

MC/21/3663

Date Received: 24 December 2021
Location: Plot 10 Ordnance Yard
Lower Upnor Rochester
Proposal: Construction of a detached dwelling with associated landscaping works and new vehicle access to Upchat Road.
Applicant: Mr Paul Thomas
Agent: Hollaway Studio
Ms Angelica Scorgie
10A Action Street
London
WC1X 9NG
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 6th October 2022.

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:

24 December 2021

21.026.200.00 Rev P0 - Proposed Lower Ground Floor Plan

21.026.200.01 Rev P0 - Proposed Ground Floor Plan

21.026.200.02 Rev P0 - Proposed Roof Plan

21.026.300.00 Rev P0 - Proposed Elevation A

21.026.300.01 Rev P0 - Proposed Elevation B

21.026.300.03 Rev P0 - Sectional Elevation D-D

21.026.300.04 Rev P0 - Sectional Elevation E-E

21.026.300.05 Rev P0 - Sectional Elevation F-F

2135/SK1 - Proposed Access

UD-PI10/TCP/1730-02 - Tree Constraints Plan

18 January 2022

21.026.100.03 P1 - Proposed Site Plan

21.026.300.02 P1 - Proposed Elevation C

21.026.300.06 P0 - Proposed Elevation G

26 May 2022

21.026.300.07 Rev P0 - Visibility Splays

7 September 2022

21.026.300.08 Rev P0 - Highways Section

Reason: For the avoidance of doubt and in the interests of certainty.

- 3 The dwelling hereby approved shall not be occupied until, full details of a hard and soft landscape scheme have been submitted to and approved in writing for all areas. The submitted details shall include:
- i. All paving and external hard surfacing, lighting and services (including drainage), tree planting, minor artefacts and structures (seating, refuse receptacles and raised planters, pool). Soft landscape works, including details of all proposed additional planting, planting plans, tree positions, written specifications (including cultivation and other operations associated with grass, tree and planting establishment); schedules of plants, noting species, plant sizes, root treatments and proposed numbers/densities where appropriate.
 - ii. Details for the design and specification of tree planting to enable healthy establishment at maturity. Information should provide details for the planting environment (including within soft and hard landscape as well as, raised planters).
 - iii. An arboricultural method statement that addresses all hard and soft landscape works proposed within the root protection area of retained trees.
 - iv. A timetable for implementation.

The development shall be implemented in accordance with the approved details and timetable and any trees or plants which are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species and be maintained in perpetuity.

Reason: To ensure a satisfactory external appearance and provision for landscaping and impact on the retained trees, in accordance with Policies BNE1, BNE6 and BNE43 of the Medway Local Plan 2003.

- 4 Prior to the first occupation of the 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 and maintenance schedules for the traverse and peninsular in particular 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.

- 5 No development shall take place until a sustainable construction method statement has been submitted to and approved in writing to the Local Planning

Authority. This shall include information on all of the materials that are proposed in the construction as well as details in relation to the approach. The development shall be constructed in accordance with the approved construction method statement.

Reason: Required prior to commencement to ensure the sustainability of the site in accordance with BNE4 of the Medway Local Plan 2003.

- 6 No development shall take place until a Construction 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 construction working; measures to control noise affecting nearby residents; 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 enable the Local Planning Authority to manage such development in the interests of neighbouring amenity and precautionary ecological mitigation in accordance with Policies BNE2 and BNE37 of the Medway Local Plan 2003.

- 7 Prior to the installation of any external lighting on the site, details of such lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include height, position, external appearance, any shielding, light intensity, colour, spillage (such as light contour or lux level plans showing the existing and proposed levels) together with a report to demonstrate its effect on the landscaping of the site (including an overlay of the proposed lighting onto the site landscaping plans), the rural landscape, nearby residential properties, bats and of how this effect has been minimised. Any external lighting shall be implemented in accordance with the approved details.

Reason: In order to limit the impact of the lighting on the landscaping of the site, the surrounding landscape, nearby residents and wildlife and with regard to Policies BNE1, BNE2, BNE5, BNE25 and BNE39 of the Medway Local Plan 2003.

- 8 No development shall take place until details of the steps and process that will take place in relation to the refurbishment of the Bell Tower are submitted to and approved in writing by the Local Planning Authority. These works shall then be carried out and in place on site prior to the occupation of the development.

Reason: To ensure that the historic features that are to be retained on site are made good and brought up to a standard suitable for this conservation area.

- 9 No development shall take place until details of the steps and process that will take place in relation to the refurbishment of the wall lights that sit on top of the main boundary wall pillars are submitted to and approved in writing by the Local

Planning Authority. These works shall then be carried out and in place on site prior to the occupation of the development.

Reason: To ensure that the historic features that are to be retained on site are made good and brought up to a standard suitable for this conservation area.

- 10 No development shall take place until a management plan setting out how the public footpath will be managed for the period of construction (of both the dwelling and the access road) has been submitted to and approved in writing by the Local Planning Authority. This plan shall include details demonstrating how the footpath will remain open and available for public use throughout. The development shall be undertaken in accordance with the approved details.

Reason: To ensure that public footpath linking Lower and Upper Upnor remains available for use by the public at all times.

- 11 Prior to the occupation of development a maintenance plan for the upkeep and repairs (where necessary) for the listed boundary wall shall be submitted to and approved in writing by the Local Planning Authority. This approved plan shall then be implemented and maintained in perpetuity by the occupants of the dwelling.

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 Policies BNE1, BNE14 and BNE18 of the Medway Local Plan 2003.

- 12 No development shall commence (including site clearance) until a site wide ecological mitigation strategy, including measures for bats, reptiles, badgers, and hedgehogs has been submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall be retained throughout the duration of the site clearance and construction phase of the development and thereafter the recommendations set out in the site wide ecological mitigation strategy shall be complied with.

Reason: In the interest of conserving protected species in accordance with Policy BNE39 of the Medway Local Plan 2003.

- 13 No development shall commence on site until the bat hibernation surveys within the WWII air raid bunkers (B1 and B3), as set out within the submitted ecological appraisal, have been carried out and submitted to and agreed in writing with the Local Planning Authority. All recommendations and requirements resulting from the surveys shall be implemented in full.

Reason: Required prior to commencement of development to ensure no irreversible detrimental harm to protected species in accordance with Policy BNE39 of the Medway Local Plan 2003.

- 14 No development above ground floor slab level shall be undertaken until a statement demonstrating how the proposal will maximise biodiversity net gain on site and seek to achieve a minimum of 10% biodiversity net gain has been

submitted to and approved in writing by the Local Planning authority. All the measures required to achieve the statement Biodiversity net gain level shall be undertaken prior to first occupation of the dwelling and shall thereafter be retained.

Reason: In the interests of enhancing biodiversity and to positively address concerns regarding climate change in accordance with paragraphs 154 and 179 the National Planning Policy Framework 2021.

- 15 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a method statement and obtained written approval from the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with.

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

- 16 The approved dwelling shall not be occupied until a timetable providing details for the submission of an energy efficiency and climate change verification report(s) prepared by a suitably qualified professional has been submitted to and approved in writing by the Local Planning Authority. The verification report will confirm that all the measures to address energy efficiency and climate change as set out in the design and access statement, climate change statement, SAP Specification and Additional Supporting Planning Statement have been undertaken and that the ecological enhancement measures as approved have been delivered across the site.

Verification reports shall thereafter be submitted to the Local Planning Authority in accordance with the approved timetable and the development shall be maintained to achieve a net carbon reduction of at least 50% against current Building Regulations Part L standards.

Reasons: In the interests of the environment and to meet the aspirations for addressing climate change and sustainable development set out in the NPPF 2021

- 17 No development shall take place above ground floor slab level until details of the provision of electric vehicle charging points (at least 1) has been 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 in working order.

Reason: In the interests of sustainability in accordance with paragraph 112e of National Planning Policy Framework 2021.

- 18 The proposed residential unit shall not be occupied until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority. Thereafter it shall be kept available for such use and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any other 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 of vehicles is likely to lead to hazardous on-street parking and in accordance with Policy T13 of the Medway Local Plan 2003.

- 19 On completion of the build and within 3 months of the first occupation of the dwelling a document demonstrating the processes and testing that was carried out throughout the overall construction project (including all experiments, trials and techniques on all aspects of the house) shall be submitted to and approved in writing by the Local Planning Authority. Details of where and how this document is to be published shall also form part of this submission.

Reason: To ensure that the public benefits of this property, including how this property makes steps forward in building techniques and energy efficiencies, is clear and publicly available, in accordance with paragraph 202 of the NPPF.

Proposal

This application is for the construction of a one-off architectural home of “exceptional quality (paragraph 80 NPPF 2021)” along with associated landscaping and vehicle parking.

The house itself is to be ‘L’ shaped with grass roofs over. This is split into two forms, the living and kitchen areas focussed on the south facing elevation, with the bedroom wing being located on the north/east. A low-level link between the two is also incorporated.

The bedrooms all face out to the east but are all designed to have angled windows to allow for each bedroom to have a river outlook (and increased privacy).

The lower ground floor is located below the bedroom space only and includes garaging, a games room and the main living area (which has a void over so that it features within both storeys).

Externally the proposal sees the provision of a pool, which is shown to sit behind the perimeter wall as well as a modest sized area for seating (on the southern side of the house). The area to the front of the house (on the north side) will be part hard part soft landscaped for access and circulation. The ‘peninsular’ on the east side of the property is the location of the existing bell tower which as part of this proposal is to be refurbished.

Access to the proposed house is to be off Upchat Road, via a roadway that is to be cut out through the existing trees/foliage.

The proposal is unique/bespoke and incorporates a number of innovative and exemplar building techniques, which result in a passive house. This aspect of the proposal is set out in more detail within this report.

Site Area/Density

Site Area: 0.6922 hectares (1.7105 acres)

Site Density: 0.6922 dph (1.7105 dpa)

Relevant Planning History

It should be noted that all planning history below relates to applications within the Depot site itself including the refurbishment of B1/A3 buildings as well as the erection of the new residential units.

MC/16/3795 Construction of 8 two-bedroom apartments and associated parking

Decision Approved with Conditions

Decided 13/03/2017

MC/15/3459 Variation of condition 2 of MC/13/1804, involving alteration to the layout and design of the Blast Pitts units (plots 1 - 12)
MC/13/1804: Conversion of five existing buildings to light industrial use (Class B1), use of building at site entrance for a restaurant (Class A3), the erection of twenty two-storey and three-storey dwellings to the southern portion of the site and the demolition of three buildings and replacement by two new car parking areas and a new single storey class B1 building, together with alterations to the site access and provision of central car park and ancillary works including ramp and stairs to upper ground at rear of site

Decision Approval with Conditions

Decided 08/04/2016

MC/14/3267 Application for non-material amendment to planning permission MC/13/1804 - To reposition the approved new build class B1 building as a result of the need to accommodate a sewerage pumping station.

Decision Approval

Decided 03/12/2014

MC/13/1805 Conservation Area Consent for the demolition of 3 detached buildings (Locomotive shed, and No2 and No3 Shell Store)

Decision Approval with Conditions
Decided 30/01/2014

MC/13/1804

Conversion of 5 existing buildings to light industrial use (Class B1) Use of building at site entrance for a restaurant (Class A3). The erection of 20 two and three storey dwellings to the southern portion of the site and the demolition of 3 buildings and replacement by 2 new car parking areas and a new single storey class B1 building together with alterations to the site access and provision of central car park and ancillary works including ramp and stairs to upper ground at rear of site

Decision Approval with Conditions
Decided 30/06/2014

MC/13/1750

Town and Country Planning Act (Environmental Impact Assessment) (England and Wales) Regulations 2011 - request for a screening opinion as to whether EIA is necessary for conversion of a number of existing buildings to Class B1 light industrial use; the demolition of a building and its replacement with a parking area; demolition and replacement of a new 400sqm Class B1 workshop at the north; erection of one block of 12 town houses and 2 blocks of four x two storey houses including car parking, landscaping and management of the open space.

Decision EIA not required
Decided 07/08/2013

Representations

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

The Environment Agency, National Highways, Kent police, Sport England, Natural England, KCC Archaeology, KCC Biodiversity, and Sothern Water Services have also been consulted.

10 letters have been received by neighbouring residents objecting to the application on the following grounds:

- Works required could cause landslide and issues with flooding to neighbouring houses.
- Previous applications at Ordnance Yard had this area identified for mitigation against loss of habitat elsewhere in site – Green space trade off
- Lighting could impact bats in the area
- There has been the removal of trees and bats already here
- Boundary wall has been destabilised – could collapse and hurt pedestrians
- Site run of is a concern

- Will a CEMP be in place?
- Access from Upchat Road is a concern
- Will Castle Reach Row be overlooked? Loss of privacy
- Bunkers have bats in
- Pile foundations will impact badgers
- Tunnels and bunkers contain asbestos and contaminated material.
- Will be detrimental to the village aesthetic
- Access cuts across the footpath – intruding into the secluded quiet pedestrian walkway.
- Works that have already been undertaken appear underhand and do not trust them going forward.
- Design of scheme fails to reflect, complement or sympathise with any other form of residential architecture within the village.

Dickens' Country Protection Society have objected on the following grounds:

- This will impact the setting of Upnor Castle
- The view of the Castle from across the river will be impacted
- Trees on site should be subject to TPO's

Frindsbury Extra Parish Council have objected on the following grounds:

- This environment is a haven for wildlife – including badgers and bats.
- There is concern that there are rare breed bats here as they have been recorded in/around this immediate area
- Site access irreversibly changes character of the area
- This area is under consultation as a conservation area and is of historical value.

Natural England has no objection subject to the appropriate contribution for mitigation measures being secured. These measures include (i) a financial contribution to the SAMMs scheme, (ii) an appropriate assessment being made in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

KCC Biodiversity have noted that the footprint of this development is located within an area which is proposed to be actively managed for biodiversity as part of full application MC/13/1804 and condition discharge 14 MC/15/0200. This application would mean that the previously approved management plan cannot be carried out. Additional surveys and a BNG metric are requested and can be conditioned to ensure submission prior to the commencement of development.

Historic England have objected to the proposal as they conclude that the application will have a significant harm to the significance of the Upnor Conservation Area and Magazine B. However, it has been stated that within the context of the NPPF this would be classified as being toward the upper end of less than substantial harm. It has also been stated that Historic England do not feel that there are any heritage benefits to weigh against the harm. Their comments are detailed more within the 'Heritage Impacts' section of this report.

The Environment Agency have stated that this application has a low environmental risk and therefore have no comment to make here.

Southern Water state that the exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised. Furthermore, a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. A formal application for a connection to the public sewer is requested.

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 2021 (the NPPF) and are generally considered to conform. Where non-conformity exists, this will be highlighted and addressed in the appraisal section below.

Planning Appraisal

Background

In assessing and understanding this application it is important that the historical context of the site is understood.

The Ordnance Yard at Upnor sits within the Upnor Conservation Area. The Upnor Conservation Area is concentrated around the Castle and the historic associations with Chatham Dockyard. The Conservation Area runs from Admiralty Terrace in 'Upper' Upnor (at the south of the CA), up to the northern boundary of Upnor Depot and then from the East (river) to the western side of Upchat Road. It is acknowledged that due to the dense built character of Upnor that there are few opportunities for new development within the conservation area.

A traverse (earth bank) was incorporated into the design of the Upnor Depot by focussing buildings on the river edge, and by excavating land to the rear to create an earth traverse with masonry revetments. The traverse was enclosed by a high perimeter wall which excluded the public and created dead space as a further safeguard against accidents.

Riverfront depot buildings included two shifting rooms (to examine gun powder before storage) and Magazine A (1806) and Magazine B (1857). Shell filling rooms contained within individual concrete blast walls were constructed at the foot of the traverse in the later 19th century and in the 20th century additional ordnance buildings were constructed to the north of the traverse adjacent to the river.

The area subject of this application is located at the top of the traverse, on an area of land up to the boundary wall of Upchat Road.

Magazine B was built in 1857 (to designs of the now demolished 1806 Magazine A) and is significant as an unusually fine and architecturally rich example of a storage magazine which incorporates bomb proof catenary arches and thick brick walls to minimise blast debris from an accidental explosion. It is listed grade II*. Given the listing, it is important that the setting of Magazine B is appreciated and taken into consideration when assessing the merits of this application.

The Magazine building and the traverse are best understood in the longer views from across the river, although the traverse is abundantly apparent and appreciated within the depot site itself.

Due to the unique and sensitive location of this proposal, along with the unique design of the building it was deemed appropriate that this application went before the Design Southeast 'Design Review Panel' (DRP) prior to submission. In all, this scheme went to the DRP twice.

The 1st scheme was substantially different in design than this proposal and focused on getting inspiration from the military influence within the depot. This was considered to be too dominant and required more work to ensure it was landscape led. The architectural language of the proposal was questioned giving scope for redesign.

The 2nd DRP was for a proposal much more akin to this application. The feedback from this review highlighted the fact the built form could be reduced by removal of the garage and in doing this the building could be pushed further back into the site. Landscaping was recognised and the need for a site-specific landscape management plan was raised. By this stage the end user had also been established, which was acknowledged to have helped in focusing the ideals and aspirations of the overall design. The walls surrounding the property were identified as having potential to be worked into the hierarchy of the landscape.

Principle

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise. The development plan consists of the relevant saved policies of the Medway Local Plan 2003. The scheme should also be assessed against the Government's National Planning Policy Framework (The Framework), and The Government's National Planning Practice Guidance (NPPG), both of which are important material considerations.

The site is outside of the rural settlement areas of Upper and Lower Upnor as defined in the Local Plan proposals map and is therefore classified as being within the countryside. Notwithstanding this, as is clear in the above relevant planning history section, the wider site of Upnor Depot has been granted a number of permissions since 2013 to allow for residential and business uses within the Depot area – which is also outside of the rural settlement areas of both Upnor's. At the southern end of the depot there are a total of 32 residential units (12 semi-detached houses within Castle Reach Row, 16 Flats within Caste View House and 8 terrace houses in Castle Point)

As the site is outside the confines of the settlements of Upnor Policy BNE25 (development in the countryside) applies. Policies S1 and S2 seek to prioritise development within the existing urban fabric and then strategically sustainable development using a sequential approach to location.

Local Plan policy BNE25 states that development in the countryside will only be permitted if it maintains or enhances the character, amenity and functioning of the countryside, offers a realistic chance of access by a range of transport modes and meets one of the listed exceptions. In this regard, the site is not allocated for housing or any redevelopment within the Local Plan. Thus, the development would largely conflict with this policy. The site is however accessible by a range of transport modes and the proposal complies with this part of the policy.

It is acknowledged that the Local Plan is however of some age, being adopted in 2003 and that the Council does not currently have a five-year land supply. The recently published 2021-2022 Housing Delivery Test outlined that the Council had only delivered 67% of its target number of dwellings compared with the defined housing requirement. The Housing Supply Index, June 2022 published that Medway has a housing land supply of 3.64 years.

The NPPF seeks to pursue sustainable development in a positive way through a presumption in favour of sustainable development, unless the policies within the NPPF provide clear reasons for refusing development, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits (paragraph 11). Those elements of Policy BNE25 which therefore seek to control the supply of land for housing are therefore considered to be out of date as the LPA cannot currently demonstrate a five year supply of deliverable housing land. Those parts of the Local Plan policies which seek to set out particular environmental characteristics that should be protected remain relevant.

In terms of national policy, paragraph 60 of the NPPF seeks to significantly boost the supply of homes by ensuring that a sufficient amount and variety of land can come forward where it is needed.

In determining whether this proposal is acceptable, it will therefore be important to assess the matter of sustainability as well as the wider implications of the development as detailed under the relevant headings below.

The main issues in the consideration of this application relate to the principle of allowing residential development here and also the design of the proposal and how that sits within this sensitive site.

The applicants for this site have expressed that this proposal is being submitted for consideration under Paragraph 80 of the NPPF. 'Paragraph 80' is sets out to avoid isolated homes in the countryside unless one or more of the following circumstances apply:

(a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;

(b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;

(c) the development would re-use redundant or disused buildings and enhance its immediate setting;

(d) the development would involve the subdivision of an existing residential building;
or

(e) the design is of exceptional quality, in that it:

- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

Whilst it is established that this site is outside of the rural settlements and therefore within the countryside, it could be argued that the site is not isolated due to development within the depot. The site is set well above the depot as stated above and would require access from Upchat Road rather than through the depot itself. However, it is noted that other residential properties are located within 50m -100m of the application site.

It is considered that the principle of residential development has already been established within the Depot site, however it is important to note that the sensitivities of this location are unique and will play an important role in assessing the acceptability of this proposal.

In light of the site's location outside of the built confines of Upper and Lower Upnor and the Council's lack of a 5 year housing land supply, it is considered that the key issues here are whether the proposal is of exceptional quality falling within paragraph 80 of the NPPF or whether other material considerations outweigh the benefits of the development in terms of housing supply and exceptional quality.

Design

The Government attaches great importance to the design of the built environment. Paragraph 126 of the NPPF emphasises the importance of good design and paragraph 130 is key to achieving well designed places. Policy BNE1 of the Local Plan requires the design of development to be appropriate in relation to the character, appearance and functioning of the built and natural environment and states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area.

The requirements of Paragraph 80 dwelling of exceptional quality are clearly set out above. The design of the proposed development is a significant issue here in terms of the acceptability of the scheme.

There is no doubt that the design here is both bespoke and unique and is specifically designed to sit within this specific setting. The shape of the house and the use of angles ensures the internal spaces are maximised whilst the external views of the property are limited, subject to the viewpoint/angle that you are viewing from. As a direct result of the DRP process the design has specifically been altered to remove the garage aspect of the scheme and push the whole building further back from the traverse and become more landscape led. The results of this are that the building immediately becomes less visible when looked at from the lower depot site. Wider views are also considered to be more sympathetic.

The use of materials is considered to be important within the design process as the house has been created with sustainability and innovative building techniques in the forefront. There is a focus on lighter weight materials which allow for a quicker form of construction.

Concrete will feature within the scheme. The applicants have stated that they recognise that technologies are constantly evolving, and this building will ensure that it integrates the latest in sustainable concrete construction, experimenting with highly sustainable additives to ensure the carbon impact of any on-site concrete is as minimal as possible. The integration of green concrete is also proposed, which is manufactured from waste or residual materials from various industries. Even down to the appearance of the glazing, which is influenced by smart glass and high-tech glazing solutions. These non-standard, sustainable materials result in a modern and unique appearance, ensuring this is a building of an exceptional architectural standard with high environmental credentials.

The way in which the property is viewed from the river will alter depending on the position that it is viewed from, the time of day and the time of year. Due to the landscaping and the type of foliage on the traverse it is anticipated that during the summer months the property will be less visible. During winter months the property will be more visible but due to the set back from the traverse and the general design of the building with the perimeter wall it is considered that whilst it will be visible, the extent of its visibility will be modest.

During evenings, when the house is to be lit, again visibility of the property will be greater. It is, however, considered that various design features will help to reduce light spill. The window designs incorporate an overhang which reduces light sprawl, the decrease in the width of the fenestration (following DRP comments), the presence of the perimeter wall and the fact that the building is set further back all help to ensure that light spill is contained. This will visually result in the light appearing more as a 'slit' than a 'beacon' when viewed from the river side, which is considered to be acceptable.

Overall, this design is considered to be of an exceptional architectural standard with high environmental standards and as such meets the aspirations of paragraph 80(e) of the NPPF and indeed would be the first such property in Medway. This proposal is also considered to be compliant with Policies BNE1, BNE12 and BNE18 of the Local Plan and Paragraphs 126 and 130 of the NPPF.

Landscape

The landscape impact of this scheme is something that needs to be considered carefully as the traverse is visible from across the river (St Marys Island) and also from Upnor Castle. Whilst it is acknowledged that this proposal will have an impact on the landscape and will be visible the question lies around whether this impact is considered to be of an acceptable level. This proposal needs also to look at the impact of the proposed entrance on Upchat Road.

Views from the river/castle

As a direct result of the 1st DRP the scheme has been completely re-designed to be landscape led and to sit more comfortably in its setting. The 2nd DRP resulted in the location of the building itself being pushed back into the site with the removal of the garage block. In doing this the treeline on the traverse can remain heavier, aiding in the screening of the proposed building to a greater extent. The property will still be visible, and that visibility will vary through the day and year as stated above.

Historic England contend that there will be a level of harm as a result of this application, and from a landscape point of view it has to be looked at in relation to the loss of trees, the remaining trees and vegetation and the presence of the existing units adjacent to the site. The height of the proposal against the traverse and greenery will not appear dominant from views across the river (specifically St Marys Island and Dockside) due to the fact that trees are to remain in the background which will rise beyond the building and also those in front of the building will screen to varying degrees.

The siting of the larger mass of the north-east block takes advantage of the sloping topography to bed the building into the hillside, reducing its overall height impact. This taller part of the house also faces Lower Upnor, which is less sensitive in townscape terms than the Depot, Castle and Upper Upnor to the south.

The proposed landscaping within the 'private amenity space' for this proposal also incorporates the peninsular aspect of the traverse, which will have the renovated Bell Tower on it. The designs show that this peninsular will be very gradually stepped but in such a way that soft landscaping will also remain. This hard and soft landscaping solution allows for ease of access without being a visually dominant hard landscape feature.

Due to the private outside space being behind the designed-in perimeter wall, the hard landscaping nature of the patio and proposed pool will not be widely visible, unless from an elevated viewpoint. Given the elevated location of the building this is an unlikely viewpoint, and the building and landscaping will not be interpreted in such a way.

The proposed tree removals on the main flat of the site provide an opportunity to remove poor-quality trees. The landscape design includes new planting proposals and a long-term tree management strategy. The visual impact of the tree removals would be limited, with the localised removals revealing further tree canopies in woodland beyond the Site along Upchat Road. Appropriate conditions re tree retention, planting and maintenance are recommended

The proposed green roofs over the whole building will also contribute to softening the landscape and visual impact of the scheme as the roof will blend with the fore ground and background

Whilst the historic reading of the depot buildings and the traverse will be impacted, in landscape terms the extent of this is considered to be reasonable overall. The Proposal demonstrates a sensitive response to the surrounding landscape in terms of scale, massing, form, and the use of materials.

Views from Upchat Road

The main consideration here is the landscape impact of the access way that is proposed. This will result in tree removal and excavation of some of the raised bank to create the 'sunken' access to the site.

Details have demonstrated that visibility sight lines are easily achievable here and due to the canopies of the remaining trees adjacent to the access, it is not considered that the access that is proposed will be visually dominant within this street scape and will appear as a rural access lane.

Overall, it is considered that the landscaping for this residential property has been designed to ensure that the views of the building are as sensitive as can be in this important location whilst also ensuring that the setting of the house itself is enhanced and viable with planting that is appropriate and will appear aesthetically appealing to the prospective occupants.

Heritage Impact

Section 16 of the National Planning Policy Framework (NPPF), Conserving and Enhancing the Historic Environment, sets out policies for decisions governing change in the historic environment.

The value of the historic environment is reflected in paragraph 189, which notes that heritage assets "are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations."

Paragraph 194 of the framework sets out the expectation for supporting information noting that "local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance."

Paragraph 195 notes that "Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the

proposal”

Paragraph 200 sets out that “any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.”

This application sits within the Upnor Conservation Area and in close proximity to the Grade II* Listed Magazine B building (Torpedo Sheds). The historic context of this site and its immediate surrounding is important when assessing the general impact of this proposal.

Historic England have been involved with this proposal throughout its gestation and have constantly and consistently raised the fact that it is important that this scheme be assessed in the historic context, and that the buildings positioning within the traverse was of concern.

The original use of this site as an ordnance depot (for the storage and processing of gunpowder and dangerous materials) was essential to understand the need for the traverse, which was a man-made feature formed from the creation of the depot from the bank, for the purpose of containing blast debris from the magazine buildings. Originally this traverse surrounded two shifting rooms (to examine gun powder before storage) and Magazine A (1806) and Magazine B (1857). Shell filling rooms contained within individual concrete blast walls were constructed at the foot of the traverse in the later 19th century. Today, only Magazine B survives, with a new flat block where Magazine A once stood, houses within the blast walls and a terrace of houses on the approximate footprint of one of the shifting rooms. Despite these changes the traverse remains undeveloped although covered in trees with two WWII air raid shelters and still illustrates its original function.

It is the view of Historic England that the continued illustration of the earth traverse and riverfront buildings is an important component to the character and appearance of the conservation area and makes a major contribution to its significance.

It has been stated that the development would be visible (viewpoints 1-3, LVIA) as development on the earth traverse in key views towards the conservation area and Magazine B. Historic England consider the visibility of the development in key views would be heightened by the large areas of glazing proposed, many of which are designed to have river views (Landscape Design Report, p.8) and by the proposed wall.

Visibility is an issue in this case because the scheme would introduce a new line of development at odds with the historic character of the earth traverse as undeveloped land designed to contain blast debris.

It is also considered by Historic England that the proposed wall would harm an understanding of the fundamental character of the earth traverse as an area enclosed by a perimeter wall to create a safe ‘dead’ space and to keep the public out. This is because the position of the proposed wall would harm an understanding of the extent of the area historically enclosed by the perimeter wall.

Overall, the harm to designated heritage, including the Upnor Conservation Area and the grade II* listed Magazine B is considered by Historic England towards the upper end of the range of less than substantial harm.

It should also be noted that as part of this scheme there are aspects of the site that are to be refurbished and improved also. This includes the refurbishment of the Bell Tower, located on the peninsular aspect of the site. Currently this feature is in bad condition with rust and deterioration jeopardising the future of the tower. The applicants are in agreement that this will be refurbished and made good to an agreed standard as part of this application. Additional to the Bell Tower, there are lights that once adorned the pillars of the original boundary wall which are also of an unusable and poor condition. These are to be restored and reinstalled at the gate entrance, again to an agreed standard, as part of this application. The restoration of these elements will be secured through the recommended conditions.

Public Benefit

With Historic England objecting to the application due to perceived harm to the significance of the Upnor Conservation Area and the grade II* listed Magazine B, as being located towards the upper end of the range of less than substantial harm, the Public Benefit of the scheme needs to be assessed also. Paragraph 202 of the NPPF States that “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

The Planning Practice Guidance (PPG) outlines that public benefits could be anything that delivers economic, social or environmental objectives as described in paragraph 8 of the NPPF. These have been set out in a supporting planning statement submitted by the applicants which sets out justification against all of these objectives.

Economic benefits include construction investment, direct construction employment, indirect construction employment, economic output, the new house bonus grant, Council Tax generation, resident expenditure and Stamp Duty Land Tax. All of which are set out by the applicant in further detail within the statement that has been submitted.

The Social benefits include the use of this bespoke proposal as a catalyst for regeneration and design, aiding in housing delivery, diversifying the housing mix, creation of a well-designed and beautiful space and encouraging custom building housebuilding to Medway.

Environmental benefits are set out in the climate change section of this report as well as the supporting statement that the applicants have submitted, but in addition includes Biodiversity Net Gain and the use of sustainable materials.

Overall, it is considered that these public benefits can be weighed against the less than substantial harm that this proposal will have on the heritage assets (Upnor Conservation Area and the grade II* listed Magazine B) and the proposal can therefore

be looked at from a balanced perspective, against the potential harm to heritage assets.

The proposal is considered carefully and sensitively designed in relation to the setting of the adjacent Grade II Listed Magazine building or to the Upnor Conservation Area. The proposal takes into consideration Policies BNE1, BNE12 and BNE18 of the Local Plan and paragraphs 174, 195, 199, 200 and 201 of the NPPF. While the comments of Historic England regarding harm are recognised, the harm is less than substantial (albeit at the upper end) and balanced against this are the exceptional quality of the design which has been undertaken as sensitively as possible appreciating and responding to the setting: the delivery of a home and adding to the housing mix in Medway and the considerable environmental gains in raising the bar in Medway regarding energy efficiency and climate change. In this instance it is considered the benefits outweigh the harm.

Amenity

Policy BNE2 of the Local Plan relates to the protection of the amenities of future occupiers of the development and of neighbours in terms of privacy, daylight, sunlight, noise, vibration, heat, smell, airborne emissions. Paragraph 130 of the NPPF requires that development functions well over its lifetime and provides a high standard of amenity for neighbours.

There are two main amenity considerations, firstly the impact of the proposed development on existing neighbours and secondly the living conditions which would be created for potential occupants of the residential part of the development itself.

Existing Neighbouring Properties

There are a number of residential properties that are located in close proximity to the application site. Specifically, the residential units within the Upnor Depot site itself (Castle Reach Row, Castle View House and Castle Point) and Normandie House and Cormorant House on Upnor Road.

It is acknowledged and understood that the proposed house will sit above the existing properties within the depot but will not result in significant overlooking. This is due to the fact that views 'down' from the top of the traverse are restricted and will be screened with foliage. Currently when viewing the area from the application site it is possible to see the rooftops of the Torpedo Sheds (Magazine B building) and the housing, but it is not at all easy to view the outside spaces of the residential properties.

The properties on Upnor Road, whilst in proximity of the property (50m approx.), will not be directly impacted by the proposal as it will not be visible from these dwellings. The access for the proposal, being in Upchat Road is also separate from these dwellings. The depot wall and the public footpath also help to separate these units from the proposal.

Overall, it is considered that existing residents will not be impacted by this proposal, although glimpses of the property will be visible from various views at the traverse. The new development will not result in detrimental harm to existing residents in terms

of loss of privacy, noise, disturbance or overlooking. For these reasons it is considered that the proposal complied with Policy BNE2 of the Local Plan and paragraph 130 of the NPPF when looking at neighbour amenity.

Future Residents

In terms of the amenity of future occupants the proposals meet the Nationally Described Space Standard for internal floorspace and the garden depths meet the Medway Housing Design Standards (MHDS) where applicable. The proposal will provide exceptional internal and external amenity for its prospective residents

The proposal is considered acceptable with regard to the residential development element of the proposal both in considering the impact on existing and future occupiers. The proposal is in accordance with Policy BNE2 of the Local Plan and paragraph 130 of the NPPF.

Highways

The applicants have provided sufficient off-street parking and the access will provide the necessary vision splays. The additional dwelling would not be considered to result in a severe impact to highway function.

It should be noted that the NPPF 2021 has put sustainable development as a central core and Paragraph 112E outlines that development should provide electric charging facilities. An appropriate condition is recommended

No objection is therefore raised on highways grounds and the development is considered to be acceptable in terms of policies T1, T2 and T13 of the adopted Local Plan and paragraph 111 and 112 of NPPF 2021.

Ecology

Paragraph 174 of the NPPF advises decisions should contribute to and enhance the natural and local environment. Protecting and enhancing biodiversity and minimising impacts on and providing net gains for biodiversity is encouraged. Paragraph 180 of the NPPF sets out the principles to follow with regard to biodiversity advising if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impact), adequately mitigate, or, as a last resort, compensated for, then planning permission should be refused.

It is noted that this scheme sits within an area that was proposed to be actively managed for biodiversity as part of the full application for the development of the depot site. If this application is approved then the previously approved management plan could no longer be carried out in the same way. This point has been raised with the applicants who have responded that the approved management plan was only secured for a 5-year period and that period has passed.

Notwithstanding this, the applicant has carried out an Ecological Appraisal and also intends to achieve a minimum of a 10% Biodiversity Net Gain.

Roosting Bats

The report has advised that suitable features for hibernating bats were noted within the WWII air-raid bunkers (B1 and B3). The submitted site plan shows that both B1 and B3 will be impacted by the proposed development and therefore we advise that the recommended bat hibernations surveys are carried out. An appropriate condition is recommended that the survey is and carried out within the next bat hibernation survey season, prior to the commencement of any development, with any recommendations flowing from that survey implemented..

Badgers

The submitted information has detailed that a main badger sett was present within the site, but it was subsequently destroyed and relocated under a Natural England Licence due to damage being caused to the Ordnance Yard Depot.

Biodiversity Net Gain Metric

The proposed development will result in the loss of woodland and Scrub and largely replace the open space with grassland and therefore there is likely to be an overall loss of woodland within the site. A BNG metric should be submitted to help fully understand how much and what habitat is to be lost and what habitat is to be created within the site. An appropriate condition is recommended.

Reptiles

As part of the 2013 planning application slow worms and grass snakes were recorded on site. Therefore, it is possible that reptiles may occasionally be present within the site. An updated survey is not required to be carried out but consideration to the occasional presence of reptiles must be included within a site wide ecological mitigation strategy. An appropriate condition is recommended.

With the use of the above recommended conditions, the proposal is considered in accordance with Policies BNE38 and BNE39 of the Local Plan and paragraphs 174, 179 and 180 of the NPPF.

Contamination

The GES Phase 1 Contamination Risk Assessment report submitted with the application is considered to be in accordance with current guidelines. However, it is noted that this site is on previous military land and as a result of the proposed residential use a watching brief condition is recommended for assurance.

Climate Change and Energy Efficiency

The NPPF identifies that good design “is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities” (paragraph 126). Paragraph 134 in particular refers to great weight being given to outstanding or innovative designs which promote high levels of sustainability.

In planning for climate change, plans should take a proactive approach to mitigate and adapt to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures; in line with the objectives of the Climate Change Act 2008. In order to support this, paragraph 154 of the Framework states that new development should be planned for in ways that:

- a) Avoid increased vulnerability to the range of impacts arising from climate change; and
- b) Can help to reduce greenhouse gas emissions, such as through its location, orientation and design.

All new buildings constructed in the UK must be designed and built to meet or better the requirements of Building Regulations Part L1a (2013) through the adoption of enhanced energy efficiency measures. The Government carried out consultation on changes to Part L (conservation of fuel and power) and Part F (ventilation) of the Building Regulations between October 2019 and February 2020 as part of introducing a Future Homes Standard for new build homes to be future-proofed with low carbon heating and world-leading levels of energy efficiency.

With regards to the above, the following sustainability points are relevant to the development proposal:

- Green living roofs
- Sustainably sourced materials
- Inset SunPower Maxeon PV Panels
- Skylight windows and Sun Lights to maximise solar gain
- Overhang to protect living space from high level sun
- Use of ground source heat pumps
- Underfloor heating
- Mechanical ventilation with Heat Recovery
- Doors and windows with high U Value (thermally efficient)

A SAP Specification report (MWL – March 21) has been submitted as part of this application. These set out the calculations for this property which demonstrate the efficiencies for this proposal.

Again, it is highlighted that this proposal is not only unique in design but also in what it brings in terms of new building techniques and experimentation with materials in the interests of energy efficiency and climate change. Many building techniques that are proposed cannot be found elsewhere and this house would therefore be an exemplar project for demonstrating new build technology and materials.

Any use of concrete is specified carefully to reduce the amount of energy required for its production and will minimise its carbon footprint when constructed on site. As a material so widely used in the UK, recording and documenting how green concrete and hi-tech alternatives can be integrated sustainably into an innovative project will allow this project to set a precedent for future construction across Medway (and indeed the Country), thus influencing the standards of construction across a wider area.

Glazing will be specified to the highest standard, with aspirations to explore the latest in high-tech glass, such as the latest innovative smart glass systems. New tech glass can provide a combined transparent glass which acts as a solar PV panel or heater enabling the windows to generate electricity or replace traditional heating methods. This process further reduces the carbon impact of the home throughout its lifetime by allowing for control of the internal climate all year round, just through the glazing.

The techniques and materials that are proposed with this build would ensure that this property is an example of new build techniques, which result in a passive house. The result of the ideas and solutions that are incorporated here allow for a house that not only is passive, but also combines that with new technological approaches that create a forward-thinking new home.

Conditions are recommended to secure all the proposed measures to address climate change and energy efficiency and to submit a verification report that the agreed measures have been delivered on site. Subject to this the proposal complies with the objectives of the Council's climate change action plan and section 14 of the NPPF.

It is also considered appropriate to condition that prior to commencement the materials and approach to the build are submitted to ensure that this super structure is an example and opportunity to explore techniques that not only are new to the area and to Medway but also to the construction industry. Documenting the process of testing will be vital and verification of all experiments, trials and techniques should be published on completion of the build to best publicise and promote new sustainable build.

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 £275.88 per dwelling (excluding legal and monitoring officer's costs) 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 agreed to pay this tariff and it will be incorporated within the S106. No objection is therefore raised under Paragraphs 180 and 181 of the NPPF and Policies S6 and BNE35 of the Local Plan.

Local Finance Considerations

None.

Conclusions and Reasons for Approval

Overall, it is considered that the proposal does reflect a high standard in architecture and would help to raise standards of design within the Medway area and beyond. This scheme at the ordnance yard will provide a ground-breaking home which will not only raise the bar of design standards in Medway but will use the latest technologies and materials to create a passive house. This home offers an exciting opportunity to push the boundaries of the construction industry and will pave the way for future sustainable construction in the wider area.

The constraints here and the impact on the Upnor Conservation Area have been understood and weighed against the benefits that this proposal offers. Whilst the harm in heritage terms is recognised, it is considered to be less than substantial harm which has been designed to minimise visibility as best possible. Landscaping and landscape maintenance is considered to be important in the acceptability of this proposal and along with ecology measures are to be conditioned to secure going forward.

The proposals are considered to comply with Policies BNE1, BNE2, BNE14, BNE18, BNE21, BNE25, BNE35, H1, T1, T2, and T13 of the Medway Local Plan 2003 and Paragraphs 11, 80, 111, 112, 126, 130, 134, 154, 174, 179, 180, 181 and 194, of the NPPF 2021.

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 and also due to the uniqueness and innovative nature of the proposal which is considered rightly a matter for Committee consideration.

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/>