

MC/14/0657

Date Received: 7 March, 2014

Location: Phase 1 And Part Of Phase 4, Victory Pier, Pier Road,
Gillingham, Kent, ME7 1RL

Proposal: Application for approval of reserved matters (landscaping)
relating to Phases 1 and 4 of the Victory Pier development
pursuant to planning consent MC/13/3131

Applicant: Berkeley First

Agent:
Ward Gillingham North

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. Referral to the Health and Safety Executive (HSE) as the PHADI + consultation system generated an objection to the proposal on the grounds of existing Hazardous Consents remaining on the site. Following a 'resolution to approve' a 21-day period of consultation with the HSE must take place giving the HSE the option to ask for referral to the Secretary of State on the basis of a continued objection to the proposal.
- B. The imposition of the following Conditions:
 - 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Received 7 March 2014

1125_PL 009 Rev C (Masterplan Phasing Plan)
un-numbered plan for Victory Pier Bl.E Eco Area Planting Plan

Received 25 April 2014

LN00338 L-001 Rev C Location Plan
LN00338 L-100 Rev B General Arrangement
LN00338 L-200 Rev D (Hard Landscape Plan)
LN00338 L-200 Rev C (Play Equipment Schedule)
LN00338 L-500 Rev C (Landscape Section - Park and Podium Garden Interface)
LN00338 L-501 Rev C (Landscape Section - Riverfront Terrace and Pergola)
LN00338 L-700 Rev C (Soft Landscape Plan)

LN00338 L-800 Rev A (Soft Landscape Palette)

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

- 2 Notwithstanding the approved plans no landscaping shall take place on the application site until there has been approved in writing by the Local Planning Authority full details of all hard and soft landscaping and any artefacts to be located within external areas. Hard landscaping works shall include all decking, paving, water feature(s) and external hard surfacing material including that within the play area. Minor artefacts and structures shall include seating; refuse receptacles, planters, tree grilles and any other decorative feature(s). Soft landscape works should include details of planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance), schedules of plants (noting species, plant sizes and proposed numbers/densities where appropriate); and implementation programme. Any tree and/or shrub planted being removed or severely damaged, dying or becoming seriously diseased within 5 years of planting shall be replaced with a tree or shrub of similar size and species to that originally required to be planted.

Any amendments to these agreed details shall be submitted to and agreed in writing by the Local Planning Authority through the resubmission of a condition discharge application against this condition. The development shall be carried out in accordance with the last details agreed.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1, BNE6, BNE22, BNE37 and BNE38 of the Medway Local Plan 2003.

- 3 Prior to the first use of the The Central Green hereby approved, a Landscape Maintenance Plan in relation to all hard and soft landscaping (including the riverside walk), minor artefacts and structures, lighting, and public artwork shall be submitted to and approved in writing by the Local Planning Authority. Maintenance of the site shall accord with the agreed Landscape Maintenance Plan.

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

- 4 Other than the street furniture shown on the approved plans no street furniture shall be placed within the 15m buffer zone between the mudflats and the development.

Reason: To prevent people congregating in this area and disturbing birds on the mudflats in accordance with policy BNE38 of the Medway Local Plan 2003.

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

Proposal

Application for approval of reserved matters (landscaping) relating to Phases 1 and 4 of the Victory Pier development pursuant to planning permission MC/13/3131

The application purely comprises landscaping and forms part of the wider Victory Pier development. The site is the heart of the development covering an area of 0.54 hectares. It includes a large open space, a sunken garden with a water feature, part of the Riverwalk, a tiered grass embankment and a playground.

Relevant Planning History

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|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| MC/14/0571 | Application for approval of reserved matters (appearance, internal layout and landscaping) relating to Phases 3 and 4 of the Victory Pier development pursuant to planning consent MC/13/3131
Current Application |
| MC/13/3131 | Variation of condition 1 (list of drawings) on planning permission MC/12/0758 to allow for minor material amendments of: a minor change to the footprint of the building; minor change to the reception area; changes to the unit mix (affecting 3 ground floor units); changes to windows and doors and additional roof terrace (at western end of building) onto the roof of the bike store
Approval With Conditions 27 January, 2014 |
| MC/13/2610 | Variation of condition 36 of planning permission MC/12/0758 (Hybrid application consisting of full planning permission (building L1) for construction of 71 residential units and outline planning permission for access, scale and layout (buildings A & B, C & D, H & J, K & P) for up to 390 residential units (total of up to 461 residential units) and commercial floorspace (A1/A2/A3/B1/D1/D2 uses) with a maximum height of ground floor plus 15 storeys together with car and cycle parking, hard and soft landscaping, refuse and recycling storage and other associated works) related to parking and security measures to Block L1

Approval With Conditions 26 November, 2013 |
| MC/12/0758 | Hybrid application consisting of full planning permission (building L1) for construction of 71 residential units and outline planning permission for access, scale and layout (buildings A & B, C & D, H & J, K & P) for up to 390 residential units (total of up to 461 residential units) and |

commercial floorspace (A1/A2/A3/B1/D1/D2 uses) with a maximum height of ground floor plus 15 storeys together with car and cycle parking, hard and soft landscaping, refuse and recycling storage and other associated works

Approval With Conditions 20 June, 2013

MC/13/0687

Construction of a temporary residents' car park and associated access road and landscaping during the construction of building L1

Approval With Conditions 10 June, 2013

MC/11/2867

Variation of Condition 18 of planning permission MC/11/0768 (Development to provide 54 apartments to accommodate 496 student study bedrooms with ancillary accommodation landscaping and parking) to allow for minor amendments to increase the number of student apartments to 502 and construction of a proposed plant room on roof of Block N

Approved 18 January 2012

MC/11/2848

Development to provide 87 apartments, ancillary access, landscaping, car and cycle parking, waste and recycling facilities (Block E)

Approved 16 May 2012

MC2009/0698

Approval of reserved matters (external appearance, design and landscaping) of planning permission MC2004/1214 for Block M (part of Phase 1 development under permission MC2006/1283) now to provide 43no. shared ownership flats and 60no. care assisted residential flats with ancillary facilities, landscaping and parking. (Amended total development for Phase 1 is 3 54 residential units, 4 live/work units, 709 square metres A3 (Restaurant) use, 165 square metres A1(Retail) use, Harbour masters office and public riverside walk with associated landscaping and car parking.)

Approved 28 September 2009

MC2009/0679

Variation of Condition 19 of planning permission MC2004/1214 [Outline application for the redevelopment of former industrial works to provide 808 residential units, 11 live/work units, retail use, restaurants, hotel with ancillary pub and restaurant, offices (Class B1a), creche, harbour masters office , new access arrangements, associated landscaping and car parking (demolition of all buildings) to allow discharge of condition by phases and sub-phases

Approved 14 July 2011

MC2008/1614	Construction of a 120 bedroom Hotel with associated car park & external works Approved 19 December 2008
MC2007/1025	Redevelopment of site to provide accommodation for 604 students with ancillary facilities, 1,202 sqm of retail use (Class A1/A3) with coffee shop, including access arrangements, associated landscaping and car parking facilities. Approved 28 August 2007
MC2005/2446	Construction of a river wall Approved 17 February 2006
MC2004/1214	Outline application for the redevelopment of former industrial works to provide 808 residential units, 11 live/work units, retail use, restaurants, hotel with ancillary pub and restaurant, offices (Class B1a), creche, harbour masters office, 93 bed student accommodation, new access arrangements, associated landscaping and car parking (demolition of all existing buildings) Approved 26 May 2006

Representations

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

The national planning casework unit, The Environment Agency, Kent Wildlife Trust, Medway Fire Safety, Natural England, Kent Police, RSPB, EDF Energy, Southern Gas Networks, Southern Water, Primary Care Trust, Medway (Chatham) Dock Company, Medway Ports Authority, Health and Safety Executive and Chatham Maritime Trust have also been consulted.

No letters have been received from the general public.

Southern Water have written to advise that they have no objection.

Environment Agency have written with no objection

NHS have written with no comments to make

Port of Sheerness Limited have no objection is raised to this application

The **Health and Safety Executive** PHADI+ system shows that the site in a small part falls in the outer zone of the Transco, Gillingham Gas Holder Station Major Hazard Site/Pipeline and the whole site in the inner zone of the Akzo Nobel Chemicals Ltd Major Hazard Site. As such the HSE objects to the proposal on grounds of safety. Currently consultation with HSE is ongoing and they have the option to request that the item be referred to the Secretary of State in relation to their

objection.

Kent Police have written to advise that they have no objections however make the following comments. Recommend that all benches and play equipment are firmly secured so that they cannot be used as a means to commit crime and they should be made from graffiti and vandal resistance materials. Commend that the gravel paths are resin bound and the gravel will not be used as missiles from a vandalism and criminal damage aspect.

Natural England have written with the following comments:

The application is in close proximity to the Medway Estuary and Marshes Site of Special Scientific Interest (SSSI). The SSSI forms part of the Medway Estuary and Marshes Wetland of International Importance under the Ramsar Convention (Ramsar Site) and Special Area of Conservation (SAC). 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. Therefore not required to undertake an Appropriate Assessment to assess the implication of this proposal on the sites' conservation objectives.

Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, is not likely to have a significant effect on the interest features for which the Medway Estuary and Marshes SSSI has been classified and therefore advise that this SSSI does not represent a constraint in determining this application. Natural England advise that the Local Planning Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the sites conservation objectives.

Should the details of this application change, Natural England draws attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring the Local Planning Authority to re-consult Natural England.

Natural England have produced standing advice on protected species and have not assessed this application and associated documents for impacts on protected species.

The application may provide opportunities to incorporate features into the design, which are beneficial to wildlife and, enhance the character and local distinctiveness of the surrounding natural and built environment. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.

Development Plan Policies

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

The Gillingham Waterfront Development Brief 2004

Planning Appraisal

Background

The wider Victory Pier site is bounded by the Pier Road dual carriageway (A289) to the south and the River Medway to the north. To the east is Gillingham Marina and a car showroom. To the west is Gillingham Pier and the Chatham Docks site.

Historically the wider Victory Pier site was occupied by the Akzo Nobel Chemical Plant. In 2006 Outline Planning Permission was granted for the comprehensive redevelopment of the site. Since then the chemical plant buildings have been removed and the site remediated. A number of phases of the Victory Pier scheme have also been completed, are in the process of construction or benefit from detailed planning permission including:

Buildings S and T – Student accommodation and commercial floorspace
Building R – Hotel
Building M – Extra Care and shared ownership accommodation
Buildings F and G – private residential and commercial floorspace
Buildings N and L2 – Student accommodation
Building E – Private residential
Building L2 – Private residential

On 20 June 2013 hybrid planning permission (part outline/part full - MC/12/0758) was granted for the revised masterplan in respect of the remainder of the Victory Pier site. The revised masterplan was subsequently subject to the submission and approval of two applications (MC/13/2610 and MC/13/3131) for minor material amendments to the landscaping around Block L1 and a variation to planning condition 36 and minor material amendments to the layout, external appearance and housing mix of Block L1 and a variation of planning condition 1. Both applications resulted in the re-issuing of a new decision notice for the revised masterplan and as such this current application is submitted pursuant to planning condition 2 of the application MC/13/313.

The phases that the revised masterplan relate to are set out below:

Phase 1 – Part of the central green
Phase 2 – Building L1 (benefits from detailed planning permission)
Phase 3 – Building K
Phase 4 – Buildings A and B and C and D and part of the central green
Phase 5 – Buildings H and J
Phase 6 – Building P

The hybrid application was referred to the Secretary of State under the provisions of the Town and Country Planning (Consultation) (England) Direction 2009 as the development is a departure from the Development Plan and is outside of a Town Centre and includes buildings of over 5,000sqm floorspace (this includes the retail floor space proposed within the adjoining Chatham Waters development). The Secretary of State did not call the application in. As this is a reserved matters

application pursuant to that hybrid application it will not be required to be referred to the Secretary of State.

Main Issues

Principles of Development

The current application is for the approval of reserved matters for landscaping only and seeks to build upon the permissions granted, while conforming to the Planning Brief and as such is acceptable in principle.

Landscaping

Policy BNE6 of the Medway Local Plan requires that major development should include a structural landscaping scheme to enhance the character of the locality including retention of features as appropriate and incorporating features to support biodiversity.

Hard and soft landscaping details have been submitted relating to the central green and ancillary play space adjacent to Building K as part of this scheme but those that relate to Phase 3 and 4 have been provided as part of application MC/14/0571 (currently under consideration).

The Central Green consists of a high quality open area linking the two main axis through the site with the waterfront. There are a variety of amenity spaces for the residents and visitors to the development. These include:-

- A water fountain connecting to a linear water feature offering a connection to the estuary beyond.
- Linear planting beds with seating running adjacent to the water feature offering seating in both the sun and shade.
- Open lawns provide flexible space for recreation whilst a play area is proposed for more formal play.
- Towards the end of the park and close to the estuary a screened seating area with a pergola provides sheltered seating with views across the estuary.

The green can be accessed from several locations via the two axis routes, cross roads or from the Gillingham Pier area via the Riverwalk. The pathways which transverse the site are generally flat or very slightly sloping and are suitable for wheelchair users. The landscaping scheme is considered to be very well thought out and will make a significant contribution to the site.

Full details of the landscaping are not available at this time with regard to the technical information for the water feature, landscape maintenance and management, detailed information on the layout and planting densities and lighting and therefore it is recommended that these aspects are dealt with by way of an appropriately worded condition.

Subject to these conditions the scheme is considered to be in accordance with policies BNE1 and BNE6 of the Medway Local Plan

Ecology

Within the NPPF the three dimensions to sustainable development are economic, social and environmental. Policy BNE38 of the Medway Local Plan 2003 require that development should seek to make provision for wildlife habitats as part of a network of wildlife corridors or stepping stones.

The application site lies close to habitats, which form part of the Medway Estuary and Marshes Site of Special Scientific Interest (SSSI). This SSSI is part of the Medway Estuary and Marshes Special Protection Area (SPA) and Ramsar Site. The applicant submitted a supporting study with the Hybrid application 'Assessment of Regulation 61(1) of the Conservation of Species and Habitats Regulations 2010' with regard to Medway Estuary and Marshes Special Protection Area (SPA)/RAMSAR which concluded that there is no evidence to suggest that the proposal would result in damage or degradation to these sensitive habitats.

The application site was formerly a Chemical Works and was in need of full decontamination and land raising so that no buildings or natural features have been retained on this site.

The proposed ecological mitigation measures and enhancement measures set out in the hybrid application included location of works compounds away from sensitive areas; site clearance operations outside of bird breeding season; safe storage of materials and containment of fuel on the site; permanent 15m buffer along the northern boundary of the site to provide a buffer to the mudflats and its wildlife; low level street lighting and no direct lighting of bird/bat boxes; wildlife-friendly planting; landscaping using native species and including fruit trees, and bat and bird boxes being erected on new buildings with native species planting to provide opportunities for birds.

In the wider Victory Pier site there is an area of wildlife planting that has been agreed with the second phase of student accommodation (Blocks N and L2) adjacent to the eastern boundary of the site. There is also an 'ecological zone', on the rivers edge within the phase of the development which forms this application.

A 15m buffer strip from the river edge has been maintained between the main development and the river with the closest building to the mudflats being approx. 16.5m at the tip of the fin on the northern elevation of Block B. Clearly there will remain activity within this zone as it is a riverside walk but no buildings will be located in this area. Car movements on the site are also mostly kept well back from the river and the proposed Eco Habitat Zone and mudflats, with the exception of a small area of car parking serving Block E and agreed under a previous application at the far end of the Riverside walk.

With regard to native and fruit tree planting within the general streetscape, there are limitations in regard to their use as this is an urban streetscape needing trees of a

specific shapes and sizes to create this relevant urban environment. The same principle applies along the riverside walk. There are also limitations on planting and structures on the riverside walk, as emergency and maintenance vehicles will access via this route.

Overall, it is considered that the proposal would not significantly affect the RAMSAR and SSSI sites either alone or in combination with other plans or projects in the area and no objections are raised with regard to ecology policy BNE38 of the Medway Local Plan 2003 and key objectives for sustainable development in the NPPF

Play Area

Planning condition 12 of the revised masterplan seeks that full details of a Locally Equipped Area of Play (LEAP) shall be provided. The proposed design includes a range of play equipment selected for climbing and agility skills, balance and strength training, co-ordination, risk-taking, self-esteem and sensory stimulation. The site is conveniently located in the southern part of the Central Green and has direct access from the main two spine roads; it is also located next to the proposed pre-school nursery. The layout and design gives a good level of play equipment and is considered acceptable.

Wind Microclimate

Planning condition 26 of the revised masterplan permission states that details of wind mitigation measures for the relevant phase or sub-phase subject of each reserved matters application should be provided.

An initial assessment of microclimate in respect of the consented scale, massing and layout for the revised Masterplan was included in the Revised Masterplan submission. The study identified localised areas of wind acceleration exceeding the safety and comfort criteria. The study was carried out based on weather data set comprising 10-year record readings measured at Heathrow Airport. This is one of the most complete set of wind data in the UK and is often used as the basis for wind environment assessments in the South East region. In order to make it applicable to the site a number of adjustments have been made to the wind data namely the roughness and terrain factors of the local surroundings to reflect in particular the exposure to the River Medway on the north and east quadrants. Also the topography and terrain of the surrounding area has been accounted for in the adjusted data.

A number of trees and landscape features proposed around the site are likely to provide general wind mitigation to the site. The trees adjacent to Building E will provide wind shelter to the park from incoming winds from the north and east. Potential funneling of wind is likely from the south easterly direction into the open park located between Building E, Building D and Building C. The proposed trees and low level hedges are likely to mitigate this effect and improve the local wind environment within the park. Where outdoor seating is provided the low level screening or hedges provide further mitigation.

The plans have incorporated a series of clusters of trees in areas where windy

conditions have been identified. The clusters of trees are likely to absorb incoming winds and help mitigate wind speeds locally. Trees have also been placed on the north of the park along the promenade, which will reduce the speeds of incoming winds from the water front into the park.

The proposed landscaping is likely to have a beneficial effect and is likely to provide a much improved wind environment from the initial assessment.

Local Finance Considerations

None relevant to this application

Conclusions and Reasons for Approval

The application seeks planning permission for landscaping of the large landscaping of the Central Green Area, which will be used by the mixed-use development comprising commercial space and residential units on the site. The principle of a mixed-use development on site has been agreed through an adopted Planning Brief and through the previous planning permissions. The landscaping will allow for the creation of a high quality environment and will create a desirable place to live, work and visit to the benefit of current and future occupiers of the Victory Pier site and also for the benefit of the wider area. The proposal is considered to comply with provisions of policies BNE1, BNE2, BNE6, BNE5, BNE8, BNE38, L11, CF13 of the Medway Local Plan 2003, The National Planning Policy Framework (NPPF) 2012 and The Gillingham Waterfront Planning Brief 2004.

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.

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>