

MC/19/2361

Date Received: 5 September 2019

Location: Patmans Wharf Upnor Road Upnor Rochester

Proposal: Change of use from boat storage yard to residential, construction of six 3 bed terraced houses and two 2 bed flats with associated landscaping and parking.

Applicant Patman Trust,
Mr Alan Patman

Agent Harrison Mutch
Mr Ian Mutch Wyseplan Building
Occupation Road
Wye
Ashford
TN25 5EN

Ward: Strood Rural Ward

Case Officer: Hannah Gunner

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 29th April 2020.

Recommendation - Approval with 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: 1172.20 A, 1172.21 A, 1172.22 A, 1172.23 A, 1172.24 A, 1172.25 A, and 1172.26 A, received on 5 September 2019.

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

- 3 Unless otherwise agreed in writing by the Local Planning Authority, all materials used in the construction of the houses shall be as set out on the submitted drawing number 1172.25 A received on 5 September 2019 and Application form received on 11 September 2019.

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 the occupation of the development hereby approved, a scheme of landscaping (hard and soft) and boundary treatment (including wharf edge) shall be submitted to and approved in writing by the Local Planning Authority. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or completion of the development, whichever is the earlier. Any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species. All boundary treatment shall be detailed and implemented prior to the first occupation of the development.

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

- 5 No development shall take place until a Construction/Demolition Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: hours of demolition and construction work including delivery/collection times from the site; measures to prevent vehicles from idling when not in use/waiting; measures to control noise affecting nearby residents; parking plan for any associated vehicles; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan.

Reason: Required prior to commencement of development to ensure no detrimental impact on the amenities of local residents during the construction period in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 6 Prior to the commencement of the development hereby permitted, an acoustic assessment shall be undertaken to determine the impact of noise from adjoining industrial related noise sources and shall be made in accordance with BS4142 2014: Method for rating and assessing industrial and commercial sound. The results of the assessment and details of 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: To ensure that the amenity of future occupiers is not compromised by the existing neighbouring commercial/industrial uses, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 7 Prior to the commencement of development above slab level, the details of the door openings to the bike and bin store shall be submitted to and approved in writing by the Local Planning Authority. These details shall not incorporate outward opening doors that obstruct the car parking areas.

Reason: To ensure satisfactory parking and storage areas in accordance with Policies BNE1 and T13 of the Medway Local Plan 2003.

- 8 No dwelling herein approved shall be occupied, until the area shown on the submitted layout as vehicle parking space and garaging 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 and garaging.

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

- 9 Prior to occupation of any of the dwellings hereby approved, details of the provision of 1 electric vehicle charging point (per dwelling) shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the location, charging type (power output and charging speed), associated infrastructure and timetable for installation. The development shall be implemented in accordance with the approved details and shall thereafter be maintained.

Reason: In the interests of sustainability in accordance with paragraph 110E of National Planning Policy Framework 2019.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out within Schedule 2, Part 1, Classes A, E and F of that Order unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of amenity, in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

11 No development above slab level 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):

1. a timetable for its implementation, and
2. 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 other 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.

12 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 13 to 16 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the Local Planning Authority until condition 16 has been complied with in relation to that contamination.

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.

13 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

human health

property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.

adjoining land,

groundwaters and surface waters,

ecological systems,

archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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.

- 14 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 must be prepared, and submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. 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.

- 15 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. 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 occupation 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.

- 16 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 13, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 13, 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 14 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 in accordance with condition 15.

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.

- 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) all dwellinghouses herein approved shall remain in use as a dwellinghouse falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification) and no change of use shall be carried out unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of amenity, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 18 No development must take place until a scheme for the area to be 'returned to foreshore' is designed and accepted by the local authority in consultation with the Environment Agency. The scheme must ensure the area shown on the submitted plans is lowered and a suitable design for the site is created that incorporates inter-tidal habitats such as saltmarsh and mudflats that provides a Biodiversity Net Gain for the development. The scheme must be implemented as agreed prior to occupation of the development, and maintained thereafter.

Reason The design and implementation of this element of the project would provide a positive biodiversity net gain for the project but further information is needed on what can be achieved here. It is important that clarity on this is provided prior to commencement of the project.

- 19 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated by a piling risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 170 of the NPPF.

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

Proposal

Change of use from boat storage yard to residential, construction of six 3 bed terraced houses and two 2 bed flats with associated landscaping and parking.

The six proposed houses are to be gable fronted 'town house' style properties with undercroft parking, bin and cycle storage at ground floor level along with the main entrance and a utility room. The living room and kitchen is located at first floor level along with a rear terrace and at second floor level are three bedrooms (one with en suite shower room) and bathrooms occupy the space.

Each of these houses is provided with a private rear garden area and terrace (at first floor) that overlooks the River Medway.

The houses would measure approx. 10.75m high, 6m wide and 10.8m deep (13.2m including first floor terrace).

The proposed detached building would accommodate two, 2 bedroom flats. The building would also be three storeys high with ground floor parking and storage with stairs leading to the first and second floor flats. The accommodation is arranged as open plan living/kitchen area with a balcony overlooking the River Medway, bathroom and two bedrooms.

The building is of a similar design with gable features as the town houses.

Material palette would consist of yellow stock bricks, white acrylic render, black stained weatherboarding and blue/black slate.

A Design and Access Statement and Flood Risk Assessment has been submitted with the application.

Site Area/Density

Site Area: 0.197 hectares (0.487 acres)

Site Density: 40.609 dph (16.427 dpa)

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.

Frindsbury Extra Parish Council, Dickens Society, Environment Agency, have also been consulted.

Sixty-two letters have been received raising the following objections:

- Upnor is a sailing village
- The loss of the boatyard will be detrimental to the sailing heritage
- This is one of the last wharfs in Medway – protected in Medway Local Plan
- Traffic issues – 1 road in and out of village already at capacity. More traffic will worsen issue.
- Not enough car parking proposed within scheme
- There are no services in the village – this is an unsustainable location
- Cumulatively – this results in overdevelopment of Upnor
- The proposal will destroy the character of the village
- Concerns in relation to the contamination on site
- The construction will cause months of disruption
- Telecommunications infrastructure is at capacity
- Loss of the view of the river from existing houses
- Design is not in keeping with the rest of Upnor
- Not enough schools/doctors/shops to accommodate new housing
- Rivers edge should accommodate marine businesses
- This would be a cramped development on the site – too many units
- The site is unsuitable – piling would cause damage to neighbouring properties as a result of vibrations
- How will foul sewage be disposed?
- This will cause damage to the historic environment
- There is potential for this site to be heavily contaminated
- How will emergency vehicles access village is traffic and parking conditions are worsened?
- Boot fair traffic causes issues in Upnor – which will be worsened by this proposal
- The proposal does not have large enough amenity spaces within it.

Kelly Tolhurst MP has sent in an objection in relation to this application which reiterates the concerns of the residents. The main concern expressed within the objection however, is with regards to the proximity of this proposal to GPS Marine, stating that there is concern that GPS are an established business that use hammers, grinders, welding equipment plus there are large numbers of vehicle movements. Future residents could complain about noise and cause problems for this business.

Councillor John Williams has objected to the application. Main points of concern are:

- Loss of sailing facilities
- Detrimental to life of the village
- Already parking and traffic problems in the village – which would be exacerbated
- Add Arethusa Centre to this and there is too much development in Upnor
- GPS Marine is noisy and would impact the new residents

- There is contamination on site
- Need to save villages from overdevelopment
- Need to conserve character and heritage of the area.

Frindsbury Extra Parish Council have stated that they have no objections in principle however they have raised an issue in relation to the emergency access on Galleon Way caused by the dangerous cliff edge which will worsen traffic situation and also state concern in relation to the height of the proposals.

The Dickens Country Protection Society have made representations stating that on the basis this is in the SSSI there is concern over loss of recreational use.

It should be noted that the application site is not within the SSSI.

The Environment Agency initially raised objections with this application relating to the fact that the submitted information did not address the impact of the proposal on the Medway Estuary Marine Conservation Zone or detail the works required on the existing flood defences.

Additional information has now been submitted and the objections have been removed, subject to the suggested conditions.

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.

The policies contained in the Draft South East Inshore Marine Plan 2020, have been considered given the location of the site directly adjacent to the river's edge.

Planning Appraisal

Background

The site has been used for some years as an "out of water" boat storage yard. Surfacing is generally concrete throughout and the water's edge is defined by a concrete wharf wall.

There is no slipway so moving vessels in and out of water has been accomplished by means of a crane. To facilitate this there are crane rails set into the concrete surface permitting traverse along the long wharf edge.

There is a small mobile type building close to the point of entrance from Upnor Road for office and rest facilities.

The applicants state that the boat yard use has been reducing in demand for some years and a number of the stored boats have effectively been abandoned having not moved for some years. Some owners can no longer be traced.

Furthermore, the wharf edge is now deteriorating and the revenue generated by the boat storage use is insufficient to permit substantial investment in improvements.

Principle

Patmans Wharf has been in Upnor for a number of years and sits within an area that has a number of uses within it. There is predominately residential use within Upnor overall, however the application site is located adjacent to Upnor Depot which comprises commercial and maritime industrial uses.

The wharf itself appears as a derelict yard with many of the boats appearing to be abandoned. There is little benefit to the area in terms of its visual contribution and the land use designation within the Local Plan proposals map (2003) indicate the site to be within the defined area ME250 for residential development. Whilst the Local Plan is substantially out of date, it is recognised that all of the land within this area (apart from this site) have been developed over the years or have planning approval for residential development.

The principle of this land being used for the purpose of residential development is therefore considered to be acceptable as it is a recognised site within Policy H1 of the Local Plan 2003. Policy H4 of the Local Plan supports residential development where there is a clear improvement to the environment.

In addition to this, the NPPF assumes a presumption in favour of sustainable development.

In relation to this matter it is considered that this development could be considered sustainable, in accordance with paragraph 8, for the following reasons:

Economic – Whilst this development is only for 8 residential units the proposal supports the limited expansion of Lower Upnor and will support the small number of surrounding local businesses.

Social – The 8 proposed units create both 3 bed family homes as well as smaller 2 bed flats. The units on offer are therefore considered to be varied and also represent demand within this immediate area. The proposal is considered to contribute toward the wider need for housing within Medway.

Environmental – The application could be considered to be an effective use of the land, especially as it has been recognised as part of a wider area for housing development within the Local Plan.

Overall, the proposal is considered to be acceptable in principle as it redevelops land that is currently in poor condition and allows for the micro-economy of Upnor to be further supported by residents. The application is therefore considered to comply with Policies H1 and H4 of the Medway Local Plan 2003 and paragraph 8 of the NPPF 2019.

Design

The design of the proposed houses is that of a gable-fronted terrace. Between each of the units the roofs have a valley so that even though they are terrace, the roofs appear separate from each other. The properties are shown to be 3 storeys with the ground floor consisting of an open carport area, entrance hall, store and utility. The first floor accommodates the communal living areas which consist of an open plan kitchen/dining/living space. The second floor hosts the three bedrooms (2 x double, 1 x single) along with the main bathroom and en-suite shower for the master bedroom.

The properties all have a modest size rear garden which can be accessed via a spiral staircase from the first floor terrace.

The carports are shown to be secured with railing gates at the front. This will allow for views through to the rear to be available, ensuring that links to the river are not 'cut off' as a result of the proposal.

It is considered that the design of the houses is satisfactory and the style and shape is considered to be reminiscent of traditional boat/net sheds associated with fishing and water activity.

The design of the flats is considered to be fairly simple with the general building being fairly square. The roof adds interest to the building as it creates gables and pitches within the same elevation and ensures that the building is not too bulky or simplistic in its design. The design also incorporates balconies looking toward the river so that there is private amenity space for each flat.

As with the terrace houses, this aspect of the proposal is considered to be acceptable in design terms and will not dominate the area in the wider context.

The material palette is considered to be consistent and will complement this waterside location. It is noted that there is a common theme and similarity in materials in the terrace and the flats whilst still being able to encompass some differences that set them apart. For instance, the yellow stock bricks and white acrylic render are both common and dominant features within the proposed terrace and also within the flat block. However the houses also incorporate a black weatherboard in 3 of the 6 units which help to give the proposal a nautical feel whilst the flats incorporate a red brick band course and red brick features over the windows, which reflect a style featured within the houses on the other side of the green. Materials are therefore considered to be acceptable for this proposal.

Boundary treatments are considered to be lacking in detail with no detailed drawings of any of the treatments. The boundary treatment between the housing and the river (wharf edge) is also not detailed. The wharf edge details would need to be submitted and approved prior to the commencement of any development in order to ensure that a suitable treatment can be achieved.

The general layout of the proposal is considered to work overall, with each of the houses having private amenity space and ample parking whilst the flats have both a private balcony and parking as well as access to an amenity space to the north.

In design terms this proposal is therefore considered acceptable and is also considered to be compliant with Policy BNE1 of the Medway Local Plan 2003 as well as paragraphs 124 and 127 of the NPPF 2019.

Impact on adjacent Conservation Area.

The proposed development is located adjacent to the Upnor Conservation Area and therefore could be considered to be within its setting. With regard to this application, the significance of the Upnor Conservation Area is experienced through its waterfront location and its association with the river and the dockyard. The current use of the site as a boatyard is considered to contribute to the historic maritime character of the adjacent Conservation Area, and therefore can be considered to contribute positively to its setting, both in its current use and appearance. Whilst it is regrettable to see the loss of the boatyard, the impact of this loss may be outweighed by the delivery of high quality waterfront homes.

Paragraph 194 of the NPPF requires clear and convincing justification for the loss of significance to a designated Heritage Asset – the Upnor Conservation Area. The applicant states in their submitted Design and Access statement that *‘the boat yard use has been reducing in demand for some years and a number of the stored boats have effectively been abandoned having not moved for some years, indeed, some owners can no longer be traced’* and that revenue from the boat storage is insufficient to provide for the necessary repairs and improvements to the wharf; therefore some justification for the loss of the boatyard is provided.

Paragraph 196 of the NPPF notes that where the harm to a designated heritage asset is considered to be less than substantial, the harm should be weighed against the public benefits of the proposal, which in this instance could include the delivery of new homes on a brownfield site.

Given the above, it is considered that there is no concerns to the development and its impact on the setting of the Conservation Area. The proposal complies with Policy BNE14 of the Medway Local Plan 2003.

Amenity

The two aspects to review relate to the impact and amenity of the proposal on future occupiers and also on the existing neighbouring occupiers.

In relation to future occupiers it is necessary to look at the units that are being proposed but also the proximity to the industrial uses that are established and how they might impact amenity.

Unit sizes:

	Overall	Bedroom 1	Bedroom 2	Bedroom 3
Houses (3B5P)	131ml	16.15 ml	11.5 ml	8.6 ml
Flats (2B3P)	66 ml	16.15 ml	9.5 ml	-

Given the above table, all flats and houses are compliant with National Housing Standards as the houses are over 99m² and the flats are over 61m². There are no concerns in relation to the amenity of the future occupiers in terms of the size of the units. All units are provided with amenity space also, so there is no concern in relation to this matter either for future occupants.

It has been brought to the Councils attention (by the adjacent Maritime industrial business – GPS Marine) that there are often neighbour complaints in relation to noise that comes from the jetty and business in general. There is concern that any future occupants would make complaints against the business and cause problems for them going forward. The Council have taken into account the relationship of these properties and as a result consider it suitable that a condition is placed on any consent that requires an acoustic assessment to be undertaken prior to the commencement of development. It is not considered that the business should be impacted as a result of this development.

In relation to neighbouring occupiers, the main concerns raised by residents relates to the loss of views across the river, impact from increased traffic and parking within Lower Upnor and the loss of the wharf.

Objections have been received on loss of view. It should be noted that the current boundary treatment of the wharf consists of a 6ft close boarded fence which sits on a concrete plinth that varies in height. This existing boundary treatment significantly obscures any view of the river. The views across the river are therefore not to be lost and this proposal will in fact enhance visual access to the water as it will have more openings and opportunities for views through (from either side of the terrace as well as through the ground floor areas). The main vehicular entrance to the site is in front of an open space of 18m+ with views through. As such, despite the fact that there are buildings being erected on the site, it is considered that there will be enhanced opportunities to see through the site and therefore the 'loss of view' would not be significant.

The fact that these houses are in front of a public open space, the nearest properties to be impacted by this development are over 50m to the northwest. Concerns have been raised that the development would result in overshadowing, however given the distance to the nearest residential dwelling, there is no overshadowing that will occur. There will also be no loss of daylight or sunlight as a result of this development.

The construction of the development will have an impact on the surrounding properties. In order to reduce the potential for nuisance caused by works a Construction Environmental Management Plan condition is recommended.

The matter of parking and increased parking pressures is set out in the Highways section below.

Overall, it is considered that the amenity of both the future and the existing neighbouring residents have been satisfactorily evaluated and the application is acceptable, subject to the acoustic assessment in relation to the boundary and relationship with GPS Marine being carried out prior to commencement of

development. The application therefore accords with Policy BNE2 of the Local Plan and paragraphs 124 and 127 of the NPPF.

Impact on River Medway

It is recognised that this application results in the existing boatyard/wharf use being abandoned entirely and the land being partly changed for residential use, whilst some of the existing concrete is to be removed in its entirety, along with the wall and piling and returned to foreshore. Details of this aspect of the proposal are not included within the application. It is considered that the carrying out this foreshore restoration is welcomed however a detailed methodology of how this is to be achieved will be required, along with a Marine Licence from the Marine Management Organisation (MMO), which will have to be obtained prior to the commencement of any works on site. The applicant has been informed of this requirement and a condition is recommended to secure this to ensure that the Marine Licence is in place and a detailed methodology is agreed.

The proposal including the restoration of the foreshore is considered to be compliant with Policies BNE1 and BNE2 of the Medway Local Plan 2003 as well as Policies SE-CO-1, SE-HER-1, SE-SCP-1, SE-WQ-1, SE-MPA-1, SE-MPA-4, SE-NG-1 and SE-CBC-1 of the Draft South East Inshore Marine Plan 2020.

Highways

As stated already, many of the neighbour concerns that have stated that they feel there is already an issue with parking and traffic within Upnor and that this will exacerbate the issues further causing congestion.

Firstly, the issue of parking. Each house is provided with a car port which is ample enough for accommodate 2 vehicles. The car ports are a minimum of 3.1m in width x 10.5m deep. As well as this parking, each of the flats has a parking space provided within the ground floor of the flat block and there are an additional 3 visitor car parking spaces shown.

It is therefore considered that the parking provision for this development is acceptable.

In relation to the wider traffic issue in Upnor, there is no evidence that supports the statements made by occupants that there is a capacity issue when it comes to traffic in Upnor. The Council's Transport and Highway Officer has raised no highway or parking concerns to the proposed development.

Overall it is considered that this application is compliant with Polices T1 and T13 of the Medway Local Plan 2003 and paragraph 109 of the NPPF.

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 £245.56 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.

The applicants have paid this tariff and have submitted a SAMMs agreement. No objection is therefore raised under Paragraphs 175 and 176 of the NPPF and Policies S6 and BNE35 of the Local Plan.

Other matters

Contamination

A Phase 1 Desk Study was submitted (Lustre Consulting ref. 2100-190813-AR dated August 2019). The report was in line with current guidance and, based on the findings which raised issues concerning potential contamination at the site due to ground raising and historical use, recommended an intrusive investigation. It is recommended that land contamination conditions be appended to ensure any contamination issues are properly addressed.

Flooding

Local residents have raised concerns to flooding. However, no concerns in relation to flooding have been raised by the Council's Lead Local Flood Authority or the Environment Agency. All habitable rooms are above ground level and as such, there is no concern to the proposal on flood risk grounds.

Climate change

All materials used in the construction of all buildings and the layout of the site in general will meet the requirements of the latest Building Regulations and in particular Part L (Energy Use). All materials used in the building construction will meet the BRE Green Guide A+ rating. (Materials which have the lowest overall environmental impact over the lifecycle of a product as calculated by BRE Environmental Assessment Method).

Photovoltaic panels for electricity generation will be incorporated onto each roof slope such as to provide 8m² of panel for each dwelling. The panels are sited on the south facing roof slopes and the pitch of 45 degrees will make best use of the solar energy.

Energy consumption will be reduced through energy saving devices. Fixed light fittings will be designated energy efficient fittings, e.g. using LED lamps. All kitchens/utility rooms will have white goods including fridge, freezers, washing machines, dishwashers and tumble dryers as 'A+++’ rated as far as possible, while taps, fittings and WCs will be low water consuming.

A high rating electric car charging point will be installed at each covered parking position thus providing 1 per dwelling.

Heating and domestic hot water will be provided by electric heat pump technology utilising under floor heating to provide energy efficient comfort conditions.

Triple glazing will be used on south-east facing windows and doors. Double-glazing will be used on all other elevations. Cavities between glass panels will be filled with Argon. This will provide a high standard of both sound and thermal insulation.

As much use as possible will be made of recycled (and recyclable) materials including, wherever possible, materials arising from the clearance of the old built fabric (e.g. hardcore materials from crushing on-site concrete). Preference will also be given to recycled materials wherever possible.

Provision is made in ground floor level storerooms for appropriate storage of refuse and recycling bins. This will also provide storage space for bicycles.

In terms of carbon footprint, wherever possible preference will be given to hiring labour from the local area.

Local Finance Considerations

None relevant here

Conclusions and Reasons for Approval

Overall it is considered that the proposed development will result in the redevelopment of this 'redundant' wharf, which currently holds no aesthetic value within the village of Upnor. Whilst the sailing links and heritage are recognised it is considered that the loss of this wharf does not detrimentally harm the general character of the village and the proposal will improve the vista of the village to the river front.

The design, layout, siting, scale and appearance of the dwellings are acceptable and would not cause harm to the historic character of the area, would not have a harmful impact on the appearance of the area and residential amenity would be protected. The proposal would not cause harm to highways and parking is considered to be adequate and meets the Council's standard. The applicant would be informed of the need to consult with MMO on the restoration works to the foreshore.

Consequently, subject to conditions, the proposal is considered to be compliant with Policies BNE1, BNE2, BNE35, H4, T1 and T13 of the Medway Local Plan 2003 and paragraphs 8, 11, 59, 117, 124, 127, 175, 176 and 196 of the NPPF.

In line with the MMO draft plan, policies SE-CO-1, SE-HER-1, SE-SCP-1, SE-WQ-1, SE-MPA-1, SE-MPA-4, SE-NG-1 and SE-CBC-1 of the Draft South East Inshore Marine Plan 2020, have been considered.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the number of representations received expressing a view contrary to officer's recommendation.

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/>