

MC/13/3340

Date Received: 23 December, 2013

Location: Port Werburgh, Vicarage Lane, Hoo, Rochester, Kent ME3 9TW

Proposal: Demolition of existing buildings and change of use of land to provide an extension to existing mobile home park

Applicant: Residential Marine Ltd

Agent: Simpkin Graham Simpkin Planning 2 The Parade Ash Road Hartley Longfield, Kent DA3 8BG

Ward Peninsula

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 4 March 2015.

Recommendation - Approval subject to:

A) The applicant / owner entering into an agreement under Section 106 of the Town and Country Planning Act to secure:

- (i) A contribution of £5925.96 towards Community Centres and Neighbourhood Facilities
- (ii) A contribution of £20,284.20 to the NHS towards improving doctors surgery and health care facilities in the area
- (iii) A contribution of £82,517.40 towards improvements to open space provision in the area.

B) The imposition of the following conditions:

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

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

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

Drawing no's 2130/4 and 2130/10, received 23 December 2013; 2130/9A, received 6 January 2014; PWP06 & 07 dated March 2014, received 28 April 2014.

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

- 3 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected, including any additional security measures. The approved boundary treatment shall be completed before first occupation of any of the mobile homes approved are occupied and shall thereafter be retained.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, to ensure the protection of Saxon Shore Way and in the interests of site safety, in accordance with Policies BNE1 and BNE8 of the Medway Local Plan 2003.

- 4 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping (hard and soft). All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following first occupation of the mobile homes or completion of the development, whichever is the earlier. Any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

- 5 Prior to the commencement of the development hereby permitted, a construction code of practice covering noise, dust, air quality and lighting for the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The construction code of practice shall include a timetable for the works which restricts noisy construction activities and excludes such activities from taking place with the main wintering season (November to February inclusive). The development shall be carried out in strict accordance with the approved construction code of practice.

Reason: In the interests of the amenities of nearby properties and in order to avoid disturbance to SPA birds in accordance with Policies BNE2, BNE35, BNE36, and BNE37 of the Medway Local Plan 2003.

- 6 No development shall take place (including demolition, ground works, vegetation clearance) until a strategy for the protection of reptiles during construction has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include the following:

- Site plan identifying 'biodiversity protection zone' around suitable reptile habitat with 5m buffer;

- Use of protective fences, exclusion barriers and warning signs;
- Persons responsible for checking and maintaining fencing for the duration of construction.

Construction shall be undertaken in accordance with the approved strategy.

Reason: In the interests of ecology and in accordance with the provisions set out under Local Plan Policies BNE35, BNE36, BNE37 & BNE39.

- 7 As recommended within the submitted Reptile Survey Report, natural regeneration of the sloped edges of the proposed development that lead down to the water's edge shall take place, and the area left unmanaged to encourage wildlife habitat to be maintained.

Reason: To provide opportunities to incorporate biodiversity in and around the development site, in line with the requirements of the NPPF and in accordance with Local Plan Policy BNE37.

- 8 Notwithstanding the details and land levels shown on drawing no's PWP 06 & 07, no development shall take place until details of earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details and shall be completed prior to first occupation of any of the mobile homes.

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 Prior to the commencement of the development, details of measures to deal with foul and surface water drainage to serve the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details prior to first occupation of the mobile homes.

Reason. To ensure that satisfactory drainage is provided in the interests of nature conservation, sustainability and the amenity of prospective occupiers.

- 10 Notwithstanding any permitted development rights, prior to the commencement of the development details of location, surfacing and drainage of the access roads, parking areas, and mobile home bases shall be submitted to and approved in writing by the Local Planning Authority. Development shall be undertaken in accordance with the approved details prior to first occupation of the mobile home to which the relevant details serve.

Reason: In the interests of visual amenity and sustainability.

- 11 Prior to the commencement of the development, details of the layout of the re-sited boat storage and parking area shall be submitted to and approved in writing by the Local Planning Authority. The details shall show how the area will be formally laid out, surfaced and drained and include existing and proposed land levels. The approved details shall be provided prior to first occupation of any of the mobile homes hereby approved and shall thereafter be retained.

Reason: To ensure the satisfactory provision of an area for layout of boats for maintenance and appropriate car parking to serve the needs of the marina in the interests of the amenities of the area.

- 12 Prior to first occupation of any of the mobile homes hereby approved, where it is in the ownership of the applicant, public footpath RS93 shall be resurfaced in accordance with details submitted to and approved in writing by the Local Planning Authority.

Reason: To improve the usability of the footpath to the benefit of prospective residents.

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

Proposal

The application seeks full planning permission for the demolition of existing buildings and change of use of land to provide an extension to the existing mobile home park. The site for the extension of the Mobile Home Park consists of 2.22 hectares of land that comprises the hard-surfaced yard and buildings to the north of the marina and an area of reclaimed land to the east of the Marina.

The submitted indicative layout of the site provides an indication of the likely number of units (approx. 60). This is subject to change because unlike permanent built development mobile homes are moveable and the actual layout and number of units is dependant upon the Model Standards in the Caravan Site Act 1968 and the particular mix of sizes of units e.g. single or twin units. The proposed change of use requires land level changes and the relocation of the existing car park and boat storage area for the Marina.

The provision of roads, bases and other infrastructure is provided for within Permitted Development Part 5 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended). Planning Permission is not sought for those elements in this application.

Relevant Planning History

MC/13/2967	Construction of a detached office building Approved 30/01/2014
MC/06/1583	Construction of maintenance workshop, new office building

	and staff facilities above 2 storage containers, and placement of 3 further storage containers on site (removal of existing mobile office) Withdrawn 23/10/2006
MC/05/1455	Retrospective application for siting of two single storey mobile buildings for office use Approved 06/01/2006
MC/05/1048	Construction of two storey building to facilitate additional storage Approved 14/07/2005
MC/04/1388	Retrospective application for siting of a two storey portable building for office use Refused 09/08/2004
MC/00/1191	Construction of a covered storage area. Approved 19/10/2000
97/0050	Change of use of Chandlery to office and restaurant and part of workshop to chandlery with new shopfront and re-positioning of existing temporary office buildings Approved 13/08/1997
90/0417	Laying down of single floating pontoon and mooring piles Approved 05/07/1990
89/1186	Erection of yacht sales office Approved 05/01/1990
89/1185	Outline application for erection of replacement yacht clubhouse with dinghy park and deep water slipway Approved 05/01/1990
87/335	Proposed construction of marina workshop Approved 09/06/1987
86/288	Single storey office building Approved 29/09/1986
86/1064	Proposed erection of eight lighting columns for security lighting to boat storage area Refused 26/01/1987
86/103	Construction of permanent ground through infilling with dredging's and associated positioning of moorings Appeal Allowed 06/10/1987
84/664	Proposed marina development Appeal Allowed 26/11/1985

Representations

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

The Dickens Country Protection Society, The Open Spaces Society, The RSPB, Hoo St Werburgh Parish Council, Southern Water, Medway Ports Authority, Medway Fire Service, Natural England, Kent County Council Ecology, The Environment Agency, Kent Police, Southern Gas Networks, Marina Park Residents Association and Kent Wildlife Trust have been consulted on the application.

Marina Park Residents' Association have raised issue on two grounds. The first relates to sewerage and drainage, and advise that mobile homes already on this development and on the outskirts of the park have already been added to the original sewer system, which is already severely overburdened. The second relates to the access point into the Marina, which will result in residents requiring a 'fob' to get in. The increase in the number of homes will increase traffic flow in and out of the Marina.

Southern Gas Networks advise that a high pressure pipeline is found to be in close proximity to the site. No mechanical excavation is allowed within 3m either side of the pipeline, no plant or storage of equipment. Concern is raised regarding the impact of development on this pipeline. *The applicants have been given a copy of this letter.*

Kent Police advise that mobile homes can attract unwanted attention from burglars and/or become targets for criminal damage if they are not occupied on a year round basis; or if appropriate boundary treatments, access control measures and security precautions are not in place; or if they do not benefit from the provision of a permanent site manager or capable guardian. It is noted that there is an existing public footpath that cuts through the proposed site and this may allow easy access into the proposed site extension by unwanted visitors if appropriate fencing, gating and boundary measures are not installed. Kent Police welcome the opportunity to review any plans for boundary treatments.

Southern Water advise that the exact position of the public water main must be determined on site by the applicant before the layout of the proposed development is finalised. All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works. No excavation, mounding or tree planting should be carried out within 3 metres of the public water main without consent from southern water.

The applicant has not stated details of means of disposal of foul drainage from site. There is no public foul and surface water sewer in the area to serve this development. The applicant is advised to examine alternative means of foul and surface water sewage drainage.

Peel Ports - Medway raise no objection to the proposal. It is noted that there are no details in respect of foul and surface water drainage, should surface water drainage

be to the River Medway then a Riverworks Licence will be required by the developer from Port of Sheerness.

RSPB objects to the application. The site lies immediately adjacent to the Medway Estuary and Marshes Special Protection Area (SPA) and Ramsar Site, designated as internationally important for birds. The RSPB are concerned about disturbance to wintering birds on this SPA/Ramsar, a factor which has not been considered in the ecological scoping report.

The RSPB recognise the fact that the proposed land for development is of limited conservation value. However, an application so close to such a sensitive area requires thorough assessment of its potential impacts on the designated area. Under the terms of the Habitat Regulations the potential effects of this development must be assessed, alone and in combination with the effects of other plans and projects that could interact to impact on the SPA/Ramsar features.

Natural England initially raised concern on the basis of the assumption that the proposal was for holiday caravans which they thought would result in greater disturbance through activity adjacent to the SPA. Following an exchange of correspondence with the applicants they now recognise that the proposal is for an expansion to the permanent mobile home park. Due to the proximity of the site to the SSSI and SPA consideration of additional recreational disturbance impacts alongside avoidance measures will need to be considered. 5 Local Authorities, including Medway are looking at ways to implement the final recommendations of the North Kent Environmental Planning Group and the Strategic Access Management and Monitoring (SAMM) plan is likely to require a contribution from every new residential property within 6km of the designated sites (although the charge has yet to be finalised). NE would like a contribution towards the SAMM from the development that would then go towards measures to protect against disturbance from the increased use of coastal walks and water based activities and subject to this raise no objection.

Kent Fire & Rescue confirm that the means of access is considered satisfactory.

Environment Agency withdraw original objections the proposal and now consider that the proposal works to mitigate against flood risk are acceptable.

Kent County Ecology - Following receipt of a revised Ecological Scoping Report, Reptile Survey Report and Bat Survey Report, the County Ecologist has advised that they are satisfied with the conclusions of the Bat Survey Report, which is sufficient to inform the determination of the application with a conclusion of 'unlikely to result in impacts to bats' and that it is not currently necessary to secure mitigation measures in relation to bats.

Viviparous Lizards were found to be present during the reptile survey. The area in which the lizards were recorded is considered to be outside the proposed development site. Nonetheless, the Reptile Survey Report concludes that the suitable habitat could be impacted during the land raising works if not adequately protected; it is recommended that a 5m buffer around the reptile habitat is implemented to ensure that there are no encroachment by machinery or through the storage of materials. Kent Ecology advise that this be secured by condition.

Recommendations are also provided in the Reptile Survey Report to enhance the site's suitability for reptiles post-development.

In relation to the potential impacts on the European Sites, the report presents the view that the scale of the proposed development is such that there could be a small increase in visitor pressure, but that even though this is considered unlikely to result in significant effect on the European site, mitigation and avoidance measures would be appropriate. Further work is required before the application can be determined.

8 Letters have been received raising the following objections:

- Concerns regarding sewage disposal for the area in general. The pumping stations cannot cope with additional pressures from 60 more homes.
- The Saxon Shore Way path is all that will separate Hoo Marina Park and Port Werburgh development and it appears that this path will be reduced in places to 5 foot width to enable this development to take place.
- Possible ancient burials on the island
- Flooding concerns
- Impact on the workings of the marina, which brings a bit of finance to Hoo.
- Loss of garages, which are currently used by residents of Marina Park
- Noise and disturbance resulting from use and from people entering and existing the site.
- Access is inappropriate for proposed use.
- Increase in HGVs to the park causing disruption.
- Concern that the construction of the extended park will cause damage to existing residents/neighbouring residents homes
- The amount of dust and dirt created will be horrendous.
- Loss of views onto the river.
- Movement of fencing internally reducing width of path, too close to neighbouring homes.

Development Plan

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

Planning Appraisal

Main Issues

Having regard to the provisions of the Development Plan, it is considered that the main issues arising from the proposal are:

- The principle of development of this nature on this site;
- Landscape & Design
- Residential Amenity

- Ecological Impacts
- Drainage and Flood Risk
- Land Contamination
- Highway Safety and Convenience

Principle

The site is outside of any defined urban area or village, including the nearby settlement of Hoo St Werburgh. It is also adjacent to, but not within, an existing employment area, designated land as a Mobile Home Park to the north and Developed Coast to the South (which also forms part of a Site of Special Scientific Interest) and the River Medway. Notwithstanding the generally industrial character of the immediate surroundings, countryside protection policies apply. Local Plan Policy BNE25 advises that (amongst other things) development in the countryside will only be permitted if it maintains, and wherever possible enhances, the character, amenity and functioning of the countryside, including the river environment and is on a site allocated for that use. In addition, consent may be granted if it is for a re-use or redevelopment of the existing built up area of a redundant institutional complex or other developed land in lawful use.

The application site already forms part of the Port Werburgh/Hoo Marina Site and is currently used for the storage of boats and other river related items, although its use is not for a residential mobile home park but a Marina use. Land to the north, forming an established Mobile Home Park (Policy H12 of the Local Plan) would however mean that the character of the immediate area will remain unaltered and the proposed change of use will have limited impact on the open countryside, especially also given the location of an established employment area to the north east of the application site. In this instance that proposed change of use is considered acceptable under the provisions set out under Local Plan Policy BNE25. Planning permission has in the past been granted for the creation of Mobile Residential Units to the north west of the Marina Site.

Hoo Marina Park has been a mobile home park since the late 1960s and contains approximately 250 chalets. It is also a permanently licensed residential park. As such the Park is now a permanent home for all the residents of the chalets. Park homes help to provide affordable housing for a small, but significant, number of households. The Council therefore wishes to retain mobile homes in the parks in order to maintain a continuing supply of affordable housing. Although outside the Hoo Marina Park Site, the change of use of part of the land within the Port Werburgh site will not result in uncharacteristic development in the area, especially being the immediate neighbour of the established mobile home park to the north. Local Plan Policy H12, although not immediately affecting the Port Werburgh Site, is still of considerable relevance given its proximity. The Policy advises that development which would lead to the permanent loss of the mobile homes, or reduction in the area available for their use, will not be permitted unless it is development ancillary to the use of the parks. In this instance, the increase in the number of residential mobile homes, although on the adjacent site, is demonstration enough of the popularity of the area as a permanent place to live and in this respect does not result in development contrary to the provisions set out in Local Plan Policy H12. Provision of additional homes would meet a need for affordable housing in a location which has proved

particularly popular. Paragraph 50 of the National Planning Policy Framework (NPPF) advises that Local Planning Authorities, in order to deliver a wide choice of homes, should plan for a mix of housing, including affordable housing.

The application site forms part of the developed coastline along the banks of the River Medway. The coast is an important natural resource. A range of economic and social activities are dependant upon having a coastal location, yet the coast often has landscape, wildlife and other attributes that merit protection from development. The undeveloped coast should not be used to accommodate new development that could be as well as or better situated inland or in existing developed areas. NPPF Paragraph 107 and 108 advises that development in Coastal Areas should only be considered acceptable where there would not be an unacceptable impact and that the character of the coast is not compromised. Local Plan Policy BNE46, which is NPPF compliant, also advises that development will be permitted in and alongside the developed coast when the appearance and environment of the coast is improved; and coastal erosion will not threaten any new building proposed as part of the development; and public access to the coast is improved where practicable and whenever possible and finally, the need for the coastal location is justified when the development is outside existing settlement boundaries and economic development areas. Discussed in greater detail below, the boundary of the site is retained by well constructed sea defences which prevent the land areas from being eroded by the sea. The proposals have been the subject of detailed Flood Risk Assessments. In terms of public access to the coast, there is a well defined public footpath that follows the coast and this would be unaffected by these proposals. It is not considered to be desirable or practical to provide public access to the whole of the river front but access to the river for boat owners for recreational purposes would be maintained. As discussed above, the proposal would add to the community that is already well established at this location in Hoo comprising a mix of mobile homes and house boats.

It is therefore considered that, on balance, adequate justification has been provided in favour of the proposed change of use, which is sufficient to overcome the general presumption against residential properties outside a defined urban area or rural settlement. The proposal is also supported by the provisions of Local Plan Policies H12 and BNE46.

Visual Impact

Local Plan Policy BNE1, which deals with the general principles of built development, advises that the design of development should be appropriate in relation to the character, appearance and functioning of the built and natural environment in terms of its use, scale, layout and siting. Development must also respect the scale, appearance and location of buildings, spaces and visual amenity of the surrounding area. Furthermore, Local Plan Policy BNE46(i) advises that the appearance and environment of the coast should be improved for development along the developed coast line to be considered acceptable.

It is accepted that the siting of mobile homes in this location, closer to the coast line will have an impact visually on this part of the river front, particularly when viewed from the river and from Chatham Docks opposite. Nevertheless, Port Werburgh is a

working marina, and its impact is already extensive, with large numbers of house boats moored and boats stored on site. The existing mobile home park north of the application site is already visually dominant from the river side and in this instance, the additional residential mobile homes will be no more intrusive than the existing use of the site and the existing structures in the area. They will also be viewed against the backdrop of the existing marina - more the leisure craft immediately adjoining and the houseboats to the west, as well as the industrial area to the east. The proposed change of use and siting of caravan will not be seen from the open countryside further north and will not be seen until approach to the site has been made, screened by existing structures and the industrial uses established to the north east.

As a consequence of this setting it is not considered that the new development would detract from the appearance or environment of this part of the coast. There are no objections to the site under the provisions set out under Local Plan Policies BNE1 and BNE46.

Residential Amenity

The nearest residential properties are located immediately north of the application site, but are not considered to be affected by the siting of mobile homes and the proposed change of use by way of loss of sunlight, daylight, overlooking and privacy, separated from Hoo Marina Park by a fence and track. Separation of mobile homes is covered under the caravan site act 1968 which applies to the proposed development and the existing mobile home park as well as the relationship between them.

The site is located in close proximity to an established industrial area with a potential to impact on future residents of the mobile homes. An independent Noise Assessment has been carried out and the results indicate that the impact from the industrial units is less than 'of marginal significance' and will not therefore adversely affect future residents of the mobile home extension site. It concludes that no noise mitigation measures would be required and noise impact from the nearby industrial noise sources would be within acceptable limits. No objections have been raised by the Council's Environmental Health Officer on matters regarding noise, advising that the submitted Noise Report adequately addresses initial concern relating to noise, especially during construction. The dust and dirt as a result of land level raises, resurfacing of area and creation of roads and bases (permitted development) would be temporary in nature. The finished mobile home use will have minimal impact on existing residents of the area above and beyond what they already experience when living within a mobile home park themselves.

There is actually likely to be a gain in residential amenity as the existing workshop building will be removed, reducing the number of boats being worked on and the dry store of boats with consequent minor repairs will also be moved further from the existing mobile home park

Concern has been raised with regard to the impact additional traffic will have, and those entering and exiting Port Werburgh, driving passed the existing Mobile Home Park. These concerns are further addressed under the Highways Section below.

Nevertheless, the noise from additional traffic is considered unlikely to cause harm to residential amenity in this regard as the increase in vehicle movements will be limited, mostly cars and will be separate to and not through the existing mobile home park.

No objection is raised to the proposal under the provisions set out under Local Plan Policy BNE2.

Ecology

The application site lies immediately adjacent to the Medway Estuary and Marshes SSSI, SPA and Ramsar Site. Following additional survey advice from the applicant, initial concerns raised by Natural England and Kent County Ecology have been addressed relating to Bats, Reptiles and specific impacts on the European Sites. The ecological scoping report acknowledges the decline in estuarine bird numbers using the Thames Estuary and Marshes, Swale Estuary and in particular Medway Estuary. Evidence to date does not explain the reasons for these bird declines, but it is notable that surveys showed low bird densities in the locations with the highest level of recreational activities. There are a number of mitigation measures proposed as part of this proposal to minimise or avoid any adverse effect of the proposal on the bird species for which the Medway Estuary and Marshes SPA is notified. In terms of occupation of the mobile homes, the applicants have predicted an increase in 5 visits to the SPA per day as a result of the proposed change of use. Natural England have considered the permanency of the mobile homes and have accepted that the impact from permanent accommodation will be less than if it was holiday accommodation. They are therefore happy with the proposal subject to restrictions via conditions on the timing of construction work and also for there to be a contribution towards measures to mitigate against increased use of coastal walks and the river. However they have not given any figure relating to the contribution request nor been specific as to what it would go towards. Further advice is being sought and will be reported verbally to the Committee.

In terms of the potential impact on Bats and Reptiles, the Bat Survey Report concludes that there is negligible or very low potential for the buildings proposed for demolition to support roosting bats. It is not considered necessary to secure any mitigation measures in relation to bats in this regard.

Viviparous lizards were found to be present during the reptile survey. The area in which the viviparous lizards were recorded is considered to be outside of the proposed development site. Nonetheless, the Reptile Survey Report concludes that the suitable habitat could be impacted upon during the land raising works if not adequately protected and it is recommended that a 5m buffer around the reptile habitat is implemented to ensure that there is no encroachment by machinery or through storage of materials. It is advised that this is secured by condition.

One of the principles of the National Planning Policy Framework is that '*opportunities to incorporate biodiversity in and around developments should be encouraged*'. To meet this objective, it is advised that an undertaking is sought from the applicant to implement the recommendation to allow natural regeneration of the sloped edges of the proposed development that lead down to the water's edge by leaving these unmanaged.

Subject to the imposition of appropriately worded conditions, the application is considered acceptable under the provisions set out under Local Plan Policies BNE35, BNE36, BNE37 and BNE39.

Flood Risk and Drainage

There are large areas within Medway which are low lying and may be susceptible to a 1000 year surge tide. Generally, under the provisions of Local Plan Policy CF13, development will not be permitted within a tidal flood risk area if it harms the integrity of the flood defences; or it fails to provide for a means of escape for people in the event of a flood; or it introduces residential living and sleeping accommodation below the estimated flood level; or it introduces mobile homes or caravans; it introduces new holiday accommodation between October and May.

Initial objections were raised to the proposal by the Environment Agency, who advised that the proposed development falls into a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located. The technical guide to the NPPF makes it clear that this type of development is not compatible with highly vulnerable flood zones and should not therefore be permitted. The site is shown to be at risk of tidal flooding. The EA advised that in order to reduce the risk of flooding to the proposed site to a satisfactory level, that land would need to be raised to 300mm above the 200 year (0.5%) plus climate change level, with a further 300mm added as a freeboard to the finished floor levels of the proposed mobile homes. A safe access route from the site to higher ground should also be set above the 200 year plus climate change level.

Additional information has since been submitted by the applicant, confirming that the filled land on the peninsular would be finished at a 5.5AOD and this is above the projected flood level and therefore acceptable for the development of mobile homes. It is suggested that the mobiles are more likely to be affected by wind than water but it has been agreed that the mobiles on the peninsular would be anchored down with chains to prevent movement. Access back to the wharf/foreshore would be via an area to be hard surfaced and used for vehicle parking and boat storage and this would be at a level of 5m AOD. This would provide a suitable route off the peninsular.

The majority of the wharf is already 5mAOD. The remainder is to be increased in height to 5.0mAOD. The raised area would be inset from the seaward edge of the wharf to avoid the need for sheet piling along this edge. The floor of the mobiles would be above ground level and at a level of some 5.7m AOD. The Environment Agency have confirmed that they are satisfied with the additional information submitted and are happy to remove their objection.

It has been confirmed by the applicant that foul drainage as a result of the proposal would be connected to the main sewers at Vicarage Lane via the private pumping station on the industrial estate. Surface run off would be drained into the River Medway via hydrocarbon and debris interceptors. Peel Ports - Medway has advised that a River Works Licence would be required by the developer from Port of Sheerness as a result. This would be attached as an informative to the planning

consent if permission is forthcoming.

There are no objections to the proposal in terms of flood risk and drainage under the provisions set out under Local Plan Policy CF13.

Public Right of Way

Concern has been raised regarding the potential impact on the public right of way, which is known as Saxon Shore Way, and is located adjacent to the proposed extension of Hoo Marina Park. The proposal will not reduce the width or use of the right of way, however a condition is recommended regarding boundary treatment along the path, which would help to ensure protection of Saxon Shore Way.

Subject to the above-mentioned condition being imposed, no objection is raised to the proposal in this regard.

Highways

It is not considered that the proposed change of use would introduce additional traffic and parking requirements which would have a detrimental impact on the existing road network. The proposed change of use would provide adequate parking provision for the intended number of mobile homes (60 spaces on a 1:1 ratio), including visitor provision. The access road, and access, already frequented by visitors to the site is considered adequate to cope with the increase. The existing car park and boat park for user of the Port and Marina is intended to be relocated within the site, but will continue to provide for visitor and boat storage space. There are no objections to the proposal under the provisions set out under Local Plan Policies T1 and T13.

An increase in vehicles associated with construction and development to accommodate the mobile homes is to be expected, and likely to cause some disturbance but this is estimated only for a short time and the impacts will only be temporary.

Other Matters

Initial concern was raised by Southern Gas Networks regarding the proximity of a main gas pipeline to the proposed change of use and subsequent location of mobile homes. However, following additional information and detailed response to these concerns from the applicant it is considered that the issue has been adequately addressed. Having analysed maps showing the location of the gas pipeline, which is located to the western end of the site separated from it by some 200m. There are already many homes much closer to the gas pipeline than is proposed in this application. Whilst, a response to this additional information has not been received from Southern Gas Networks, it is not considered that there is a risk of disturbance of the pipeline as a result of this development and as such, the concerns have been adequately addressed.

Concern has been raised by neighbours of the site with regard to potential damage to existing garages etc. The proposed change of use would not cause harm to

existing property outside the application site, other than to a set of garages within the applicant's ownership which are proposed for demolition. These garages are currently used for storage and alternative storage provision is available on site.

Local Finance Considerations

There are no Local Finance Considerations associated with this proposal.

Conclusions and Reasons for Approval

Given the existing uses surrounding the application site, there are no principle objections for the proposed change of use of this part of the developed coast line. In addition, the visual impact of mobile homes in this location would be no more intrusive than the site's current use and existing uses surrounding the site. There are not considered to be any adverse impacts on residential and ecological amenity, which cannot adequately be addressed by the imposition of appropriate conditions. In addition, the initial concerns raised in terms of flood risk have been sufficiently addressed. Overall, the proposed change of use of the site is considered acceptable under the provisions set out in the Development Plan and is recommended for approval..

The proposal would normally be determined under officers delegated powers, however due to the number of representations received the case is being referred to the Planning Committee for determination.

Actions Since application reported to Committee

The application was originally considered by Planning Committee on 5 November 2014, but was deferred from consideration at the request that S106 contributions are sought.

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

The Community Infrastructure Levy Regulations 2010 provide that in relation to any decision on whether or not to grant planning permission made after 6 April 2010, a planning obligation (a S106 agreement) may only be taken into account if the obligation is:

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

The obligations proposed comply with these tests because they have been calculated based on the quantum and location of the development. However, as the proposed development is for mobile home accommodation, and the level of occupancy is therefore likely to be lower. It has been agreed that calculations on occupancy levels can be at 1.77 (instead of 2.45 as set out within the Council's Developer Contributions Guide). Contributions have been submitted based on this new calculation.

- Community Centres and Neighbourhood Facilities - £5925.96
- NHS - £20,284.20
- Outdoor Open Space - £82517.40

A S106 contribution has been requested by Public Rights of Way for the sum of £8k for the re-surfacing of the footpath (RS93) which crosses the site. However, the footpath is covered by a Private Maintenance Order and as owner of the footpath the applicant has requested that they resurface the footpath themselves and have requested the matter be dealt with via a Grampion Condition. This is considered acceptable in this instance.

It is considered that the above addresses the requirements of the Planning Committee as such it is recommended that the application be approved, subject to the signing of a Section 106 Agreement, incorporating the above agreed contributions and subject to a grampion condition being included on the decision notice.

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://publicaccess.medway.gov.uk/online-applications/>