

## **CABINET**

**19 OCTOBER 2010**

### **AMHERST HILL DESIGN BRIEF**

Portfolio Holder: Jane Chitty, Strategic Development & Economic Growth

Report from: Robin Cooper, Regeneration, Community and Culture

Author: Frances Madders, Senior Urban Design Officer

#### **Summary**

On 29 June 2010 Cabinet gave approval to a six week programme of consultation on the draft Amherst Hill Design Brief. It was produced by Medway Council to satisfy the Local Plan requirement that a detailed design brief must guide the development of the Amherst Hill site in a manner appropriate to its setting adjacent to Fort Amherst and its prominent location.

The results of the consultation are set out in Appendix 1 of this report. The draft Design Brief will be amended to reflect points that resulted from the consultation. Cabinet approval is sought to adopt the Design Brief as a Supplementary Planning Document and to grant delegated authority to the Director for Regeneration, Community and Culture in consultation with the Portfolio Holder for Strategic Development & Economic Growth to approve minor changes to the Design Brief to improve its clarity and consistency, prior to its formal publication.

#### **1. Budget and Policy Framework**

- 1.1 Policy H1: GL150 of the Medway Local Plan requires that a detailed design brief be drawn up to guide the development of the Amherst Hill site. The decision is therefore within the council's Policy Framework and, if adopted, the design brief will become a Supplementary Planning Document prepared in conformity with the provisions of the Planning and Compulsory Purchase Act 2004.
- 1.2 The cost of preparing the design brief and the consultation have been met from the Design and Conservation team budget.
- 1.3 The Design Brief contributes to achieving the targets set for two Local Area Agreement indicators - the target for new homes, supported by appropriate infrastructure, and the delivery of affordable homes.

## **2. Background**

- 2.1 The Amherst Hill site is currently unused by the landowner, Defence Estates, and has been allocated for residential use in the Local Plan. The site occupies an elevated position within the prospective World Heritage Site immediately adjacent to Fort Amherst. The Local Plan allocation requires that a detailed design brief be prepared to guide the development of the site in a manner appropriate to its sensitive setting and prominent location. This Design Brief was prepared by Medway Council and was consulted upon from 19 July to 29 August 2010.

## **3. Options**

- 3.1 The Local Plan allocation of the site for housing means that the principle of development has been established. There is therefore no option to resist the principle of development of this site.
- 3.2 Adoption of the Design Brief as an SPD will provide the council with a clear policy framework to provide guidance to developers on the site capacity and development quality expected. It will provide the landowner and developer with greater certainty as to what is expected by the Local Planning Authority (LPA). Developers bidding for the site will make more informed estimates of development costs. This, in turn, mitigates the risk of pressure on the Council as LPA to accept sub-standard proposals because design quality was not built into the project finances from inception or because site capacity was over-estimated.

## **4. Advice and analysis**

- 4.1 The Design Brief provides a framework for development that:
- minimises the impact on the setting of Fort Amherst;
  - ensures the protection and enhancement of Brompton Lines Conservation Area;
  - conforms to policies in the Great Lines Heritage Park Masterplan (GLHP);
  - serves to underline that the site's context and character is a considerable asset, providing a unique development opportunity for housing of the highest design quality.
- 4.2 It achieves this through setting clear limits to the extent of the developable area of the site and on the height of development. The reinstatement of 19<sup>th</sup> century landscapes guides the extent of tolerable encroachment by new development on Fort Amherst.
- 4.3 The site to be disposed of has an area of 1.66 hectares of which Policy H1:GL150 allocates approximately 1.3 hectares for residential development and proposes a capacity of 34 dwellings. The Design Brief further refines this assessment, allocating a smaller proportion of the site for residential development. Nonetheless, the capacity of 34 units remains appropriate. This produces a relatively low gross density figure of approximately 20 dwellings per hectare.

- 4.4 The Design Brief takes into account ecological constraints and includes provision for improvements to cycling and walking routes. The emphasis on design aims to ensure that this is a development of enduring quality, and is therefore inherently sustainable.
- 4.5 Housing needs assessment, market considerations, and the relative remoteness of the site meant that fewer, but larger, houses are likely on this site.
- 4.6 The development will be subject to the standard range of developer contributions applicable, including affordable housing.
- 4.7 A Diversity Impact Assessment screening is set out in Appendix 2 to this report. It concludes that the Design Brief does not require a full Diversity Impact Assessment.

## 5. Risk Management

- 5.1 The following table provides a summary of the significant risks that may arise from adoption of the Amherst Hill Design Brief.

Risk	Description	Action to avoid or mitigate risk
Chatham World Heritage bid.	<p>The site lies within the core area of the Chatham World Heritage bid and its development has the potential to harm the setting of the Fort Amherst scheduled monument and listed St Barnabas church.</p> <p>The UNESCO World Heritage Committee would not look favourably upon a bid where permission has been granted for development that may damage the Outstanding Universal Value of the potential World Heritage site.</p> <p>This risk will be triggered by publication of a Design Brief deemed to pay insufficient regard to the possible impact of development. A possible consequence is weakening of the bid.</p> <p><b>This risk is rated D-2.</b></p>	<p>The Design Brief has been developed in collaboration with English Heritage and the Fort Amherst Heritage Trust. The Chatham World Heritage Steering Group was consulted on the draft brief and has endorsed the approach.</p> <p>The development framework makes provision for reinstatement of the 19<sup>th</sup> century landscape and sets an expectation that a sizeable open space is provided to allow a buffer between the development and the Fort. This space will be endowed to a Trust and is considered part of the GLHP. The endowment will include a s106 contribution to mitigate costs of ongoing management and maintenance.</p>

## **6. Consultation**

- 6.1 Collaborative work with key stakeholders, including Defence Estates, English Heritage, and the Fort Amherst Heritage Trust, has informed the development of the Design Brief.
- 6.2 The statutory consultation exercise on the draft masterplan complied with the Local Development Framework Statement of Community Involvement.

The consultation involved:

- Consultation leaflets distributed to local residents (The consultation/summary leaflet identified key issues on which responses were invited).
  - Information on the Council's website and Chatham World Heritage website.
  - An exhibition in Chatham library throughout the consultation period.
  - Exhibition staffed on Thursday 22<sup>nd</sup> 10:00-19:00, Friday 23<sup>rd</sup> 10:00-18:00, Saturday 24<sup>th</sup> 9:00-12:00
  - Presentation to World Heritage Site Steering Group.
  - Presentation to the Brompton Village Association.
  - Press advert in the Kent Messenger.
- 6.3 Details of the responses to the consultation are set out in Appendix 1, along with the proposed Council response to them. The proposed amendments to the Design Brief can successfully address the concerns raised while still taking forward the objectives of the brief.

## **7. Regeneration, Community and Culture Overview and Scrutiny Committee**

- 7.1 The Regeneration, Community and Culture Overview and Scrutiny Committee considered a report on the Amherst Hill Design Brief on 29 September 2010 as pre-decision scrutiny.
- 7.2 The committee asked why the comments of Brompton Village Association with regard to the development of the Kitchener Barracks could not be incorporated into this design brief. Officers responded that the Kitchener Barracks had not been released for development and it would be important to have a separate design brief for that area.
- 7.3 The Committee recommended to Cabinet the Amherst Hill Design Brief for adoption as a Supplementary Planning Document.

## **8. Financial and legal implications**

- 8.1 The design brief will be a Supplementary Planning Document prepared in conformity with the 'saved' Policy H1:GL150 of the Medway Local Plan and in accordance with the provisions of the Planning and Compulsory Purchase Act 2004. As an adopted SPD the design brief will carry considerable weight in the determination of future planning applications.

- 8.2 In order to be adopted as an SPD the preparation of and consultation on the development brief must be in accordance with the Town and Country Planning (Local Development) (England) Regulations 2004.

## **9. Recommendation**

- 9.1 Cabinet is requested to adopt the Amherst Hill Design Brief as a Supplementary Planning Document and it is recommended that design brief be amended in accordance with the consultation responses set out in Appendix 1.
- 9.2 That the Director for Regeneration, Community and Culture in consultation with the Portfolio Holder for Strategic Development & Economic Growth be granted delegated authority to approve minor changes to the Amherst Hill Design Brief to improve its clarity and consistency, prior to its formal publication.

## **10. Suggested Reasons for Decision**

- 10.1 Adoption of the Design Brief as a Supplementary Planning Document will provide the council with a clear policy framework to guide the development of the site and to provide guidance to developers on the site capacity and development quality expected. It will provide landowners and developers with greater certainty as to what is expected by the Local Planning Authority.

### **Lead officer contact**

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### **Background papers:**

1. Medway Local Plan (Adopted May 2003)
2. Department for Culture, Media and Sport, Scheduled Monuments, Identifying, protecting, conserving and investigating nationally important archaeological sites under the Ancient Monuments and Archaeological Areas Act 1979, November 2009
3. 'Capitalising on the Inherited Landscape – An introduction to historic characterisation for masterplanning', English Heritage/Homes & Communities Agency, October 2009
4. An archaeological evaluation at Amherst Hill, Chatham, Kent - Canterbury Archaeological Trust Ltd. February 2006.
5. Great Lines City Park Landscape Design Statement, prepared by HTA Landscape Design Team on Behalf of Medway Council and Chatham World Heritage Steering Group. Nov 2008

6. Great Lines City Park Historical Statement, prepared by EDA on Behalf of Medway Council and Chatham World Heritage Steering Group. Nov 2008
7. A Building Height Policy for Medway Adopted May 2006 Part 2: Appendix A Strategic Views and Landmarks
8. Building Design Magazine Housing October 09 Issue 31

**Amherst Hill Design Brief  
Draft Supplementary Planning Document, September 2010**

**Consultation Responses**

<b>Statutory Consultee</b>	<b>Comments</b>	<b>Response/Action</b>
Chatham World Heritage Steering Group	The Chatham World Heritage steering group adopted a Development Protocol in June 2009 to guide how and when it comments on planning applications or planning policy formulation. The following comments fall within the scope of the adopted protocol: The steering group expressed their support for the draft brief, and recommended that Medway Council and Defence Estates make every effort to progress the document as an SPD, whilst respecting Defence Estates' planned timescales.	Noted
English Heritage	<p>Peter Kendall confirmed that the draft was produced in consultation with himself and English Heritage and that they are in agreement with its content:</p> <p>1) Consider that its adoption as SPD would be a positive step towards securing a future for this part of the potential WHS and for development in accordance with the brief we do not anticipate any significant reason not to agree to a detailed planning application.</p> <p>2) Plan on page 29 - This has an area shown hatched and marked "future development potential". This land is the corner of the original 1757 barracks enclosure and latterly part of the garden to the COs house. Treatment of this land should be decided as part of a future solution to the larger Kitchener barracks site and it should not be seen as a development opportunity as part of the Amherst Hill site.</p>	Agreed: Add clarification to page 29 to accord with these comments.
Fort Amherst Heritage Trust	<p>A meeting with the Fort Amherst Heritage Trust (FAHT) on 10<sup>th</sup> March explored the aspirations of the Trust in relation to the draft Amherst Hill Design Brief.</p> <ul style="list-style-type: none"> <li>▪ Confirmed that the Trust would welcome the opportunity to reinstate the glacis.</li> <li>▪ Whilst the trees that have grown up</li> </ul>	<p>Agreed: trees immediately adjacent to the boundary with Fort Amherst to be removed.</p> <p>Review wording of</p>

	<p>along the boundary would shield the Fort from views of the new development they do not otherwise contribute positively to an understanding of the Fort. They would prefer to see the trees removed and as the trees on this boundary are self-seeded sycamore they should not be considered worthy of retention.</p> <ul style="list-style-type: none"> <li>▪ Boundary fencing should be as unobtrusive and low as possible. There is currently a wire fence and the robust, open 5 wire fence type used in the Lower Lines would be preferred. Its function would be to clearly mark the boundary between the public space and the Fort rather than to provide a high level of security.</li> <li>▪ Would not wish to see open space become a semi-privatised space controlled by owners of the new housing and would encourage a cyclable path across it as well as footpaths.</li> <li>▪ Acknowledged that details of the endowment of the open space to a Trust is beyond the scope of the Design Brief but that it should include reference to arrangements for the ongoing management and maintenance of the open space.</li> </ul>	<p>section on management and maintenance of the open space for consistency and clarity.</p>
Medway Council Tree Officers	<p>More guidance required in Design Brief on the tree survey information, constraints and protection plan, and method statement that should be provided with an application.</p>	<p>Agreed: Include reference to BS5837 'Trees in Relation to Construction – Recommendations' 2005.</p>
Brompton Village Association	<p>Welcome recommendation to propose high quality low-density housing. State that maximum number of units seems to us to be a proper compromise.</p>	<p>Comments noted.</p>
	<p>Prefer illustrative layout without flats because the height of the building for flats would be out of scale.</p>	<p>Comments noted.</p>
	<p>Glacis land to the south of the area must remain undeveloped. Clarification needed for potential developers to better understand who will be responsible for the upkeep of this land and on what legal basis.</p>	<p>Agreed: Review wording of section on management and maintenance of the open space for consistency and clarity.</p>
	<p>Support for requirement for the use of</p>	<p>Agreed: Include</p>



	high quality design and materials. Some reference should be made to the Georgian heritage of Brompton.	additional design guidance on the need to draw upon character of surroundings in design proposals, including guidance on appropriate boundary treatments
	Recommend that the design brief include reference to the need to consult with the Georgian Group.	Not agreed: We do not agree that the Georgian Group should be consulted.
	<p>Screening – 2 elements recommended:</p> <ul style="list-style-type: none"> <li>▪ New planting screen along the line of the old garden wall between the glaxis space and the (un)developable area to the south of the site; and</li> <li>▪ Particular care should be taken in removing trees at the Fort Amherst end of the extension to Maxwell Road in order to ensure continued screening of the four houses in Amherst Redoubt from the view of the river towards the site.</li> </ul>	<p>Agreed: Brief to be amended to retain existing trees to ensure screening of existing houses at Amherst Redoubt. Brief to require planting within the site to provide additional screening.</p> <p>Brief to continue to state that trees on the boundary of the retained open space with Fort Amherst to be removed to allow appreciation of the historic function of the Fort.</p>
	Brief should refer to the occasional closure of the road resulting from military use especially for Garrison Church Parades and funerals.	Note this in the Brief.
	In the event that a further access from Dock Road via Khartoum Road is created, we believe most strongly that no through road should be created from Dock Road to Mansion Row via Khartoum Road and Maxwell Road.	Comments noted but beyond scope of current brief - cannot be addressed until Kitchener Barracks comes forward for redevelopment.
	Future Kitchener Barracks redevelopment – Would like consideration of inclusion in this –the last 2 sets of semi-detached houses on the one side, and on the other, further up hill, the inclusion of the site of the	Comments noted but beyond scope of current brief - cannot be addressed until Kitchener Barracks

	four houses in Amherst Redoubt as parts of the present proposed development site.	comes forward for redevelopment.
	BVA willing to undertake informal confidential discussions with potential developers before their intention of interest in made public and suggest this could be included in the Design Brief.	Comments noted. Consider requirement for community consultation in developing a detailed planning application.
149 Melville Court, Chatham, Brompton ME4 4XL	Does not support project – would spoil the quiet village – too many cars and people and noise. It would be better developed by Fort Amherst for Holiday cottages or an improved wedding venue.	Comments noted.
'Medway View', Cuxton Road, Strood, Rochester	Fully agrees with most of what the design brief says, especially fact that number of dwellings should be restricted and, <u>most importantly</u> , their height kept to a minimum.	Comments noted.
	The site is in a very high position and more or less forms part of the skyline when viewed from Rochester and Strood. Mention is made of some trees being removed, on boundary of Fort Amherst but this must be very carefully looked at – when viewed from Rochester and Strood there is at present a pleasant and wooded appearance to the area.	Agreed: Brief requires retention and reinforcement of existing tree planting to provide some screening of new development on the site  However, the brief continues to require the removal of trees on the Fort Amherst Boundary- well away from the developable area- in order to allow appreciation of the historic function of the Fort.
	One other point to be borne in mind and that concerns the street (and other) lighting. As previously pointed out, the site is in a high position and is fairly wooded, almost on the skyline. I feel that it is most important that all lighting is of a fairly low intensity and be of low impact on the environment generally.	Agreed: Include guidance on lighting in the design brief.

## Diversity Impact Assessment: Screening Form

<b>Directorate</b> Regeneration, Community and Culture	<b>Name of Function or Policy or Major Service Change</b>  Amherst Hill Design Brief SPD		
Officer responsible for assessment  Frances Madders, Senior Urban Design Officer	Date of assessment  16/09/10	New or existing?  New	
<b>Defining what is being assessed</b>			
<b>1. Briefly describe the purpose and objectives</b>	<p>A Design Brief for the Amherst Hill site in Brompton.</p> <p>The Amherst Hill site is currently unused by the landowner, Defence Estates, and has been allocated for residential use in the Local Plan. The draft Design Brief was produced by Medway Council on behalf of the landowner to satisfy the Local Plan requirement that a detailed design brief must guide the development of the site in a manner appropriate to its sensitive setting and prominent location.</p> <p>As an adopted Supplementary Planning Document the masterplan will be a material consideration in the determination of future planning applications.</p>		
<b>2. Who is intended to benefit, and in what way?</b>	<p>Future developers, investors and landowners – they will benefit from clear guidance on the extent of the developable area within the site, its likely maximum capacity and the design principles that should guide the development.</p> <p>Residents of Brompton – from a clear planning framework that guides the development towards a high quality outcome.</p>		
<b>3. What outcomes are wanted?</b>	<p>Guidance for developers on the extent of the developable area within the site, its likely maximum capacity and the design principles that should guide the development.</p>		
<b>4. What factors/forces could contribute/detract from the outcomes?</b>	Contribute <ul style="list-style-type: none"> <li>▪ Clarity of document</li> <li>▪ Approval of document</li> <li>▪ Support of stakeholders and interested parties</li> </ul>	Detract <ul style="list-style-type: none"> <li>▪ Unclear document</li> <li>▪ Document not approved</li> <li>▪ Lack of support from stakeholders and interested parties</li> </ul>	
<b>5. Who are the main stakeholders?</b>	<ul style="list-style-type: none"> <li>▪ Medway Council</li> <li>▪ The landowner (Defence Estates) plus developers and investors, English Heritage and Fort Amherst Heritage Trust.</li> <li>▪ Residents of Brompton</li> </ul>		
<b>6. Who implements this and who is responsible?</b>	Implementation will be via the operation of the statutory town planning system. Medway Council is		

	responsible as the planning authority.	
<b>Assessing impact</b>		
<b>7. Are there concerns that there <u>could</u> be a differential impact due to <i>racial/ethnic groups</i>?</b>	YES	The Design Brief is concerned with achieving a high quality housing development that is not targeted at any particular group. It relates to a housing allocation that should be viewed within the wider context of the Council's Local Plan Housing Policy. This provides for an adequate and continuous supply of land for housing which will provide choice and a range of housing types to meet an increasingly varied range of requirements.
	NO	
<b>What evidence exists for this?</b>	No issues relating to this matter were raised during the consultation. The consultation was compliant with the Council's Statement of Community Involvement (SCI), a requirement under the Town and Country Planning (Local Development – England) Regulations 2004. The consultation will have reached a wide range of groups and individuals via a wide variety of means.	
<b>8. Are there concerns that there <u>could</u> be a differential impact due to <i>disability</i>?</b>	YES	As for 7.
	NO	
<b>What evidence exists for this?</b>	As for 7.	
<b>9. Are there concerns that there <u>could</u> be a differential impact due to <i>gender</i>?</b>	YES	As for 7.
	NO	
<b>What evidence exists for this?</b>	As for 7.	
<b>10. Are there concerns there <u>could</u> be a differential impact due to <i>sexual orientation</i>?</b>	YES	As for 7.
	NO	
<b>What evidence exists for this?</b>	As for 7.	
<b>11. Are there concerns there <u>could</u> be a have a differential impact due to <i>religion or belief</i>?</b>	YES	As for 7.
	NO	
<b>What evidence exists for this?</b>	As for 7.	
<b>12. Are there concerns there <u>could</u> be a differential impact due to <i>people's age</i>?</b>	YES	As for 7.
	NO	
<b>What evidence exists for this?</b>	As for 7.	
<b>13. Are there concerns that there <u>could</u> be a differential impact due to <i>being trans-gendered or transsexual</i>?</b>	YES	As for 7.
	NO	

What evidence exists for this?	As for 7.	
14. Are there any <i>other</i> groups that would find it difficult to access/make use of the function (e.g. speakers of other languages; people with caring responsibilities or dependants; those with an offending past; or people living in rural areas)?	YES	The document was produced only in English.
	NO	
What evidence exists for this?	As stated in the SCI, documents will be made available in other languages if requested. No such request has been made.	
15. Are there concerns there <u>could</u> be a have a differential impact due to <i>multiple discriminations</i> (e.g. disability and age)?	YES	As for 7.
	NO	
What evidence exists for this?	As for 7.	

Conclusions & recommendation		
16. Could the differential impacts identified in questions 7-15 amount to there being the potential for adverse impact?	YES	No differential impacts were identified that would suggest there could be a potential adverse impact.
	NO	
17. Can the adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or another reason?	YES	
	NO	
Recommendation to proceed to a full impact assessment?		
NO	<b>This function/ policy/ service change complies with the requirements of the legislation and there is evidence to show this is the case.</b>	
NO, BUT ...	What is required to ensure this complies with the requirements of the legislation? (see DIA Guidance Notes)?	Minor modifications necessary (e.g. change of 'he' to 'he or she', re-analysis of way routine statistics are reported)
YES	Give details of key person responsible and target date for carrying out full impact assessment (see DIA Guidance Notes)	

<b>Action plan to make Minor modifications</b>		
<b>Outcome</b>	<b>Actions (with date of completion)</b>	<b>Officer responsible</b>

<b>Planning ahead: Reminders for the next review</b>		
<b>Date of next review</b>	The Design Brief is a planning document that aims to provide certainty to developers. There is no intention to review the document within 5 years.	
<b>Areas to check at next review (e.g. new census information, new legislation due)</b>		
<b>Is there <i>another</i> group (e.g. new communities) that is relevant and ought to be considered next time?</b>		
<b>Signed (completing officer/service manager)</b>	<b>Date</b>	
<b>Signed (service manager/Assistant Director)</b>	<b>Date</b>	