

MC/13/2210

Date Received: 6 September, 2013

Location: Sectors 10, 11/15 And 13, Island Way West, St Marys Island, Chatham Maritime, Kent

Proposal: Application for approval of reserved matters being access, appearance, landscaping, layout and scale pursuant to GL93/10730 and MC/2004/1207 for the construction of 339 dwellings comprising detached, semi-detached and terraced Houses, flats and 'extra care' sheltered housing building (Class C3) and associated garages; Construction of, office building (Class B1), and cafe/coffee shop (Class A3), lay out parking spaces; Public and private amenity areas, drainage infrastructure, estate roads, footpaths and landscaping, including earth amenity bund, surface water outfall, detention ponds with viewing platform and children's play areas and equipment.

Applicant: Countryside Maritime Limited

Agent: Mr Rowe The Planning & Design Bureau 45 Hart Road Thundersley Benfleet Essex SS7 3PB

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 20 May 2014.**

**Recommendation - Approval subject to;**

- A) The applicant entering into a deed of variation under the terms of Section 106 Town and Country Planning Act 1990 to update the affordable housing section to take account of the changes in legislation and terminology that has occurred since 2005.
- B) And the imposition of the following conditions:
  - 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

**6 September 2013**

1211\_PL\_002; and 1211\_PL\_003

**21 October 2013**

1211\_PL\_140 Rev F; 1211\_PL\_141 Rev F; 1211\_PL\_142 Rev F; and 1211\_PL\_280

**24 October 2013**

C11300/PL/L5; C11300/PL/P8; and C11300/PL/L9

**1 November 2013**

A079410-SK11

**4 November 2013**

1211\_PL\_240 Rev D; 1211\_PL\_241 Rev E; and PL\_202

**11 November 2013**

C11300/PL/L03 Rev A

**15 November 2013**

1211\_PL\_101 Rev E; 1211\_PL\_103 Rev E; 1211\_PL\_104 Rev E;  
1211\_PL\_105 Rev E; 1211\_PL\_107 Rev E; 1211\_PL\_108 Rev E;  
1211\_PL\_111 Rev F; 1211\_PL\_113 Rev E; 1211\_PL\_114 Rev E;  
1211\_PL\_114A Rev E; 1211\_PL\_115 Rev C; 1211\_PL\_120 Rev E;  
1211\_PL\_121 Rev C; 1211\_PL\_122 Rev C; 1211\_PL\_131 Rev G;  
1211\_PL\_150 Rev A; 1211\_PL\_160 Rev A; 1211\_PL\_161 Rev A;  
1211\_PL\_162 Rev A; 1211\_PL\_163 Rev A; 1211\_PL\_220 Rev D;  
1211\_PL\_231 Rev C; 1211\_PL\_250 Rev A; 1211\_PL\_260 Rev A;  
1211\_PL\_261 Rev A; 1211\_PL\_270 Rev A; 1211\_PL\_271 Rev A; PL\_200  
Rev A; and PL\_201 Rev A

**18 November 2013**

1211\_PL\_230 Rev D; A079410\_002; A079410\_02 Rev D; A079410\_03 Rev  
D; A079410\_04 Rev D; A079410\_05 Rev A; and A079410\_06 Rev B;

**28 November 2013**

1211\_PL\_001; 1211\_PL\_121 Rev C; 1211\_PL\_130 Rev H; and  
1211\_PL\_132 Rev H

**12 December 2013**

C11300/LSD/L1; C11300/LSD/L3; C11300/LSD/L6; C11300/LSD/L7;  
C11300/PL/P9; and C11300/PL/L13

**23 January 2014**

1211\_PL\_120 Rev F; and 1211\_PL\_130 Rev J

**28 February 2014**

1211\_PL\_001 Rev H; 1211\_PL\_005; 1211\_PL\_500; C11300/PL/P8 Rev A;  
C11300/PL/L01 Rev D; C11300/PL/L02 Rev B; C11300/PL/L03 Rev B;  
C11300/PL/L4 Rev B; C11300/PL/L6 Rev A; C11300/PL/L7 Rev A;  
C11300/PL/L9 Rev A; C11300/PL/L10 Rev A; C11300/PL/L11 Rev B;  
C11300/PL/L12 Rev B; C11300/PL/L13 Rev A; C11300/PL/L14 Rev B;  
C11300/PL/L15; A079410\_09 Rev A; A079410\_015; A079410\_016 Rev A;  
A079410\_017; A079410\_018; A079410\_019; and A079410\_805 Rev A

**19 March 2014**

A079410\_800 Rev C

**10 April 2014**

A079410\_SK21; C11300/LSD/L2 Rev B; and Planting Schedule C11300/CMT A

**14 April 2014**

RSA Geotechnics Map Sector 13

**15 April 2014**

SPA Mitigation Summary Report

**16 April 2014**

1211\_PL\_004 Rev C

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

- 2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended)(or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out within Classes A, D or E of that Order in relation to plot nos. 019-048 (inclusive) and 214-229 (inclusive) unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development to ensure that adequate access is available to maintain the existing flood defence wall in accordance with Policy CF13 of the adopted Medway Local Plan 2003

- 3 The finished floor levels of the buildings within the development hereby permitted shall be no lower than:

- Living accommodation (with the exception of kitchen and dining rooms which can be located at lower levels) should be set no lower than 6.00m AOD
- Sleeping accommodation should be set no lower than 6.30m 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.

- 4 Within 3 months of the date of this decision full details of:

A) A scheme demonstrating how access to the flood wall will be achieved to enable its future maintenance; and

B) The location of a compound to facilitate the maintenance of the wall

shall be submitted to and approved in writing by the Local Planning Authority. No development in relation to plots 19 - 48 (inclusive) and Plots 214-229 (inclusive), as detail on drawing number 1211\_PL\_004 Rev C, shall commence until the details submitted pursuant to this condition have been approved in writing by the Local Planning Authority. Thereafter the details as approved shall be implemented in accordance with the approved details prior to the occupation of the residential plots 19 - 48 (inclusive) and Plots 214 - 229 (inclusive). Thereafter the approved details shall be maintained for the life of the development.

Reason: To ensure that adequate access is available to maintain the existing flood defence wall in accordance with Policy CF13 of the adopted Medway Local Plan 2003 and Policy NRM4 of The South East Plan 2009.

- 5 Prior to commencement of the development an investigation for the presence of ground gas within the development site and a related risk assessment must be carried out. If there is found to be a risk from ground gas, to safeguard the future occupants, gas protection measures should be installed in the proposed development. The details should be submitted to and approved by the Local Planning Authority. The approved measures must be implemented before occupation of any dwelling.

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

- 6 Prior to commencement of any piling or penetrative foundation methods on site full details of the method for piling foundations or any other foundation designs using penetrative methods and any other proposals involving below ground excavation shall be submitted to and approved in writing by the Local Planning Authority. The piling works / foundation designs using penetrative methods / any other proposals involving below ground excavation as approved pursuant to this condition shall only be implemented in accordance with the approved details and shall thereafter be maintained for the lifetime of the development on the site.

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

- 7 Prior to first occupation of any of the residential units, hereby permitted, full details of the:

a) the local information leaflet that highlighting leisure sites and attractions in the area; and

b) any associated signage required to minimise the impact recreational disturbance, resulting from residents of and visitors to the site, to the Special Protection Area and Site of Special Scientific Interest as specified in the SPA Mitigation Summary Report received on 15 April 2014

shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved leaflet shall be supplied to each new dwelling resulting from this development on the first occupation of each residential unit. The approved signage shall be erected prior to first occupation of any of the residential units hereby permitted and shall be maintained for the life of the development.

Reason: To mitigate the impact of recreational disturbance on the surrounding Special Protection Areas and Sites of Special Scientific Interest in accordance with polices BNE35 and BNE36 of the Medway Local Plan 2003.

- 8 Prior to commencement of the construction of the café building, hereby permitted, fully detailed plans of the design, layout and scale, including any flue details and samples of the materials, of this building shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and maintained in accordance with those approved details for the life of the development.

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

- 9 The cafe use shall be used for that use and for no other purpose (including any other purpose in Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In order to confirm the nature of the permitted use in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 10 The cafe use hereby permitted shall only operate between 08:00 hours and 18:00 hours Mondays to Saturdays (inclusive) and between 08:30 hours to 18:00 hours on Sundays and Public Holidays.

Reason: To regulate and control the permitted development in the interests of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 11 No deliveries to the café and the commercial element of the Extra Care facility, hereby permitted, shall be received or despatched from the site outside the hours of 07:00 to 19:00 on Mondays to Fridays, 08:00 to 18:00 on Saturdays nor at any time on Sundays, or Bank and Public Holidays

Reason: To regulate and control the permitted development in the interests of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 12 Prior to the commencement of the part of the development that contains the Class B1 Office block a scheme to minimise the

transmission of noise from the use of the premises shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before any part of the development building which contains the Class B1 office use is occupied and shall thereafter be maintained in accordance with the approved details for the life of the development.

Reason: To ensure that the development does not prejudice the amenities of neighbouring property in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 13 The Class B1 office use hereby permitted shall be used for that use and for no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In order to confirm the nature of the permitted use in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 14 Prior to first occupation of any part of the development hereby permitted details of the design and location of security measures including CCTV cameras shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to first occupation and such measures shall thereafter be retained and maintained in working order.

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

- 15 Details of all external lighting to be used within the development shall be submitted to and approved in writing by the Local Planning Authority prior to its installation on site. No lighting other than that approved shall be installed within the site.

Reason: In the interests of visual amenity and security and to accord with policies BNE1 and BNE8 of Medway Local Plan 2003.

- 16 No part of the development shall be occupied until that part of the service road that provides access to it has been surfaced and drained in accordance with details to be submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure that the development does not prejudice conditions of amenity and highway safety and accord with policy BNE2 of Medway Local Plan 2003.

- 17 No building shall be occupied until the parking area to serve that building and uses contained therein has been provided, surfaced and drained in accordance with details to be submitted to and approved in writing by the

Local Planning Authority.

Reason: To ensure that the development does not prejudice conditions of amenity and highway safety and accord with policy BNE2 of the Medway Local Plan 2003.

- 18 Any areas shown on the plans approved for vehicle parking shall be kept available for such use and no permanent development shall be carried out on the land so shown or in such a position to preclude vehicular access to the reserved parking spaces.

Reason: To ensure sufficient parking is available to support the development and accord with policy BNE2 of the Medway Local Plan 2003.

- 19 The refuse strategy as set out on drawing 1211 Refuse Strategy for Marina Apartments and the accompanying letter dated 23 January 2014 shall be carried out to ensure that on collection day bins are moved from the bin stores to the highlighted bin hard standings. As soon as they are emptied the bins shall be moved back to the refuse stores. This shall occur every collection day for the lifetime of the development.

Reason: To ensure that the development does not prejudice conditions of amenity and highway safety and accord with policy BNE2 of the Medway Local Plan 2003.

- 20 All dwellings within the development shall achieve a minimum of Code Level 3 of the Code for Sustainable Homes (or an equivalent rating in any subsequent replacing standard that has been agreed in writing by the Local Planning Authority). Prior to the first occupation of each residential unit the developer shall provide the Local Planning Authority with the Code for Sustainable Homes registration number and a design stage certificate confirming the code level that property has been achieved.

Reason: To safeguard conditions of amenity within the scheme of development permitted and to promote the development of sustainable forms of development.

- 21 Prior to occupation of any part of the development full details of the number, location and type of life buoy's to be provided around the attenuation ponds shall be submitted to and approved in writing by the Local Planning Authority. The life buoy's shall be installed prior to first use of the landscaping area and subsequently maintained for the lifetime of the development.

Reason: To ensure a safe and secure environment in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 22 Prior to commencement on the Multi-Use Games Area (MUGA) full details of the type, height and location of boundary treatment around the MUGA shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be installed prior to first use of the MUGA and subsequently maintained for the lifetime of the development.

Reason: To ensure a safe and secure environment in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 23 Before any dwelling is first occupied a scheme identifying the party or parties responsible for the future maintenance of all open spaces, including the Multi-Use Games Area, the Locally Equipped Area of Play and Local Areas of Play but excluding all land falling within the public highway or private curtilages, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be undertaken otherwise than in complete accordance with the agreed details and the development shall thereafter be maintained in accordance with the approved details for the lifetime of the development.

Reason: To regulate and control the development in the interests of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 24 Prior to first occupation of any of the residential units within plots PL336 to 339 (inclusive), PL312 to 335 (inclusive) and PL235 to PL283 (inclusive) full details of sound attenuating slot ventilators to the living room and bedroom windows, including details of the manufacturers technical data relating to noise attenuation of the slot ventilators that demonstrate that a sound reduction of 41dB when closed and 38dB when open is achieved, shall be submitted to and approved in writing by the Local Planning Authority. The details of sound attenuating slot ventilators, as approved pursuant to this condition, shall be fitted to living room and bedroom windows of the each residential units within PL336 to 339 (inclusive), PL312 to 335 (inclusive) and PL235 to PL283 (inclusive) prior to the occupation of each plot within plots PL336 to 339 (inclusive), PL312 to 335 (inclusive) and PL235 to PL283 (inclusive). Thereafter the development shall be maintained in accordance with the approved details for the duration of the development.

Reason: To ensure the future occupiers of the units achieve maximum sound attenuation in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 25 Before any dwelling hereby permitted is occupied a remediation scheme, which shall have been previously approved in writing by the Local Planning Authority, must be carried out in accordance with its terms.

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

- 26 The submitted remediation scheme shall 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, and must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The submitted scheme must ensure that the site will not qualify as contaminated land under Part 2A of the



Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

- 27 Following completion of the measures identified in the approved remediation scheme and before occupation of any dwelling, 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.

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

- 28 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 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of conditions 25 and 26, which is subject to the approval in writing of the Local Planning Authority.

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

- 29 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 25 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be submitted to and approved in writing by the Local Planning Authority.

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

**For the reasons for this recommendation for approval please see planning appraisal section and conclusions at the end of the report**

## **Proposal**

Application for approval of reserved matters access, appearance, landscaping, layout and scale pursuant to GL93/10730 and MC/2004/1207 for the construction of 339 dwellings comprising detached, semi-detached and terraced Houses, flats and 'extra care' sheltered housing building (Class C3) and associated garages;

Construction of an office building (Class B1), and a cafe/coffee shop (Class A3), lay out parking spaces; Public and private amenity areas, drainage infrastructure, estate roads, footpaths and landscaping, including earth amenity bund, surface water outfall, detention ponds with viewing platform and children's play areas and equipment.

The houses are made up of 12 two-bed 4 person, 26 three-bed 5 person, 21 three-bed 6 person, 11 four-bed 6 person, 34 four-bed 7 person, 57 four-bed 8 person and 8 five-bed 9 person houses.

The flats are made up of 54 one-bed 2-person flats, 80 two-bed 4-person flats, 2 two-bed 3 person flats and 34 three-bed 5 person flats.

The Office building is approx. 195.10sqm

The Café building is approx. 79.89 sqm

The proposed materials are formed from:-

Bricks	All about Bricks – Buff Stock Ibstock Staffordshire Slate blue smooth 2232
Cladding	Marley Eternit Cedral Cladding – C01 White Marley Eternit Cedral Cladding – CL 104 light Oak Marley Eternit Cedral Cladding – C10 Blue Grey Marley Eternit Cedral Cladding – C15 Dark Grey Marley Eternit Cedral Cladding – C12 Lavender Blue  Trespa Meteon – Wood décor effect Euroclad Apolic Cladding – MBS17 Yellow Green (G30) Euroclad Apolic Cladding – MBS08 Golden Yellow (G30) Euroclad Apolic Cladding – MBS16 Pale Green (G30) Euroclad Apolic Cladding – MBS04 Sky Blue (G30) Euroclad Apolic Cladding – MB055 Mist Gray (G30) Euroclad Apolic Cladding – MB0556 Aluminum Gray (G30)
Render	Smooth Sto render – white
Roof tiles	Russell Galloway – Concrete Interlocking Slate Grey tile
Paving	Marshalls Keyblock Paving - Natural Marshalls Keyblock Paving – Brindle Marshalls Tegula Paving - Natural Marshalls Tegula Paving – Brindle Marshalls Conservation Setts – Silver Grey Marshalls Tegula Cobbles – Pennant Grey Marshalls Perfecta Paving – Natural Marshalls Vintage Keyblok Paving - Brindle

The materials will be used differently across the site as set out below: -

- Basin Houses and Village Quarter houses – The buff stock brick runs continually throughout the ground floor, with render or horizontal weatherboarding on the top half with roofs being formed from the concrete interlocking slate grey tile.
- Waterfront Apartment and Basin Quarter - The Ibstock Staffordshire Slate blue brick runs continually throughout the ground floor. The balconies with box features are a clad metal system with glazed balconies inset. Cladding is used as the inset colour. Horizontal timber louvers are proposed to the façade and balconies.

### **Site Area/Density**

Site area: 10ha / 24.771 acres

Site density: 33.9 d.p.h /13.9 d.p.a.

### **Relevant Planning History**

Extensive history on St Mary's Island but history found specifically for this area:-

MC/12/3017	Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 - request for a screening opinion for the reserved matters application for residential development for 339 dwellings, open space, landscaping and a drainage outfall EIA not required Decided 10/01/2013
MC/04/1207	Variation of condition No. 1(B) of application reference 93/0730GL to extend the time allowed for the submission of reserved matters by a further eight years Approved 22/12/2005
MC/02/2072	Application for approval of reserved matters (siting, design external appearance and means of access) (pursuant to planning consent 93/0730GL) for construction of thirty three 2/3 storey 2-4 bedroomed houses and two 2-bedroomed maisonettes with associated roads, garages, parking and landscaping Approved 14/04/2003
GL/93/0730	Outline application for the erection of up to 1700 dwellings together with community, educational and commercial areas and associated open spaces, highways and service infrastructure Approved 03/07/1996

## Representations

The application was advertised on site, by site notice, in the press and neighbour notification letters were sent to the owner/occupiers of neighbouring properties.

Environment Agency, Medway Fire Safety Officer, Kent County Constabulary, EDF Energy, Southern Gas Networks, Southern Water, Medway (Chatham) Dock Company, Medway Ports Authority, Chatham Maritime Trust, St Mary's Island Residents Association and English Heritage.

**English Heritage** have written with the following comments:

*"This application concerns reserved matters for the final phase of the development of St Marys Island as per the original outline permission based on an agreed master plan (93/00730GL- renewed under planning application MC2004/1207). As such it would appear that the principle of development has been established and the need is to now ensure that the outline permission is implemented in the best possible way.*

- I cannot now be sure if English Heritage gave advice in 1996 when the outline permission was granted by the then Gillingham council. Consideration of current proposals needs to include the effect of the new development upon the significance of the designated heritage assets at Upnor by virtue of this being within their setting. This was relevant in 1996 and is required now under the NPPF (paras 128 & 137).*
- It is disappointing that although the planning statement references the historic environment by recording the Chatham World Heritage Site bid it contains no analysis of how the development will affect the heritage assets on the opposite bank of the river. This is all the more surprising as the draft Chatham World Heritage Site Planning Policy (September 2013) contains directly relevant guidance; including identification of two key views from the water bastion of the castle (page 22). Based on the DCMS announcement about Chatham not going forward as a WHS I anticipate that this guidance might now be renamed to refer to key strategic views for the historic environment but in any case its analysis of how development might affect heritage assets at Upnor holds true.*
- Upnor castle and its setting is the principal heritage asset that is affected by this application, but there are other listed buildings and the conservation area at Upnor to be considered. Upnor castle was the first defence for the English navy when moored at Chatham and is a rare example of a 16<sup>th</sup> century artillery fortification. It is a scheduled monument and part of the National Collection of Historic Properties held by English Heritage on behalf of the nation. The castle is managed by Medway Council and is presented today as a heritage attraction for visitors. The castle was located and designed with specific reference to the river Medway. In common with all artillery defences its setting can be defined as the fields of fire that its guns were intended to command. The water bastion is of particular relevance as this was designed to permit guns to fire along the length of the river but there are also guns in the body of the castle that were trained to fire directly across the river i.e. towards the proposed development. To understand the significance of the castle you need to be able to comprehend the way in which it was to be used. This is given specific weight at Upnor as the castle is one of very few such sites that have actually fired in anger to engage our*

then enemies. The Dutch raid in 1667 forms a well known incident in English history and development near the castle should not be permitted to undermine the ability to appreciate how the castle took part in these events and unsuccessful defence of the river. At some periods the barricado or chain placed in the river to prevent an enemy from penetrating up river to the dockyard ran from the castle to the opposite bank of the river at the development site.

- If the land around Upnor castle, including on the opposite side of the river, was still as it was when the castle was built and for when the events of 1667 took place then there at Chatham and is a rare example of a 16<sup>th</sup> century artillery fortification. It is a scheduled monument and part of the National Collection of Historic Properties held by English Heritage on behalf of the nation. The castle is managed by Medway Council and is presented today as a heritage attraction for visitors. The castle was located and designed with specific reference to the river Medway. In common with all artillery defences its setting can be defined as the fields of fire that its guns were intended to command. The water bastion is of particular relevance as this was designed to permit guns to fire along the length of the river but there are also guns in the body of the castle that were trained to fire directly across the river i.e. towards the proposed development. To understand the significance of the castle you need to be able to comprehend the way in which it was to be used. This is given specific weight at Upnor as the castle is one of very few such sites that have actually fired in anger to engage our then enemies. The Dutch raid in 1667 forms a well known incident in English history and development near the castle should not be permitted to undermine the ability to appreciate how the castle took part in these events and unsuccessful defence of the river. At some periods the barricado or chain placed in the river to prevent an enemy from penetrating up river to the dockyard ran from the castle to the opposite bank of the river at the development site.
- If the land around Upnor castle, including on the opposite side of the river, was still as it was when the castle was built and for when the events of 1667 took place then there would be no doubt that the development of parts of St Mary's island would be very harmful to the setting of the castle. This is not however the case and the mid 19<sup>th</sup> century works to reclaim St Mary's island for the dockyard extension, using the alignment of the creek for three large basins, has introduced major change that has been compounded by the existing implementation of the master plan. The view out from Upnor castle is now towards a major flood wall with behind this a substantial amount of development. A similar situation existed in the late 19<sup>th</sup> century as the land around dry dock no 9 once contained large dockyard related structures including No 9 Pumping station and sawmills. These have been demolished leaving the land directly opposite Upnor castle at present with a sense of openness which equates to a greater degree with the unreclaimed marshland appearance that would have existed when the castle was built than will be the case when the master plan is fully implemented.
- The principle of development of the land now covered by the reserved matters application has been agreed and I think what your council must now do is to ensure that the design solution to be adopted is the least harmful in terms of how it will be seen from the Upnor side. It is difficult to fully judge this as no visual representations have been provided from within the castle. There will be some harm to the setting of Upnor castle from any significant development of the land in question but we appear to be beyond the point that we might be able to

prevent this. If your council is satisfied that the current proposal accords with the 1996 approval and that it cannot be significantly enhanced in terms of its effects on the setting of the scheduled castle through design changes appropriate to a reserved matters application then we advise that you might accept the current scheme as it stands. If we were able to start from first principles we would prefer to see more consideration given to the views from Upnor castle.

- The draft WHS planning policy contains the two strategic views. View 1A (upstream) is in my opinion much less affected by the proposed development than view 1B (downstream). View 1B takes in the large bend of the river around which the Dutch ships would have first appeared to the gunners at the castle in 1667. Reclamation of St Marys Island did not prevent an appreciation of this sweep of the river but unfortunately the existing new houses under earlier phases of the plan have started to do so and they already appear in this view. I think the issue for your Council is therefore whether more houses of a broadly similar scale located a short distance behind the floodwall will make this effect substantially worse. I think that there will be more harm to the setting of the castle but that as the principle of development has been accepted under the 1996 permission you could only reasonably seek design changes if you think that there is a means to significantly reduce the additional harm to be caused.
- The time to have protected views out from Upnor castle and therefore its setting, including for an appreciation of the Dutch Raid, was when the master plan for St Mary's island was decided. I am not convinced that sufficient thought was given to this aspect at that time, perhaps including by English Heritage. We must operate within the terms of the permissions as granted and on this basis we do not wish to object to the granting of planning permission.
- I would like to raise one further possible historic environment issue. The application contains no statement about whether there is any potential for archaeological remains associated with the 19<sup>th</sup> and early 20<sup>th</sup> century dockyard related use of the site. I do not expect that any remains earlier than this will have survived the major impact of the reclamation works. It would normally be Kent County Council's archaeologists who would advise you about any issues for undesignated archaeological remains and they may wish to comment now. The applicants may be able to satisfactorily demonstrate that past actions, including their own works to prepare the site for development, have wholly removed all archaeological potential. But if this is not so, they and your Council need to consider how to prepare for archaeological issues once construction begins. This part of the St Marys island site is I think different in terms of its archaeological potential to large parts of the rest in which no significant dockyard structures are known to have been constructed. I have not got a copy of the 1996 permission and so I do not know if archaeology was a condition. Structures such as dry docks and their associated pumping stations will have elements that are deeply buried such as the conduits necessary to make them work. The dry dock is an undesignated heritage asset in its own right that the proposal seeks to preserve and enhance but I suggest some thought needs to be demonstrated as to what else might be still present at the site.
- We recommend that your council should satisfy itself that the effects of the proposed development have been appropriately demonstrated in order to allow you to come to a judgement about how it will appear from within Upnor castle, and with specific reference to the key views identified in your draft planning policy. If you consider that you need more information to come to a view on this

*then this should be sought.*

- *This is a reserved matters application for the completion of the St Mary's island development in accordance with the master plan that first received outline planning permission in 1996. We therefore recommend that if you agree with our assessment that any additional harm to the setting of Upnor castle is less than substantial, particularly in the context of the development that has already taken place, and that the additional harm now to be caused cannot be eliminated or significantly mitigated by design changes that would not break the outline planning permission as granted then planning permission for the reserved matters could now also be granted."*

Following receipt of the photomontage of how the proposed development will appear from Upnor castle (viewing point 1B) English Heritage have advised the following:-

- *"In our letter of 14th January we did not object to the granting of planning permission under the reserved matters application. We advised that your Council in coming to a decision should satisfy itself that the effects of the specific design now brought forward under the 1996 outline permission for a master plan has regard to minimising harm for the setting of Upnor castle. We remain of this opinion. The principle of development is not disputed but the experience of visiting the castle will nevertheless be changed. Based on the other changes that have already taken place around the castle we remain of the opinion that additional harm arising from this proposal will be less than substantial.*
- *The photomontage now provided is helpful to help understand how the far bank of the river opposite Upnor castle will appear from the Upnor shore. It is for your Council to now decide whether it has a sufficient understanding of the issues raised for the setting of the castle to be able to judge the degree of proposed change and to decide the application. In the proposed view and the proposed silhouette images it is the houses closest to the river that are most visible and based on the master plan this was always going to be the case. There is further proposed development around Dry Dock No 9 and some elements of this are taller than the river front new houses and might thus also be partially visible from Upnor castle. If so they are not shown in the photomontage, but even if visible, we do not think that this will make a significant additional difference to the overall effect of the proposed development when seen from the castle. The width of the river does help to reduce the extent to which new development on the opposite bank to the castle will be visible. As the castle relates to the river and the river is a key part of the Dutch Raid as the most famous historic episode for the castle, we cannot help but think that compared with the present situation there will be some harm to setting. The proposed development has some precedent in the late 19<sup>th</sup> century dockyard buildings and activities that were on the site and this must also be kept in mind, though it is not very relevant to understanding the significance of Upnor castle.*
- *The principle of development as a final phase of the master plan is established and this means that there will be an inevitable degree of change to how the views to the river from within Upnor castle are experienced in future. We think that such change will be harmful but not so substantially so that we would wish to raise an objection. If your Council is satisfied that it now understands how the new development will appear from Upnor castle and that the visibility of the new houses cannot be reduced by design changes whilst still staying within the*

*principles of the outline planning permission, then we think this application should be decided and that it might be approved."*

**Chatham Maritime Trust (CMT) have written with the following comments:**

In general terms CMT welcomes this application and the completion of the development on St. Mary's Island. The master plan seems well thought out in terms of the design concepts, the mix and the generous amount of open space. However, we have the following comments.

- *Future maintenance of open space and public areas* – We welcome the provision of open space and public areas. However, CMT has not received formal proposals for the future maintenance of the spaces and it unclear where future responsibility is proposed to lie. An additional drawing is required to define clearly on a measurable drawing all the areas of open space and the intended future maintenance. Given the absence of these proposals CMT requests a condition be attached to any consent requiring the applicant to maintain the public areas to a good standard in perpetuity or to have appropriate alternative arrangements in place. It may be that the position can be resolved before the council determines the application. The condition should say that agreement should be in place before the planning consent is implemented.
- *Safety near the attenuation basins* – The new park contains two attenuation basins, which it appears will contain a small permanent pond but in times of high water the pond will extend to fill the whole basin. These basins are near children's play areas and we consider CCTV should be provided and also safety equipment. We also think it should be made clear how often these attenuation basins are expected to fill: is it every high tide, every spring tide or only in a combination of heavy rain, blocked drains or high tide? This knowledge would help the planning of the landscape and maintenance regime.
- *Physical access to the floodwall* – You will note that in the plots fronting the river north of the blue crane no permanent physical access is provided to the back of the flood wall. Other arrangements therefore need to be in place for CMT to access the area for its regular inspections and to carry out any work if it is needed. We request a condition that the applicant must ensure necessary access is provided to the Trust by land transfers or covenants or a combination of the two. The condition should say that agreement to do this should be in place before the planning consent is implemented.
- *Protection of the floodwall and its ground support* – In this part of the development, the proposal is for the plots to extend to the back of the vertical element of the flood defence. This means that the plots will contain all the ground support and buttresses, which lie behind the floodwall. The ground level and buttresses are a vital element of the flood defence and must be protected e.g. against excavation or attached structures. There is also a gap between the floodwall and the buttresses which must be kept open and visible for monitoring. The application does not make it clear how the flood wall and its ground support will be protected or the gap retained for monitoring. Again we request a condition binding the applicant to put appropriate arrangements in place, perhaps by a



combination of land transfer to CMT and covenants on the plots. The condition should say that this agreement should be in place before the planning consent is implemented.

- *Entrance to Basin 9* – A bridge is shown on the plans over the entrance to Dock 9. We understand that it is not intended to construct this bridge. It would also be advantageous for the caisson at the entrance to Dock 9 to be removed so that Dock 9 could be accessed by boat. Perhaps this could be negotiated with the applicants?
- *CCTV cameras on RiversideWalk* – Completion of the development will bring increased use of the riverside walk. The CCTV cover of the riverside walk around sectors 11 and 13 is not complete and five further cameras are needed at a cost of £90,000. We request that either these are provided by the applicant and linked to the CMT network for monitoring (which CMT will undertake to do free of charge) or that £90,000 is provided to the Trust by the applicant under s 106 arrangements or Community Infrastructure Levy (whichever currently applies in Medway) to enable the Trust to provide five CCTV cameras.
- *Increasing capacity at the Community Centre* – Completion of the development will also bring increased use of the Community Centre and we request that in order to give extra capacity, £50,000 be provided to CMT under s106 or CIL to put in air conditioning to make the main and small halls more usable over the summer. Extra capacity could also be gained by fencing the outdoor space to give a safe, usable outdoor area particularly for children (toddler groups, beavers, use by school for nature study) but also for community events such as the autumn fair. We request £10,000 for fencing the space, to include gates.

Following a response from Countryside Maritime Ltd to CMT the following representation was received from CMT.

- *Future Maintenance of Open Spaces and Public Areas* -Future maintenance of the public areas is a liability not a benefit. CMT will be willing to take on this responsibility but only when it is clear exactly what is involved and that its costs will be met. The purpose of suggesting that CML should be obliged to maintain the land was to establish a fall-back position should agreement not be reached on the extent and costs of the maintenance liability. CMT awaits clarification from CML on these points, as does Medway Council. We note that CML is content for a condition to be imposed.
- *Safety near to attenuation basins* - CMT is pleased that CML agree to provide safety equipment. However, these basins appear to be deep (a section would be helpful) and it would be only responsible to provide CCTV coverage. CMT is prepared to monitor the cameras and maintain them at its own expense. If this area comes to CMT then it will be covered by CMT's public liability insurance so it is a matter of great concern to us, especially as CML state that the outfall will be surcharged at every high tide, ie twice a day. Medway will no doubt wish to consult its own safety experts on the point.
- *Physical Access to the sea wall* - We note that CML is content for a condition to

be imposed. However, we also hope that agreement can be reached at an early stage to make this unnecessary.

- *Protection of the Floodwall* - The same comments apply to this.
- *Entrance to Basin 9* - It needs to be made clear that this is not part of the application.
- *CCTV cameras on Riverside Walk* - CMT received money in relation to the floodwall, riverside walk and major infrastructure, not in relation to CCTV cameras. Events last week when the River Walk was under water remind us how essential it is to have complete CCTV coverage of the River Walk. We understood that CML had already agreed to provide two cameras but five are in fact needed to complete the coverage. We request Medway to condition the number to be provided. Again CMT will undertake to monitor and maintain them, which is a generous offer.
- *Community Centre* - The Community Centre is already at capacity. A voluntary contribution from CML would be a gracious gesture.

**Peel Ports** have written to advise that on behalf of Port of Sheerness Ltd they have no objection to this application. A River Works Licence will be required from the Port in due course in respect of surface water discharge into the River Medway.

**Southern Water** have written to advise that they do not wish to make any comments

**Southern Gas Networks** have written to advise that they have no gas mains in the area of the enquiry

**The Environment Agency** have written with the following comments:

Flood Risk - We are satisfied with the Flood Risk Assessment and surface water drainage details submitted, and therefore have no objections to these proposals.

Groundwater and Contaminated Land - This site is located on part of a former naval dockyard and site investigation reports and remedial works at the site have been undertaken previously. However each phase of development should still be required to carry out relevant investigations for specific areas to be developed. This could include sampling surface soil related to emplaced fill materials.

As drainage is to surface water there are no additional requirements sought from a groundwater protection point of view.

**Kent Fire and Rescue** have written to advise that the means of access for the Fire and Rescue Service is considered satisfactory.

**Kent Police** have written with the following comments:

Having reviewed the online documentation, we have few concerns with the general street and building layout footprint and concept of the design for these sections of the St Mary's Island development. Unfortunately the developer has not been in contact with me for this section of the development and as such the opportunity to

design out crime may have already been missed, However, should this application proceed, we would welcome the opportunity to discuss the detail of the final designs with the developer and request that they consult with us as a planning condition, particularly in the following areas:

- The design of the office building, in particular the design of the entrance areas, which may provide gathering areas and allow opportunities for anti-social behavior
- The boundary treatments for all of the residential gardens, including any access service paths that may lead between or behind each of the plots
- Multi occupancy flats & apartments – the design and layout of all of the multi occupancy flats, including access control systems, undercroft parking, roof terraces, balconies and core area access control to all levels
- Extra Care facility – the general design and layout of the Extra Care facility
- Lighting – the provision and locations of a number of lighting columns wired to receive community safety temporary CCTV cameras.
- Blank gable end flank walls should be kept to a minimum in order to provide greater natural and informal surveillance.
- Parking – including garaging, parking courts, undercroft and car ports
- Café – general security of the proposed café
- Waste bin and cycle storage – general security of the waste bin and cycle storage facilities for residential and commercial units, including multi occupancy dwellings
- The design and layout of all play areas including the NEAP and MUGA
- We recommend that the developer consider use of the Association of Chief Police particularly for specific building detail
- We recommend that the developer consider use of the Association of Chief Police Officers (ACPO) Secured By Design (SBD) initiative for these phases of this development and we would welcome the opportunity to work with the developer from a CPTED aspect.

The applicants met with Kent Police on 10 January 2014 to discuss these issues and have sought to resolve them in collaboration.

The Police copied the Council into a letter to the applicants which sets out the following:-

- We understand that the extra care home is to be built in association with Orbit Housing Association and that an SBD Section 2 application form will be submitted to us, to form part of the evidence and audit trail, in order to obtain Codes for Sustainable Homes (CfSH) credit compliance. We look forward to receiving your application form in due course...
- We also draw your attention to the SBD Multi-Storey Dwellings document, which may also be of interest and can be downloaded from: [www.securedbydesign.com/pdfs/multistory.pdf](http://www.securedbydesign.com/pdfs/multistory.pdf) . As agreed at the meeting, we are more than happy to accept individual SBD application for the extra care home itself and for each phase of the 339 residential units as they progress. This should allow SBD Section 2 compliance letters to be issued as and when each part of the development is completed for your CfSH assessor and to allow for

hand over.

- We understand that the extra care home will have the benefit of onsite care staff, operating 24 hours a day, 7 days a week and will also staff the main reception and office. The staff will provide a concierge/capable guardian capacity, which will also aid towards general security of the extra care home. Approximate age of the residents being 65 years and over.
- As discussed, we understand that full audio visual (visual via each residents TV) access control systems will be installed for the residents. Access control measures should also be installed to protect the core stairway and lifts, on all levels, and each wing of the building, so that residents and visitors are only able to access the corridor of their flat. The access control systems should fail safe so that core and wing areas are accessible in the event of a fire. Kent Fire and Rescue Service (KFRS) should be consulted to ensure that fire regulations are met and not compromised.
- The communal buggy, refuse and laundry rooms etc should have appropriate access control or locking systems, particularly for those rooms accessible from the outside of the building, with an internal door into the building, which may allow bypass of the main reception area (e.g. laundry room and buggy store). The bin store, laundry room and buggy store should also have viewing panels installed in the internal door, so that residents are able to see if anyone is inside, before entering.
- We understand that CCTV systems will be installed to cover all of the main entrances/exits. CCTV monitors should be located in the staff reception areas for ease of staff use and recording equipment should be kept within a secure office and have 31+ days recording capacity, in line with Home Office guidelines.
- There is a small parking court to the rear of the extra care home, with some additional parking for non-residents in the adjacent streets. Parking courts are not ideal from a SBD aspect and where they are unavoidable, they should be gated in order to achieve full SBD certification. However we understand the constraints of the site and that as this is not a full SBD application, as such, we recommend that as discussed, a local authority CCTV camera, with full Pan, Tilt and Zoom (PTZ) capability be installed. This camera should be positioned to allow coverage of the Multi Use Games Area (MUGA) and car parking court.
- We appreciate that the lighting plan is yet to be finalised, however we understand that this will be a mixture of full height lighting columns for the main roads with some bollard type lighting for the car parking court area. Exterior lighting for the extra care home should comply with the SBD New Homes 2010 guidance.
- All of the front doors to each flat should meet SBD specifications, being PAS23/24 compliant with a thumb turn internal release. Door chains are not required for the extra care home flats, this is so that care home staff can gain easy access to a residents flat in an emergency. Windows at ground floor levels, and floors above where access is easily gained, and glazing next to communal access doors should meet SBD specification BS7950 laminated glazing.
- Defensive planting of low level shrubs or plants should be incorporated into the final planting landscape scheme, to offer an added layer of security and prevent unwanted persons from getting close to the ground floor residential windows, particularly of living and bedrooms.
- We have few concerns regarding the layout of the residential units, given the lack of service paths to serve gardens to the rear of the properties. All residential units should comply with SBD Section two – Physical Security, regarding specifications

for windows, doors, lighting, boundary fencing etc. Garden fencing should be 1.8m in height in total, with a trellis topping, any arris support rails should face inside the gardens to prevent them being used as a climbing aid.

- We understand that the block of 10 flats will have full audio/visual access control systems installed. Doors and windows should meet SBD specifications for homes of multiple occupancy. Bin and cycle stores should be lockable. Core stair and lifts areas should have access control systems installed so that residents are only able to access the level of their own flat.
- The café maybe become a gathering area, particularly when closed. We recommend that a full height lighting column be wired to receive a Community Safety CCTV camera, should any anti-social behavior (ASB) issues occur in the future. These cameras are used on a temporary basis in order to gain evidence and deter ASB . The camera only requires a fused power spur to be installed in the lighting column, with a weatherproof Commando type socket at the top of the lighting column. The position of this wired lighting column was discussed at the meeting and it should be able to cover the café and ideally part of the basin area, with a view toward the Local Area for Play (LAP). We understand that local authority cameras will also be located around the development.
- We understand that the office building has residential flats above, however the final configuration is yet to be finalised. The residential accommodation should meet SBD specifications as detailed in the multi occupancy sections of the SBD New Homes 2010 guidance document. Should the office area not develop and other uses be considered, we would welcome the opportunity to discuss this with yourselves if it is anything other than residential. This is particularly important should the office area be used for commercial units or include other services such as an ATM/cash machine.

**Four letters** have been received from members of the public relating to:

- Concern to the recent changed to PD rights for offices to be converted into residential accommodation, considers that PD rights should be removed so as to maintain a sustainable balanced community and in the interests of good planning
- Considers that low-level lighting on footpaths that are not overlooked by dwelling-houses should be provided to prevent crime and give a sense of security.
- No provision for the extension of school facilities, the school is running at capacity an will be over subscribed in future
- Medical facilities would need to be improved
- Additional speed calming would be required; as drivers do not respect that we are a residential area and keep their speed to an appropriate level. Since the development and opening of Redshank Road last year we have experienced additional traffic, not just for access but flow through as well. Looking at plans redshank would be one of the access points to new development and even more vehicles passing through.
- The prominent high grass bund facing Upnor Castle would remain in place for the aesthetic view both from the castle and St Mary's Island. Given the historical background of the island/castle it should not be obstructed by housing
- Parking is a real issue on St Mary's Island. Tandem parking leads to cars overhanging the pavement and road. Must have provision for parking area for patents who's children attend the school as the amount of parked cars on Island

Way West is potentially hazardous for children coming out of school

- Concern with regard to repairs and seeking a specified time limit for repairs to take place
- The proportion of affordable housing is too high
- Would like to see the balance between the rented and shared ownership in favour of the later as residents would then take a more active interest in keeping their outside areas tidy and attractive

Following the receipt of amended plans the following comments have been received:

**Southern Gas Networks** have written to advise where the gas mains are and the proximity that mechanical excavations can take place.

**Kent Police** have written to advise they have no objections to make on the principle of the proposal in regard to crime and prevention and crime prevention through environmental design matters but ask that the final boundary treatments are a minimum height of 1.8m

**St Marys Island Residents Association (SMIRA)** have written to advise they have a concern about the proposed use of "smooth stow render in white". White simply doesn't work on SMI due to the high winds and dusty environment.

Following correspondence with Countryside Homes SMIRA have advised that the general consensus of the Board is that Countryside have been minded of SMIRA concerns and have taken reasonable steps to avoid a repeat of previous unfortunate choices of materials and colours that have not stood up well to the environmental conditions on SMI.

We are happy, therefore, for the proposal to stand and rely on Countryside assurances that there will not be a repeat of the previous unfortunate outcome.

**Southern Water** have written to advise that an application is required to them for adoption and connection of the water supply.

**English Heritage** have advised that the application should be determined in accordance with national and local policy guidance and on the basis of the Councils specialist conservation advice.

**Environment Agency** have written to advise that there are no groundwater quality concerns, other than in the construction activity. Any contamination likely to be impacted by the proposals should be addressed as part of the strategy as required by land contamination conditions, which will be needed to be signed off in full prior to development commencing. Therefore there should be no risk to ground water from the construction of the proposed drainage design as contamination should have already been addressed site wide by prior actions. The agency are satisfied with the Flood Risk Assessment and surface water drainage proposals

**Natural England** have written to advise that the application is in close proximity to the Medway Estuary and Marshes Site id Special Scientific Interest (SSSI). This SSSI forms part of the Medway Estuary and Marshes Wetland of International

Importance under the Ramsar Convention (Ramsar Site)/Special Protection Area (SPA). Natural England advises that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Medway Estuary and Marshes has been classified. Natural England therefore advises that an Appropriate Assessment is not required to assess the implications of this proposal on the site's conservation objectives.

#### *Protected species*

Natural England refer to their Standing Advice on protected species. The Standing Advice includes a habitat decision tree, which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

#### *Green Infrastructure*

The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Natural England would encourage the incorporation of GI into this development.

In addition, Natural England has confirmed that it is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Medway Estuary & Marshes SSSI has been notified. Therefore they advise that this SSSI does not represent a constraint in determining this application.

#### *Local sites*

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

#### *Biodiversity enhancements*

This application may provide opportunities to incorporate features into the design, which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. Consideration should be given to securing measures to enhance the biodiversity of the site from the applicant in accordance with Paragraph 118 of the National Planning Policy Framework.

#### *Landscape enhancements*

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural

resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

## **Development Plan**

The Development plan for the area comprises the Medway Local Plan 2003. The policies referred to within these documents and used in the processing of this application have been assessed against the National Planning Policy Framework, 2012 and are considered to conform.

## **Planning Appraisal**

### *Background*

St Mary's Island (SMI) is a 61 hectare site situated on the south bank of the River Medway on the inside bend such that the river wraps round the eastern, northern and western edges of the island with basins 1, 2 and 3 and their associated control gates/locks and bridges defining the southern edge of the land.

Countryside Maritime Limited, which is a joint venture enterprise between Countryside Properties Plc and the Homes and Communities Agency, established in the 1990s to undertake the redevelopment of SMI. Outline planning permission was granted under reference 93/0730/GL in July 1996 for "the erection of up to 1700 dwellings together with community, educational and commercial areas and associated open spaces, highways and service infrastructure". A s106 Agreement was entered into which required decontamination of the land, and the delivery of various community facilities and infrastructure, including affordable housing, a primary school, neighbourhood centre, public open space and flood defences.

A significant number of dwellings have been provided on the Island under the terms of reserved matters approvals pursuant to the original outline and s106 Agreement. The time within which to submit reserved matters applications expired in 2004 and so an application was made to extend the time reference MC2004/1207 with a deed of variation to the s106 Agreement that relates solely to affordable housing requiring an increase in the percentage in future phases of the development setting out updated affordable housing standards including tenure/nominations processes.

To date 1,361 properties have been granted detailed planning permission at SMI of which over 1,300 have been built and occupied. This leaves 339 dwellings to be accommodated on the remaining Sectors 10, 11/15 and 13, which is the subject of this application.

This is a reserved matters application pursuant to the original outline and as such the principle of the development is not a matter for consideration. In addition, matters such as developer contributions are also not available for review other than where



the development proposed requires specific amendment to address the changed circumstances such as tenure or the terminology concerning affordable housing as a result of legislative changes.

### *The application site*

The application site extends to some 10 hectares and comprises of an irregularly shaped area of land situated at the western end of SMI. It has a fall of approximately 1m from north to south over the entire length with some stockpiled earth in places. The site is vacant, having been cleared of all buildings and structures (with the exception of a former Royal Navy submarine/ship dry dock).

The sites western boundary occupies almost the entire end of SMI and is defined by a river defence wall. The southern site boundary is delineated by the quay wall onto Basin 1. To the east the southern portion of the site abuts Samphire Way and its roundabout junction onto the main loop road, Island Way West. The north eastern boundary sits next to Sector 9 which is presently at an advanced stage of construction.

The principle vehicular and pedestrian access into the application site is from the roundabout at the junction with Samphire Way, with access proposed from Redshank Road to the south east, from Island Way West and a continuation of The Causeway at the north eastern end of the site.

This application seeks approval for the remaining reserved matters, scale, access, appearance and hard and soft landscaping. The proposal is for the erection of 339 two, three and four bedroom detached, semi-detached and terraced dwellings and flats in two, three, four and five/six storey buildings.

### *Main Issues*

The main issues for consideration in this matter are:

- Design Constraints and Opportunities and Street Scene and Design;
- Neighbour Amenities;
- Extra Care;
- Café/Coffee Shop;
- Refuse;
- Affordable Housing;
- Soft Landscaping, surface water drainage and recreational facilities;
- Flood Risk and drainage;
- Contamination and Land Gas;
- Ecology;
- Noise; and
- Impact on the Highway.

### *Design Constraints and Opportunities and Street Scene and Design*

The layout of the proposed housing has been designed around a number of

constraints and opportunities, which have been set out below:-

- The landscape bund was included within the original SMI Masterplan and so has been brought forward within this scheme and has allowed for the creation of viewing platforms, surface water attenuation ponds, public access and play space.
- A main surface water sewer runs through the northern part of the site in a generally westward direction and carries water from Sector 9 to a temporary pumping station on the land and discharges it over the river wall. There had been a design requirement in the development of the application site to provide a permanent solution to this issue via a new surface water outfall (Outfall 15) through the river wall. The area around this cannot be built over which has informed the design process.
- Condition 10(a) of the outline consent requires that a secondary means of access is provided. This access is shown at the end of Leviathan Way in the form of a bascule bridge and lock gates at the western end of Basin 1. This access has therefore been incorporated into the design of the application site.
- Due to the difference in levels across the site, with ground levels generally higher at the northern end and lower towards the south, buildings across the southern section of the site are therefore higher to ensure that habitable room floor levels are elevated due to the risk of tidal flooding.
- A maintenance strip some 7.6m wide, measured from the inside face of the river wall has been set aside along the river defence wall to facilitate for future repair and/or replacement operations to be undertaken. The dwellings in this area are set in runs of no more than 6 dwellings to allow for frequent vehicular access to the maintenance strip. The provision of a 7.6 metre no-build maintenance zone is similar to that provided on neighbouring Sectors 7/8 and 9.
- Design opportunities exist to the west of the site to have outward facing development towards the River and attractive views of Upnor Castle, to face the development onto the new landscape bund and onto Island Way West and Sapphire Way to create active frontages. The cluster of community buildings across the roundabout and principle access to the site has allowed for an opportunity to set the office building and extra care block to create a sense of community.

To take advantage of these constraints and opportunities the architects have split the site into quarters to enable different residential character areas to be created:-

The Village Quarter is located to the northern end of the site, which is of domestic scale, two/three storeys in height. This character area has been designed to assimilate into the current development at Sector 9, which is of a similar scale and character.

The Bund Quarter is located straddling the landscape bund. Houses to the north of the bund are large detached predominately three storey properties

that share their design with the village quarter. Those to the south of the bund are taller four storey houses and apartments flanking the north end of the dry dock. This area also incorporates the Extra Care building set over four storeys around a curve with wings radiating to the north.

The Basin Quarter is set in a grid like arrangement of three storey houses. This area also incorporates the Office building, which is a three-storey building with a curved front elevation.

Waterfront and Basin Quarters are primary townscape frontages directly onto the River Medway, Basin 1 and the dry Dock. These are made up of three, four and five/six storey buildings. The houses that front the River have been designed to have gaps to the side to allow glimpses of the River to residents deeper within the development. The dwellings have been designed to respond to specific locations, Waterfront houses located along the River Medway are predominately four storey with integrated garages. The buildings have a vertical emphasis with steeply pitched roofs, prominent gables and perpendicular roof forms. The houses make good use of the stunning views with roof terraces set over the first and third floors.

The scheme went before the Design Review Panel at the pre-application stage and they identified two principal character areas, the area to the south of the existing bund across the site round the hard edged basin, and a more informal area to the north. The proposal responds to this by having higher density, more formal development round the basins, with a looser arrangement of smaller houses in the more informal area.

The bund between the two areas is a continuation of the landscape regime elsewhere on the island. It forms a landscape feature in its own right, provides pedestrian routes from the riverside through to the major green spaces at the centre of St Mary's Island, and defines a spectacular vista past the iconic feature of a waterfront crane through to Upnor castle on the opposite bank of the Medway.

As the Design Panel Report notes this approach (of two character areas separated by a bund) '*paired with a more structured edge to the river, appear appropriate*'. The proposal is a bespoke design that responds to site constraints and opportunities to create a real sense of place. This sense of place is reinforced by the architecture, which is modern, distinctive, and generous.

The Panel sought further work with regard to layout, Character and Architecture. These areas are set out below:-

*Layout* - The Panel stated '*The relationship between the bund and the river is underplayed, if not ignored, in the proposed scheme by the short run of terraced houses located at this point. We feel that much more needs to be done to celebrate this area in the scheme*'. The planning application scheme has been revised to remove the short run of terraced houses. This opens the end of the bund up to the river and to the Blue Crane (a significant focal point). This is a significant improvement.

The Panel did not think that it was clear how successful the connections between the existing community centre and school and the main public area of the new development would be. There has been some reworking of the 'entrance crescent' of the scheme (the extra care units which will have some mixed uses at ground level) to provide a clearer route through. Similarly, the pedestrian connections to the open space of the bund area are now more direct and clear.

*Character and Architecture* - The application has been submitted with a restricted set of materials, primarily light buff brick used in varying proportions according to each character area, dark brick bases for basin flats, and either render (basin and river areas) or timber type cladding (bund area) for most walls. Timber infill panels (houses) and coloured metal panels (flats round basin) provide coloured accents. This is by and large a successful palette and materials rationale. The use of white render has been questioned with regard to the suitability with its location on the Island, which is exposed to many weather types. The applicants have advised that the specific type of render - smooth stow render, has been selected because of its durability, the smooth finish results in less grooves etc for dirt to get in to. It is a far more robust (and more expensive) product than the weber system previously used on the Island. In regard to colours it is considered that the coloured renders used on sector 7/8 have weathered worse than the white/off white renders used amongst other areas on sector 2/2C-2 (Redshank road) and 9 which mostly still look clean and sharp. The applicants advise that the white render is a central tenet of the design philosophy for the scheme that was well received through the design competition and at the public consultation, design review panel and committee presentations.

On balance it is considered that the use of the materials is considered to be acceptable and would create a high quality development that is fitting in this setting.

*Scale and form* - The scale of the buildings within the site very much follow the concept established by the division of the site into character areas. The highest buildings are around the basin where buildings arranged in formal avenues and vistas at a minimum of 3-storeys but rising up to 5/6 storeys to form carefully chosen focal points. They help define an attractive 'quayside' area, which has the potential to become a destination for residents and visitors. The creation of a focal point for St Mary's Island by this integrated design concept that includes some higher buildings is very welcome.

Behind the bund the buildings are lower and less formal. However a grander gesture is made along the riverfront where buildings are arranged three and four storey's high to form a 'grand wall' of townhouses of a substantial scale. Variations in height along with set-backs for balconies give this row a picturesque quality which is appropriate for this highly visible riverside location.

The applicants have provided a photo montage from viewpoint 1B at Upnor Castle, the scheme stands in front of previous phases of St Mary's Island and will therefore have greater prominence due to the fact it is in the foreground, and due to its height. English Heritage have raised some concern over the setting, based on the fact that St Mary's Island was very low-lying marshland at the time of the raid. This openness is significant in that it was an important part of the function and location of the

defences, including the Castle. English Heritage's view is that this sense of openness, such as it exists today, could be harmed by taller development than is necessary.

However, it is important to realize that, prior to any development there would have been extensive views down stream from the castle. The full length of the adjacent bend in the river would have been visible, plus further meanders. Overall there would have been a very wide extensive view downstream and a very wide field of fire. The setting has already changed considerably. Land raising works associated with the construction of the basins to facilitate the steam navy, plus modern flood defence works have radically changed the view. More recently housing has been constructed that further changes the view. The wide view downstream has largely been lost.

Viewed in the above context, it is not considered that the proposed development does further harm to the significance of the view. Furthermore, although the proposed development might be judged, at four storeys, as quite tall for suburban development, the photomontage shows that the setting will still be perceived by most people as relatively open as such the scale and form are considered to be acceptable and in accordance with policy BNE1 of the Medway Local Plan 2003.

#### *Neighbour Amenities*

The submitted scheme proposes a density of development, which is similar to that on other sectors of St Mary's Island. As such there is a close relationship between many of the proposed properties. However it is considered that the scheme has been designed so that an acceptable relationship between the proposed properties and also proposed and existing properties is achieved in terms of privacy. The privacy distances are similar to other areas of St Mary's Island. The scheme has also been designed so that it will not result in a significant impact upon existing or proposed properties in terms of loss of sunlight/daylight.

The proposed dwellings are considered to be in accordance with the minimum standards set out in the Medway Housing Design Standards as set out in the table below:

	<b>Number of bedrooms</b>	<b>MHDS Minimum gross internal floor area</b>	<b>Gross internal floor area (minimum)</b>
<b>2-storey House</b>	<b>2b4p</b>	<b>83sqm</b>	<b>83.42sqm</b>
<b>2-storey House</b>	<b>3b5p</b>	<b>96sqm</b>	<b>105.91sqm</b>
<b>3-storey House</b>	<b>3b5p</b>	<b>102</b>	<b>108.32</b>
<b>2-storey House</b>	<b>3b6p</b>	<b>N/a</b>	<b>132.57sqm</b>
<b>3-storey House</b>	<b>3b6p</b>	<b>N/a</b>	<b>137.12sqm</b>
<b>3-storey House</b>	<b>4b6p</b>	<b>113sqm</b>	<b>140sqm</b>
<b>3-storey House</b>	<b>4b7p</b>	<b>N/a</b>	<b>153.01sqm</b>
<b>3-storey House</b>	<b>4b8p</b>	<b>N/a</b>	<b>166.76sqm</b>
<b>4-storey House</b>	<b>4b8p</b>	<b>N/a</b>	<b>187.39sqm</b>
<b>3-storey House</b>	<b>5b9p</b>	<b>N/a</b>	<b>168.90sqm</b>
<b>Flats</b>	<b>1b2p</b>	<b>50sqm</b>	<b>51.93sqm</b>
	<b>2b3p</b>	<b>61sqm</b>	<b>68.65sqm</b>
	<b>2b4p</b>	<b>70sqm</b>	<b>78.87sqm</b>
	<b>3b5p</b>	<b>86sqm</b>	<b>95.87sqm</b>

The development is considered to be in accordance with policy BNE2 of the Medway Local Plan 2003.

#### *Extra Care*

Sixty-two of the 339 homes would comprise self-contained one and two-bedroom flats incorporated into a part three, part four storey “extra care” sheltered housing building. The building is proposed with a curved front façade and two projecting rear

wings located to the principle site entrance off Island Way West/Samphire Way. In addition to the flats this building would also contain a café and hairdressers for residents and may also be used for members of the public. Associated ancillary rooms such as a residents lounge, dining area, kitchen, staff accommodation, offices and plant rooms are also proposed, together with outdoor amenity space between the rear wings and visitor car park beyond.

The front of the building forms a crescent facing south east, with the main communal café, lounge and offices on the ground floor creating an active frontage with residential units on the upper storeys with inset balconies overlooking the public square. Two wings of accommodation radiate from the curved front section of the building, along the northeast and southeast boundaries, forming an attractive, landscape courtyard at the heart of the site. The crescent block and north wing are 4 storeys in height, stepping down to three storeys on the southern wing to address the residential scale of the properties to the south.

The crescent frontage provides the main entrance to the building from the square defined by a glazed foyer, which leads to the main reception and frames a view through to the gardens to the rear.

To overcome the requirements of the flood risk analysis all ground floor accommodation has been set in the northeastern wing on a plinth 1.5m in height, with floor to ceiling heights of 3m. The remainder of the ground floor in the crescent and southwestern wing will be level with the rest of the site with a floor to ceiling height of 4.5m. This area includes most of the communal and ancillary accommodation required for the extra care facility, such as offices, treatment and hobbies rooms, buggy store, refuse, kitchen, assisted bathrooms and staff rooms.

The main residents café and lounge is on the southwestern corner and is proposed to be predominantly glazed with an external terrace and canopy facing towards the dry dock area.

The extra-care building inevitably has a large footprint compared to other building types. This, plus its attendant bulkiness means that it will stand out from the other buildings. The architectural approach to this has been to celebrate this difference by pairing it with the office building which also has a curved façade with two projecting rear wings, so that the two define a grand entrance 'gateway' to the site. This approach seems to emphasise the difference between this building type and the rest of the scheme. While it is considered that an improvement could be made if the extra-care complex was re-orientated towards the roundabout on the approach to this site, and the road system altered in this location to create a more formal 'square' as the setting for this building, the Doctors' surgery, and the school, it is acknowledged that this is beyond the scope of this application and the approach used is considered acceptable.

Policy CF5 of the Medway Local Plan 2003 sets out that accommodation providing nursing and special care to meet needs arising in local neighbourhoods will be permitted, subject to there being no undue loss of amenity to neighbouring residents. Due to the location of the Extra Care block it is considered there would be no significant negative impact with regard to the surrounding residential properties and

as such is considered to be in accordance with this policy.

The building is proposed to have a crisp, modern appearance and is considered on balance to be acceptable and in accordance with policies BNE1 and CF5 of the Medway Local Plan 2003.

#### *Café/Coffee Shop*

A small detached café/coffee shop is proposed in an area of public space close to the inland end of the dry dock. The applicants have advised that the elevational design will depend on the end user and as such have requested that this element be dealt with at a later stage to allow the appearance and layout to be agreed in due course. The structure will be in the order of 80sqm in area and has been shown on the plans to be a single storey structure with a broadly triangular shape. It is considered that the layout and appearance could be conditioned on any approval to allow for the building to be a bespoke design to suit the end user, subject to this condition this aspect is in accordance with policy BNE1 of the Medway Local Plan 2003.

#### *Refuse*

Amended plans have been received that address the initial concerns raised with regard to refuse store locations with the exception of the Marina Apartments. At these apartment it will be necessary for the bins to be moved by a caretaker on collection morning to the designated bin collection point and once emptied, will be moved back to the bin store, so that all the crews would have to do is wheel the bins from the collection point to the refuse freighter and empty them - a distance of less than 10 metres. It is recommended that this aspect is covered by a suitably worded condition subject to this no objection is raised.

#### *Affordable Housing*

The original outline permission had a s106 attached that set out that 200 units had to be provided as affordable. The deed of variation that arose as part of the 2005 permission (MC/04/1207) took into account policy H3 of the Local Plan, which sets out the requirement for affordable housing. This increased the number of units to be provided in the remaining phases of the development to a total of 246 units.

The development the subject of this application proposes 97 (29%) affordable units. The increase in the percentage above the 25% set out in policy H3 is to take account of the need to provide the affordable housing from an earlier Sector where it was agreed to have no affordable housing to make the phase viable and to permit construction and stimulate the housing market on the Island.

The 97 units are made up from the 4 flats above the office building, all 62 of the extra care units and 35 dwellings pepper potted across the site in clusters of no more than 9 units. Tenure for the extra care units would be split 60% affordable rent and 40% shared ownership with the remainder of the affordable housing all being shared ownership equating to 38% affordable rent and 62% shared ownership across the site as a whole.



The mix of dwelling type and tenure has been chosen to enable the scheme to be viable and a Viability Assessment has accompanied the application to demonstrate that the proposed mix is the most appropriate to enable the outstanding development on the Island to be completed and is in accordance with policy H3 of the Medway Local Plan 2003. To reflect the required changes in tenure and housing mix a deed of variation is required.

#### *Soft Landscaping, surface water drainage and recreational facilities*

It is proposed to continue the landscaped bund (public open space) running approximately through the centre of the site on a broadly southwest-northeast axis, which will terminate at the blue crane access to the riverside walk. Incorporated within this are two water detention ponds, which would permanently retain a small amount of water or at least remain marshy and would provide for surface water attenuation. In periods of extreme rainfall and “tide locked” conditions these ponds would fill to hold additional water until it can be released through a new outfall (Outfall 15) which is proposed along the western edge of the development discharging through the river wall.

The basins are designed to hold surface water generated by the development subject of the application and from part of the adjacent Sector when the new outfall (Outfall 15) to the River Medway is surcharged at high tide (i.e. the flap valve is closed because the river level is above that of the outfall). This means that surface water generated by storm events could not drain away until the tide has receded and so would be detained in the basins. Two tide events per day that surcharge the outfall are likely to occur but if heavy rain does not coincide with those events then only a small amount of water will remain in the detention basins. It is recommended that the provision of appropriate safety equipment such as life preserver rings is addressed by the imposition of a suitably worded planning condition requiring such details to be provided.

A swale is also proposed between the river wall and the end of the rear dwellings in the south western corner of the development. Swales are linear grass covered depressions, which lead surface water overland from the drained surface to a storage or discharge system. Unlike a conventional ditch, a swale is shallow and relatively wide. It provides temporary storage for storm water and reduces peak flows. A swale is dry during dry weather but in wet weather, rainwater flows into it along its length and moves slowly through the grass area.

Formal children’s play space is also proposed through the inclusion of a Neighbourhood Equipped Area for Play (NEAP) and two Local Areas for Play (LAP). The NEAP would include a Multi-Use Games Area (MUGA), which is hard surfaced and marked out for various court sports to give opportunities for teenage children. The NEAP and LAP would include fixed play equipment such as Birds nest tree, Velocity 1, 4 Cell Bar seat, Tornado overhead, orbiter roundabout, Olympic 2012 swing and free ride.

Prior to the submission of this application the LPA undertook an assessment of public open space and play space requirements generated by the overall 1700 unit

development at SMI using its adopted Planning and Design for Outdoor Sport and Play (2008) SPG. This suggested that the wider development generates a total requirement for 9.6 hectares of open space, of which 0.8 hectares is required to be equipped play space. In relation to equipped play space, based upon 279 new homes (excluding the extra care dwellings) the remaining sectors of the development generate the need for 0.12 hectares of equipped play area (based on the requirement of 0.2 hectares per thousand of population). In Play terms this is the equivalent of 1 x NEAP (1000sq.m) and 2 x LAPS (100sq.m each) or 3 x LEAP (400sq.m each).

Condition 3 of the original outline planning permission requires that a review of the Masterplan is performed. As part of this submission a review of the Masterplan has been undertaken. In total the existing green spaces on the rest of SMI amount to 9.59 hectares (excluding the school site and its playing field). Taken together with the proposed western landscaped bund the resulting total area of public open space will exceed the open space requirement of 9.6 hectares.

The application proposes one fully equipped NEAP, complete with associated play equipment and a MUGA situated close to the existing community hub around the primary school and doctor's surgery. In addition, two LAPS are also proposed to meet the needs of younger children in the development. This totals 0.12 hectares of equipped children's play space and meets the requirements set out above and is therefore in accordance with policy L4 of the Medway Local Plan 2003

#### *Flood Risk and drainage*

The Environment Agency (EA) website flood risk zone map shows the site is situated within Flood Risk Zones 1, 2 and 3 of the River Medway, lying on land that benefits from localised flood defences. Existing flood defences protect the site from tidal flooding up to the 0.1% annual probability event (1 in 1000 year). The 1 in 200 year flood level; including an allowance for climate change is 5.70m AOD (2110 climate change scenario). The site is part of a larger development and benefits from outline planning permission and therefore the principle of the development and sequential testing are not relevant.

The application was accompanied by a Flood Risk Assessment (FRA) which sets out that the Islands flood defences are at risk of overtopping under climate change scenarios and given the application sites proximity to the flood defence it is considered to be vulnerable to the inundation of flood waters in the event of a breach. As such it is proposed to manage the risk of flooding by providing minimum finished floor levels above the 1 in 200 year flood level including an allowance for climate change plus a freeboard of 300mm for living accommodation and 600mm for sleeping accommodation. This requires that living accommodation is set at a minimum of 6.00m AOD and sleeping accommodation at 6.30m. To achieve this, especially at the southern end of the site where the land is lower, these levels can only be achieved by providing parking/garaging at ground level with habitable rooms above.

It is also proposed that occupiers will receive advanced flood warnings by signing up to the EA's flood warning scheme and the production of an Emergency Flood

Response Plan. Flood resilience is also proposed, although the FRA concludes that because of the depth of potential flood water (up to 2m) and the associated hydrostatic forces, flood resistance would not be appropriate as it could lead to structural damage to buildings. Allowing flood water to enter buildings, flow through them and drain away afterwards is proposed, with non-absorbent, impervious materials used in the construction of buildings below flood level and service connections fitted with non-return valves and/or located above the predicted flood level.

The FRA also explains the measures proposed to control surface water discharge from the site to ensure that the risk of flooding from such is minimised through the use of sustainable drainage techniques. Specifically, surface water runoff will be attenuated within a purpose designed drainage system to mitigate flooding and to protect vulnerable areas within the site.

The design of the drainage system has been based upon a network of gravity sewers that discharge to a tidal section of the River Medway via a new 1200mm diameter outfall (Outfall 15). The outfall through the river wall (flood defence) will be fitted with a tidal flap valve to prevent water from the River Medway entering the proposed development site during high tide levels, as such the site may on occasion be tide-locked or 'surcharged' at the confluence of certain rainfall and tide conditions because the new outfall would be submerged beneath river water at those times. On-site storage or 'detention' of surface water is therefore necessary to cater for such scenarios, which have been discussed above.

Modelling undertaken by the applicant's drainage consultant suggests that this volume of storage is sufficient to prevent surface water flooding to properties within the development. The FRA predicts that the flood risk within the Sector 9 area is likely to reduce as a consequence of the proposed development and its attendant new drainage infrastructure. The application is considered to be in accordance with policy CF13 of the Medway Local Plan 2003.

#### *Contamination and Land Gas*

A remediation strategy has been received which deals with contamination issues on the site which is deemed acceptable. However, more detailed information is required and therefore it is recommended that an appropriately worded condition is imposed on any approval to deal with this issue.

There are also potential issues related to soil gas in some parts of the island caused by the natural marsh peats in alluvial sub-soil. It is therefore considered that an appropriately worded condition should be placed on any approval to ensure that this issue is appropriately dealt with. Subject to this the application is considered to be in accordance with policy BNE23 of the Medway Local Plan 2003.

#### *Ecology*

The Medway Estuary and Marshes Ramsar Site and Special Protection Area (SPA) is located to the north east of the site, with constituent parts located to the north and south of the River Medway. This SPA was granted such status on 15 December

1993. Special Protection Areas (SPAs) are strictly protected sites classified in accordance with Article 4 of the EC Birds Directive, which came into force in April 1979. They are classified for rare and vulnerable birds (as listed on Annex I of the Directive), and for regularly occurring migratory species. Ramsar sites are wetlands of international importance designated under the Ramsar Convention.

The closest section of the SPA to the site on the northern bank of the River Medway is situated 790m to the north east of the site and on the southern side 2.1km.

In addition, other Statutory designations in proximity to the site comprise:

- Medway Estuary and Marshes Site of Special Scientific Interest (SSSI). Constituent parts of the SSSI within the search radius comprises of Unit 100 and Unit 30. Unit 100 is located on the north eastern coast of St Mary's Island, approximately 800m east of the site, whilst Unit 30 is located on the northern bank of the River, approximately 1km north east of the site.
- Tower Hill to Cockham Wood. Constituent units are situated on the northern side of the River, with the closest sections approximately 500m distance from the site, on the opposing side of the Medway.

An ecology report has been produced on behalf of the applicants to look at the impact that the future occupants of the site may have upon the nearby Medway Estuary and Marshes Special Protection Area (SPA) through leisure/recreation activities. In the current absence of more up to date information from which to prepare a Habitat Regulations Screening Report (principally the emerging 'Sustainable Access and Recreation Management Plan' being developed jointly by North Kent Environmental Planning Group [NKEPG] and Natural England [NE]), the report has been prepared to:

- Briefly summarise the existing information available, comprising of Phase 1 Bird Disturbance Report that was prepared by Footprint Ecology in 2012. This document was commissioned by the NKEPG.
- Using the above information and desk research, review and briefly summarise the relationship between the site and SPA/other designations in order to provide some context.
- Identify how the site will seek to minimise impact upon the SPA through both on-site and offsite measures, taking into account the recommendations contained within the Phase 1 Bird Disturbance Report.

A Phase 1 Bird Disturbance Report was prepared by Footprint Ecology in 2012. This document was commissioned by the North Kent Environmental Planning Group (NKEPG). The principal findings of the report can be summarised as follows:

- The report identifies that there have been declines in numbers of birds using the 3 SPAs included within the study (including the Medway Estuary and Marshes SPA).
- Disturbance has been identified as the principal cause of decline.
- As a result of proposed additional housing, the study suggests that SPA/Ramsar sites may see a 15% increase in visitors in the period to 2026, likely leading to an increase in disturbance levels resultant from leisure activities.

- Activities that increase pressure and therefore disturbance to SPAs comprise dog walking, with the most significant impact resultant of dog walking off lead. Other disturbing activities comprise of those involving access to mudflats and water.
- The study also revealed that development within a 6km radius of access points to SPAs is likely to lead to an increase in recreational usage, including dog walking, cycling, jogging, walking & family outings.
- Outside a 6km radius of SPA access points, the large scale development/large scale changes to housing levels will also result in increases to recreational use, particularly to make dedicated trip journeys, to undertake activities such a power boating/jet ski use.
- The study identifies the upper parts of the Medway around Gillingham, Upnor and Rochester as areas where infrastructure is present to facilitate high levels of boat activity (including power boats).

The submitted Ecology report advises that given the location of the site, direct pedestrian access from the site to areas of the SPA/Statutory designations is not straightforward. For pedestrians to access the nearest point of the SPA to the north of the River Medway would involve a walk of 12.5km. Whilst SSSI units on the north side of the River are slightly closer, the closest SSSI (Unit 1) of Tower Hill to Cockham Wood SSSI would require a walk of 8.8km to gain access. On the southern side of the river, the closest section of SPA to the site would require a 3.3km walk, though this area of SPA is largely comprised of tidal mud flats.

The report sets out that Unit 100 of the Medway and Marshes SSSI requires a 680m walk along the coastal path to gain access to the area immediately adjacent to this unit, which according to the citation for this area, comprises of littoral sediment, and is in unfavourable, recovering condition. It should be noted that whilst the riverside path is in close proximity to this unit, the path does not provide access onto the unit, with a sea wall delineating the boundary. In addition, there is already newly constructed development located immediately adjacent to the unit.

In respect of the site and ease of access to SPA/designations, with the exception of Unit 100 of the Medway and Marshes SSSI, given the large distances involved, it is considered reasonable to make the assumption that future occupants of the site will not be walking directly from site to/from SPA areas on any sort of regular basis.

The Phase 1 Disturbance Report identified that the most significant impact upon SPAs is that of dog walking, with particular regard to dog walking with the animal off lead. Given the distances involved, the report advises that the proposed development is unlikely to generate additional disturbance to the SPA from dog walking where the walk originates from a residence situated on the new site. It is more likely that impacts from dog walking would occur when a resident has specifically driven to a location for the purposes of exercising the animal.

In addition, the report sets out that there is no direct formal access to boating facilities from the site itself, and therefore, residents of the site would need to make a specific journey to a boat yard/slipway to undertake such an activity, though there are many existing numerous such opportunities in the area given the maritime industry associated with Chatham and Medway. However, it is acknowledged that there may be occasional informal access to the river where people may launch from

disused/closed facilities in an un-controlled manner.

*Proposed Mitigation Measures* - In the absence of the emerging strategic 'Sustainable Access and Recreation Management Plan', the Ecology report has suggested a site specific mitigation strategy in order to take all reasonable implementable steps to minimise the potential for additional recreational impacts upon the SPA, using the conclusions of the Phase 1 Disturbance Report as guidance. The mitigation strategy therefore focuses upon:

- Provision of leisure/recreational space within the development.
- Education of new occupants.
- Highlighting alternative non-SPA/designated locations for leisure and recreational use by future occupants.

One of the most important mitigation measures identified within the Phase 1 Disturbance Report is the provision of alternative locations for leisure/recreational activities to take leisure/recreational pressure off SPA locations. The development will contain a new park/open space located centrally within the site. This park will be fully accessible to future occupants for activities including walking (on and off footpaths), dog walking, picnics and informal play. The park also has formal play provision through the inclusion of a specific Multi Use Games Area (MUGA) and a Neighbourhood Equipped Area of Play (NEAP). The open space proposed within the site is situated in close proximity to existing open spaces located within previously developed sectors of St Mary's Island to the east, as part of the wider master plan for the island. As such, there is significant accessible recreational space that will be provided on site with linkages to offsite provision in completed sectors.

In addition to the provision of recreational space, in line with the recommendations of the Phase 1 Bird Disturbance report, the Ecology report proposes to actively highlight alternative local locations for leisure and recreation. Such information will be provided to new occupants as 'Moving in' information, and will be in the form of a local information leaflet pack. The provision of such information will be a key part of the strategy to reduce future occupant use of offsite SPAs for leisure and recreation. The information provided in the leaflet will not mention or highlight access to SPAs.

It is proposed that the leaflet will highlight the on-site open space and linkages to existing open spaces located within previously completed sectors of St Mary's Island. It will also suggest routes and walks to this effect, with way markers/route maps provided as part of the overall strategy of the development and wider Masterplan. This will also be backed up with interpretation boards at the open spaces, next to proposed attenuation ponds and along the existing Riverside Walk, identifying features of ecological/historical interest given the previous land uses of the site/surrounds, and the ecological enhancements included within the scheme. This may be undertaken in partnership with local wildlife organisations.

It is likely that the most harmful effects to the SPA from river use result from unauthorised, uncontrolled use of the river. Therefore the report recommends that the information pack should provide details in respect of any local bye-laws that restrict River usage. It is proposed that the information pack will highlight that the only safe and appropriate way to access the water is via proper slipways, located at

marinas. The information will provide details of clubs, marinas and organisations in the locality for such activities, ensuring that access to the river is controlled and in suitable locations.

To secure the benefits of the proposed mitigation strategy a condition is recommended to ensure that the Local Information Leaflet is supplied. Subject to this condition the application is considered to be in accordance with Policies BNE35, BNE36 Of the Medway Local Plan 2003.

### *Noise*

The noise readings obtained and the conclusions drawn in the accompanying report are accepted. In order to achieve maximum sound attenuation for residents in properties directly overlooking the Marina and those areas of the River Medway where there are yacht moorings, it is recommended that sound attenuating slot ventilators are provided to living room and bedroom windows, which give a sound reduction of 41dB when closed, and 38dB when open. Subject to this condition the application is considered to be in accordance with policy BNE2 of the Medway Local Plan 2003.

### *Impact on the Highway*

The principle of the development in terms of traffic generation and access was established at the outline planning stage; if the number of dwellings proposed as part of this application reflects the overall quantum of development (1700) proposed at the outline stage, then there will be no additional impact on the highway network. St Mary's Island is served by public transport and has good pedestrian/cycle links with the wider area. The existing Maritime Way Roundabout operates well within capacity, and will be improved further as part of the Chatham Waters development. The proposed development is accessed from the existing highway to the east and a new link with Leviathan Way to the east, via the bascule bridge. This secondary route was secured at the outline stage and will improve access to the whole of the island.

*Car parking* - The application proposes 504 car parking spaces to serve the 339 dwellings, which meets the requirements of the Council's Parking Standards exactly. The Standards also require the provision of 84 visitor spaces. It is proposed to provide 107 on-plot spaces for visitors and 121 public parking spaces. The latter provision is distributed evenly across the development, with a small concentration of spaces within a short walking distance of the proposed open space areas and cafe.

*Internal layout* - The internal roads are generally between 4.8 metres and 5.5 metres in width, which will accommodate two-way traffic flow, and swept path analysis has been submitted to demonstrate how a large refuse vehicle can circulate satisfactorily within the development. There are a few streets of around 4.1 metres in width; these cul-de-sacs are relatively short in length, however, and will serve a small number of dwellings.

The application is considered to be acceptable with regard to the transport policies of the Local Plan.

### *Local Finance Considerations*

Not relevant.

### **Conclusions and Reasons for approval**

The application seeks consent for the construction of 339 dwellings comprising detached, semi-detached and terraced houses, flats, an 'extra care' sheltered housing building and the construction of an office building and cafe/coffee shop. The principle of development on site has been agreed through the outline consent. The layout and scale of the development will allow for the creation of a sustainable development of high quality and will create a desirable place to live, work and visit to the benefit of current and future occupiers of St Mary's Island and also for the benefit of the wider area. The proposal is considered to comply with provisions of policies BNE1, BNE2, BNE5, BNE6, BNE7, BNE8, BNE23, CF5, CF13, H1, H3, H4, H10, L4, T1, T2, T3, T4, T13 of the Medway Local Plan 2003 and the National Planning Policy Framework (NPPF) 2012 and The Medway Housing Design Standards (interim) 2011.

This application would normally fall to be determined under delegated powers, but is being reported for Members' consideration due to the scale of the application proposal and the fact that the Planning Committee have considered previous applications on this site and 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 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/dconline/AcolNetCGI.gov>