

MC/13/1805

Date Received: 26 July, 2013

Location: Site At Lower Upnor Depot, Lower Upnor, Rochester, ME2 4XA

Proposal: Conservation Area Consent for the demolition of 3 detached buildings (Locomotive shed, and No2 and No3 Shell Store)

Applicant: Ordnance Yard Developments Limited

Agent: Mr A Hume Hume Planning Consultancy Ltd 18 Waldron Road Broadstairs Kent CT10 1TB

Ward Strood Rural

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 29 January, 2014.

Recommendation - Approval with Conditions

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

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 629:P02; 628:P03; 628:P04; 628:P05; 628:P06; 628:P07; 628:P08; 628:P17; 628:P22; 628:P23; 628:P25 and 628:P26; ; received on 29 July 2013; drawing number(s) 628:P15 Rev A; 628:P16 Rev A; 628:P28; 628:P29 Received 16 August 2013; and 628:P01 Rev B Received 30 August 2013

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

- 3 Prior to the commencement of demolition operations details of proposals for the removal of the resultant materials, clearance, securing and tidying of the land shall be submitted to and approved in writing by the Local Planning Authority. The details shall include provision of the boundary treatment for the site prior to any redevelopment. The works shall be completed in accordance with the approved details.

Reason: In the interests of the character and appearance of the conservation area and to ensure compliance with policy BNE13 of the Medway Local Plan.

- 4 The work of demolition related to the Locomotive Shed (Shed 7) herein approved shall not take place before a contract for the construction of the proposed rope works building has been made and entered into and planning permission has been granted for such works covering this part of the site and such a contract is capable of being implemented.

Reason: In the interests of safeguarding the conservation area, the listing building(s) within the site the adjoining Scheduled Ancient Monument and the area of archaeological potential in accordance with Policies BNE13, BNE15, BNE18, BNE20 and BNE21 of the Medway Local Plan 2003.

- 5 The work of demolition related to No. 2 Shell Store (Building No 4) herein approved shall not take place before a contract for the conversion of building No 5 (No 3 Shell Store) and the proposed parking area on the site of the No. 2 Shell Store (Building No 4) has been made and entered into and planning permission has been granted for such works covering this part of the site and such a contract is capable of being implemented.

Reason: In the interests of safeguarding the conservation area, the listing building(s) within the site the adjoining Scheduled Ancient Monument and the area of archaeological potential in accordance with Policies BNE13, BNE15, BNE18, BNE20 and BNE21 of the Medway Local Plan 2003.

- 6 The work of demolition related to the empty case store (building No. 2) herein approved shall not take place before a contract for the construction of the residential development on the site of former Magazine A has been made and entered into and planning permission has been granted for such works covering this part of the site and such a contract is capable of being implemented.

Reason: In the interests of safeguarding the conservation area, the listing building(s) within the site the adjoining Scheduled Ancient Monument and the area of archaeological potential in accordance with Policies BNE13, BNE15, BNE18, BNE20 and BNE21 of the Medway Local Plan 2003.

- 7 No demolition shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

- 8 No demolition works 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.

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

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

Proposal

This application seeks Conservation Area Consent for the demolition of 3 detached buildings within the former Lower Upnor Dept site. The buildings proposed to be demolished are the unlisted locomotive building (Shed 7), the unlisted No. 2 Shell Store (Building No 4) and the empty case store (Building No 2). In the instance of the empty case store (Building No 2), whilst this is a more modern flat roof structure that incorporates a large roller shutter door and is constructed of a mix of modern brickwork on the visible side elevation it is physically attached to Magazine B (a grade II* listed Building) and is therefore protected by its listing. A separate Listed Building Consent application will be required for the demolition of the empty case store (Building No 2).

Relevant Planning History

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| MC/13/1945 | Retrospective application for a temporary change of use from military depot (Sui-Generis Use) to B1 (Business and Light Industrial), B2 (General Industrial) and B8 (Storage and Distribution) as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended)
Under consideration |
| MC/13/1804 | Conversion of 5 existing buildings to light industrial use (Class B1) Use of building at site entrance for a restaurant (Class A3). The erection of 20 two and three storey dwellings to the southern portion of the site and the demolition of 3 buildings and replacement by 2 new car parking areas and a new single storey class B1 building together with alterations to the site access and provision of central car park and ancillary works including ramp and stairs to upper ground at rear of site
On this agenda |
| MC/13/1750 | Town and Country Planning Act (Environmental Impact Assessment) (England and Wales) Regulations 2011 - request for a screening opinion as to whether EIA is necessary for conversion of a number of existing buildings to Class B1 light industrial use; the demolition of a building and its replacement with a parking area; demolition and replacement of a new 400sqm Class B1 workshop at the north; erection of one block of 12 town houses and 2 blocks of four x two storey houses including car parking, landscaping and management of the open space
EIA not required 7 August, 2013 |

MC/00/0305	Listed Building Consent for external and internal alterations to the outbuilding to facilitate its conversion into a residential annex. Approved 18 April 2000
MC/00/0302	Conversion of outbuilding into a residential annex to the main dwelling. Approved 18 April 2000

Representations

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

The Ancient Monuments Society, The Council for British Archaeology, EDF Energy, English Heritage, Environment Agency, The Georgian Group, Kent County Council (KCC) Archaeology, KCC Ecology, Medway Ports Authority, Natural England, The Society for the Protection of Ancient Buildings, Southern Gas Networks, Southern Water Services Ltd, the Twentieth Century Society, The Victoria Society have also been consulted

English Heritage have advised that they have had substantial pre-application involvement with this site, first to help determine a disposal brief with the MOD and then to help the applicants to shape their proposals. They advise that the statutory designations on the site were also considered as part of this process and these appropriately reflect the significance of the heritage assets.

English Heritage considers this site to be of the highest significance to the military heritage of Medway and represents the facilities needed to safely store explosive material over a 300 year period. They advise that this significance is reflected in a number of historic environment designations, the conservation area, a grade II* listed magazine and three other grade II listed structures. They also advise that:

- There are significant undesignated buried archaeological remains;
- The majority of the depot is within the proposed World Heritage Site; and
- How a sustainable future for it outside of military ownership is secured will be an important factor in the future of that project.

English Heritage advises that the northern end of the site contains later 19th century ordnance buildings that are undesignated but important to the conservation area. Most will be re-used but two are proposed for demolition. They advise that the harm that this will cause needs to be substantiated in terms of necessity and the public benefits to be provided. In the original submission details English Heritage advised that such a case in relation to Shell Store No. 2 was weak.

In terms of the southern and older end of the site, English Heritage noted that this area contained a large brick built magazines of which Magazine B, is grade II* listed and is the best surviving example of a building of this nature. They advise that its re-use for light industrial purposes is acceptable in principle but needs to be controlled by a listed building consent application. Furthermore, they advise that the new

housing on the site of demolished ordnance buildings is acceptable in principle to them but should only be permitted in the context of minimising the harm that this will cause to remaining evidence of the ordnance uses and conditions to control design and materials. English Heritage advises that good contextual architecture that does not mimic the historic buildings should be encouraged.

Furthermore, English Heritage considers that this development opportunity would allow visitors to see this once secretive place and considers that this should be welcomed, as should the potential to open up enhanced access to Upnor castle, which historically formed part of the depot activities. English Heritage advise that the site requires consistent management as a whole and not just for its parts and that this will mean that management of hard landscaping (including car parking) in the developed areas and of the green area that historically formed part of the depot's function should be secured as part of this proposal.

In terms of specific comments on the proposed developments English Heritage have supplied detailed comments and these have been incorporated into the Officer Appraisal below. However, in conclusion they advise that the proposed development has the potential to secure a sustainable future for the depot site and that this should be possible without causing substantial harm to its significance. The proposal is not as highly detailed as might be expected for such a major programme of works and before deciding this application your council should ensure that it has a sufficient understanding of the harm to the historic environment that would be caused in order that this can be weighed against the public benefits that would be delivered. This is of specific relevance to the future of Magazine B for which a listed building consent application has not yet been made but also relates to other elements of the proposal. Harm to the historic environment should not be accepted unless this is demonstrated to be necessary and your council should seek to improve proposals so that they avoid or minimise harm. The proposed demolition of unlisted buildings within the conservation area, and specifically No 2 Shell Store (building no 4), requires further consideration. The principle of new build housing within part of the site is acceptable but further consideration of the design of this could reduce harm to the significance of undesignated heritage assets and might enhance the conservation area by better revealing its significance.

English Heritage consider that if Medway Council is minded to approve the proposal in its current form there are a number of important matters that should be addressed both in the context of listed building consent applications and by condition under any planning permission granted. These conditions should include the following.

- Building recording of structures proposed for demolition, but also for conversion to a new use, is necessary and should be carried out in accordance with a written scheme agreed by your council that is proportionate to the significance of the structures in question.
- Archaeological evaluation, investigation and reporting will be necessary for undesignated buried archaeological remains affected by the proposals. A programme of archaeological works should be agreed to cover the entire site and specific elements within it.
- Construction of new houses and specifically those on the site of Magazine A has the potential to harm buried elements of the ordnance buildings and your council

should approve the detail of the foundation design and services in order to ensure that preservation in situ of archaeological evidence is maximised.

- More detail is required for many elements of the proposal. Works to Magazine B should be controlled under a listed building consent application but as other proposed works have the potential to be harmful to the significance of the conservation area their detail should be controlled. This should include any alterations to the main entrance to the site and the new access stairs in the northernmost blast bay of the shell filling rooms.
- The new buildings should be appropriately controlled in terms of detailed design and materials by conditions.
- The future treatment of the spaces between buildings should be controlled, both in terms of the green landscaped areas on the west of the site and the hard landscaping (including parking) in the developed eastern part. Detailed proposals should be agreed now or under conditions and this should include proposals for interpretation of the former role of the ordnance depot and a management plan, particularly for the green area.

A site meeting was subsequently held, which was attended by Officers from the Local Planning Authority, English Heritage and the Applicants to discuss the comments made by English Heritage above. Following this meeting additional plans and amended documentation was submitted, by the applicants, with a view to addressing English Heritage's previous comments. Following reconsultation on these additional / amended plans and documents English Heritage have made the following summarised comments, as set out below:

English Heritage advice that the additional information and drawings now provided by the applicant sets out a more credible justification for the levels of harm that their proposals will require. There remain a number of detailed matters that should be resolved but taken as a whole the package of proposed works provides an acceptable solution to the future of the site. The level of harm to historic significance for individual assets and for the site as whole is in our view less than substantial and capable of being favorably weighed against the public benefits that these would also deliver. Important amongst those benefits is securing an appropriate future use for the site so that the assets do not fall into risk and such that the public can enjoy a site that has until now been closed to them. There are issues that will benefit from further discussion and chief among these is probably that of forming a new and safe vehicular access through the historic boundary wall by widening the existing entrance. Listed building consent will also need to be obtained for much of the work to historic buildings and this is a further means by which to control the detail of works. It is recommended that any approval should include detailed planning conditions to cover the issues set previously and as modified by the additional advice provided.

English Heritage have provided further advise in relation to the repair and conversion of the grade II * (Magazine B), the demolition of the Empty Case Store, the demolition of unlisted buildings within the conservation area including the Locomotive Shed, Building 4 - 1862 store, the new build housing, the widening of the main entrance to the site, hard and soft landscaping and these elements are considered in the Planning Appraisal below.

Finally English Heritage have considered planning conditions and have advised that, should planning consent be forthcoming, conditions covering, in particular, a written scheme of archaeological investigation and a programme of building recording for A) historic buildings that might be lost; and B) those that will be retained but significantly altered. They also consider limiting harm to buried archaeological in the form of a condition that requires foundation designs, services and other significant forms of below ground disturbance to be agreed in advance of any such works as well as a conditions requiring details of the how the applicant intend to enable new residents, users and visitors to be able to interpret the history of the site to be provided. This can be in a number of ways including, but not limited to, the use of materials and the provision of interpretation panels.

In conclusion English Heritage have confirmed that they consider that planning permission could be granted for the proposed development subject to a number of important conditions identified above which are required to control and mitigate the unavoidable harm to heritage significance that this proposal must cause and that listed building consent for several elements should be referenced in any planning approval.

Finally in the light of the advise received from both English Heritages and the Council's own Design and Conservation Team the applicants have further amended their proposal by reducing the amount of the original wall originally proposed to be demolished to create the access into and out of the site from the Upnor Road. The Council has forwarded these revised details to English Heritage and no adverse comment has been received in relation to this revision.

Frindsbury Extra Parish Council has written advising that they have no objections to this application.

Medway Ports Authority has written on behalf of the Port of Sheerness Ltd advising that it has no objections to this application. However, they point out that if it is intended to discharge surface water into the Rover Medway then under the Medway Port Authority Act, 1973 consent of the port of Sheerness will be required for which a licence will be required.

Officer comment: This information will be forwarded in the form of an affirmative should planning consent be forthcoming.

Natural England has written advising that this proposed development site is located in close proximity to Cockham Wood and Medway Estuary and Marshes Site of Special Scientific Interest (SSSI). They advise that this SSSI forms part of the Medway Estuary and Marshes Wetland of International Importance under the RAMSAR Convention (a RAMSAR site) and Special Protection Area. Natural England have stated that it is satisfied that the proposed development, if carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the SSSI was notified. This being the case Natural England has advised that they have no objections in terms of the statutory nature conservation sites.

In terms of protected species Natural England refer to their standing advise and that

the Council should seek the advise of its own retained ecologists. Turning to local wildlife sites Natural England points out that the site lies within or adjoining a Site of Nature Conservation Interest (SNCI) or Local Nature Reserve (LNR) and the Council must be satisfied that it has adequate information to fully understand the impact of the development on local wildlife sites prior to determining the application.

Finally, Natural England draws the Councils attention to the potential for biodiversity and landscape enhancements in relation to the development. They advise that biodiversity enhancements would accord with paragraph 118 of the National Planning Policy Statement (NPPF) and the Councils obligations under section 40 of the Natural Environment and Rural Communities Act, 2006.

Southern Gas Networks (SGN) has written advising of the presence of low/medium/intermediate pressure gas main in the proximity of the application site. No mechanical excavations are to take place above or within 0.5 metres of the low pressure, 2 metres of the medium pressure systems and 3 metres of the intermediate pressure systems. SGN have advised that they the applicant will need to ensure that they confirm the position of mains using hand dug trial holes and of the need to undertake safe digging practices. Additionally they have advised that other gas transporters/private owners may have separate gas infrastructure in the area and that it is for the applicant/developer to ensure that they are fully aware of all gas infrastructures within the area. Finally SGN have provided a copy of the Health and Safety Executive document entitled "HSG47 – Avoiding Dangers from Underground Services" and advised about the risks of direct or consequential damage to gas plant and the fact that SGN will charge for any damage resulting to their gas plant.

Officer Comment – The above letter and HSE document have been brought to the attention of the applicant's planning agent, for their information.

Southern Water have provided a plan of the water main records showing the approximate position of a public water distribution main in the immediate vicinity of the site. They advise that the exact position of the public water main must be determined on site by the applicant before the layout of the proposed development is finalised. Additionally they advise that all existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works and no excavation, mounding or tree planting should be carried out within 3 metres of the public water main without consent from Southern Water.

Furthermore, they advise that due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served and potential means of access before any further works commence on site.

They advise the applicant to discuss the matter further with them.

Finally they advise that there are private abandoned communication lines crossing the site.

Officer comment: This information will be forwarded in the form of an affirmative should planning consent be forthcoming.

One letter from a local resident has been received making the following summarised comments:

- If it does prove necessary to demolish the locomotive shed as part of this scheme then before it is destroyed on-site the building should be offered to the heritage/preserved railways in this country, in case it is of interest to them. It would be a shame for railway history to be lost should someone be willing to preserve it within the strong preservation movement that exists and enable it to be preserved at a suitable 'railway heritage' location, which would present it in a more appropriate location anyway. A condition should be imposed stating that this building may only be demolished by the developer should they have advertised it in the railway press, have contacted suitable heritage railways and made every effort to see if a suitable alternative site may be found

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003. The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework, 2012 and are considered to conform. Also of relevance is the Medway Housing Design Standards (interim) November 2011, The Medway Landscape Character Assessment (March 2011), the Upnor Conservation Area Appraisal (adopted) October 2004, the Medway Waterfront Renaissance Strategy 2004, the Medway Regeneration Framework 2006-2016, Medway Strategic Flood Risk Assessment 2006, the Chatham World Heritage Planning Policy Consultation Draft September 2013 and the related Technical Evaluation dated October 2013.

Planning Appraisal

Main Issues

This application seeks Conservation Area Consent for the demolition of 3 detached buildings within the former Lower Upnor Dept site. Two of the buildings are unlisted heritage assets, whilst the third building (the empty case store (Building No 2)) is a more modern flat roof structure that is physically attached to Magazine B (a grade II* listed Building) and is therefore protected by its listing. A separate Listed Building Consent application will be required for the demolition of the empty case store (Building No 2).

The only issue related to this demolition proposal is whether the demolition will result in:

- Any harm to the character, appearance or setting of the Conservation Area;
- Any harm to the character, appearance or setting of the Listed Building; or

- Any impact on the adjoining Scheduled Ancient Monument and Heritage Assets within the site

Background and the significance and history of the site

The Lower Depot covers an area of approximately 3.84 ha. It is located on the northern shore of the River Medway, immediately to the north of Upnor Castle, and south of Lower Upnor village, within the Upnor Conservation Area. The built development currently on the site is a consequence of its former use for, initially the storage of gunpowder, and later the filling and storage of munitions shells. More recently, the former ordnance buildings have been used by the Royal School of Military Engineers (RSME) to provide training and maintenance facilities. However, the MOD has now ceased to operate from the site and it has remained empty for the last 3 / 4 years with the occasional unauthorised intervening use.

In terms of the history and significance of the site as Members will be aware Chatham was a base for the Royal Navy for over 400 years and required the services of the Ordnance Board for the manufacture and storage of guns and projectiles and of the powder to fire these. To avoid an unacceptable risk to the dockyard from accidental explosions such uses were placed apart from that site, with gun manufacture and storage at the Gun Wharf and storage of the explosive elements at Upnor. To understand Chatham as a major industrial military complex of the British imperial period all the components of the military infrastructure need to be considered. Upnor represents the essential need to safely store explosive material. This need increased substantially in the 19th and 20th centuries and the Upnor site alone could not then meet demands and thus further extensive ordnance buildings were provided at Chattenden and Lodge Hill. The application site was linked to these by railway and they functioned as a piece.

Upnor castle was first used for the storage of explosives in the late 17th century, which began a use for the Lower Upnor site that continued until very recently. Additional land was acquired and new buildings erected in successive phases to the north of the castle, as the nature and quantity of the powder and munitions to be stored changed in response to technological advances and the political circumstances of the times. The ordnance uses first outgrew the castle during the Napoleonic wars, when a large new magazine (A) was constructed c 1812. Only a fragment of this building now remains as part of Magazine B. That magazine dates from the Crimean war period (1856) but repeats the form of the earlier magazine. The late 19th century saw additional land taken within the ordnance depot for new shell stores. This land contained non-military buildings and some of these were retained for military use and not demolished until after World War (WW) 2. In the early 20th century a large shell store was added at the extreme north end of the site. The shell stores contrast with the solidly built earlier magazines and reflect changes in ordnance from the storage of black powder in barrels to the filling of shells that were inherently safer to store and which therefore did not require buildings capable of containing an explosion. The Lower Upnor site contains a range of designated and undesignated structures that illustrate the history of the development of naval munitions and the buildings required to manufacture and store these over a 300 year period. The site is relatively complete but not entirely so, as historic photos and plans show. A 20th century pier remains but the older powder piers have been lost. A

range of shell filling structures have also been demolished but the blast walls for these remain.

The site is now amongst the most complete examples of its kind and the historic significance of the depot is recognised by a large number of statutory heritage designations. Magazine B is a grade II * listed building and the riverside wall with its distinctive warning to ships not to moor is grade II. Although not mentioned in the Heritage Statement, there are also the grade II listed brick traverse wall (1811) from a now demolished shifting house complex and the grade II concrete sentry post of WW 1 date. The application site is wholly within the Upnor conservation area and the ordnance depot is an important component within this, for which many of the unlisted late 19th century buildings make a positive contribution to its functional military character. In addition to the unlisted buildings there are also buried archaeological remains that are undesignated heritage assets. The presence and significance of these have been confirmed by evaluation and there is a high potential for other remains to exist. Upnor castle is a scheduled monument and although it is not within the application site, it is the earliest part of what was a single ordnance complex and the application site lies within its setting. As an indication of the significance of Upnor to the Chatham military complex the majority of the ordnance site is included within the core area of the bid of World Heritage Site nomination, whilst the remainder lies within the proposed buffer zone.

As the site was last officially used as a military depot it has a Sui-Generis use (i.e. a use with no specific use class.) This being the case planning permission is required for the uses now sought as part of this application

Demolition in the Conservation Area / Demolition of part of a Listed Building and impact of the Demolition on the adjoining Scheduled Ancient Monument and Heritage Assets within the site.

NPPF 7 recognises three elements of sustainable development. One of the elements relates to an Environmental role and advises that the planning system should seek to “...contributing to protecting and enhancing our... historic environment...” The core principles at NPPF 17 also seeks advises that the planning system should “conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations...” Indeed this objective is further strengthened in Part 12 “Conserving and enhancing the historic environment” where it advises at NPPF 126 that “Local Planning Authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance”.

The Council existing local plan policies, as set out at BNE12 – BNE21 (inclusive) are considered to be in broad conformity with the guidance in the NPPF. NPPF 137 advises that:

137 “Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of

heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably”, whilst NPPF 138 states:

138 “Not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 133 or less than substantial harm under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.”

In this proposal the applicants are proposing to demolish three buildings. In the submitted Design and Access statement that advise that *“the design rationale was to keep as many buildings within the site as possible and to focus new development on the cleared hardstanding areas where buildings had historically been sited. The design approach has been to minimise the amount of demolition but in three areas of the site this is a necessary part of the scheme...”*

The buildings proposed to be demolished are the unlisted locomotive building (Shed 7), the unlisted No. 2 Shell Store (Building No 4) and the empty case store (Building No 2). In the instance of the empty case store (Building No 2), whilst this is a more modern flat roof structure that incorporates a large roller shutter door and is constructed of a mix of modern brickwork on the visible side elevation it is physically attached to Magazine B (a grade II* listed Building) and is therefore protected by its listing.

NPPF 132, 133, 134 and 135 advise that:

132 – “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.”*

133 “Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- *the nature of the heritage asset prevents all reasonable uses of the site; and*

- *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- *conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- *the harm or loss is outweighed by the benefit of bringing the site back into use.”*

134. *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”*

135 *“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*

In addition to this NPPF 139 advises that: *“Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.”*

As set out above two of the buildings proposed to be demolished are non designated heritage assets whilst the third, the empty case store (Building No 2), is physically attached to Magazine B (a grade II* listed Building). Whilst protected by the listing it must be noted that this building is a more modern flat roof structure that incorporates a large roller shutter door and is constructed of a mix of modern brickwork on the visible side elevation.

In terms of the individual buildings to be demolished the unlisted former Locomotive Building (Shed 7) is considered by the applicants to be of limited architectural significance. The building is in a poor condition and its lightweight construction combined with the cladding materials, which have poor energy performance, make the building uneconomic to convert. Functionally the building served as an enclosure for trains on the narrow gauge railway that connected other parts of the MOD’s strategic landholding. As a storage building for railways serving the MOD, it is not realistically likely to function again operationally in this way and because of its construction and condition it is not likely that the building would be suitable for any commercial use without its complete re-building.

The lack of architectural quality of this building, its poor structural condition and its inability to be economically converted together with the operational requirements of the applicant and the quality of the replacement building and the wider public benefits of the scheme as a whole are considered to justify this element of the proposal.

The applicant advises that from an operational perspective they wish to relocate their existing rope production business (currently located opposite the site), close to the site access. This is a portion of the site where direct linkages to the riverside are less operationally critical (compared to the other buildings and spaces positioned closer

to the river. Additionally, they advise that building No 63, immediately adjacent to the locomotive shed (Shed 7) is essential accommodation for the rope production operation and its size, position and its construction make it suitable as a “rigging workshop”.

The applicants consider that the replacement of the locomotive shed is required with a larger building footprint that can accommodate an office and will allow ancillary storage. The replacement building is required to operate in conjunction with building No 63 and the proposed siting of the new replacement building, in the same location as the Locomotive shed (Shed 7) would maintain the existing open character of the working yard in the northern portion of the site. The scale and design of the replacement building is similar in terms of its siting relative to the central open yard will not compromise the character of this portion of the site.

In term of the demolition of Shell Store No 2 (Building No 4) it is noted that this building 4 has been altered since its construction in 1862, the most notable of which was the alteration to provide the flat roof construction, which contrasts with the adjoining building No 5 (No 3 Shell Store). The building is not considered to be architecturally significant or unique and has been compromised by the major alterations to its original appearance. When examining the options for development at the site the applicants considered that the existing building did explain part of the historic functioning of the overall site. However it was recognised that the adjacent Building No 5 (No 3 Shell Store) could be more easily converted and retained.

The requirement to demolish Building 4 followed an assessment by the applicant of how best to bring the river Medway into use for the community. The site contains a large concrete pier that although unsuitable for leisure marine use, lends itself particularly well to commercial marine use. There is interest in the use of this pier together with the large warehouse building at the north end of the site.

The applicant advises that the commercial marine operations are proposed to be exclusively at the north end of the development, leaving the whole river frontage at the south end free for other marine related activities. Demand for leisure marine berths on the river Medway is high and this area presents a prime site for a development of this nature. However, the successful operation of a marina facility is heavily dependent on its shore based support facilities such as toilets, showers/wash rooms, laundry, storage, marine equipment supplies and maintenance etc. The riverside linkages and the promotion of the river as a commercial means of travel is an aspiration of other development plan policies and the future use of the site in this way could play a part in promoting more sustainable (non-car based) travel in Medway.

The applicants consider that building No 5 (adjacent to building 4) also known as No 3 Shell Store is ideally suited to this requirement, by way of its size and location. The applicant considers that having examined all other buildings on site, building No 5 is the only building suitable for this use. However, for this facility to function effectively it must be supported by an adequate parking and loading area for marine activities and clearly this area needs to work together with the facilities building. The applicant considers that the only area suitable for this is the area occupied by shell store No.2 (Building 4).

In assessing the demolition of building No 4 the Council must bear in mind the proximity of the building to the riverside and the objective of attracting riverside operators, whose clients will benefit from being able to use the floating pontoon and pier.

The applicant argues that the relationship between the use of buildings and land / parking will support the longer term objectives of bringing the river back into active use. They consider that not only is the riverside parking secured by this demolition, which is important in its own right, but is considered to be crucial to finding an operator for the adjoining building (building No 5) as a shore based support facility. The proposed demolition is therefore considered to help secure a future use for the retained building (Building No 5) bearing in mind the wider site objectives.

In terms of providing parking elsewhere within the site, the applicant argues that the proposed development does not provide the maximum adopted council parking requirements and the full extent of the hardstanding portion of the site will comprise either loading areas, parking and maneuvering areas or building footprints and circulation areas. This being the case, it is not possible to provide additional parking within the site to meet the parking needed in conjunction with the site uses. There is no other location that is so closely positioned to the pier and riverside access that it is designed to function alongside and for these reasons no alternative options, to achieve the applicants goals are considered to be available, that could allow this structure to be retained, given the site constraints.

In the context of the ordnance depot element of the conservation area taken as a whole, English Heritage considered that the loss of one or both of these buildings may not equate to substantial harm, but under NPPF 133, for a lesser degree of harm Medway Council must be satisfied that the harm is “necessary to achieve substantial public benefits”. English Heritage advises that if the same outputs for the planning application could be provided without harm to the conservation area buildings then this should be given weight.

In relation to the Locomotive Shed (Building 7), English Heritage advise that the proposal to replace this with a new building to manufacture rope issues such as economic outputs, including jobs, are part of the public benefits to be weighed in this instance, but NPPF requires Medway Council to seek economic, social and environmental gains jointly and simultaneously. English Heritage state that if the Council is satisfied that the harm from demolition of building 7 is unavoidable and outweighed by public benefits then prior recording of this building must be secured by condition. As construction of the new rope works will entail significant ground works in an area with archaeological potential, a staged approach to investigation and mitigation by preservation or recording should also be secured by condition. The design of the proposed replacement building as an addition to the conservation area is relevant. NPPF 137 advises that new development within conservation areas should enhance or better reveal their significance. English Heritage has confirmed that in their view the scale and design of the proposed new building, on drawing 628:P25, appears appropriate to the industrial character of this part of the conservation area and they are content with Medway Council deciding the detail and materials of its design, including as necessary by condition.

In terms of the empty case store (building No. 2), this building was a later infill between the walls of Magazine A (now demolished) and Magazine B. The building incorporates a large roller shutter door and a mix of modern brickwork on the visible side elevation. The flat roof structure contrasts with the regular rhythm of pitched roofs to Magazine B. The applicant proposes to demolish this building, leaving the side walls of the Grade II* listed Magazine B exposed to view, thus revealing again the historical integrity of the original and most important remaining building structure dating back to circa 1856.

Following discussions at the pre-application stage the side wall of the empty case store adjoining the proposed housing on the site of magazine 'A' is to be retained as shown on Drawing No. 628-L17 received on the 4 November 2013. The empty case store structure was a later infill between Magazine A and B buildings and it is considered that the heritage asset of Magazine B would be enhanced by this partial demolition, as it will restore the Magazine B building to its original freestanding structure, allowing the original side elevation to be revealed again. These changes would enhance the heritage understanding of the most important building within the site.

As with all buildings within the site, the Empty Case Store does record part of the military functioning of the overall site, however it represents a later addition and its appearance is considered to be incongruous and negatively affects the setting of the Grade II* listed Magazine B as a "set piece." The retention of the roller shutter and the building will result in an almost continuous frontage to the riverside taking account of the proposed new dwellings (numbered 1-4). Such a continuous frontage could be considered to have a negative impact on both the setting of Magazine B and the proposed new build town houses to this riverside frontage.

The applicants consider that architecturally the building has limited value and contend that its demolition will improve the listed setting of Magazine B. Furthermore they consider that its demolition is justified by creating a visual break before the riverside residential dwellings come into view enhancing the sense of separation of the historic and contemporary building elements.

NPPF 140 advises "Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies."

Indeed the Council's own adopted policies at BNE 12 seek to ensure that special attention is paid to the preservation and enhancement of the conservation area, whilst policies BNE13 and BNE16 concern demolition within Conservation Areas or of Listed Buildings respectively. Finally policies BNE18 and BNE20 seek to prevent development that would adversely affect the setting of listed buildings or development that would destroy or be detrimental to the setting of a Scheduled Ancient Monument.

In terms of weighting up all these factors, it is considered to assess the harm resulting from the loss of these heritage assets, from within the former Lower Upnor

Depot Site, against the public benefits the public benefits are so significant as to overcome the harm from the loss of these three buildings. The proposal is considered to provide a part of the overall package the development and in this sense has the potential to:

- Opening up this former secretive military site to the public;
- Enable the restoration of historic linkages between Upnor Castle and the application site;
- Create a new chapter and long term use of the site which, with the withdrawal of the MOD, has to be different from its historic use as a military depot;
- Enable the repair and renovation of the existing listed and undesignated structures;
- Provide the potential for future recreational and leisure use of the riverside and the pier;
- Provide much needed public parking outside operational hours in designated areas potentially encourage greater use of the riverside;
- Potentially enabling the area bordering Magazine A and leading up to the rear entrance of Upnor Castle to be use for activities associated with Upnor Castle (this will need to be the subject of a separate agreement between the relevant department of the Council and the applicants);
- Create Jobs;
- Management of the woodland/bank area;
- Pre-arranged supervised walks of the bank area for members of the public and viewing of the air raid shelters and Grade II listed WW1 sentry post;
- Archaeological preservation and recording;
- Provision of onsite information boards for future visitors explaining the history of the site; and
- The formation of a Management Company to maintain and upkeep the common areas of the site.

It is clear that there are a number of wider public benefits which need to be balance against the areas where demolition is necessary for operational / viability or aesthetic reasons. Furthermore the proposal represents a comprehensive enabling package that will secure the future use of this redundant military site bring a mixed use of commercial / employment, retail and residential uses which can only enhances the prospects of the site being attractive to future occupiers providing substantial public benefit. It is further considered that the different elements can only be provided in the locations detailed and that it is not possible or realistic to seek those elements elsewhere within the development site. Example of this is the proposed parking areas that replace the former Shell Store No. 2 (Building 4) and the Empty Case Store (building No 2).

Bearing the above in mind, it is considered that the proposed development complies with the criteria detailed above related to the loss of heritage assets, as set out in the NPPF and complies with the Councils adopted policies in this regard. The demolition of these three buildings will result in the preservation and enhancement of the character and appearance of the Conservation Area as a result of their removal (BNE12 and BNE13). Furthermore, for the reasons set out above, it is considered that the comprehensive redevelopment and reuse of this site will be prejudiced if the

removal of the empty case store (building No. 2) is not removed. It should be remembered that this building was a more modern infill structure between Magazine A (demolished) and magazine B and is completely out of context with the remaining Grade II* listed Magazine 'B'. This being the case the demolition of these three buildings, especially the empty case store (building No. 2) will result in an improvement to the listed building and its setting and is acceptable when assessed against Local Plan policies BNE16 and BNE18. Finally the demolition of these three buildings are not considered to damage or destroy the Scheduled Ancient Monument or its setting and this being the case their removal is considered to be acceptable when assessed against Local Plan policy BNE20.

Having reached the above conclusions it is important to ensure that the buildings are appropriately recorded and an advance understanding of the heritage asset and what fabric, especially in regard to Magazine A is retained and how this would be repaired in order to protect it in future, must be established. Similar conditions relate to the south wall of Magazine B, which would then again become an external wall must also be imposed. Both English Heritage and the County Archaeologist consider this to be important and have requested condition be imposed to ensure that this is undertaken. Indeed NPPF 141 advises that “...*developers [are required] to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible...*” The fact that the County Archaeologist is not raising an objection and is also requesting such a condition confirms that the proposed demolition of these three buildings is considered to be acceptable when assessed against policy BNE21 of the adopted Local Plan. These conditions will be imposed on the Conservation Area Consent application to avoid duplication. The applicant will also be advised that Listed Building Consent will be required for the demolition of the empty case store (building No. 2) and the partial demolition of the wall at the site access onto Upnor Road.

Local Finance Considerations

None relevant

Conclusions and Reasons for Approval

In conclusion the proposed development is considered to comply with the criteria detailed above related to the loss of heritage assets, as set out in the NPPF and complies with the Medway Local Plan policies in this regard.

The demolition of these three buildings will result in the preservation and enhancement of the character and appearance of the Conservation Area as a result of their removal (BNE12 and BNE13). Furthermore, for the reasons set out above, it is considered that the comprehensive redevelopment and reuse of this site will be prejudiced if the removal of the empty case store (building No. 2) is not removed. This being the case the demolition of these three buildings, especially the empty case store (building No. 2) will result in an improvement to the listed building and its setting and is acceptable when assessed against Local Plan policies BNE16 and BNE18.

Finally the demolition of these three buildings are not considered to damage or destroy the Scheduled Ancient Monument or its setting and this being the case there removal is considered to be acceptable when assessed against Local Plan policies BNE20.

Conditions related to the recording of the buildings and the no demolition taking place until a contract has been entered into for approved redevelopment of the site are recommended in accordance with policies BNE13 and BNE21 of the Local Plan.

Accordingly Conservation Area consent is recommended subject to the conditions as set out.

The application would normally be determined under delegated powers but is being referred to Planning Committee due to the associated Planning Application also on the agenda.

Background Papers

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

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