

MC/18/3659

Date Received: 21 December 2018

Location: Chatham Waterfront Globe Lane Car Park Globe Lane Chatham

Proposal: Redevelopment of existing car park to provide 176 residential apartment, 1141m<sup>2</sup> of commercial floor space (A3/A4/B1), landscaping and associated parking

Applicant Medway Development Company Ltd

Ward: River Ward

Case Officer: Karen Cronin

Contact Number: 01634 331700

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 20th March 2019.**

**Recommendation - Approved Subject to :**

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

- Provision of affordable rented accommodation off site at Britton Farm
- Contribution of £180,000 towards education and the provision of nursery, primary and secondary school places.
- Contribution of £25,000 towards heritage and museums to improve maintenance access around the Old Brook Pumping Station.
- Contribution of £15,000 towards sports facilities for replacement of flooring at Medway Park leisure centre.
- Contribution of £76,500 for the NHS to support the purchase of equipment and infrastructure for a new Healthy Living Centre in the Chatham Central locality.
- Contribution of £42,171.36 towards bird disturbance mitigation measures
- Provision of car club and access to car rental services for new residents and existing ones

- Restriction on permit parking for residents of this development

B. And 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 numbers 18.027-001; 18.027-002 P01; 18.027-003 P03; 18.027-004 P02; 18.027-010 P01; 18.027-011 P01; 18.027-020 P00; 18.027-021 P00; 18.027-022 P00; 18.027-025 P00; 18.027-026 P00; 18.027-030 P00; 18.027-031 P00; 18.027-032 P01; 18.027-035 P01; 18.027-036 P01; 18.027-040 P00; 18.027-041 P00; 18.027-042 P00; 18.027-043 P00; 18.027-044 P00; 18.027-045 P00; 18.027-046 P00; 18.027-047 P00; 18.027-048 P00; 18.027-049 P00; 18.027-050 P00; 18.027-060 P00; 18.027-061 P00; 18.027-062 P00; 18.027-065 P00; 18.027-066 P00; 18.027-070 P02; 18.027-071 P02; 18.027-072 P02; 18.027-073 P02; 18.027-075 P02; 18.027-076 P02; ExA\_1830\_101 Rev A; ExA\_1830\_102 Rev A; ExA\_1830\_110 Rev A;

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

- 3 No development above slab level shall take place until details and samples of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

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.

- 4 Prior to any development above ground floor slab level, full details of both hard and soft landscape works, any artefacts to be located within the public space and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

- A. Proposed finished levels of contours, (including slab levels); means of enclosure (should be consistent with boundary treatment proposals); car parking layouts; existing areas of retained planting; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. external furniture, play equipment; refuse or other storage units, signs, lighting

etc.); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic features and proposals for restoration where relevant.

- B. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; tree pit details including species, size, root treatment and means of support; implementation programme.
- C. All planting, seeding and turfing comprised in the approved scheme of landscaping, shall be implemented in accordance with the timetable approved as part of the approval to this condition
- D. Details of lighting design, location and specification including spillage and intensity
- E. Detailed design for sustainable drainage systems

Details shall be approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved timetable.

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

- 5 Any tree and/or shrub planted pursuant to condition 4 and being removed or severely damaged; dying or becoming seriously diseased within 5 years of planting shall be replaced with a tree or shrub of a similar size and species unless approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 6 Prior to the first occupation of any dwelling herein approved, a landscape management plan, shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas for a minimum period of five years and arrangements for implementation. The development shall thereafter be implemented in accordance with the approved details.

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

- 7 Prior to the first occupation of any dwelling herein approved details of the areas for equipped play facilities together with the play equipment and safe surfacing to be provided shall be submitted to and approved in writing by the Local Planning Authority. The play area(s) shall be provided in accordance with the approved

details prior to the first occupation of any dwelling herein approved and shall thereafter be retained.

Reason: To ensure the satisfactory provision of play equipment in accordance with Policy L4 of the Medway Local Plan 2003.

- 8 The residential and commercial accesses along Medway Street shall not be used until vision splays 43 metres x 2.4 metres have been provided on both sides of the vehicular access point(s) and no obstruction of sight, including any boundary treatment, more than 0.6m above carriageway level shall be permitted within the splays thereafter.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with Policy T1 of the Medway Local Plan 2003.

- 9 The pay and display vehicle access along Globe Street shall not be used until vision splays 25 metres x 2.4 metres have been provided on both sides of the vehicular access point(s) and no obstruction of sight, including any boundary treatment, more than 0.6m above carriageway level shall be permitted within the splays thereafter.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with Policy T1 of the Medway Local Plan 2003

- 10 No part of the development hereby approved shall be occupied until a Car Parking/Servicing Management Plan, has been submitted to and agreed in writing by the Local Planning Authority. The submitted details shall include the operational arrangements for residential and commercial vehicles, space sharing arrangements, disabled parking, car club arrangements, Parking Management Strategy review arrangements and a price review/increase strategy in relation to any paid visitor permit scheme for the site and removal of entitlement for residents of Chatham Waterfront development to apply for street parking permits. The development herein approved shall operate in accordance with the approved

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency outside of the site and to accord with policies BNE2, T13 and T2 of the Medway Local Plan 2003.

- 11 The dwelling herein approved shall not be occupied until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking

or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking and in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

- 12 No dwelling herein approved shall be occupied until details of cycle and refuse storage facilities have been submitted to and approved in writing by the Local Planning Authority. The cycle and refuse storage facilities shall be implemented in accordance with the approved details prior to any dwelling herein approved being occupied and hereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown for cycle and refuse storage facilities.

Reason: All new residential development requires provision of adequate accommodation for cycle and refuse storage to accord with Policies BNE1 and T4 of the Medway Local Plan 2003.

- 13 Prior to any development above ground floor slab level details of the following mitigation measures shall be submitted to and approved in writing by the Local Planning Authority:

Details regarding Electric Vehicle rapid charge points In the interests of sustainability in accordance with paragraph 110E of NPPF 2018.

Reason: In the interests of sustainability.

- 14 Prior to any development above ground floor slab level details with regards to the proposed signage at the junction of Medway Street and Globe Lane and u- turning facilities adjacent to the proposed public car park, shall be submitted and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details prior to the first occupation of any part of the development herein approved.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with Policy T1 of the Medway Local Plan 2003.

- 15 Prior to the occupation of the proposed development, A revised Travel Plan encouraging sustainable forms of transport shall be submitted to and approved in writing by the Local Planning Authority

Reason: To encourage sustainable forms of transport in accordance with Policy T14 of the Medway Local Plan 2003.

- 16 No development shall take place until an Air Quality Emissions Mitigation Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall be prepared in accordance with the Medway Air Quality Planning Guidance (April 2016), and shall specify the measures that will be implemented as part of the development to mitigate the air quality impacts of development related emissions. The total monetary value of the mitigation to be provided shall be demonstrated to be equivalent to, or greater than, the total damage cost values calculated as part of the approved Emissions Mitigation Assessment, reference J3616A/1/F2, dated 22 February 2019. The development shall be implemented, and thereafter maintained, entirely in accordance with the measures set out in the approved Mitigation Statement.

Reason: In the interests of amenity and minimising air pollution in accordance with policy BNE24 of the Medway Local Plan 2003.

- 17 Prior to the completion of the development hereby approved, details of how the development will enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. These shall include the recommendations outlined in section 4.2.2 of the Extended Phase 1 Habitat Survey dated March 2016 as already submitted with the planning application. The approved details will be implemented and thereafter retained.

Reason: To incorporate biodiversity improvement in and around the development in accordance with paragraph 175 of the NPPF.

- 18 No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared and submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 19 No development shall take place (other than development required to enable the remediation process to be implemented) until the approved remediation scheme has been carried out in accordance with its terms. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority prior to the bringing into use of the development.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 20 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 18, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 19, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition 19 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

- 21 No development shall take place until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of working, parking of operatives vehicles, deliveries to the site, noise, dust and lighting arising from the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The construction works shall be undertaken in accordance with this approved plan.

Reason: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents, the countryside, wildlife and habitat and with regard to BNE2 of the Medway Local Plan 2003.

- 22 Prior to the commencement of the development hereby permitted, a scheme for protecting the proposed development from noise that implements the measures described in the noise assessment reference P1192/02 dated December 2018,

shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: In the interests of residential amenity and to accord with Policy BNE2 of the Medway Local Plan 2003

- 23 No commercial goods shall be loaded, unloaded, stored or otherwise handled and no vehicles shall arrive or depart, within the application site outside the hours 07:00 to 19:00 Monday to Friday, 08:00 to 18:00 Saturday or at any time on Sunday or Bank Holidays.

Reason: In the interests of residential amenity and to accord with Policy BNE2 of the Medway Local Plan 2003

- 24 The separating partition between bedrooms and living rooms of residential units in separate occupation shall resist the transmission of airborne sound such that the weighted standardised level difference (DnT,W +Ctr) shall not be less than 50 decibels as measured and calculated in accordance with BS EN ISO 16283-1 2014.

Reason: In the interests of residential amenity and to accord with Policy BNE2 of the Medway Local Plan 2003

- 25 The separating ceiling and floor between residential and commercial units shall resist the transmission of airborne sound such that the weighted standardised level difference (DnT,W +Ctr) shall not be less than 60 decibels as measured and calculated in accordance with BS EN ISO 16283-1 2014.

Reason: In the interests of residential amenity and to accord with Policy BNE2 of the Medway Local Plan 2003

- 26 Prior to the occupation of any commercial unit hereby permitted, a scheme for the extraction and treatment of cooking fumes, including details for the control of noise and vibration from the system, shall be submitted and approved in writing by the Local Planning Authority. Noise from the extraction system (LAeq,T) shall be at least 10dB(A) below the background noise level (LA90,T) at the nearest residential facade, when assessed in accordance with BS4142:2014. The approved scheme shall be implemented before the development is brought into use and thereafter be maintained in accordance with the approved details.

Reason: In the interests of the amenity of the area

- 27 Prior to the occupation of any commercial unit hereby permitted, a scheme of acoustic protection shall be submitted and approved in writing by the Local



Planning Authority. The scheme must demonstrate that the internal noise levels within the residential units will conform to the indoor ambient noise levels for dwellings identified by BS8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: In the interests of residential amenity and to accord with Policy BNE2 of the Medway Local Plan 2003

- 28 Prior to the occupation of any commercial unit hereby permitted, a scheme to minimise the transmission of noise from the use of the premises, shall be submitted to and approved in writing by the Local Planning Authority. Noise from the premises should be controlled, such that the noise rating level (LAr,Tr) emitted from the development shall be at least 10dB below the background noise level (LA90,T) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014. All works which, form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: In the interests of residential amenity and to accord with Policy BNE2 of the Medway Local Plan 2003

- 29 No development shall take place within any phase or subphase until details of foundations designs and any other proposals involving below ground excavation have been submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that due regard is had to the preservation in situ of important archaeological remains.

- 30 Within 6 months of the completion of all the archaeological mitigation works secured under condition 25 above a Post Excavation Assessment Report shall be submitted to and approved in writing by the Local Planning Authority.

The report shall include a programme and timetable (Updated Project Design) for the publication of the findings of the archaeological investigations and for the deposition of the archaeological archive. The archaeological publication shall be produced in accordance with the programme and timetable set out in the report. The archaeological publication and the deposition of the archive shall be funded by the developer in accordance with the programme and timetable set out in the report.

Reason: To ensure that the recorded archaeological evidence (and any archive generated) resulting from the development works is made publicly accessible.

- 31 No development shall take place within any phase or subphase until the applicant, or their agents or successors in title, has secured the implementation of:
- i. archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
  - ii. following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

- 32 Prior to the completion of development (or relevant phase thereof) details of on-site historical interpretation to be incorporated within the development will be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include location, design, dimensions and materials. The approved details shall be installed prior to the first occupation of the development hereby permitted (or relevant phase thereof) and shall thereafter be retained and maintained.

Reason: To ensure a satisfactory visual appearance and to ensure the development makes a positive contribution to local character and distinctiveness.

- 33 No development shall take place until a scheme showing details of the disposal of surface water, based on sustainable drainage principles, including details of the design, implementation, maintenance and management of the surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

Those details shall include (if applicable):

- i. a timetable for its implementation (including phased implementation where applicable), and
- ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 165 of NPPF.

- 34 Prior to occupation, a signed verification report carried out by a qualified drainage engineer (or equivalent) must be submitted to and approved by the Local Planning Authority to confirm that the Sustainable Drainage System has been constructed as per the agreed scheme and plans.

Reason: This condition is sought in accordance with paragraph 165 of the NPPF to ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere.

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

## **Proposal**

The proposal is for the re-development of an existing car park to construct five buildings of different designs, between 6 and 12 storeys in height to provide 176 residential apartment with 1,141 square metres of flexible commercial floor space at ground floor level, along with associated car parking and cycle parking, landscaping and other associated works. The buildings are located in a cluster on the car park site to the west of the pumping station, with each block varying in size, shape and height. The number of storeys becomes increasingly taller to the rear of the site with the lowest blocks next to the River Medway.

The proposed buildings would provide a mix of one and two bedroom units plus 1 three bedroom unit plus A3 food and drink uses, A4 drinking establishments and B1 Office use. In between and to the east of the building would be shared space, public realm improvements, terraced seating and viewing areas, residential terraced gardens, a public plaza, water jets, children's play area, planting and SUDS rainwater gardens. The details of each building are set out below:

### Building A

Diamond shaped  
Located on the river frontage  
5 storeys with an inset 6<sup>th</sup> storey  
258 square metres commercial floor space  
19 residential units – 1 one bed and 18 two bed

### Building B

Triangular shaped  
Located to the south of the pumping station  
Rising from 6 to 8 storeys (north to south)  
222 square metres commercial floor space  
20 residential units – 1 one bed, 18 two bed and 1 three bed

### Building C

Rhombus shaped  
Located to the rear of the site, fronting Medway Street  
Rising from 6 to 12 storeys (north to south)  
391 square metres commercial floor space  
66 residential units – 26 one bed and 40 two bed

### Building D

Square shaped  
Located to the rear of the site, fronting Medway Street  
Rising from 5 to 17 storeys (north to south)  
270 square metres commercial floor space  
26 residential units – 9 one bed and 17 two bed

### Building E

Rectangular shaped  
Located along the western boundary of the site  
No commercial floor space  
45 residential units – 19 one bed and 26 two bed  
69 undercroft car parking spaces

It is proposed that 89 car parking spaces would be provided for the residential element of the proposal plus 10 car club spaces and 20 pay and display car parking spaces for continued public use.

The proposal also includes the delivery of a significant amount of public open space (and improvements) in the area between bounded by the Command of the Heights project, The Southern Water Pumping Station, the Bus Station and the proposed built development.

The site falls within the defined urban area of Chatham, adjacent to the River Medway, Chatham town centre, Pentagon Shopping Centre, bus station and close to the train station. The site falls between two conservation areas, Brompton Lines to the east and Star Hill to Sun Pier to the west, with a small part of the site to the north east just inside the Brompton Lines Conservation Area. There is a promenade walk along the river side which is currently intersected by an existing pumping station. The site lies to the north of Medway Street, in an area of predominantly commercial and public use. The site is adjacent to a Scheduled Ancient Monument and Fort Amherst.

The site is in the level 2 and 3 flood zone as specified on the Environment Agency Flood Map.

For reasons of viability this application must be considered alongside an application submitted at Britton Farm, Gillingham under reference MC/19/0008, also on this agenda. It is proposed to locate the affordable housing for the Chatham Waterfront proposal off site at the Britton Farm site.

### **Site Area/Density**

Site Area: 1.27 hectares (3.14 acres)

Site Density: 138 dph (56.1 dpa)

### **Relevant Planning History**

- |                   |  |
|-------------------|--|
| <b>MC/16/1924</b> | Outline application with all matters reserved for the construction of up to 115 residential units with retail facilities at ground floor level.<br>Resolution to approve 15/03/17 subject to s106 agreement  |
| <b>MC/11/0167</b> | Demolition of existing buildings and construction of 31 one and two bedroomed apartments, an 86 bedroomed hotel and 1,792 sqm commercial floorspace (Use classes A1 to A5, B1(a) and D1) and ancillary parking<br>Resolution to approve 30/03/11 subject to s106 agreement   |
| <b>MC/11/0166</b> | Construction of 80 one and two bedroomed apartments and 1,589sqm commercial floorspace (Use classes A1 to A5, B1(a) and D1) and ancillary parking<br>Resolution to approve 30/03/11 subject to s106 agreement  |
| <b>MC/10/4092</b> | Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 - request for a screening opinion for a mixed use development comprising of Some 121 one and two-bed apartments located within two blocks one being of six and one of eight storeys in height, both of which sit at right angles to the water's edge; Ground floor commercial premises (comprising some 4,265 sq.m. floorspace, including the 3,000 sq.m hotel) located below the residential development, suitable for a range of small A1 to A5 retail uses (with restaurants, cafes and bars being most likely) or B1(c) office uses; An 80 bed hotel; Car and cycle parking provision to serve the above development, with access off Medway Street; A pedestrian concourse running diagonally from Medway Street towards the existing riverside park with lanes running towards the waterfront; Landscaping appropriate to the urban and riverside setting of this site, incorporating terraces associated with the commercial uses; A new riverside walk within the site boundaries; Private and semi-private amenity space for apartments on high level roof terraces; Refuse collection points and bin stores for both residential and commercial units at strategic locations off the main |

concourse and Refuse collection points and bin stores for both residential and commercial units at strategic locations off the main concourse

EIA Not Required – 30/11/10

**MC/06/1101**

Application for mixed development comprising commercial (945 square metres) and restaurant (290 square metres) at ground floor level with 136 flats over in a part 4/5/6/7 storey block; associated parking and ancillary works

Withdrawn – 11/09/06

## **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.

Highways England, Historic England, Environment Agency, Natural England, Lead Local Flood Authority, NHS, EDF Energy, Southern Water, Southern Gas Networks, Medway Fire Service, KCC Ecology and KCC Archaeology have also been consulted.

**2 letters** have been received raising the following objections:

- Loss of parking spaces
- Inadequate provision of visitor parking
- Loss of views
- Concern about site access
- Lack of affordable housing on site
- Need improvements to the river walk

**1 letter** of support has been received making the following comments:

- Will improve the character and appearance of the Town Centre
- Scheme will encourage opportunities for investment and improvements in Chatham
- High quality scheme and public realm design
- Good to see children's play area, eco planting and art murals

The **Environment Agency** initially objected because no flood risk assessment had been submitted but then removed this when one was submitted

**Southern Gas Networks** advise that the site is in the vicinity of a low pressure mains. There should be no mechanical excavations taking place within 0.5m of a low/medium pressure system. You should, where required, confirm the position using hand dug trial holes.

**KCC Ecology** have made the following comments:

The Extended Phase 1 Habitat Survey concludes that there is potential for breeding birds to be present on site. Suggested an informative to ensure no nesting birds are affected by the development.

The site is within 6km of Medway Estuary & Marshes SPA and Ramsar site, as such the appropriate assessment is required and the development must comply with the North Kent Strategic Access Management and Monitoring Strategy (SAMB) to mitigate for additional recreational impacts on the designated sites.

The application provides opportunities to incorporate features into the design which are beneficial to wildlife, such as native species planting and the installation of bat/bird nest boxes; recommendations are provided in the Extended Phase 1 Habitat Survey report. The implementation of these recommendations should be secured by condition.

**Natural England** advise that the site is within 6km of the coastal Special Protection Area and Ramsar site and will result in a net increase in residential accommodation that may result in impacts from increased recreational disturbance, as such an appropriate assessment is required and a financial contribution towards mitigation.

**Lead Local Flood Authority** raise no objection because there are suitable potential sustainable urban drainage schemes that could be used. Suggest condition relating to surface water disposal.

**Highways England** raise no objection on the basis that the proposal will generate no unacceptable change in traffic on the Strategic Road Network.

**Southern Water** advise that there are public sewers and water mains crossing the site. It appears the applicant is proposing to divert public surface water sewers and are advised of what to do in this case. Access to the pumping station must not be impeded as 24/7 access is required. Network reinforcement may be required as a result of the development. Condition suggested. Southern Water require a formal application for a connection to the public sewer. Informative suggested.

**KCC Archaeology** advise that the site has the potential to contain a range of archaeological and paleo-environmental remains spanning multiple periods. It is recommended that a programme of archaeological and geo archaeological evaluation and deposit modelling be secured; that the results of this work are used to inform a programme of archaeological safeguarding and/or investigation and recording; and that the resulting information is made publicly accessible. Recommend conditions relating to below ground archaeology assessment, remediation, below ground excavation and historical interpretation.

Careful thought needs to be given to how further tall buildings, including cumulative impacts, will appear in views and what affect they will have on the townscape character and the setting of the fortification and other nearby heritage assets.

**Historic England** advise that the site is located close to heritage assets and has the potential to cause significant harm in the following ways; impact on long range views of Fort Amherst and views out from the fort, impact on the character of Chatham's historic townscape and localised impact on key historic buildings such as the grade II listed Brook Theatre.

## **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 2019 and are considered to conform.

## **Planning Appraisal**

### *Background*

This site represents one of the key regeneration opportunities in Medway as identified in the Chatham Centre and Waterfront Development Framework (2004) and the Chatham Centre and Waterfront Development Brief (2008).

In 2011 two inter-related planning applications were submitted for re-development of the current application site under references MC/11/0166 and MC/11/0167. As noted above these applications sought permission for the provision of 111 one and two bedroomed apartments, an 86 bedroomed hotel and 3,381 sq. of commercial floorspace. These applications were presented to the Council's Planning Committee which resolved to grant planning permission for each subject to the applicant entering into a s106 agreement relating primarily to developer contributions and affordable housing. However the legal agreements were never completed and as a consequence the planning permissions were never issued by the Council.

In 2016 an outline application was submitted (under reference MC/16/1924) with all matters reserved for the construction of up to 115 residential units with retail facilities at ground floor level. This application was presented to the Council's Planning Committee which resolved to grant planning permission subject to the applicant entering into a 106 agreement relating to developer contributions and affordable housing. However the legal agreement was never completed and as a consequence the planning permission was never issued by the Council.

The current application has been submitted by Medway Development Company on behalf of Medway Council. The proposal has been subject to pre-application discussion (including with Heritage England), Member Presentation and Design Review Panel and changes have been made to the final scheme submitted based on all the comments received. Changes made to the scheme include a decrease in height, an increase in the number of buildings from 3 to 5, amending the footprint and positioning of the buildings in order to enhance key views and sightlines within the public realm and permeability



through the site, an increase in undercroft and surface car parking, addition of pay and display car parking spaces and addition of balconies to create external amenity space.

### *Principle*

The proposal is for the re-development of an existing car park to construct five buildings of different designs, between 6 and 12 storeys in height to provide 176 residential apartment with 1,141 square metres of flexible commercial floor space at ground floor level, along with associated car parking and cycle parking, landscaping and other associated works.

Policy S1 of the Local Plan sets out the development strategy for the plan area. It states that the development strategy is to prioritise re-investment in the urban fabric, which will include the redevelopment and recycling of under-used and derelict land within the urban area. It further states that the focus will be on a number of areas including the Medway riverside areas and Chatham. The proposed development would accord with this broad strategy.

The application site is allocated on the proposals map of the Local Plan as lying within an area to which Policy S5 relates. Policy S5 seeks to develop Chatham Town Centre as the major, multi-use 'city' centre for Medway. Policy S5 states that land at the riverside will be released for riverside open space and for mixed use development. This could include Class C3 residential uses; Class A1 and A3 shop, restaurant and pub uses; Class B1 business; and Class D1 and D2 leisure uses.

The site is in the existing urban area and on land that is accepted as a brownfield site. Local and National Policies are generally supportive of residential development in the urban area and the re-use of previously developed land. Paragraph 117 of the NPPF seeks to make as much use as possible of previously developed or 'brownfield' land. Paragraph 118 of the NPPF gives substantial weight to the value of using suitable brownfield land within settlements for homes.

Policy H4 of the Local Plan sets out certain development that will be permitted within the urban area including mixed commercial and residential uses in proximity to town centres. The impact on the local environment will be addressed below but in principle there is no overriding objection to the development with regard to this policy or to the more recent advice in the NPPF, including paragraph 10 which says that applications should be considered in the context of the presumption in favour of sustainable development. A key element of national housing policy is to minimise the loss of greenfield sites for residential use by making the best use of development opportunities within existing urban areas.

The NPPF has a presumption in favour of sustainable development so that development that is sustainable can be approved without delay. The proposal is in a sustainable location opposite Chatham Town Centre, next to Chatham bus station and close to the train station. The NPPF supports the delivery of a wide choice and mix of high quality

homes to meet the needs of different groups in the community. The proposal would contribute to the vitality and viability of the area.

The proposal is for high density housing close to the town centre, public transport and local facilities. In these locations low density housing will not be permitted in accordance with Policy H5 of the Local Plan. The NPPF and NPPG's encourage higher densities around nodes of public transport such as bus and railway stations.

The site is on the edge of a core retail area and the principle of a mixed use scheme within this location is also supported by Policy R12 of the Local Plan. This states that within or on the edge of the defined core areas of a number of specified centres, including Chatham, mixed use developments of an appropriate scale and incorporating high design standards and which contribute to the vitality and viability of these centres will be permitted.

The proposed development site is located in an area earmarked for redevelopment as part of Medway's long-standing regeneration programme as identified in the Chatham Centre and Waterfront Development Framework 2004 and the Chatham Centre and Waterfront Development Brief 2008.

The purpose of the Chatham Centre and Waterfront Development Brief is to provide guidance for developers and landowners and to inform planning decisions on new development within the masterplan areas. It sets out the regeneration aspirations for Chatham. This includes making Chatham a City Centre for Medway which has its own powerful and distinct identity.

The Development Brief proposes a diverse mix of uses to create a dynamic and vibrant Town Centre and Waterfront. To generate activity all year round, the provision of publicly accessible buildings at ground floor level with a mixture of food and drink outlets and other retail uses should help to ensure a bustling riverside destination. In addition it proposes that apartments are provided above ground level which will take advantage of the views over the river. It is considered that the submitted planning application would meet the aspirations of the Development Brief.

The Chatham Centre and Waterfront Framework provides the context for future investment within the area and is seen as the cornerstone of a transformation that should see Chatham reach its full potential at the heart of Medway. The aim of the Framework is to guide planning and investment decisions for both the public sector and developers across Chatham Centre and Waterfront. The Development Framework promotes predominantly residential development at the Waterfront between Medway Street and the River Medway. Along the principal pedestrian routes to the Waterfront, development will include small-scale retail units, restaurants, bars and cafes. Business units and live/work units will be provided elsewhere at ground floor level. These uses will add interest and encourage people to visit the area at all times of day as well as ensuring that ground floor

levels do not include residential units which could be at risk from flooding. The proposed mixed-use residential-led development in this area will greatly enhance the quality and feel of the Waterfront, and will introduce a new community which will create activity throughout the day and during the evening. The proposed scale of the A3, A4 and B1 uses in this area will not cause competition with the established shopping areas along the High Street. It is considered that the submitted planning application would meet the aspirations of the Development Framework.

The redevelopment of the site for residential purposes is accepted in principle in accordance with Policy S1, S5, H4, H5 and R12 of the Local Plan, Chatham Centre and Waterfront Development Framework 2004 and the Chatham Centre and Waterfront Development Brief 2008, as well as Paragraphs 10, 11, 12, 117 and 118 of the NPPF.

### *Impact on the character and appearance of the area*

The site is located in a prominent position on Chatham Waterfront, within the defined urban area of Chatham, adjacent to the River Medway, Chatham town centre, Pentagon Shopping Centre, bus station and close to the train station. The site falls between two conservation areas, Brompton Lines to the east and Star Hill to Sun Pier to the west, with a small part of the site to the north east just inside the Brompton Lines Conservation Area. There is a promenade walk along the river side which is currently intersected by an existing pumping station. The site lies on the north of Medway Street, in an area of predominantly commercial and public use. Immediately to the north of the site is the Scheduled Ancient Monument, Chatham Lines and the Scheduled Ancient Monument, Brompton Lines beyond that. These Monuments are connected to Fort Amherst and the fortification of Chatham. There are several listed buildings close to the site, including the Brook Theatre. This impact on heritage assets is set out in detail below.

The site is located close to Chatham Town Centre, where the scale, massing, height and design of the buildings is mixed with a diverse character, however the area is predominantly 2 – 3 storey buildings, in retail use. The Pump Station and Mountbatten House dominate this part of the Chatham Waterfront with the brutalist design and red brick clearly visible from the surrounding area.

This development has the potential to significantly impact on the character and appearance of the area as well as the vitality and viability of the core retail area and the town centre as a whole. The ground floor of the buildings is proposed to be used as flexible commercial space for A3, A4 and B1 uses, which will provide active frontages facing in multiple directions. It is intended to provide food and beverage units along the promenade to encourage more people to use this area whilst not taking away from the retail offer on the High Street. It is intended to create a connection between the High Street, Riverside Gardens and the promenade. The proposed uses will contribute towards both day and night time economy, creating a diverse and sustainable addition to the town centre which will aid in the regeneration of Chatham as well as creating jobs in the local area. It is anticipated that the development would also increase footfall and business in the town centre.

Paragraph 85 of the NPPF states that planning policies and decisions should support the role that town centres play at the heart of communities, by taking a positive approach to their growth, management and adaption. It goes on to say that their long term vitality and viability should be promoted through a suitable mix of uses that reflect their distinctive character. Paragraph 127 of the NPPF seeks developments that are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

The proposed development will change the character and appearance of this area of Chatham Waterfront and the wider town centre but it is considered to establish a strong sense of place, using the arrangement, layout and varying heights of the buildings to create attractive and distinctive places to live, work and visit.

The proposal is considered to contribute positively to the regeneration of the Chatham town centre area and the vitality and viability of the area. The development would be in accordance with Policies S1, S5, BNE1 and R12 of the Medway Local Plan 2003 and paragraphs 85, 110, 122, 125, 127, 130, 185, 192, 195 and 196 of the NPPF.

#### *Impact on heritage assets*

The development of the site has the potential to impact upon a number of nearby heritage assets including Fort Amherst and the Chatham Lines, the Star Hill to Sun Pier Conservation Area and Brompton Lines Conservation Area, in which the development would be partially located. Although the site is on relatively flat, low ground the topography of the land rises dramatically to the east towards Fort Amherst and the Great Lines Heritage Park and the site is highly visible from these locations. A series of verified views have assessed the impact on these assets.

Policy BNE12 of the Local Plan states that special attention needs to be paid to the preservation and enhancement of the character and appearance of Conservation Areas. Policy BNE18 states that development which would adversely affect the setting of a listed building will not be permitted. Policy BNE20 states that development affecting Scheduled Ancient Monuments will not be permitted if it would be detrimental to their setting.

A detailed Heritage Statement and verified views have been submitted as part of this application. The impact of the proposal on the Conservation Area, listed buildings and Schedule Ancient Monument has been tested in a series of views that were agreed by the Local Planning Authority and Historic England and are considered sufficient to assess the impact of the development.

The assessment from the viewpoints noted above found a number of key attributes and that the topography is of particular relevance, underpinning the historical significance of the defences, creating juxtaposition between the high ground of the Lines and the river below. There is a clear and observable and visual relationship between the two, where by the defences oversaw and protected the former yards, wharves, piers and river below.

Notable features found within the viewpoints include the wooded ridgeline backdrop, Fort Amherst and the Lines, and the rising landform from the river level. The visible ridgeline is noted to be sculpted and defined by the fortifications of Fort Amherst. The brick revetments of Belvedere Battery are clearly visible at its highest point before the line of the fortifications drops down to its left in this view to be terminated visually by the chalk cliff beneath Cornwallis Battery.

The assessment of these views concludes that when considering development within the zone between Fort Amherst and the river a clear historic constraint on the height of any new proposed structures is the designed fields of fire onto the river from the gun batteries of the Fort. These have informed the current consented proposals for Chatham Waterfront and should also guide any future development proposals in this area.

The scheme has been developed from an understanding of the significance of the designated heritage assets in the vicinity of the application site, with a particular focus on long range views which better reveal the assets' significance, and has been specifically designed and orientated in such a way to respect these assets while maximising the development on the site which is part of a wider regeneration project within Chatham.

It is considered that the proposed development, while comprehensive and resulting in a change within the setting of the identified heritage assets, will not result in any harm to their significance or an ability to appreciate their significance. As such, the proposed development is found to be in accordance with the requirements of the Planning (Listed Building and Conservation Area) Act 1990 and national and local planning policy and guidance.

Paragraph 195 of the NPPF states that where a proposed development will lead to substantial harm (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Although it is noted that the proposal will potentially affect a number of heritage assets including Fort Amherst, it is not considered that this proposal will result in significant harm to these designated heritage assets. The wider setting of a number of heritage assets already includes varied built form, including tall buildings, as such the proposal is not incongruous in this densely developed urban area. The proposal has a high quality, modern design which will sit comfortably alongside the historic fabric of the surrounding area.

The redevelopment of the site presents an important opportunity to enhance the historic townscape, provide social and economic benefits, and create a development that improves the link between the Fort Amherst, the Lines and the river. It is accepted that there is a long-standing ambition for redevelopment of the site, and particularly for higher buildings as described by the Building Heights Policy document. Consideration of the proposed development needs to be made in the context of the clustering of the buildings

proposed, along with their height, mass, design, position, orientation and overall impact that they have on the area on such a sensitive area of Chatham.

The proposal is considered to contribute positively to the regeneration of the Chatham town centre area and to the overall need for housing without significant impact on heritage assets. The development would be in accordance with Policies BNE12, BNE18 and BNE20 of the Medway Local Plan 2003 and paragraphs 189, 192, 195, 196 and 200 of the NPPF.

### *Archaeology*

The application site is located close to a number of heritage assets and there is potential for buried archaeological remains at the site. An Archaeological Assessment has been submitted as part of this application, however it is noted that the study only covers part of the development site and is assessing the impact of an alternative scheme. A new assessment will need to be undertaken prior to commencement of the development on site. This can be secured by condition. The assessment has established that prehistoric remains within the search area are scarce and limited to Bronze Age and Iron Age pottery recovered from a ditch, however the location on the banks of the River Medway is an environment favourable for prehistoric activity and the survival of paleo-environmental remains. The potential of encountering evidence of post-medieval activity is high. Further investigation is recommended.

Policy BNE21 of the Medway Local Plan 2003 states that development affecting potentially important archaeological remains will not be permitted. The presence, location and significance of any buried archaeological remains within the site cannot currently be confirmed, however small scale site investigations have not revealed any archaeological evidence. There is a need for further investigations on site.

Given the close proximity of the site to the River Medway, Chatham Lines, the Historic Dockyard and also Rochester Town Centre and numerous heritage assets means care will need to be taken during the demolition and construction phases of the development to ensure that the any archaeological remains are protected and this may shape the layout of the site if anything is found. Subject to the imposition of conditions for below ground excavation, remediation, above ground archaeology and historical interpretation the development would be in accordance with Policy BNE21 of the Medway Local Plan 2003 and paragraph 184 and 196 of the NPPF.

### *Design*

The scheme is for five buildings of different styles, height, design and materials ranging from 6 to 12 storeys in height. The roof scape slopes down toward the river with lower buildings fronting the river with taller buildings to the rear of the site.

The scheme is design led and has evolved through the pre-application and Design Review process. The massing has been carefully considered to maximise views towards

the River Medway and not compete with Mountbatten House. The layout of the buildings has been heavily constrained by underground services and easements but it has been designed to create a positive relationship with the existing town centre and active frontages at ground floor level. The buildings have been orientated to provide an open and free flowing public realm in the centre of the development with a public plaza plus podium level by block E to introduce a raised platform and landscaping along the river frontage.

The overall mass of the buildings is broken up with recessed windows and balconies incorporated into the building frontages. In addition to breaking up the façade, this movement in the elevations provides additional visual interest. Sloping roof heights and design also provides interest and draws attention from Mountbatten House, which is currently visually prominent. The design approach creates a modern and contemporary feel whilst drawing on the architectural style and materials used in surrounding buildings whilst standing out as a modern design to create an interesting and dynamic street scene. The buildings have been designed with a sloped roof scape down towards the River Medway to lessen the overall impact of the height, scale and massing and maximise views of the river and not compete with Mountbatten House. The fact that the plan forms of buildings have not been simply elevated as equal stacked floor plates is very positive, offering geometries for varied scales that respond to the skyline and strategic views. The elevated forms of the buildings have been significantly varied as a response to officer comments and DSE design review to offer a richer pallet of envelope treatments, materiality and façade geometries. This has been a positive response as has been the occupied sloped roof forms used which add to the richness of Chatham waterfront and can offer some contextual engagement as a destination as well as a place for living; something that is worthy of support.

The NPPF attaches great importance to the design of the built environment. Paragraph 124 advises that good design is a key aspect of sustainable development, creates better places to live and work and helps make development acceptable to communities. Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Policy BNE1 of the Local Plan is a general, criteria based policy for all development. It seeks appropriate design in relation to the character, appearance and functioning of the built and natural environment.

The Council's design aspirations for the area are set out in Chatham Town Centre and Waterfront Development Framework 2004 and Chatham Town Centre and Waterfront Development Brief. Chatham Waterfront seeks a significant intervention within Chatham through the provision of much needed residential accommodation that acts as a catalyst for further regeneration.

The emergent Local Plan recognises Chatham as the main centre for Medway and the draft masterplan that articulates this ambition in more specific terms recognises a key locus of activity centred upon the waterfront and its attendant spaces, of which Chatham Waterfront is a part.

A key issue for this locus is the over bearing impact of Mountbatten House, which has been addressed within this project taking the opportunity to water down its impact as a singular object by making it part of a cluster of relatively tall buildings. This clearly also serves to support viability on this complex site with a quality of delivery that to fulfil its potential must also significantly impact the brand proposition for Chatham as architecture, urban space, landscape engagement, as a user experience and ultimately a destination.

### Height, scale and massing

The proposed development includes a range of modern, tall buildings up to 39 metres in height. The scale and massing of buildings in the surrounding are in mixed but predominantly 2-3 storeys in height. Both Mountbatten House and Anchorage House are over 10 storeys high with Mountbatten House in particular dominating the skyline. The Eye in Barrier Road is 7 storeys high but appears higher due to the topography of the land and is also clearly visible in the surrounding area. The buildings have been designed with a sloped roof scape down towards the River Medway to lessen the overall impact of the height, scale and massing and maximise views of the river and not compete with Mountbatten House. The reference point for scale and massing within the project rationale is by taking the opportunity to water-down the impact of Mountbatten House as a singular object and making it part of a cluster of relatively tall buildings, a significant positive brand impact upon Chatham can be achieved.

The Building Height Policy for Medway 2006 (SPD) sets out criteria for the determination of applications for tall buildings, which are specified as those between 6 and 20 storey's in height. The Policy document also goes on to provide specific guidance on appropriate locations for taller buildings in accordance with sites identified through the Medway Waterfront Renaissance Strategy, a framework that set out the ambitions for the regeneration programme and identified appropriate sites for potential redevelopment.

The proposed development site is assessed in the Building Heights Policy document as Chatham Centre and Waterfront as an appropriate location for higher buildings (possibly even a cluster due Mountbatten House), noting however that key topographical and landmark features are such that the development of proposals will require great sensitivity. The assessment also acknowledges the area's historic character, explaining that a proposed development for higher buildings in this location must consider the impact upon the outstanding historical landmark of Fort Amherst and unique green backdrop of the Great Lines would need careful analysis. Special consideration is also needed in relation to different views from the Great Lines into the Town Centre.

Tall buildings by their nature are assertive and dominant. The Building Height Policy states that taller buildings will be considered if they are in the right place and of the highest architectural quality, where they could have a role in acting as landmarks that forge a new and exciting image for Medway's waterfront regeneration sites, and which deliver more sustainable working and living environments.



The site is located opposite Mountbatten House, which is 13 storeys and 46 metres high. The proposal would be 7 metres lower than Mountbatten House. The proposal comprises 5 buildings of between 6 and 12 storeys in height. It is considered that the proposed development would be dominant within the skyline but remain subservient to Mountbatten House. It is considered that the design creates a skyline that introduces variety and dilutes the overall impact of the height of Mountbatten House. The varied heights and sloping roofs provide focus and interest while avoiding creating an uninteresting and monotonous wall of development similar to other tall buildings in the area. It is noted that with the other tall buildings in the vicinity of the site and the sloping nature of the development the height would not appear incongruous. The staggered, sloping nature of the development is designed to lessen the overall impact of the height at the tallest point, particularly when viewed from Fort Amherst.

It is noted that the massing has been significantly reduced from earlier versions of the masterplan to maximise views towards the River Medway, provide enhanced public realm improvements and improve pedestrian flow around the site.

Any building which exceeds the scale of the surrounding townscape has the potential to impact on Medway's distinct skyline. The height and massing of the proposal has been tested against a series of views to ensure the buildings has limited impact on heritage assets. The majority of the views in the Heritage Assessment show a limited impact on heritage assets.

Paragraph 122 of the NPPF supports development that makes efficient use of land and paragraph 123 states that where there is an existing or anticipated shortfall of land for meeting housing need decisions should avoid homes being built at low densities particularly in town centres and locations that are well served by public transport.

It is considered that the height, scale and massing can be made to work as a positive contribution to Chatham if detailed and delivered with an ambitious step change in the quality of buildings, detailing, materiality, public realm and landscaping.

### Materials

The buildings are proposed to use different materials to add interest to the development and create a separate character for each building.

Building A is predominantly clad in red brick with full height curtain walling at ground level and also on the inset top floor. Fenestration is a series of full height PPC aluminium windows with glass Juliet balconies. Window reveals also create a façade rhythm of depth and shadow. Sections of wall are proposed to the recessed balconies in order to provide privacy and protection from prevailing north winds. The top floor is inset in order to reduce the massing. The inset creates an opportunity for external amenity space at roof level.

Building B is clad in black brick with full height curtain walling at ground level to the commercial and food and beverage units. Fenestration of the facade is a series of full

height PPC aluminium windows and recessed glass balconies. Chamfered window reveals also create a facade rhythm of depth and shadow to be read coherently with Building A. The roof-scape is sloped and clad in a standing seam zinc. The sloped form of the building has created an opportunity for recessed sky balconies that sit comfortably within the roof line. The form of the roof maximises privacy for the users of the balconies whilst maximising views over the River Medway.

Building C is clad in a buff brick with full height curtain walling at ground level. The ground floor of Building C is a key elevation to address the street scene of Medway Street and will help in the urban regeneration of the town centre therefore maximising active frontage at the ground floor is key. As with Building B, the roof-scape is sloped and clad in a standing seam zinc. The sloped form of the building has created an opportunity for recessed sky balconies that sit comfortably within the roof line. The form of the roof maximises privacy for the users of the balconies whilst maximising long views over the River Medway.

Building D is clad in a dark grey brick with full height curtain walling at ground level to the commercial units. In relation to Building B, fenestration of the façade is a series of full height PPC aluminium windows and recessed glass balconies. Chamfered window reveals also create a facade rhythm of depth and shadow to be read coherently with Building A. Like Building C, the roof-scape is sloped and clad in a standing seam zinc. The sloped form of the building has created an opportunity for recessed sky balconies that sit comfortably within the roof line. The form of the roof maximises privacy for the users of the balconies whilst maximising views over the River Medway. Similarly to building A and C, the corner balconies have solid wall cheeks in order to provide privacy and still maximise views and daylight.

Building E is clad in red brick and is solely a building of residential units. The building is elevated with a mixture of recessed and protruding balconies, PPC aluminium windows and Juliet balconies. The top floor massing is inset from the main body of the building and is wrapped in a translucent cladding material.

Materials details will need to be controlled by condition to ensure a satisfactory external appearance to the development.

### Landscaping and public realm

It is intended that Chatham Waterfront will form a new destination and new locus for Chatham centre. The current scheme proposes to achieve this through a public realm and landscape geometry that attempts to relate the new built form to its complex context and crucially deliver a large part of such new relationships on the ground.

Some of the public realm improvements include a central plaza, play area, waterfront podium and improvements to the River Medway Promenade. The public realm improvements will make a positive contribution to this part of the Waterfront and offer good public amenity. It is also intended to link this site to the public realm improvements

at the barrier ditch on the former Riverside One site as part of the Command of the Heights project and improve the link and visibility of Fort Amherst.

The public footpath is currently intersected by the Pumping Station and the stepped access is rarely used. The proposal includes the removal of the steps to encourage public engagement and use of the riverside walk and gardens.

The public access to the waterfront will need to be retained within this development area as part of the aim to have a continuous riverside path from Chatham through Rochester. A physical pathway at the waterfront should link in with the RCX1 public right of way and waterside path at the pumping station. The regionally promoted Saxon shore Way runs along the southern boundary of the development.

The cost of the public realm improvements would be in the region of £900k.

The proposal is considered to have a high quality, contemporary design and as such the development would be in accordance with Policy BNE1 of the Medway Local Plan 2003 and paragraphs 124, 127, 128 and 130 of the NPPF.

### *Amenity*

The development has been assessed with regard to the Medway Housing Design Standards (interim) November 2011 and the Government's Technical Housing Standards 2015 and meets these standards and as such the objectives of Policy BNE2 of the Medway Local Plan 2003.

The proposal will comprise the erection of 176 one and two bedroom flats. The room sizes are all in accordance with the Government's Technical Housing Standards 2015. Private amenity areas and individual balconies have been provided in accordance with Medway standards. In addition to this some of the buildings have internal courtyards that add to the overall amenity space.

The proposed development is considered acceptable in terms of the impact on the amenity of the future occupiers of the proposed dwellings in terms of daylight, sunlight, outlook and privacy and as such the application accords with Policy BNE2 of the Medway Local Plan 2003 and paragraph 17 of the NPPF.

### *Noise*

The main source of noise to the site is from the A231 to the east of the site and the bus station. An Acoustic Assessment has been submitted as part of this application. The acoustic assessment is acceptable and has demonstrated that acceptable internal noise levels are likely to be achieved with suitably specific glazing and means of ventilation. Further details can be covered by a condition on any permission. It will also be necessary to impose conditions to ensure implementation of the recommendations in the acoustic report, restricted delivery hours to the commercial units, separating partitions between bedrooms and living spaces, separation between residential and commercial units,

control of cooking smells and vibration, and a scheme of acoustic protection between commercial and residential units.

Due to the proximity to neighbouring properties and businesses a Construction Environmental Management Plan should be attached to the permission to control noise, dust and working hours for the duration of the construction.

Policy BNE3 of the Local Plan sets out noise exposure categories for new dwellings. The submitted document is considered to be acceptable but further noise assessments need to be carried out to address commercial noise transfer and protect residential amenity.

Subject to the imposition of conditions the development would be in accordance with Policy BNE3 of the Medway Local Plan 2003 and paragraph 170 and 180 of the NPPF.

### *Air Quality*

The site falls just outside the Central Medway Air Quality Management Area, which has been declared for exceedances of the NO<sub>2</sub> annual mean objective since June 2010. No Air Quality Assessment is required in this case due to the Transport Assessment identifying no greater car trips being generated as a result of this development over and above the existing car park use however it is recommended that a condition be imposed to secure the submission of a mitigation scheme to meet damage costs.

Subject to the imposition of condition the development would be in accordance with Policy BNE24 of the Medway Local Plan 2003 and paragraph 170 and 181 of the NPPF.

### *Highways*

The site is situated next to the River Medway and Chatham bus station and close to Chatham train station. The development proposes 89 allocated car parking spaces for residents, 69 of these would be provided in secure undercroft car park and 20 on the shared surface plus 10 car club spaces and 20 pay and display spaces. The development proposes 176 cycle spaces within the secure undercroft parking area as well as areas within the public realm for commercial users and members of the public.

The development would have three main vehicular accesses entering and exiting the site. Two access's would be located along Medway Street (One to the underground parking and one to the residential/service area surface car park) and additional access via Globe Lane to serve the pay and display car park. The accesses have been assessed via a Stage One Safety Audit which did not raise any fundamental issues.

The site is next to Chatham Bus Station, opposite the Town Centre and close to the train station, and as such this is a highly sustainable location. A Transport Assessment and Car Parking Assessment have been submitted as part of this application which conclude that an under provision of parking spaces would be acceptable in this location. The provision of a car club, secured through a S106 agreement, will ensure that residents can

have access to a vehicle when needed. This is common in such town centre high density sites close to transport nodes, services and facilities.

There are many opportunities for sustainable travel in this very urban location, reducing the need and demand for private vehicle movements. By reducing parking on the site, densities can be increased in this highly sustainable location and thereby opportunities for sustainable travel can be maximised.

It is noted that in order to make the best use of previously developed land, and consequentially reduce the requirement for new housing to be built on greenfield land, it is necessary to increase densities which necessarily requires a relaxing of parking provision which accounts for significant proportion of land take on any site.

Also increasing densities on complex brownfield sites, such as this, increases the value of the land and thereby makes them more viable and deliverable, directly contributing towards achieving Medway Council's regeneration objectives.

There are also substantial Control Parking Zones within the local vicinity that would prevent overspill onto residential roads. It is recommended that a condition is attached to the application requiring a parking management plan that includes preventing prospective residents applying for residential parking permits and the potential to allocated parking spaces to prevent pressure on parking spaces prior to the first occupation of the development

Paragraph 103 of the NPPF seeks development located in sustainable locations, limiting the need to travel and offering choice of transport modes to reduce congestion and emission and improve air quality and public health. National Policy also promotes the use of walking and cycle over private car.

The proposed development would result in the loss of a large amount of pay & display car parking, however it is noted that Medway's Councils own parking survey data demonstrates parking demand in the Town Centre can be accommodated even with the loss of capacity that would result from the redevelopment of the Globe Street Car Park. It is considered that the majority of these cars would divert to the car parks nearby, Sir John Hawkings and those adjacent Best Street.

The proposal has been considered in the light of the level of proposed parking provision, the access and egress in relation to the existing access arrangement and highway and pedestrian safety generally. No objection to the principle of this development have been raised in the light of this highway consideration, especially due to the location of the site in close proximity to the town centre, bus station and railway station, which permits a reduction to the Council's minimum parking standards. Paragraph 109 of the NPPF states that development should only be refused on highways grounds if there is an unacceptable impact on highways safety. Whilst it is considered that the development would result in

an impact on the network, it is not considered to result in a severe impact that would be sufficient to warrant refusal of the application.

The proposal will not result in any detrimental increase in risk to highways or pedestrian safety and is considered to be acceptable in terms of Policies T1, T2 and T13 of the Medway Local Plan 2003 and paragraphs 102, 103, 109 and 110 of the NPPF. The proposal has the provision of secure cycle storage on a 1:1 basis in accordance with policy T4 of the Local Plan.

### *Contamination*

A Geo-environmental Assessment has been submitted as part of this application. The report concludes that there is some contamination on the site, including ground gas. The report includes remediation proposals based on the investigation results which includes clean cover in landscaped areas, gas protection measures and protection of services. Conditions can be attached to the permission to ensure the required remediation is carried out in line with the preliminary proposals.

The proposed development is considered acceptable in terms of its impact on human health and watercourses in terms of contamination and as such is in accordance with Policy BNE23 of the Local Plan and paragraph 178 and 179 of the NPPF.

### *Ecology*

An Extended Phase 1 Habitat survey has been submitted as part of this application. The report concludes that there is potential for breeding birds to be present and affected by the proposed development, due to the presence of suitable nesting habitat. An informative will be imposed on the permission to notify the developer of the requirement not to remove any trees or scrub from the site between 1<sup>st</sup> March and 31<sup>st</sup> August to ensure protection of nests for breeding birds.

The application provides opportunities to incorporate features into the design which are beneficial to wildlife, such as native species planting and the installation of bat/bird nest boxes and recommendations are provided within the report. Measures to enhance biodiversity can be secured by condition.

The proposed development is considered acceptable in terms of its impact on biodiversity in accordance with BNE37 and BNE39 of the Medway Local Plan 2003 and paragraph 175 of the NPPF subject to the imposition of conditions.

### *Flood risk*

The site is located in Flood zone level 2 and 3 on the Environment Agency flood map and as such a Flood Risk Assessment has been submitted as part of this application. The Flood Risk Assessment identified a low risk of flooding. There is no residential accommodation on the ground floor. The surface water runoff will be managed through

sustainable means. The waste water from the site will outfall to the existing public foul water sewer.

Southern Water raise no objection to the application but have stated that there may be a requirement for network reinforcement. Southern Water and the developer will need to work together to deliver any such reinforcement.

The Lead Local Flood Authority have suggested a condition relating to disposal of surface water and verification report to confirm that the sustainable drainage system has been constructed in accordance with the agreed scheme.

Subject to the imposition of conditions and carrying out appropriate management of surface water, ground water and foul water storage and disposal the development would be in accordance with Policy CF13 of the Medway Local Plan 2003 and paragraphs 149, 155, 163 and 165 of the NPPF.

### *S106 Matters*

The Community Infrastructure Levy Regulations 2010 provide that in relation to any decision on whether or not to grant planning permission to be made after 6 April 2010, a planning obligation (a s106 agreement) may only be taken in to account if the obligation is (a) necessary to make the development acceptable in planning terms;(b) directly related to the development; and (c) 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. The contributions have been partly reflected in a formulae based approach, as final quantum of the development is not known. The contributions are based on an occupancy level of 2.45 people. New residential development can create additional demand for local services. Policy S6 of the adopted Local Plan states conditions and/or legal agreements should be used to make provision for such needs.

The applicant has submitted a Viability Assessment as part of this application seeking to provide below the policy compliant developer contributions set out in the Medway Council Guide to Developer Contributions and Obligations 2018. This sets the average developer contribution per dwelling as £12,401.20. The Viability Assessment shows the development is unviable in all scenarios where full developer contributions are applied. The Viability Assessment has been verified by our independent Development Consultant. However, the development can provide for the contributions set out below. It should also be noted that the development will also provide for public realm improvements on the waterfront that would equate to nearly £1m.

- Contribution of provision of affordable rented accommodation off site (equating to £400,000)
- Contribution of £180,000 towards education and the provision of nursery, primary and secondary school places.

- Contribution of £25,000 towards heritage and museums to improve maintenance access around the Old Brook Pumping Station
- Contribution of £15,000 towards sports facilities for replacement of flooring at Medway Park leisure centre.
- Contribution of £76,500 for the NHS to support the purchase of equipment and infrastructure for a new Healthy Living Centre in the Chatham Central locality.
- Contribution of £42,171.36 towards bird disturbance mitigation measures
- Provision of car club and access to car rental services for new residents and existing ones
- Restriction on permit parking for residents of this development

The applicants have confirmed the above contributions are acceptable and on this basis no objections are raised with regards policy S6 of the Medway Local Plan 2003.

### *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 £239.61 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 (SAMB) 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 SAMB measures is secured and the SAMB strategy is being implemented from the first occupation of the dwellings, proportionate to the level of the housing development.

The applicants have agreed to pay this tariff and this will be covered as part of the above S106 agreement. No objection is therefore raised under Paragraphs 175 and 176 of the NPPF and Policies S6 and BNE35 of the Local Plan.

### *Affordable Housing*

Policy H3 of the Medway Local Plan sets out the proportion of affordable housing required in schemes for residential developments. Within the urban area, developments which



include 25 or more dwellings or where there the site is 1 hectare or more. The Council's target is to seek 25% of homes to be affordable homes on any site meeting the Council's size thresholds. The Council seeks a tenure mix of 60% affordable rented and 40% intermediate affordable housing (of which shared ownership is the preferred option).

The applicant submitted a Viability Assessment as part of this application seeking to provide all their affordable housing off site at Britton Farm, Gillingham and are offering to provide all as affordable rented accommodation. The Council's Housing Strategy & Partnership team has stated that it is in dire need of affordable rented accommodation in order to meet our housing needs and reduce temporary accommodation costs. They have agreed to the provision of affordable rented units off site. The Viability Assessment has been verified by a Development Consultant. The Viability Assessment shows that the development is not viable if it is required to provide 25% affordable housing on site.

### *Local Finance Considerations*

There are no local finance considerations

### **Conclusions and Reasons for Approval**

The application site is one of the most important regeneration sites in Medway for which the principle of redevelopment to accommodate a residential led mixed use development was established in previous applications and the Chatham Centre and Waterfront Development Framework 2004 and the Chatham Centre and Waterfront Development Brief 2008.

The proposed development has a modern, contemporary design that is sympathetic to the character and appearance of the surrounding area and does not cause significant harm to the setting of the Conservation Area and heritage assets, including Fort Amherst. The cluster of taller buildings sloping down towards the river has a design that is well considered and will add interest to the skyline and street scene whilst keeping Mountbatten House and Fort Amherst the dominant features of the town. The proposal would result in an attractive residential led development on the site. In addition, the benefits of the delivery of high quality residential and commercial accommodation must be considered as an advantage to Medway and the long term aims of the regeneration of Chatham taking into account that the proposal will increase local activity also enabling increased appreciation of a number of surrounding built heritage assets.

The proposed development would not have a detrimental impact on neighbouring amenity of current or future occupiers in terms of daylight, sunlight, outlook and privacy. The proposed development would also not have a detrimental impact on archaeology, contamination, flood risk and surface water management, air quality, noise or highways safety.

The proposal is acceptable in accordance with Policies S1, S5, BNE1, BNE2, BNE3, BNE12, BNE18, BNE20, BNE21, H4, H5, R12, T1, T2, T3, T4 and T13 of the Medway

Local Plan 2003 and paragraphs 10, 11, 12, 17, 85, 102, 103, 109, 110, 117, 118, 122, 125, 127, 130, 170, 178, 179, 180, 184, 185, 192, 195, 196 and 200 of the NPPF

The application would normally be determined under delegated powers but is being referred for Committee determination due to the significance of the proposal and importance to the Regeneration of the area and as the application has been submitted by Medway Development Company

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## **Background Papers**

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

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess1.medway.gov.uk/online-applications/>