

MC/17/1918

Date Received: 1 June, 2017

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

Proposal: Approval of reserved matters (appearance, landscaping, layout and scale) pursuant to condition 3 on planning permission MC/11/2756 for construction of a part sixteen part eleven storey block comprising of 199 1, 2 and 3 bedroomed apartments; 710sqm of commercial floorspace; ancillary residents gym; office; parking; landscaping and associated works

Applicant: X1 Developments Limited

Agent: Mr Rowe Turley 1 New York Street Manchester M1 4HD

Ward River

Case Officer Thomas Ashley

Contact Number 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 27 September 2017.

Recommendation - Approval with Conditions

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

1198-100 Site Location Plan
1198-101B Ground Floor GA
1198-102A 1st Floor GA Plan
1198-103A 2nd Floor GA Plan
1198-104A 3rd Floor GA Plan
1198-105A 4th Floor GA Plan
1198-106A 5th Floor GA Plan
1198-107A 6th Floor GA Plan
1198-108A 7th Floor GA Plan
1198-109A 8th Floor GA Plan
1198-110A 9th Floor GA Plan
1198-111A 10th Floor GA Plan
1198-112A 11th Floor GA Plan
1198-113A 12th Floor GA Plan
1198-114A 13th Floor GA Plan
1198-115A 14th Floor GA Plan

1198-116A 15th Floor GA Plan
1198-117A Waterfront Elevation
1198-118A South Block Side Elevation
1198-119A North Block Side Elevation
1198-120A Rear Elevation
1198-121A South Block Courtyard Elevation
1198-122A North Block Courtyard Elevation
1198-125 Balcony Section Detail
PL1646.GA.P2.100 Landscape General Arrangement

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

- 2 Prior to the occupation of each of the commercial units hereby approved, a detailed operational statement must be submitted to and approved by the Council, providing details of type of use of the individual unit, hours of operation and a detailed statement of how the unit will operate and be managed to ensure that the use will have no adverse impact on the residential amenity of the flats above. Once approved the units must operate in accordance with the details provided unless otherwise agreed in writing with the Council.

Reason: To protect the amenity of nearby residential properties in accordance with Saved Policy BNE2

- 3 Prior to the installation of the PV panels, a detailed roof plan at 1:100 showing the location of the panels and a detailed section through the roof and the panels in context with the roof parapet / edge at 1:50, must be submitted to and approved in writing by the Council. The panels must then be installed in accordance with the approved drawings and retained in situ thereafter unless otherwise agreed in writing with the Council.

Reason: To protect the appearance of the building and surrounding area in accordance with Saved Policy BNE1

- 4 The building shall not be occupied until the car parking detailed in drawings PL1646.GA.100, PL1646.GA.300 and PL1646.GA.300 has been provided and is available for use in accordance with the approved parking strategy.

Reason: To ensure sufficient parking is available for residents and visitors

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

Proposal

This application is for the approval of reserved matters (appearance, landscaping, layout and scale) pursuant to condition 3 on planning permission MC/11/2756 for construction of a part sixteen part eleven storey block comprising of 199 1, 2 and 3 bedroomed apartments; 710sqm of commercial floorspace; ancillary residents gym; office; parking; landscaping and associated works

The building proposed is a part 16 storey, part 11 storey mixed use building comprising commercial uses and ancillary residential services at ground floor level, with 199 residential dwellings above.

The commercial and ancillary uses comprise 4no. units with total floor space 710 sq. m. The ground floor commercial units are arranged around a central car park that will serve the development and will accommodate 26 spaces including 3 disabled spaces. The car park is accessed via Dock Street. The ground floor also accommodates the services for the residential above including the plant room, bicycle storage and bin storage.

The proposed development will include the delivery of an area of public realm named 'Dock Gardens'. This is situated to the south of the proposed building and will create a link between the partially completed Central Parkland and the waterfront Promenade, whilst creating an open greenspace for public use.

Access to the residential units above is provided through the main entrance off the Promenade and from a secondary entrance off Dock Gardens.

At first floor level the blocks are separated by a communal podium garden that will serve the development. The flats adjacent to the podium garden have been allocated private amenity space that adjoins the communal terrace. All apartments on upper levels will have access to a private balcony.

Site Area/Density

Site Area: 0.41hectares (1.01 acres)

Site Density: 485 dph (197 dpa)

Relevant Planning History

- | | |
|------------|---|
| MC/14/0820 | Details pursuant to conditions 20, 50 and 51 of planning permission MC/11/2756 - Outline application with some matters reserved (appearance/landscaping/layout/scale) for a mixed use development comprising up to 179,297m ² of floorspace, incorporating Employment Uses (B1 and B2), Residential (C3 - up to 950 units), Student Accommodation (Sui Generis), Hotels (C1), Leisure, Conference, Events and Education Facilities (D1 and D2), Retail Uses (A1-A5) including Superstore, an Energy Centre, Petrol Filling Station and associated open space, access, parking and infrastructure
Decision Discharge of Conditions
Decided 07/08/2014 |
| MC/17/0697 | Details pursuant to conditions 40 and 41 (for the Marstons pub only) of planning permission MC/11/2756 - Outline application with some matters reserved (appearance/landscaping/layout/scale) for a mixed use |

development comprising up to 179,297m² of floorspace, incorporating Employment Uses (B1 and B2), Residential (C3 - up to 950 units), Student Accommodation (Sui Generis), Hotels (C1), Leisure, Conference, Events and Education Facilities (D1 and D2), Retail Uses (A1-A5) including Superstore, an Energy Centre, Petrol Filling Station and associated open space, access, parking and infrastructure

Decision Discharge of Conditions

Decided 3 May, 2017

MC/15/1864

Details pursuant to conditions 20, 31, 33, 34 36 and 62 on planning permission MC/11/2756 - Outline application with some matters reserved appearance/ landscaping/ layout/ scale) for a mixed use development comprising up to 179,297m² of floorspace, incorporating Employment Uses (B1 and B2), Residential (C3 - up to 950 units), Student Accommodation (Sui Generis), Hotels (C1), Leisure, Conference, Events and Education Facilities (D1 and D2), Retail Uses (A1-A5) including Superstore, an Energy Centre, Petrol Filling Station and associated open space, access, parking and infrastructure

Decision Discharge of Conditions

Decided 21 October, 2015

MC/15/0394

Details pursuant to conditions 42 and 43 of planning permission MC/11/2756 - Outline application with some matters reserved (appearance/landscaping/layout/scale) for a mixed use development comprising up to 179,297m² of floorspace, incorporating Employment Uses (B1 and B2), Residential (C3 - up to 950 units), Student Accommodation (Sui Generis), Hotels (C1), Leisure, Conference, Events and Education Facilities (D1 and D2), Retail Uses (A1-A5) including Superstore, an Energy Centre, Petrol Filling Station and associated open space, access, parking and infrastructure

Decision Discharge of Conditions

Decided 15 June, 2015

MC/14/3358

Details pursuant to condition 9 of planning consent MC/11/2756 -Outline application with some matters reserved (appearance/landscaping/layout/scale) for a mixed use development comprising up to 179,297m² of floorspace, incorporating Employment Uses (B1 and B2), Residential (C3 - up to 950 units), Student Accommodation (Sui Generis), Hotels (C1), Leisure, Conference, Events and Education Facilities (D1 and D2), Retail Uses (A1-A5)

including Superstore, an Energy Centre, Petrol Filling Station and associated open space, access, parking and infrastructure

Decision Discharge of Conditions

Decided 4 December, 2014

MC/13/2872

Details pursuant to conditions 29,30,40,41,46,47,65 and 75 of planning permission MC/11/2756 - Outline application with some matters reserved (appearance/ landscaping/ layout/ scale) for a mixed use development comprising up to 179,297m² of floorspace, incorporating Employment Uses (B1 and B2), Residential (C3 - up to 950 units), Student Accommodation (Sui Generis), Hotels (C1), Leisure, Conference, Events and Education Facilities (D1 and D2), Retail Uses (A1-A5) including Superstore, an Energy Centre, Petrol Filling Station and associated open space, access, parking and infrastructure

Decision Discharge of Conditions

Decided 16 September, 2014

MC/14/1783

Details pursuant to condition 44 of planning permission MC/11/2756 - Outline application with some matters reserved (appearance/landscaping/layout/scale) for a mixed use development comprising up to 179,297m² of floorspace, incorporating Employment Uses (B1 and B2), Residential (C3 - up to 950 units), Student Accommodation (Sui Generis), Hotels (C1), Leisure, Conference, Events and Education Facilities (D1 and D2), Retail Uses (A1-A5) including Superstore, an Energy Centre, Petrol Filling Station and associated open space, access, parking and infrastructure

Decision Discharge of Conditions

Decided 17 July, 2014

MC/11/2756

Outline application with some matters reserved (appearance/landscaping/layout/scale) for a mixed use development comprising up to 179,297m² of floorspace, incorporating Employment Uses (B1 and B2), Residential (C3 - up to 950 units), Student Accommodation (Sui Generis), Hotels (C1), Leisure, Conference, Events and Education Facilities (D1 and D2), Retail Uses (A1-A5) including Superstore, an Energy Centre, Petrol Filling Station and associated open space, access, parking and infrastructure

Decision Approval With Conditions

Decided 6 March, 2013

MC/11/1023

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

Decision EIA Required

Decided 20 April, 2011

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.

Natural England has requested a contribution towards Special Protection Area (SPA) strategic mitigation measures under the habitats regulation.

Historic England has no comment.

Kent County Council Archaeology has noted the archaeological potential of the wider Chatham Water sites and highlighted that archaeology conditions on the Outline Permission should be complied with.

Kent Police, Crime Prevention Design Officer has no objection subject to detailed clarification in respect of Secure by Design compliance.

Southern Water Services Limited has no comment

2 letters have been received raising the following objections:

- Infrastructure within the area cannot cope with the extra capacity.
- Fire safety issues with high rise apartment blocks.
- Council need to ensure compliance with the s.106 agreement including affordable housing.
- The development will impact upon parking capacity locally.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). 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

Background

The application is submitted to discharge reserved matters pursuant to condition 3 of an outline planning consent granted 6 March 2013 for Land at Chatham Docks, Pier Road, Gillingham, Kent (MC/11/2756).

Outline planning consent was granted for;

Outline application with some matters reserved (appearance/landscaping/layout/scale) for a mixed use development comprising up to 179,297m² of floorspace, incorporating Employment Uses (B1 and B2), Residential (C3 - up to 950 units), Student Accommodation (Sui Generis), Hotels (C1), Leisure, Conference, Events and Education Facilities (D1 and D2), Retail Uses (A1-A5) including Superstore, an Energy Centre, Petrol Filling Station and associated open space, access, parking and infrastructure.

This application seeks to discharge reserved matters relating to condition 3 which states:

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

Outline Permission Conditions

This application only seeks partial discharge of condition 3 for Phase 2 of the development. A number of other conditions are either directly linked to condition 3 and require partial discharge as a result of this permission or are required to be discharged in their own right prior to the submission of this application. These conditions are listed below;

6 – Spatial Design Framework (Approved under MC/17/1995).

10 – Details of external walls showing eaves, verges, lintels, cills, balconies and porches of each building type at a scale to be agreed in writing. Also detailed sections through the front gardens in context with the building frontages and the adjoining footway, including details of bin stores and carports.

11- Requires Accurate Visual Renditions (AVR's) to be submitted for any reserved matters for a phase / sub phase, for any buildings that exceed 5 storeys in height and/or 20 metres.

12 – Any phase or sub phase of works applied to be cleared must include both hard and soft landscaping works within that phase, including typical landscaping treatment for open space areas, existing and proposed finished ground levels, car parking layouts, other vehicle and pedestrian access and circulation areas.

22 – All residential dwellings shall conform to ‘Lifetime Homes Standard’.

23 – Details of any phase / sub phase of the development hereby permitted shall include a statement detailing how the scheme meets the requirements of ‘Secured by Design’.

24 – All reserved matters should be accompanied by an assessment of the proposals against the Building for Life standards, or any equivalent assessment.

25 – Residential development will accord with the Medway Housing Design Standards 2011 or any subsequent revision.

26 – A daylight / sunlight assessment shall be included for residential development.

27 – Each phase / sub phase must incorporate details of the road, footway, footpath and cycleway layout.

28 - The details submitted pursuant to condition 3 shall show adequate land, reserved for parking or garaging of vehicles and the manoeuvring of vehicles to accord with the provisions of the adopted vehicle parking standards.

37 – Any phase or sub phase application must be accompanied by an energy sustainability strategy.

38 – All residential units within the development must be constructed to achieve at least Code for Sustainable homes Level 3.

67 – Prior to the submission of any reserved matters application phase or sub phase, a Site Waste Management Plan for that phase shall be submitted.

68 – Pursuant to condition 3 details, a strategy for the provision of telecommunications to serve that phase must be submitted.

72 – The landscaping details submitted pursuant to condition 3 must include details of ecological enhancement.

These conditions will be specifically referenced at the end of the report to demonstrate the schemes levels of compliance.

Housing Mix

Saved Local Plan Policy H10 requires an appropriate mix of residential units to meet the needs of different households, although it is also acknowledged in the supporting text that that on higher density sites *“the variety of house types is likely to be restricted”*.

An indicative mix of 35% one bedroom apartments/studios, 50% two bedroom apartments and 15% three bed apartments was approved under the Outline Permission.

The mix of housing proposed under this reserved matter application is as follows:

- 69 x 1 bed apartments (34%)
- 92 x 2 bed apartments (46%)
- 38 x 3 bed apartments (19%)

Whilst there is slight departure from the indicative mix approved under the Outline Permission, it is noted that this is only indicative and also it will apply across the wider site so some divergence is to be expected on a plot-by-plot basis. The provision of slightly more 3 bed units is also welcomed as it provides a more balanced mix of units within the propose block.

It is considered that the proposed mix accords with the aims of policy H10 of the Medway Local Plan 2003 which seeks to secure a range of housing across a development.

Affordable Housing

Saved Policy H3 requires 25% affordable housing on sites of 25 dwellings or more. The S106 Agreement attached to the Outline Permission for the site thereby requires 25% of all residential dwellings delivered at Chatham Waters to be affordable.

The S106 requires that the affordable housing is delivered in accordance with the requirements of the *'Guide to Developers Contributions'* in respect of tenure mix i.e. 60% affordable rented and 40% shared ownership. Given that the residential element of the site is to be delivered in apartment blocks, rather than houses, the S106 accepts that the mix of affordable units in respect of size is split between 1, 2 and 3 beds.

Similarly, the provision of the residential accommodation within apartment blocks, with individual plots sold off to different developers, means that a bespoke approach to the delivery of affordable housing is required. To this end, it is proposed that the affordable housing for the entire site will be accommodated within the block to be delivered within Phase 3. It is confirmed that preliminary pre-application discussions with Optivo have commenced in respect of their proposal for the affordable housing.

Thereby, whilst there are no affordable units proposed within this scheme, in light of the affordable housing delivery strategy for Chatham Waters, the application is considered to be in accordance with Saved Policy H3 and the requirements of the S106 Agreement.

Non-residential Accommodation

Under the Outline Permission, consent was given for some 5,641sqm 'flexible' non-residential floorspace across use classes A1/A2/A3/A4/A5/D1/D2. This floorspace was in addition to the supermarket which was approved under the first reserved matters and has now been built and occupied.

It was intended that these 'flexible non-residential uses' would be ancillary to the overall scheme and will provide accommodation for cafes, bars, restaurants, sandwich shops, hair and beauty salons, health care facilities, estate agents, and day nurseries.

It was intended that these uses would serve residents and workers of the development; visitors to the hotel and event complex and visitors to the development generally.

As noted above the commercial and ancillary uses comprise 4no. units with total floor space 710 sqm. These units are well within the parameters of the Outline permission, and are of a scale to serve residents.

These units are located on the river frontage creating activity along the riverside which is welcomed. However, given that the range of uses granted as part of the outline permission ranges from A1 retail through to A5 hot food takeaway, it is noted that there is potential for these uses to impinge on the residential amenity of future occupants above.

It is therefore recommended that a condition is placed on any consent granted that, prior to occupation of the commercial premises at ground floor, a detailed management plan for each unit must be submitted to the Council setting out who will occupy the unit i.e. what use class, hours of operation and how they intend to manage the premises to ensure that the use will not have an adverse impact on residential properties above. The permission will run with the land and will require future occupants to observe these restrictions thereafter unless permission is granted by the Council to vary the condition. This would accord with the aims of policy BNE2 of the Medway Local Plan 2003 (Saved Policies).

Layout & Landscaping

The 'Spatial Design Framework', which was approved under the original 2013 permission, sets the parameters in terms of the layout of the site. Issues of scale, massing, block location and general disposition among others have been already been broadly established.

However, Condition 6 requires the Spatial Design Framework to be refreshed upon each detailed application, recognising that the masterplan will evolve as the detailed applications are brought forward. The updated Spatial Design Framework essentially demonstrates how the proposed blocks relate to the wider masterplan in respect of block configuration, massing and urban realm.

Block Configuration

In terms of the positioning of the proposed blocks, they are relatively close together resulting in a street environment that will feel more concentrated and urban than is typically experienced in Medway. It is considered that this tight, urban environment allows for creation of a distinct 'sense of place' for this important waterfront location - as has always been envisaged for Chatham Waters.

However, as is discussed in more detail below, this gives challenges from the point of view of daylight into residential units, which has been largely overcome by layout and façade variations and some judicious engineering, to a point that appears acceptable within these blocks. Likewise, the opening of the western block end to address the water and enhance daylight is an improvement from that drawn within the original

masterplan. It is important to monitor the daylight/sunlight implications for the wider scheme as it develops.

Block Massing

There is some variation between the blocks in height, with the block stepping up towards the north (the waterfront and the top of the site). The scheme was the subject of an independent design review and the review panel supported exploring an even larger variation. However the proposed developments more modest massing is considered appropriate given its position and emphasis within the overall masterplan.

Public Realm/Landscaping

As noted above the application proposes the creation of an area of public realm named 'Dock Gardens'. This public open space will not only provide amenity space for residents of the proposed block (in addition to the private 'podium garden') but will also act as a focal point within the wider masterplan, drawing people from the Central Parkland (and the supermarket) towards the waterfront. This space is thereby crucial in the functioning of the wider masterplan and it is welcomed that it is being delivered as part of the proposals for the first block of residential development.

Further it is considered that the landscape and public space design represents a lift in quality from previous phases. The design proposals within this application are contemporary, well configured and make probably the best use of the streets and spaces made available by the masterplan thus far. The proposals give a good template for detailed conditions to be confirmed in due course and will provide a template for the development of the wider site.

Layout – Summary

The layout of the proposed blocks, in respect of configuration, massing and relationship to public realm, are considered consistent with the parameters plans approved under the Outline Permission, and the principles set out in earlier approved iterations of the Spatial Development Framework.

It is considered that the layout of the blocks, whilst relatively dense, provides a robust framework for the creation of high quality urban, water front environment with a distinct 'sense of place'. The layout of the blocks is thereby considered acceptable and compliant with Saved Policy BNE1 and the emphasis on high quality design in the NPPF.

Subject to the approval of this application the updated Spatial Development Framework, submitted under discharge of condition application reference MC/17/1995, will be approved.

Scale

The outline application identified a maximum height level across the Site for future development. The maximum height level for phase 2 was identified as being 16 storeys. This application proposes a part 16, part 11 storey building linked at 1st floor

level by a garden podium. The proposed scheme is in accordance with height parameters established by the outline permission.

As required by condition the applicant has submitted a Townscape and Landscape Visual Impact Assessment (TVIA) in support of this reserved matters application.

The application site is not located within a conservation area and there are no listed buildings on or near the Site. There are two scheduled ancient monuments in the wider proximity of the site, Chatham Historic Dockyard and The Lower Lines Heritage Park. Views from both these scheduled sites have been addressed within the applicants TVIA.

By virtue of their distance from the site, the proposed development is not considered to have a detrimental impact on the setting of these monuments. The applicants TVIA demonstrates that views of the development, particularly from the Historic Chatham Dockyard, are extremely limited / non-existent. The scheme therefore accords with the aims of policy BNE20.

When reviewing the scale of this proposal, it is important to consider the wider context of the site. Of particular relevance to this site is the development to the north at Victory Pier which comprises buildings ranging from 16 storeys through to 7 storeys in height. That scheme was designed to emphasise the importance of the riverside location with the 16 storey blocks adjacent to the water and the built form stepping down in height from there. This development compliments the scale of development proposed at Victory Pier.

As discussed above the maximum height proposed as part of phase 2 is 16 storeys and this is adjacent to the riverside. It is envisaged that the heights will step down to emphasise the importance of the riverside location of the development.

In terms of proposed height, the scheme is in keeping with the Victory Pier development granted consent under the same policies as this is being considered against. The layout has ensured that the riverside location is emphasised with the tallest buildings put adjacent to it and the smaller buildings stepping down as the development moves 'in land'.

The proposed development is not located within a sensitive area. The site was previously a functional industrial location with buildings and structures that were functional and that had little or no architectural merit.

Given that the site is not in a sensitive location, it will not have a negative impact on the wider heritage assets in the area, and that the scheme is broadly in keeping with that granted at Victory Pier in terms of height, massing and scale, the proposed scheme is considered acceptable and accords with policies BNE1, BNE6 and BNE20 of the Medway Local Plan and the principles of good design set out in the NPPF.

Appearance

This mixed use residential scheme brought forward for the Site constitutes the first of the taller buildings to be addressed since the granting of permission for the Chatham

Waters development. The masterplan dialogue and process has evolved after feedback from the design review panel, with the changes addressed below.

The original approval of planning in 2013 sanctioned a scheme that is clearly differentiated in approach from almost anything that has gone before in Medway. While more akin at the time to the adjacent Victory Pier scheme, it has helped set a new context for building taller buildings with more density on waterfront sites.

It is considered that the scale of Chatham Waters and its phased delivery will require a nuanced architectural approach with variation within individual buildings. This proposed development is considered to achieve this through east facing geometric variation together with courtyard balcony variation, while maintaining the strong geometry of the structural floors and / or expressed structural frame. It is heartening to see this variation take place not least due to considerations of microclimate, daylight and orientation. However, it is important to monitor the wider masterplan scheme as it develops to ensure such variation is enough to suit the scale of buildings proposed, that architectural expression is scaled appropriately and appropriate correspondence with the Medway context and built heritage is maintained.

Detail and Envelope Quality

The architectural attitude mentioned above has been referenced on detailed drawings submitted in support of the application. However, further details will be required of the design approach as part of conditions 9 and 10 which require samples of materials and detailed drawings of individual finishes for the scheme.

The promise of this project is quite compelling for Medway but such architecture requires the proportions of elements / components, their adjacencies / assemblies, facades, close up finishes at all levels, materials / textures / additives and the productive use of shadow to be a success. These details can be assessed under condition 9, when the applicant applies to clear it.

Condition 9 of the outline permission requires details and samples of the proposed materials to be used. At this stage the applicant will need to justify their choice of materials and provide significant detail so that the Council can ensure that the scheme is constructed to a high design standard. The granting of this consent does not negate the requirement of the applicant to discharge this condition for phase 2, nor prejudice the Council's position to determine the application.

An informative has been added to the decision reminding the applicant of the need to discharge condition 9.

Given the above the proposed details are considered to accord with the aim of policies BNE1 General Principles of Development, BNE6 Landscape Design, BNE7 Access for All and BNE8 Security and Personal Safety and the principles of good design set out in the NPPF.

Amenity

Space Standards

As noted above the condition 25 requires compliance with the Medway Housing Standards. Members will be aware that the Medway Housing Standards (interim), adopted 2011, sets out minimum space standards for new dwellings created within the administrative boundary of Medway Council.

However, following a Written Ministerial Statement in March 2015, the Government has rationalised the approach to housing standards. This included publishing 'Nationally Described Internal Space Standards' which replaced all locally defined internal space standards. It is noted that these differ slightly from the Medway Housing Standards, although they are broadly equivalent.

The proposals have been assessed against the Nationally Described Internal Space Standards and are considered to be compliant. The proposals are also compliant with the Medway Housing Internal Space Standards.

The Medway Housing Standards also cover external requirements including private space and window-to-window distances.

The application proposals are compliant in respect of the external space standards, providing balconies which are a minimum of 1.5 wide and 5sqm total area.

The application proposals are also largely compliant in respect of the window-to-window distance requirements (effectively 20m between facing windows). Whilst only 18m is achieved at the narrowest point between the two blocks, this is considered acceptable in a high density urban environment.

In summary, it is considered that the application proposals are compliant with the Medway Housing Space Standards and the Nationally Described Space Standards.

Sunlight / Daylight

A key consideration when granting planning consent for new residential dwellings is the standard of accommodation being created must be of a suitable standard. One aspect of the standards is that the units must receive good levels of sunlight / daylight. As noted above, Condition 26 specifically requires a daylight assessment to be submitted in support of reserved matters applications.

A sunlight / daylight assessment of the scheme has been provided in support of the application. The report demonstrates that 70 – 75% of new dwellings will comply with Average Daylight Factors, 100% will comply with Room Depth Criterion and 80 – 85% comply with No Skyline Requirement.

The applicant's consultant for sunlight / daylight have submitted a Daylight Design Note as an addendum to the sunlight / daylight assessment, in which they draw attention to high density urban developments with only 40 – 50% of units complying.

They suggest that achieving a BRE daylighting score of 50/60% against BRE guidance would reflect a well-considered output for new urban apartment developments.

Each scheme must be assessed on its own merits and therefore, while the comparison with schemes elsewhere is noted, it is not considered to justify a grant of planning permission. The BRE however, do not set arbitrary limits for compliance and the parameters laid down are only intended for guidance purposes. It is within the gift of the LPA to decide what is a reasonable expectation to achieve against that guidance.

In this case, it is considered, on balance, that the standard of accommodation being created is broadly in line with guidance. While there are some shortfalls in parts of the development, it is not considered that these shortfalls are so significant as to warrant a refusal of planning permission and are not uncommon in a modern, high density urban environment.

Aspect

The Medway Housing Design Standards 2011 seeks to minimise the number of single aspect dwellings and recommends that no more than 15% of single aspect units should be north facing.

It is noted that 50% of the units proposed will be single aspect units. Out of the 50% however only 17% of the units will be north facing. Thereby 33% of the single aspect dwellings are south, west or east facing and therefore should receive good levels of sunlight / daylight, albeit it at different times of the day. Further the applicant has tried to address this issue by introducing reduced depth living space for these single aspect, north facing apartments.

While the number of single aspect units is considered to be high, given that 33% of these units will have south, west or east facing windows which should ensure they receive adequate levels of sunlight / daylight. The north facing, single aspect apartments only represent 17% of the overall provision, only 2% over the guidance set out in the Medway Design Guide. As such it is not considered that a refusal could be sustained on these grounds.

Parking

Parking Standards for residential developments are set out in the Medway Council Interim Residential Parking Standards 2014.

Under the Outline Permission it was agreed that parking across the Chatham Waters would ensure that each development zone would have its own dedicated parking provision as well as the general provision of a 950-space multi-storey car park. It was agreed that one car parking space would be provided for each residential dwelling, supplemented by on-street parking if necessary. A planning condition was attached to the consent that required the provision of parking in accordance with the Council's adopted standards.

But given the variety of uses on the site, which would generate a significant demand for parking throughout the day, a Parking Management Plan requirement was also attached (condition 31). This condition allows the Council to ensure that parking provision and use is monitored on a phase-by-phase basis to ensure that sufficient provision is made to accommodate the uses and activities on the site individually and cumulatively.

It was envisaged that for viability/deliverability reasons the multi-storey car park would be delivered in later phases, with temporary car parking arrangements put in place during earlier phases.

Provision

The applicants are proposing to provide some limited-on plot parking, with the majority of parking accommodated in a ‘temporary’ car park on adjacent land. Proposals for the ‘temporary’ car park have been submitted under a separate reserved matters application (reference MC/17/2148).

It should also be noted that the ‘temporary’ car park for which permission is sought will also provide car parking for the next residential block (to be delivered directly by Peel), for which an application has not yet been received. The tables below summaries the proposed provision across the three sites:

Allocation of Spaces			
	Units	Residential Spaces	Visitors
X1 Scheme (current application)	199	199	97
Peel Scheme (forthcoming application)	193	193	
Total	392	489	

Provision of Spaces	
X1 Scheme (current RM application)	26
Peel Scheme (forthcoming RM application)	117
Visitor (pending RM application)	346
Total	489

It should be noted that whilst this car parking is envisaged as ‘temporary’ the reserved matters application, which also covers the wider public realm, is not temporary. The temporary car park will include a boundary treatment and landscaping around its borders such as planters, to promote a quality appearance.

Management

The freeholders or their managing agents will be responsible for allocating spaces to their residents and issuing permits. Residents will be required to display these while using the car park.

The streets between the development plots will be marked with double yellow lines to prevent on-street parking.

Parking Conclusion

In respect of the current scheme, the level of parking proposed equates to 100% residential provision (1:1) with 28% visitor provision (1:0.28). It is acknowledged that this is below the current standard (as set out in the 2014 Medway Interim Parking Standards).

However, it is consistent with the level of parking provided in the adjacent Victory Pier development. It is also in accordance with 1:1 residential parking that was approved in principle under the Outline Permission. In addition, the applicants are proposing measure to control and manage parking on the site.

Finally, it is noted that the Council must approve a parking strategy at each reserved matter stage, and should it emerge that the level of parking proposed is insufficient then the Council could seek increased (policy compliant) provision in future phases.

Thereby the level of parking proposed is considered acceptable despite the departure from the adopted parking standards.

It should be noted that under the terms of condition 28 the building may not be occupied until the parking has been provided in accordance with the approved details. Given that these parking arrangements have not been formally submitted under this reserved matters application a separate condition will be attached linking the residential blocks to the provision of the temporary car park for the purposes of condition 28.

Other Matters Arising

A number of other conditions are linked to condition 3 and require partial discharge for Phase 2 of the development. These conditions are outlined below;

Condition 10 required;

- (i) Typical sections through external walls showing eaves, verges, lintels, cills, balconies and porches of each building type at a scale to be agreed in writing with the Local Planning Authority
- (ii) Details in plan and section at a scale to be agreed in writing with the Local Planning Authority of any typical front garden between the buildings frontages and the adjoining footway, including details of any bin stores and carports.

The above condition was not nuanced to reflect the style of the development proposed therefore could not have been fully complied with. The applicant is however considered to have provided sufficient details to partially discharge this condition for phase 2.

Condition 11 requires Accurate Visual Renditions (AVR's) to be submitted for any reserved matters for a phase / sub phase, for any buildings that exceed 5 storeys in height and/or 20 metres.

A full TVIA was submitted for this sub phase that included AVR's. This submission therefore meets the terms of condition 11 for phase 2. Further phases will still be required to comply with condition 11.

Condition 12 – Any phase or sub phase of works applied to be cleared must include both hard and soft landscaping works within that phase, including typical landscaping treatment for open space areas, existing and proposed finished ground levels, car parking layouts, other vehicle and pedestrian access and circulation areas.

All details have been provided by the applicant and have been considered acceptable for Phase 2 of the development.

Condition 22 - All residential dwellings shall conform to 'Lifetime Homes Standard'.

This standard has been made obsolete since the grant of the outline consent. Discussions have been on-going with the applicant about removing the condition and the Council have no in principle objection to its removal. The mechanism in which it will be removed is currently being reviewed.

Condition 23 – Details of any phase / sub phase of the development hereby permitted shall include a statement detailing how the scheme meets the requirements of 'Secured by Design'.

The Design and Access Statement addresses the issues of secured by design and the Crime Prevention Design Officer is satisfied with the details submitted.

Condition 24 – All reserved matters should be accompanied by an assessment of the proposals against the Building for Life standards, or any equivalent assessment.

The Scheme provides an assessment against the Building for Life Standard and is considered acceptable for phase 2.

Condition 25 – Residential development will accord with the Medway Housing Design Standards 2011 or any subsequent revision.

The new residential dwellings in phase 2 have been assessed against the Medway Housing Design Standards 2011 and are broadly in keeping with the guidance.

Condition 26 – A daylight / sunlight assessment shall be included for residential development.

A full sunlight / daylight assessment has been provided and is discussed above. It is recommended that this condition can be discharged for phase 2.

Condition 27 – Each phase / sub phase must incorporate details of the road, footway,

footpath and cycleway layout.

A detailed plan was submitted as part of the design and access statement and is considered acceptable for phase 2.

Condition 28 - The details submitted pursuant to condition 3 shall show adequate land, reserved for parking or garaging of vehicles and the manoeuvring of vehicles to accord with the provisions of the adopted vehicle parking standards.

The issue of the temporary car park is being dealt with via a separate Reserved Matters submission. As noted above, subject to the approval of the other RM submission, the applicant has demonstrated adequate land reserved for parking and garaging for vehicles in relation to phase 2.

Condition 37 – Any phase or sub phase application must be accompanied by an energy sustainability strategy.

The applicant has submitted a full energy strategy for phase 2 of the scheme which details how it will call on Low or Zero Carbon Technology and / or renewable fuel systems. Measures to be included are;

- LED lighting
- Heat Recovery Ventilation
- Passive measures including improved building fabric and air tightness
- Potential for roof mounted PV panels

However, until the detailed design process is complete, the applicants cannot confirm the final energy scheme and whether the solar panel will be required. To address this uncertainty it is recommended to attach a further condition to this Reserved Matters Consent.

Condition 38 – All residential units within the development must be constructed to achieve at least Code for Sustainable Homes Level 3.

Code for Sustainable Homes is an obsolete standard and discussions are underway with the applicant to remove this condition and how best to achieve this. The Council have no objection in principle to removing the condition.

Condition 67 – Prior to the submission of any reserved matters application phase or sub phase, a Site Waste Management Plan for that phase shall be submitted.

The applicant has submitted a Site Waste Management Plan as part of this application however the details provided are not considered to adequately address the issue. A grant of planning permission for phase 2, condition 3, will not negate the need for the applicant to apply to clear this condition and will not prejudice the Council's ability to determine details submitted under condition 67 at a later date. It is considered reasonable that, despite the wording of the condition, the applicant could apply to clear this condition at a later stage as detailed design moves on.

Condition 68 – Pursuant to condition 3, a strategy for the provision of

telecommunications to serve that phase must be submitted.

The aim of the condition is to ensure that the apartments are adequately serviced with telecommunication equipment to avoid design clutter.

A telecommunication strategy has been submitted as part of the design and access statement and does show that this matter will be resolved.

The applicants have advised that the development will benefit from the provision of a fibre optic cabling network that will be brought into the building into a central communications room and will then be split and distributed to each individual apartment and the building's communal areas, management areas and retail/commercial spaces - all to the specialist electrical engineer's details and specifications. This will enable the future occupiers of the scheme to access internet and TV services without the need for any additional externally mounted equipment.

The applicant explains that the telecommunications for the scheme will be an extension of the anticipated side wide distribution network. The applicants have been working with the landowner (Peel) to ensure that all the necessary primary routes are agreed allowing easy connection of the proposed building. The applicants anticipate that the necessary infrastructure to make this possible will be in place prior to commencement on site.

These details are considered sufficient to meet the requirement of the condition.

Condition 72 – The landscaping details submitted pursuant to condition 3 must include details of ecological enhancement.

No objection has been raised from the ecology officer to the details provided, it is therefore recommended to discharge the condition for phase 2.

Bird Mitigation

As the application site is within 6km of the North Kent Marshes SPA/Ramsar Sites, the proposed development is likely to have a significant effect, either alone or in-combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest. Natural England has advised that an appropriate tariff of £223.58 per dwelling (excluding legal and monitoring officer's costs, which separately total £550) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. The strategic measures are in the process of being developed, but are likely to be in accordance with the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM) produced by Footprint Ecology in July 2014. The interim tariff stated above should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation), in anticipation of:

- An administrative body being identified to manage the strategic tariff collected by the local authorities;
- A memorandum of understanding or legal agreement between the local

- authorities and administrative body to underpin the strategic approach;
- Ensure that a delivery mechanism for the agreed SAMM measures is secured and the SAMM strategy is being implemented from the first occupation of the dwellings, proportionate to the level of the housing development.

At present the applicants have refused to pay this tariff on the basis that Outline Permission with a S106 has already been granted for the site, and it would thereby be unlawful to seek to attach further financial contributions to the development at the Reserved Matters stage. Further legal advice is being sought in respect of this issue and an update will be provided prior to committee.

Conclusions and Reasons for Recommendation

Notwithstanding the SPA mitigation issue, the proposed layout, scale, appearance and landscaping of the proposed scheme are considered to deliver a high quality development that will enhance the character of the area and deliver a much needed high quality mixed use development. The proposal therefore accords with the aims of the aforementioned Medway Plan 2003 Saved Policies and accords with the aims of the NPPF.

The application would normally be determined under delegated powers but is being reported to Committee for consideration at the request of members following consideration of the outline application and reflecting the scale and sensitivity of the development which is most appropriately determined by Committee.

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/>