to come forward in a coherent way. A condition requiring a sequencing plan to be submitted and approved is therefore proposed.

#### Site Entrance:

Detailed permission is sought for the site access arrangements. The arrival point into the site is a key space that needs to work successfully on a number of different levels including setting, accessibility, legibility and sense of place. A large green arrival/gateway space is being promoted that provides a setting for the development and continues through the development to the dock edge as a wildlife/green spine corridor. The road layout for access to the site has been modified from the layout shown in the initial submission. A separate slip road has been introduced to the eastern roundabout that would provide access to the foodstore and petrol filling station. This slip road would dissect the southern section of the main gateway green space. A slightly wider central reservation feature has also been introduced.

The potential to integrate the gateway green space and central green spine more closely into the adjacent main artery road system has not been fully realised which is disappointing as there are many potential advantages in taking a more holistic and integrated approach to assimilating the interior spaces and perimeter of the site with the adjacent road system.

Pedestrian accessibility across the A289 is currently poor but there is fairly limited need and it will be critical if the new development is built that north/south accessibility is vastly improved and that a greener and more welcoming environment can be provided for pedestrian users. Such improvements will have added benefits of discouraging car use. However the landscape solution has to be balanced against highway capacity and safety.

#### Open Space

Policy L4 of the Medway Local Plan 2003 relates to the provision of open space in new residential development. It states that, where there is proven deficiency, residential development proposals shall make open space provision within an agreed timescale. For residential development likely to be occupied by 100 people or more, the proposals should include well located open space for formal recreation on-site at a standard of 1.7 hectares per 1000 population and open space for children's play and casual recreation on-site at a standard equivalent to 0.7 hectares per 1000 population. Provision of some or all of the formal open space off-site or the

improvement or extension of an existing off-site facility will be permitted where the Council is satisfied that this would be a better alternative. The various forms of open space would be secured in a S106 agreement detailed later in this report. However consideration should be given to how the greenspace area at the entrance to the site is to be used as re-siting it could make it more useable and provide recreational value on site.

A river walk for use by pedestrians and cyclists to be provided as part of the proposed development is shown on the notional scheme. The proposed development would create a continuous footpath close to the river's edge. The riverside walk would extend the present walkway from Gillingham Pier. The provision of a river walk within the site is in accordance with Policies CC8 and C7 of the South East Plan 2009, Policy L11 of the Medway Local Plan 2003. It is considered that the provision and specification of the river walk should be secured by a condition attached to any forthcoming planning permission.

### *Inclusive Development*

Policies CC1, CC4 and S1 of the South East Plan 2009 and Policy BNE7 of the Medway Local Plan 2003 relate to the issue of inclusive societies and access for all. An important part of delivering this is commitment is breaking down unnecessary physical barriers and exclusions imposed on disabled people by poor design of buildings and places. The Government's Publication – Planning and access for disabled people: a good practice (ODPM, 2003) describes how all those involved in the development process can play their part in delivering physical environments which can be used by everyone. The primary objective of the guide is to ensure the planning system successfully and consistently delivers inclusive environments as an integral part of the development process. This is especially so in relation to major regeneration schemes such as Chatham Waters which require a broad approach to inclusive design, addressing movement through public areas as well as the design of buildings.

Mobility housing is ordinary housing built to a certain basic standard so that it can be adapted to be lived in by people with disabilities who are not confined to a wheelchair. Part M of the Building Regulations ensures that new build housing is built to mobility standards. Wheelchair housing is housing specifically designed to meet the needs of wheelchair users. It can be adapted to meet the requirements of particular individuals. It needs to be on one level and the main feature additional to mobility housing is that space standards should be generous to allow a wheelchair to manoeuvre. Very little of current housing stock is suitable for wheelchair users and given the number of units proposed for Chatham Waters it is considered that a proportion of new dwellings should be designed so that they can be easily adapted to meet the needs of a person confined to a wheelchair. It is therefore recommended that a condition be attached to any forthcoming planning permission to ensure that this is delivered.

### *Crime Prevention in Design*

Policy BNE8 of the Medway Local Plan 2003 relates to Security and Personal Safety. It is essential that all sections of the community, especially those who may be vulnerable to crime should feel safe and secure. It is an integral part of the design process to achieve this and developments should seek to design out crime. It is the intention of the applicants for the development to be designed with crime reduction/prevention measures however this is a matter for detailed design stage. It is recommended that should planning permission be forthcoming, a condition be attached to ensure crime prevention measures are designed in. With the use of such a condition, it is considered that the proposal would be in accordance with policies CC1 and CC6 South East Plan 2009 and Policy BNE8 of the Medway Local Plan 2003.

### *Landscape Visual Impact*

The Environmental Statement that has been submitted in support of the application contains an assessment of Landscape & Visual Amenity. The range of viewpoints was agreed before submission of the application. Photomontages and wire-lines of many of these key views reveal a fairly limited impact of the proposed development, such as from Great lines Park, Church Green and Upnor. In some cases there is no impact at all, for example from Fort Pitt due to the topography and tree screen. The impact is more considerable in closer views of the development but considering the nature of the existing urban fabric, these views are not necessarily adverse in impact.

Key views from the countryside where landscape and visual effects are clearly considerable include the view from Horrid Hill (VP9) and Hoo Marina (VP10). VP9 is taken from within Medway Landscape Character Assessment Riverside Marshes Character Area and VP10 is taken from within Cockham Farm Ridge Character Area. Both locations are on or close to the Saxon Shore Way and both areas are sensitive and valued landscapes with high biodiversity and cultural value. A number of issues and characteristics are identified within the assessment of these areas; in both cases the importance of protecting, retaining and enhancing their distinctive rural character is highlighted.

The analysis of impact significance weighs the significance of impact of VP9 as moderate beneficial and VP10 as major beneficial. The debate in this case is largely over whether the significance of impact rating is beneficial, adverse or benign / neutral. For VP9 and VP10, the significance of impact rating as beneficial seems to be predicated on the criteria of benefits gained from the site's landmark/regeneration value. This does not address the impact of the development on the landscape from which the site is viewed. There are subtle differences in effect from each view; however in both cases the new development (despite variety in height) breaks the skyline in a fairly radical way and has a predominantly monolithic and slab-like appearance. On this basis the significance of impact from these viewpoints should be rated as adverse rather than beneficial.

## *Historic Environment*

There are a number of built heritage assets on the site that are of at least local interest. These include:

- Twentieth century buildings associated with the dockyard use of the site
- Bollards and holdfasts and other infrastructure connected to the Victorian dockyard basin and lock
- The late nineteenth century Colliers Dock and associated dockside furniture
- Remains associated with the wartime defence of the dockyard area, including at least one pillbox

The Environmental Statement suggests that the pillboxes and bollards/holdfasts can be retained as part of any detailed design for the site and this approach is supported. The indicative proposals are for the Colliers Dock to be partially in-filled to create a sunken garden or public open space area. This would allow the former dock to be visible and understood and as such this is acceptable. Any associated dockside furniture belonging to the Colliers Dock should be retained in situ in the detailed designs for this area together with the provision for the interpretation of its historic role. On-site interpretation boards would also be welcome on site to offer a greater understanding of the other heritage assets on, adjacent to, or visible from the application site. These might include for example the Bull Nose, Victorian Basins, retained pillboxes and the former Gillingham Fort. Additional recording of other structures of local heritage interest at the site, which are proposed for demolition, should also take place and conditions are recommended to secure these aspects.

English Heritage has also indicated the potential importance of elements within the existing dock including the dock walls to the basins and locks. The Dock boundary walls are substantial boundary features that are capable of being attractive in their own right. Along Gillingham Pier, they are of some architectural quality. A balance will need to be reached between the need to open up the development at the entrance of the site and along its boundary with Gillingham Pier to allow integration with the Victory Pier development and the preservation of the dock walls as symbolic architectural and historic features. This will need to be explored by careful design and should be examined in design codes and any future reserved matters applications.

The visual impact assessment indicates that the development would not unduly affect the setting of the proposed World Heritage site. It would not impinge in views to the great Lines from Chatham, or further upstream, and would be visible as a relatively distant object in views from Upnor and from the Great Lines.

Accordingly the application is considered acceptable with regards the historic environment and the provisions of policy BE6 of the South East Plan 2009.

## *Archaeology*

The Cultural Heritage chapter of the Environmental Assessment submitted with the application sets out the known and potential heritage assets that might be affected by the proposed development. Those aspects of the development site that have

archaeological potential relate to:

- Buried archaeological remains associated with Gillingham Fort (a seventeenth century artillery fort)
- Buried remains of a gun battery located to the northwest of Gillingham Fort
- Buried archaeological remains associated with a gun tower erected to the northwest of Gillingham Fort in the nineteenth century
- Buried remains associated with the later nineteenth and twentieth century uses of the site as part of the dockyard
- Buried land-surfaces and other archaeological remains of prehistoric and later date sealed within the alluvial sequence.
- Palaeoenvironmental deposits (potentially deeply buried) associated with the development of the River Medway and past utilisation of adjacent marshland environments.

In addition to the above it is also possible that remains of historic ships might survive buried in the alluvial sequence. Due to the random location of such ship-remains, it is difficult to predict where they may be found.

The archaeological trial trenching and geophysical survey was specifically targeted to identify buried remains associated with the first three points above. Neither the archaeological trial trenching nor the geophysical survey identified significant archaeological remains. The results of the trial trenching in particular appear to suggest that the site has been extensively truncated, with alluvial deposits identified immediately below a shallow deposit of made ground. It should be noted however that due to the operational use of the site at the time of the trial trenching it was only possible to excavate two targeted trenches within the development area. Although these trenches would suggest that the former Gillingham Fort has been substantially demolished it remains possible that some remains associated with this Fort might still survive at the site. Whilst the geophysical survey did not identify any strong evidence for surviving remains of the Fort the current nature of the site (particularly storage of metals and the use of metal reinforcing within the current yard surface) heavily interfered with the survey.

The geophysical survey and trial trenching suggests that the site has been heavily truncated and these works did not identify any significant archaeological remains. The scope of both surveys was limited by the nature of the operational use of the site. It remains possible that some remains associated with Gillingham Fort and the nineteenth century gun tower may survive at the site. The alluvial sequences identified by the trial trenching may contain earlier archaeology (although none was observed in the limited exposures examined) and some buried remains associated with the later dock use of the site might also survive. As such a condition is recommend for archaeological mitigation works in the form of trial trenching to be followed by safeguarding/investigation as appropriate. Accordingly no objections are raised with regards archaeology issues and the provisions of policy BNE21 of the Medway Local Plan 2003.

### *Amenity Considerations*

Due to the location of the development and its relationship with surrounding land uses few residential properties are located particularly close to the site. Residential property can be seen in the Victory Pier development to the east together with a small collection of older 2-storey properties in Pier Approach Road. Due to the presence of Pier Approach Road there would be an element of separation between these properties and the proposed scheme. The parameter plan outlining the arrangement of uses on site identifies much of the eastern boundary being occupied by the superstore together with the energy centre and multi-storey car park. Such uses would not generally contain fenestration that would lead to privacy issues. The orientation of the nearby residential units and distance from the development would also mean no detrimental impacts should take place in terms of loss of outlook or light. A concern is raised, however, regarding the positioning the service yard for the superstore and the potential disturbance this could cause to occupiers of the apartments to the east but this is a matter for future consideration when reserved matters come forward for that particular phase.

Consideration should also be given to the level of amenity created for future occupiers of the development. Clearly noise issues and the relationship with the retained Chatham Docks is an important consideration and this is discussed later in this report. However the amenity for future residents should also be assessed in terms of internal and external space together with levels of light, outlook and privacy. As this is an outline application the detail associated with these elements cannot be assessed in full, as the elevations of the buildings have not been developed yet. The Medway Housing Design Standards 2011 have criteria with regard to daylight, sunlight and privacy together with internal and external space. These are not tested fully in this outline application but the applicants have provided documentation regarding the initial work undertaken in this area. Unfortunately it appears that some of the internal courtyards indicated in the illustrative master plan may fail to meet BRE standards for daylight. In mitigation, however, it is noted that the illustrative scheme features a variety of building heights that avoids monolithic building forms that create poor daylight conditions.

Conditions are recommended to ensure that detailed applications come forward in accordance with the Medway Housing Design Standards 2011 and meet the levels outlined in the applicants submission document with regards light and outlook. The parameter plans being considered could result in a development where the layout provides acceptable amenity for residents and on that basis no objections are raised with regards residential amenity, subject to the imposition of appropriate conditions. The proposal is therefore considered to accord with policy BNE2 of the Medway Local Plan 2003.

### *Noise*

Noise assessments have been undertaken to consider the noise from the working docks that would remain post development. The report submitted has used the Noise Exposure Categories (NEC) categories outlined in policy BNE3 of the Medway Local Plan 2003 to determine the impact of the noise on the proposed receptors. From the information submitted it appears that the noise associated with the docks at 1 metre

from the façade of the proposed residential dwellings would be greater than 2dB(A) above the traffic noise from Pier Road, which is purported to make the façade in NEC B, however using 'Mixed Use' NEC categories will mask the true impact of the noise. Guidance BS4142:1997 has been designed for industrial uses being proposed near residential property, it is a good method to assess potential impact of proposed residential uses. Not all relevant data has been provided in the application but it appears from the submitted graphs that the background level L(A)90 can typically be around 35-40dB during the night time period. A reported specific noise level in the region of 60-70dB(A) and max levels of up to 83dB would be significantly above the background level. As such the industrial noise would be clearly dominant.

The parameter plans would 'fix' residential development being located around the basin edge and the indicative layout plan illustrates how this could be delivered. This does not provide ideal outlook for these properties however a certain level of variation could come forward within this zoning. The concept plans show many of the units, as being dual aspect and this arrangement would provide residents with one less noisy elevation. It is inevitable that reserved matters applications would come forward with property fronting onto the basin however if all units are either dual aspect or, if single aspect then facing into the site, it would minimize the noise impacts.

Most premises fronting Pier Road and the working docks would require windows to be kept closed, enhanced glazing and mechanical ventilation. Properties requiring closed windows and mechanical ventilation do not create 'good' quality housing. Even with purge ventilation it is likely that future occupiers would require opening windows in warm weather to receive natural ventilation. Guidance accepts that most people would expect to be able to open windows. The inherent problem with industrial noise of this type is predicting noise events. The future occupiers of the residential dwellings could not reasonably be expected to know when an event would occur. Occupants will tolerate higher levels of anonymous noise such as road traffic but industrial type noises are more likely to invoke more complex emotional responses and cause annoyance to people. For this reason the guidance in BS8233:1999 specifically excludes non anonymous noise from table 5, which gives the good and reasonable levels inside building.

Mechanical ventilation is relatively expensive to operate and would impact on the building's energy performance, even with heat recovery there will be a significant impact on energy use. From the data provided it appears that levels are likely to be high and if permission were to be granted for residential close to the docks then fixed glazing and air condition to avoid unreasonable disturbance to future occupiers.

Fixed glazing and air conditioning are more acceptable in hotels where stays are generally shorter and limited fresh air is less likely to impact on health and wellbeing and in commercial buildings where people do not sleep. Therefore it would seem more appropriate to consider placing hotels and or other commercial uses to this part of the development to shield more sensitive uses and outside areas.

The indicative layout has residential and commercial uses in close proximity. The acoustic reports have not detailed how the noise from different uses has been considered. It is possible to condition plant, construction methods and layout but if not designed with the potential noise in mind this can lead to higher noise levels

being accepted due to practical constraints. An indicative phasing plan has been submitted with the application, which shows the elements of the development closest to Pier Road (the foodstore and hotel) being delivered in advance of the mixed-use blocks around the basin edge. This delivery programme would provide the residential units with a buffer from road noise. Furthermore the anticipated timescales would mean that the residential accommodation might not come forward for around 10 years. As such it will be necessary to monitor the noise situation from Chatham Docks at the appropriate time. Phasing of the development will be critical to ensure appropriate monitoring of the noise situation on site.

Accordingly subject to conditions, no objections are raised with regards policy BNE3 of the Medway Local Plan 2003.

### *Air Quality*

The development would be adjacent to the Gillingham Air Quality Management Area (AQMA), which runs along Pier Road, and an air quality assessment has been submitted with the planning application. The results of the assessment demonstrate a 'moderate adverse' worsening of air quality at individual receptors. Generally with such a major scheme a 'slight adverse' impact could be considered the most that ought to be accepted and comprehensive measures to improve air quality at individual phases should be examined. The numbers of premises, including dwellings, which are affected by the development, are not given. From the contour map it is not possible to assess accurately if additional properties, other than the application site, would be included in the AQMA. The maps do however show an enlargement of the AQMA. The assessment determines that some of the residential dwellings and the hotel on the application site would fall inside the AQMA. Furthermore the proposed energy centre has not been included in the air quality assessment.

To mitigate the 'moderate adverse' changes certain measures are proposed. The measures rely heavily on travel plans to reduce vehicle trips and the links forged between north Gillingham and the Town Centre will be key to ensuring external trips to wider areas are minimised. No evidence is presented as to the effectiveness of the type of mitigation measures proposed. Most of the measures proposed could be considered as soft measures and limited comprehensive physical measures are proposed. The nature of the development and types of uses proposed are likely to attract trips to the site such as the superstore, retail, petrol station and events centre, with considerable scope for margin of error. There is also no quantitative assessment of the mitigation measures proposed and their impact on the air quality levels. However it is reasonable to conclude that the measures, if implemented, could reduce relevant pollutants, but it is unclear whether the levels are likely to fall below the air quality objective levels within a reasonable timeframe.

Under the Environment Act 1995 Medway Council is under an obligation to produce Air Quality Action Plans to bring about a reduction in pollutants within its declared AQMA's. Whilst a development site being within or close to an AQMA should not necessarily preclude development, careful consideration of the layout and design of the development should be undertaken when considering whether to grant planning permission.

The air quality assessment that has been submitted is based on the notional scheme illustrated in the concept masterplan and the assessment clearly shows an impact on air quality and a worsening of the levels of pollutants. As the source of the pollution in this area is primarily traffic related, the uses and traffic volume as a result of the development site would have a significant affect on the levels. The road junction design, traffic speeds and vehicle queuing would significantly affect the dispersion of pollutants. This outline application seeks consent for the approval of access only with the layout of the uses and buildings within the site being set by high-level parameter plans. As such if this application were granted there would be a number of possible development scenarios and there could be much variation on air quality impacts depending on the scenario that comes forward. Furthermore the development period for the entire project is 15 years and so there could be changes to circumstances over this period, such as traffic flow.

The applicants' have a desire for flexibility in the application and this is understood but it does mean that each reserved matters application would therefore need to assess air quality again and ensure mitigation is quantified where required. This approach above seems reasonable as any further modelling and assessment at this stage would not overcome the need for further assessments later. It is however important to establish the site criteria and limits before moving on to detailed stage. If this is not agreed beforehand the result could be a significant reduction of air quality as each element comes forward. Phasing of the development will therefore be critical to ensure that certain uses come forward first and a condition requiring the agreement of a phasing plan is recommended.

Ideally the energy centre would be modeled at outline stage however the centre could be powered by a number of fuels and depending on which one is ultimately used there could potentially be no or low impact on air quality. Local residents have raised this as a concern and if the centre comes forward the modelling of air quality should guide what type of fuel is used and a detrimental impact would not preclude the council from resisting a particular source of fuel at a later stage.

The air quality assessment, submitted with the application, refers to the extension of the existing monitoring within the Gillingham AQMA and that the applicant would contribute to this work. However it is not Medway Council's plan to extend the monitoring network around Pier Road. Whilst generally the Council would support contributions to air quality monitoring there is no immediate need in the Pier Road, Gillingham area. However a condition is recommended to ensure the applicant develops their own monitoring regime to support reserved matters applications at a later date and feed into the assessment and mitigation strategies discussed above. Developer contributions also are considered necessary however this should be combined with the transport improvements to look holistically at the transport corridor due to the relationship between the air quality in the area and the transport solution. Accordingly, on the basis of a series of conditions and a contribution, no objections are raised with regards air quality issues and the provisions of policy BNE24 of the Medway Local Plan 2003.

## Highways

### Traffic Generation

The applicant's Transport Assessment uses the TRICS database to predict the level of traffic that would be generated by the proposed development. Vehicle arrivals and departures during the peak periods are outlined below.

	Vehicle Trips			
	Worst Case Scenario		Alternative Scenario	
	Arrivals	Departures	Arrivals	Departures
Weekday AM Peak	1013	562	881	508
Weekday PM peak	786	1116	757	1034

The Transport Assessment considers the impact of the worst-case scenario on the local network. This assumes that all commercial floor space comprises B1 uses and the residential units are private dwellings. The alternative scenario, which the applicant considers more likely, assumes that 50% of the commercial floor space is used for university purposes and 25% of the residential units are reserved for student accommodation. This would generate up to 200 fewer vehicle trips during each peak hour.

Of the various uses proposed, the foodstore is predicted to generate the highest volume of traffic across both peak periods: up to 32% of vehicle trips during the morning peak and up to 49% of vehicle trips during the evening peak. It should be noted, however, that only a small proportion of foodstore traffic would be new to the local highway network: around 40% of the trips would comprise 'pass-by' and 'diverted' trips, with 50% of the trips transferred from other food stores.

### Access

Access to the development is proposed from the Gillingham Gate junction, with the existing access to the docks modified to allow traffic leaving the development to turn right. An additional access is proposed to the east of the existing junction, which would also allow traffic to exit in both directions.

Shared footways and cycle ways with Toucan crossings are proposed throughout the junction, with upgraded crossings on the southern side of Gillingham Gate and a new provision over the eastern arm of the A289. This would provide a more direct link between the site and Medway Road, although pedestrians and cyclists would be required to cross an additional two lanes of traffic. The crossings would be subject to signal control, however, and therefore this arrangement is acceptable in terms of highway safety. Similarly, the widening of the existing access and the creation of a new access to the east would require pedestrians and cyclists using National Cycle Route 1 to negotiate additional crossings along the site frontage. Whilst this would be inconvenient, and the additional infrastructure would impact upon the visual appearance of the junction, the crossings are again proposed to be subject to signal control.

The application proposes the retention of the railway line through the site, which

would require the re-grading of the junction to enable at grade crossing of the vehicular access. The intersection of the railway line and the access road is around 60 metres from the junction with the A289, and therefore its use may have an impact on vehicle access and egress, particularly during peak periods. In light of this, it is recommended that a management plan for the railway crossings be secured by planning condition, which includes details of measures to protect pedestrians, cyclists and vehicle occupants.

The proposed access arrangements and modifications to Gillingham Gate were subject to minor alterations following the completion of two independent Road Safety Audits. Whilst the development would make the junction more complex, the detailed design stage would require an appropriate signing strategy to be agreed, together with carriageway markings and surface treatments to maximise the legibility of the junction. It is anticipated that enhanced street lighting, upgraded infrastructure and a rationalisation of existing street furniture would also achieve this. On this basis, and subject to the highway works being secured through a Section 106 Agreement, the proposed access arrangements are considered acceptable in respect of Policies T2, T3 and T4 of the Medway Local Plan 2003.

### Traffic Impact

The applicant's transport submission includes an assessment of all junctions along the A289 from The Strand to the Sans Pareil Roundabout. Using traffic flows from the 'worst case' scenario outlined above, the junction assessments take account of traffic generated by the approved foodstore and Park & Ride at Whitewall Creek, and fully occupied developments on St Mary's Island and Victory Pier. It should be noted that recent revisions to the Victory Pier masterplan, comprising the replacement of private dwellings with student accommodation, are likely to generate lower levels of traffic than assumed in the applicant's Transport Assessment. On this basis, it is considered that the junction assessments have been undertaken using robust traffic data.

### A289 Pier Road/Gillingham Gate gyratory

Whilst the existing junction is complex, it has a good safety record and generally operates satisfactorily during peak periods, although some queuing is evident on the eastern and western arms (including the right-turn movement on to Medway Road). The applicant's assessment of the junction indicates that, even without the proposed development, it will be operating close to capacity at peak times by 2021.

The proposed reconfiguration of Gillingham Gate, comprising the access proposals outlined above and two additional traffic lanes on the A289, would allow more vehicles to pass through the junction and provide additional stacking space. Whilst the junction would still experience queuing at peak times, it is considered that these improvements would satisfactorily accommodate the traffic generated by the development. Overall, the junction is predicted to operate more efficiently in future years than the existing junction would without the development. It is considered appropriate for the scope of the works to include enhanced traffic signal equipment throughout the junction and the installation of traffic-monitoring infrastructure such as Variable Message Signs and CCTV on the east and west approaches. Where

pedestrian guard railing is required, this should be of high quality, so as to minimise its visual impact on the junction.

### The Strand Roundabout (A289 Pier Road/Strand Approach junction)

The applicant's Transport Assessment indicates that the roundabout currently operates at capacity during peak periods, with vehicle queues and delays on the main arms of the junction that will worsen over time with the growth in background traffic.

It is estimated that around 35% of development traffic would use the junction during the peak periods, which would cause the operation of the existing roundabout to deteriorate. In order to mitigate this impact, the applicant proposes to remove the roundabout and construct a four-arm signalised junction. This would regulate traffic movement through the junction and improve capacity by providing dedicated lanes for vehicle turning movements on to Church Street and The Strand. Whilst the main arms of the junction would continue to experience queuing, and would be operating close to capacity under the worst-case scenario by 2021, it is considered that the reconfigured junction would satisfactorily accommodate the development traffic. Furthermore, a signalised junction is predicted to operate better than the existing junction would by 2021 without the proposed development. Notwithstanding this, there is scope to extend the proposed traffic lane for vehicles turning right on to Church Street in order to provide more stacking space and improve the operation of the junction over that currently shown. This would be considered at the detailed design stage.

The proposed staging of the traffic signals would enable u-turning movements to be undertaken safely, although Gillingham Gate and the A289/Lower Rainham Road roundabout provide alternative options for this. A new controlled crossing on the Church Street arm and the relocation of the existing crossings over the A289 would improve facilities for pedestrians and cyclists.

The widening of the eastern arm of the junction would require cutting into the existing grass bank on the southern side of the carriageway, in order to re-provide the footway/cycleway. Should a retaining structure be required, it is considered appropriate for design details to be agreed with the planning authority, given its likely visual impact on the streetscene. New landscaping between the carriageway and the footway, particularly along the southern side of the A289 and on the east and west radii of the A289/Strand Approach Road junction, may partially mitigate the loss of landscaping on the existing roundabout. Where pedestrian guard railing is required, this should be of high quality in order to minimise its visual impact on the street scene. On this basis, it is considered appropriate to secure details of hard and soft landscaping and street furniture through a planning condition.

### Other Junctions along the A289

The Transport Assessment indicates that around 22% of development traffic would use the A289/Maritime Way roundabout junction, which would reduce its available capacity during the peak periods. Whilst this impact would not cause the junction to fail, its operational efficiency could be enhanced through improvements to the

existing signals and the installation of detection systems that would enable them to respond to specific traffic conditions. It is considered that these improvements would satisfactorily mitigate the traffic impact of the development, and an appropriate financial contribution should be secured.

The applicant's Transport Assessment indicates that the two signal controlled junctions between Gillingham Gate and The Strand currently operate comfortably within capacity during the peak periods. With the addition of the 'worst case' development flows, the junctions are predicted to continue operating within capacity, although some additional queuing would occur at peak times. The Transport Assessment identifies the need to install carriageway markings on the A289 at its junctions with Camden Road and Milner Road, which would prevent vehicle queues blocking access to these roads. It is suggested these works be included in the Section 278 agreement for Gillingham Gate and the Strand.

The Transport Assessment also considers the impact of the proposed development to the west of the Medway Tunnel, in respect of the Anthony's Way and Sans Pareil Roundabouts. The junction assessments take account of traffic generated by the approved Sainsbury's foodstore and the Park and Ride, and the agreed highway changes, but do not alter the Sainsbury's traffic flows to allow for a redistribution of trips to the proposed foodstore at Chatham Waters. The proposed development is predicted to add up to 400 vehicle movements on to these junctions during the peak hours. However, it should be noted that eastbound trips would travel through the junctions using free-flow lanes from the Wainscott bypass on to Berwick Way and from Berwick Way on to Vanguard Way. The remaining trips through the junctions can be accommodated satisfactorily without detrimentally impacting on their operational capacities.

### Conclusion on Traffic Impact

The proposed highway works at Gillingham Gate gyratory and the A289 Pier Road/Strand Approach junction would satisfactorily accommodate the 'worst case scenario' traffic generated by the development. Subject to these works being undertaken prior to first occupation of the development, and the provision of a financial contribution towards improvements at the Maritime Way roundabout junction, no objection is raised in respect of Policy T1 of the Medway Local Plan 2003.

### Pedestrian and Cycle Accessibility

The proposed development has the potential to generate a significant number of pedestrian and cycle movements between the site and the local area, particularly Gillingham Town Centre, local schools and colleges and, depending on the final composition of the commercial uses and residential accommodation, the university campus.

The existing footbridge over the A289 links the university (Central Avenue) with the footway on the northern side of the dual carriageway. However, the bridge can only be accessed from the western down-slope, which will take pedestrians away from the development. It is therefore considered appropriate for the development to

improve access to the bridge from the east in order to encourage pedestrian movement between the site and the university.

Whilst the proposed off-site highway works would provide appropriate facilities for pedestrians and cyclists in the immediate vicinity of the site, given the scale of the development it is considered appropriate for the applicant to provide a Section 106 contribution towards accessibility improvements in the wider area. This contribution would facilitate improvements to the key walking and cycling routes, such the provision of informal and formal pedestrian crossings and footway improvements.

### Public Transport

Local bus services 116 and 176 operate between Chatham and Gillingham and provide a frequent service along the A289 site frontage and Medway Road. However, for journeys to Chatham and Gillingham town centres, the nearest bus stops are over 400 metres from the site entrance and around 800 metres from the northern site boundary. This distance is unlikely to encourage visitors and residents to travel to the site by bus. The Transport Assessment acknowledges this through its commitment to providing bus-stopping facilities within the site. However, no details have been submitted of any discussion with local operators with a view to either diverting or expanding existing services, such as the 176 or the Dockside shuttle, or to provide a new service for future occupiers and visitors to the site.

In light of the above, it is recommended that a bus service strategy be secured as part of the Section 106 Agreement. This would secure either the diversion of existing bus services on to the site or the provision of a dedicated shuttle bus that links with the surrounding area. The applicant would be expected to provide details of discussions with local bus operators and full details of service routes, frequencies, fares and promotional material, together with suitable provision for reviewing the operation of the service at regular intervals. In line with the submitted phasing plan for the development, it is expected that the initial bus provision would comprise an off-peak service for the proposed food store, potentially linking the site with suburban and rural areas to the north. This service should then increase in frequency and scope as the remainder of the site is developed, to include peak hour journeys for visitors to the commercial phases and residents wishing to access Gillingham and Chatham Town Centres. The agreed bus service provision should operate for a minimum of five years following completion of the final phase of the development. The strategy should also provide details of the arrangements for the circulation of buses within the site, bus stops and the provision of real-time bus information.

Subject to the above, no objection is raised in respect of Policy T6 of the Medway Local Plan 2003.

### Internal Layout and Parking

Whilst a masterplan drawing has been submitted with the application, details of the final site layout would be submitted as part of the 'reserved matters' applications. It is therefore anticipated that details of street layout, footpaths and parking provision would accompany detailed applications for each phase of the development.

Notwithstanding this, the masterplan shows on-site pedestrian and cycle links connecting with existing off-site routes on Pier Road, with non-car access to the adjoining Victory Pier development provided at the northern end of Pier Approach Road.

The Transport Assessment details of the general level of parking that would ultimately be proposed for the various land uses. Each development zone would have its own dedicated parking provision. It is proposed to provide a 950 space multi-storey car park to accommodate the demand generated by the conference and events centre and other commercial elements of the scheme. The design of the commercial buildings may also include an element of basement car parking, depending on the requirements of the end user. The Transport Assessment indicates that one car parking space would be provided for each residential dwelling, supplemented by on-street parking and use of the multi-storey car park if necessary. On-street parking would also be made available for short-stay visitors to the development and the small-scale non-food retail uses. The masterplan shows how car parking for the hotel and foodstore may be provided in such a way so as to meet the parking standard. It should be noted, however, that the Council would expect the development to adopt a design-led approach to car parking provision that incorporates high quality materials and landscaping to minimise its visual impact.

It is considered that sufficient on-site parking can be provided to meet the demand generated by the development. Notwithstanding this, it is recommended that a planning condition be attached to any consent that requires the provision of parking in accordance with the Council's adopted standards. Given the variety of uses on the site, which would generate a significant demand for parking throughout the day, it is also recommended that a Parking Management Plan be submitted for the whole site, and for each phase of the development.

### Travel Plan

A framework travel plan for the site has been submitted with the application, the primary aim of which is to encourage staff and visitors to make sustainable travel choices when travelling to and from the proposed development. Travel Plans for the individual elements of the scheme, such as the foodstore, would be requested when each phase comes forward with a 'reserved matters' application.

The site-wide Travel Plan would set measurable targets following initial staff and resident surveys, appoint a Travel Plan Coordinator, establish a Travel Planning website for the site and produce Transport Information Boards for individual occupiers. It is also considered appropriate for the Travel Plan to establish a car club within the site, providing future residents and businesses access to pool cars on a 'pay-as-you-go' basis. There may be an opportunity to undertake a joint venture with the adjoining development at Victory Pier, if this makes a car share scheme more viable.

A planning condition is recommended to secure the submission of the site-wide Travel Plan prior to first occupation of the development. Subject to this, and a financial contribution towards the Council's costs in monitoring the Travel Plan, no objection is raised in respect of Policy T14 of the Medway Local Plan 2003.

## Highways Summary

Bearing in mind the considerations above the scheme is considered acceptable with regards highway safety and parking. Accordingly no objections are raised with regards policies CC1, T4, T5 and KTG1 of the South East Plan 2009, Policies T1, T2, T3, T4, T6, T11, T12, T13, T14 and T22 of the Medway Local Plan 2003.

## *Contaminated Land*

A Desk Study Summary and a Geo-Environmental Interpretative Report have been submitted in support of the application. The desktop study includes a site history, site walkover, information on the geology and hydrogeology at the site. A conceptual site model has been developed for the site. The desktop study recommends that a site investigation be undertaken to support the conceptual site model. The Geo-Environmental Interpretative Report details a preliminary site investigation, which has been undertaken at the site. The intrusive investigation has involved the excavation of 3 boreholes and 12 windowless samples. Soil samples were taken and tested for an appropriate suite of contaminants. Hydrocarbon contamination was observed in WS5 indicating a potential hot spot of contamination. The following contaminants were found to exceed the generic assessment criteria for the site in the upper 1 metre of the made ground: chromium (39mg/kg; 130mg/kg) and benzo(a)pyrene (44mg/kg). Asbestos fibres were detected in 3 samples taken from the site.

Gas and groundwater monitoring wells were installed in all 3 boreholes and 6 of the windowless sample holes. Gas and groundwater monitoring has been undertaken at the site on a weekly basis for the first month and then on a monthly basis thereafter and is continuing. Carbon dioxide has been detected at the site on all monitoring occasions (maximum 2.7 v/v%). The site risk is considered to be very low with respect to carbon dioxide. Monitoring was also undertaken for volatile organic compounds (VOC) and concentrations were found ranging between 0 parts per million and 4489 parts per million. This is thought to indicate a local source of hydrocarbon contamination not identified by the exploratory holes and suggests an active gassing regime at the site. Further investigations would be required to quantify the risk and determine whether remediation is required. This should include further monitoring and detailed assessment.

If piled foundations are implemented at the site a piling method statement would need to be submitted which details how the groundwater would be protected from potential contaminants and a condition is recommended to control this. All buried services should also be installed in clean service trenches.

The reports, which have been submitted, are acceptable and subject to the imposition of a series of appropriately worded conditions no objections are raised with regards contaminated land issues or the provisions of policy BNE23 of the Medway Local Plan 2003.

## *Flooding*

The application site falls within Flood Zone 3 and the Environmental Statement accompanying the application outlines the flood risk issues associated with the redevelopment of the site. A sequential test has also been submitted in accordance with the requirements of the National Planning Policy Framework, which outlines any potential alternative sites. The sequential test concludes that there are no preferential sites located outside of flood zone 3 and this conclusion is accepted. Furthermore detailed work has been undertaken with regards flood protection and the layout of certain uses across the site to inform the concept masterplan. The applicant would also need to provide further information illustrating how the proposals could go ahead without posing an unacceptable flood risk at reserved matters stage. Accordingly conditions are recommended to ensure the following floor levels are provided within the buildings above ordnance datum (AOD) – commercial 5.70m AOD, residential living accommodation 6.40m AOD and residential sleeping accommodation 6.70m AOD. As such no objections are raised with regards flood issues and the provisions of policy CF13 of the Medway Local Plan 2003.

## *Ecology*

The application site lies close to habitats, which form part of the Medway Estuary and Marshes Site of Special Scientific Interest (SSSI). This SSSI is part of the Medway Estuary and Marshes Special Protection Area (SPA) and Ramsar Site. Overall, it is not likely that the proposal would have significant effects on the above sites either alone or in combination with other plans or projects. However, the North Kent Environmental Planning Group (NKEPG) is investigating the causes of bird declines within the three North Kent SPAs and Ramsar Sites. Recreational disturbance has been identified as a possible cause for these declines. While there is yet no clear link between the bird declines and recreational disturbance further work is being undertaken. Should a link be established then a review of the proposal would need to be made at the reserved matters application stage.

Whilst no specific breeding bird survey was conducted at the application site, it is likely that a number of species of bird nest within the site. However, providing any site clearance works are conducted outside of the breeding bird season and replacement nesting opportunities are provided through the landscaping strategy at the reserved matters stage this proposal should not be detrimental to local breeding bird populations. There is also a risk (albeit low) of bats using the site, and some buildings that may be occasionally used by bats are to be demolished. Accordingly a condition is recommended detailing the appropriate measures that should be undertaken in the event of finding bats or evidence of bats during the development.

The landscape proposals would enhance biodiversity within the site and there would be stepping stone links to green corridors to the south. This, along with the water feature, is a valuable concept. However, there are some quite large gaps in the wildlife corridor such as across the Lock Gate Terrace. The application has many opportunities to incorporate features into the design, which are beneficial to wildlife such as, for example, the incorporation of roosting opportunities for bats, the installation of bird nest boxes or the use of native species in the landscape planting. As such conditions are recommended to deal with measures to enhance the

biodiversity of the site. Accordingly, subject to conditions, no objections are raised with regards ecology issues and the provisions of policy BNE37 of the Medway Local Plan 2003.

### *Local Finance Considerations*

New residential development can create additional demand for local services, such as educational facilities. Policy S6 of the adopted Local Plan states conditions and/or legal agreements should be used to make provision for such needs.

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 in to account if the obligation is:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

The obligations proposed comply with these tests because they have been calculated based on the quantum and location of the development.

- (i) 25% affordable housing
- (ii) Informal Open Space – 1ha on site or £113 per person
- (iii) Equipped Play Areas – 4000msq on site or £158 per person
- (iv) Formal Sports Provision - £300,000
- (v) World Heritage - £100,000
- (vi) Primary Education - £8,320 per pupil place
- (vii) Healthcare – On site facility or £191 per person
- (viii) Waste & Recycling – £108.80 per person
- (ix) Training & Workforce – £1 per m<sup>2</sup> of commercial space, £150 per 1 or 2 bed dwelling, £200 per 3 bed dwelling
- (x) Community Facilities – 65sqm on site or £55.80 per person
- (xi) Gillingham Pier – Undertake works to upgrade the Pier or pay Medway Council £150,000
- (xii) Highway capacity and traffic management improvements at the A289 Pier Road/Gillingham Gate Gyratory
- (xiii) Highway capacity and traffic management improvements at the A289 Pier Road/Strand Approach junction
- (xiv) Traffic management improvements at the A289 Pier Road/Maritime Way junction - £57,000
- (xv) Walking and cycling accessibility and infrastructure improvements between the site and Gillingham Town Centre, Gillingham Railway Station and local schools and colleges - £94,000
- (xvi) Bus Service Strategy for the site
- (xvii) Travel Plan monitoring - £12,000

A financial contribution request has been made by Kent Police however as this is not included in the Developer Contributions Guide 2008 Supplementary Planning Document and so it is not possible to secure.

The applicant has confirmed they consider the financial requests acceptable. As such if the application was deemed acceptable these would be a requirement for the applicant to enter into a Section 106 to secure the provision of financial contributions. Accordingly no objection is raised to the proposal under Policy S6 of the Medway Local Plan 2003.

### *Human Rights*

The Human Rights issues relevant to this application have been taken into account. This report considers the balance between the interests and rights of the applicant (to enjoy his/her land subject only to reasonable and proportionate controls by a public authority as is necessary in a democratic society) and the interests and rights of those potentially affected by the proposed development (the respect of private and family life) and the wider public interests. As such there is no breach of human rights.

### *Other Matters*

Several letters of representation have been received that make reference to the future deliverability and viability of a new stadium for Gillingham Football Club being threatened by this proposal. The club has a local following and provides an important leisure activity with the existing stadium also providing other ancillary facilities such as conference space. Policy CS10 of the Core Strategy (submission draft) deals with sport and recreation and states that the council will 'continue to work with Gillingham Football Club in identifying opportunities for a new stadium and developing its community role within the local area.' However this does not mean that the redevelopment of other sites would be turned down on the basis that it doesn't provide or has been discounted for stadium development. Significant work has been undertaken in recent years to explore whether a stadium could be delivered on part of the Chatham Docks site and this proposal has ultimately not progressed due to viability reasons.

The representations make the case that the enabling development proposed within the Chatham Waters scheme (superstore, event complex and hotel) are needed to develop a replacement stadium for Gillingham Football Club and by providing them at Chatham Waters it would reduce the capacity from the overall market in Medway. It is true that any local market would only cater for a certain number of these uses but when assessing, for example, the superstore one looks at consented schemes or those identified on Supplementary Planning Documents or Development Briefs, as it is important the aspirations set out in these documents are realized over other sites. In this instance the mix of uses proposed and the impacts they have on key regeneration sites has been assessed earlier in this report and no objections have been raised. The site that has been identified in the representations is not allocated for either a stadium or any associated development and so priority should not be given to Mill Hill over Chatham Docks. As such this application cannot be turned down on the basis outlined in the representations received.

The Health & Safety Executive (HSE) have been consulted as part of the application and based on the automated system a recommendation of 'advise against

development' was given. According to the HSE system two hazardous installations are located close to the site and the development lies within the consultation distances of them. These installations are the former Akzo Chemical Works and 'Flogas', which is shown as located close to the entrance of Chatham Docks. However both of these hazards are no longer present. The Akzo Chemical Works has closed and the Victory Pier development is taking place on the site. The owner of the Chatham Docks site has confirmed that no hazardous installation is located on the area identified for 'Flogas' and this has been confirmed by officers on site. Furthermore this area is included within the application site and identified as Phase 1 and so the redevelopment of the site would remove any potential conflict with the residential element of the proposal. As such no concerns are raised on the basis of this recommendation.

### **Conclusions and Reasons for Recommendation**

The application seeks consent for the quantum of development outlined and a set of high-level parameter plans zoning the site in terms of land use and building heights. From the information submitted it has been concluded that this quantum can fit on site and the parameter plans zone the site in acceptable way. Whilst there are various concerns with the detail of the notional scheme as submitted this is not being considered at this stage and as such the application is recommended for approval. Accordingly the application is considered in accordance with the adopted development plan in particular policies BE1, BE6, H2, H3, H5, S1, CC1, CC2, CC3, CC4, CC6, W1, W2, W8, NRM11, NRM12, NRM13, NRM14, C7, KTG1, T4 and T5 of the South East Plan 2009 and policies BNE1, BNE2, BNE3, BNE4, BNE6, BNE7, BNE21, BNE23, BNE24, BNE37, CF11, CF13, H3, H4, H10, ED1, ED9, ED13, S2, S6, R1, R2, R4, R5, R6, R9, T1, T2, T3, T4, T6, T11, T12, T13, T14 and T22 of the Medway Local Plan 2003 and policies CS3, CS4, CS17, CS18, CS19, CS24, L4 and L11 of the Core Strategy (submission draft).

This application would normally fall to be determined under officer's delegated powers, but is being reported for Members' consideration due to the number of letters of representation received expressing a view contrary to the officers' recommendation.

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### **Background Papers**

The relevant background papers relating to this planning application comprises: the application and all supporting documentation submitted therewith; and items identified in any Relevant History and Information section and Representatives section within the report.

Any information referred to is available for inspection in the Planning Offices of the Council at Gun Wharf, Dock Road, Chatham.