

**MC/24/0154**

**Date Received:** 24 January 2024  
**Location:** Land at Chatham Docks Industrial Estate South Side, Three Road, Chatham, Medway  
**Proposal:** Outline application with some matters reserved (appearance, landscaping, layout and scale) for demolition and redevelopment of site to provide new waterside business and enterprise campus including access.  
**Applicant** Peel Waters  
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**Agent** P4 Planning Limited  
Bill Davidson  
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Manchester  
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**Ward:** Gillingham North  
**Case Officer:** Hannah Gunner  
**Contact Number:** 01634 331700

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 8th May 2024.**

**Recommendation - Approval with Conditions**

- 1 Approval of the details of the layout, scale and appearance of the buildings and the landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To accord with the terms of the submitted application and to ensure that these details are satisfactory.

- 2 Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted in writing to the Local Planning Authority for approval. Such application for approval shall be made to the Authority before the expiration of five years from the date of this permission and the reserved matters shall be carried out in accordance with the approved details.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

- 3 The development hereby permitted shall take place no later than 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

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

Drawing numbers;  
M23035-A-007 Rev B - Proposed Site Access  
31852-PL-1003 Rev B - Development Parameters Plan

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

- 5 No development shall take place until a scheme based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include (where applicable):

- i. Details of the design of the scheme (in conjunction with the landscaping plan where applicable).
- ii. A timetable for its implementation (including phased implementation).
- iii. Operational maintenance and management plan including access requirements for each sustainable drainage component.
- iv. Proposed arrangements for future adoption by any public body, statutory undertaker or management company.

The development shall be undertaken in accordance with the agreed scheme.

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 168 of NPPF.

- 6 Prior to first occupation of any part of the development (or within an agreed implementation schedule) a signed verification report carried out by a qualified drainage engineer (or equivalent) must be submitted to and approved in writing by the Local Planning Authority to confirm that the agreed surface water system has been constructed as per the agreed scheme and plans. The report shall include details and locations of critical drainage infrastructure (such as inlets, outlets and control structures) including as built drawings, and an operation and maintenance manual for the unadopted parts of the scheme as constructed.

Reason: This condition is sought in accordance with paragraph 168 of the NPPF to ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere.

- 7 No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the Local Planning Authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

The approved CSWMP and shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:

- i. Temporary drainage systems.
- ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses.
- iii. Measures for managing any on or offsite flood risk.

The development shall be undertaken in accordance with the agreed details.

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 168 of NPPF.

- 8 As part of the submission of each of the Reserved Matters applications, a statement of conformity must be submitted for each of the Reserved Matters that sets out compliance with the approved Design Principles Document for Basin3 - Michael Sparks Associates (18.01.2024)

Reason: To ensure a satisfactory external appearance in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 9 In bringing forward the Reserved Matters application relating to landscaping, the Illustrative Landscape and Public Realm Strategy as set out in pages 15-17 of the Design Principles Document and page 41 of the Design and Access Statement shall be adhered to and a statement of conformity shall be submitted as part of the Reserved Matters application.

Reason: To ensure a satisfactory external appearance in accordance with Policy BNE1 of the Medway Local Plan 2003.

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

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

(ii) an assessment of the potential risks to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.
- adjoining land,

- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

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

This must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management document (LCRM)'.

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.

- 11 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: 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.

- 12 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

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

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.

- 13 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 11, and where remediation is necessary a remediation scheme must

be prepared in accordance with the requirements of condition 12, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition 12 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 12.

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.

- 14 Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be 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, wheel cleaning/chassis cleaning facilities, dust control measures, pollution incident control and site contact details in case of complaints.

All construction works on all parts of the development shall thereafter be carried out at all times in accordance with the approved CEMP unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

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

- 15 The development hereby permitted shall not be occupied unless and until a comprehensive Full Travel Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority for the M2). The Full Travel Plan shall be prepared in line with prevailing policy and best practice and shall include as a minimum:

- the identification of targets for trip reduction and modal shift;
- the measures to be implemented to meet these targets including an accessibility strategy to specifically address the needs of residents with limited mobility requirements;
- the timetable/ phasing of the implementation of the Travel Plan measures shall be alongside occupation of the development and its operation thereafter;
- the mechanisms for monitoring and review;
- the mechanisms for reporting;
- the remedial measures to be applied in the event that targets are not met;
- and

- the mechanisms to secure variations to the Travel Plan following monitoring and reviews.

The development shall only be occupied in accordance with the approved Travel Plan which shall remain in perpetuity unless otherwise amended in accordance with a review to be agreed in writing by the Local Planning Authority in conjunction with the Highway Authority.

Reason: In order to minimise the use of the private car and promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (December 2023) and paragraph 40 DfT Circular 01/2022.

- 16 Prior to the commencement of the development hereby permitted a comprehensive Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority for the M2). The plan shall include as a minimum:

- Construction phasing
- Construction routing plans
- Permitted construction traffic arrival and departure times.

Thereafter all construction activity in respect of the development shall be undertaken in full accordance with such approved details unless otherwise approved in writing by the Local Planning Authority in consultation with the Highways Authority.

Reason: To mitigate any adverse impact from the development on the M2 in accordance with DfT Circular 01/2022.

- 17 No development shall take place until such time as an updated Flood Risk Assessment (FRA) has been submitted to, and approved in writing by, the Local Planning Authority. The FRA should specifically consider and update:

1. Any updated finished floor levels taken from the coastal flood model with updated climate change projections.
2. The existing and proposed topographic levels across the site which considers flood resilience of proposed the site and wider development proposals. This should include key infrastructure proposals (e.g. access roads, utilities, etc.) and demonstrate that flood risk to neighbouring development would not be increased e.g. considering flood flow paths across this site.
3. Finished floor levels are to be agreed at the detailed design stage with the Environment Agency. It must be demonstrated that finished floor levels of office accommodation will be set 300 mm above the 200 year return period event with a design horizon of 2100. Updated modelling with this level should be expected later in 2024.

Reason: This condition is required to reduce the risk of flooding to the proposed development and future users. The current Flood Risk assessment and drainage strategy (Reference - C1688-20230159 Version Rev B)

acknowledges the current uncertainty regarding the options for safe access and egress requirements for this application, which are dependent on future development proposals into Northside Three. Although satisfied at this stage that the proposed development could be allowed in principle, the applicant will need to provide further information at detailed application stage to ensure that the proposed development can go ahead without posing an unacceptable flood risk.

- 18 Prior to the occupation of any phase or sub-phase of the development hereby permitted, details of historical interpretation boards to be incorporated within the development shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include location, design, dimensions and materials of the interpretation boards. The approved items shall be installed prior to the first occupation of the phase or sub-phase of the development. The approved interpretation boards shall thereafter be retained.

Reason: To ensure a satisfactory visual appearance in accordance with policy BNE1 of the Medway Local Plan 2003.

- 19 Applications for the approval of reserved matters in relation to layout for a phase or sub-phase, shall show land reserved for parking in accordance with the adopted Parking Standards.

None of the buildings within that phase or sub phase shall be occupied until this area has been provided, surfaced and drained in accordance with the approved details. Thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to the reserved vehicle parking area.

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 Policies T1 and T13 of the Medway Local Plan 2003.

- 20 Full noise surveys for each phase or sub phase shall be submitted as part of the reserved matters applications for that phase or sub phase.

Reason: To ensure that noise associated with the development is controlled and remains at an acceptable level in terms of impact on neighbouring uses.

- 21 No phase or sub phase shall be occupied until details of cycle and refuse storage facilities for that phase or sub phase have been submitted to and approved in writing by the Local Planning Authority. The cycle and refuse storage facilities shall be provided in accordance with the approved details prior to the occupation of the relevant phase.

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

22 No development above ground floor slab level within each phase or sub phase shall commence until details for the provision of the following mitigation measures for that phase or sub phase have been submitted to and approved in writing by the Local Planning Authority:

- Appropriate and agreed number of Electric Vehicle charge points per commercial/industrial unit.

The mitigation measures set out in the approved details shall be implemented prior to the first occupation of that phase and thereafter be retained.

Reason: In the interests of sustainability in accordance with paragraph 112E of NPPF 2021

23 No building shall be occupied within a phase or sub-phase until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment for each building shall be completed in accordance with the approved details before that building is occupied and shall thereafter be retained.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

24 Applications for the approval of reserved matters in relation a phase or sub-phase shall be accompanied by a Climate Change and Energy Efficiency Statement. These details shall outline the measures the development would incorporate to address climate change. The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within Section 8 of the approved Design and Access statement. The development shall not be occupied within a phase or sub-phase until a verification report prepared by a suitably qualified professional has been carried out to demonstrate compliance.

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

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

## **Proposal**

The proposals will result in the redevelopment of part of the existing Chatham Docks Industrial Estate on an area extending to 7.6ha. This site is now to be known as Basin 3. This comprises the land to the north of Pier Road sandwiched between the University of Kent (Medway Campus) and University of Greenwich to the south,



residential development at Colonial Wharf to the west, existing dock basin to the north and the Waterfront UTC and residential development at Chatham Waters to the east.

As the application is outline, the occupiers are not yet known, but the illustrative designs propose a range of high-quality flexible units to meet demand for industrial/ logistical and research and development space and to create significant employment and training opportunities. This outline application is supported by parameter plans and design principles document incorporating illustrative material to demonstrate how the site could come forward for development. The parameter plan identifies the proposed development zone and determines the maximum height within it.

All matters other than access are to be reserved for consideration at a later date. This application will establish the principle acceptability of the scheme. Effectively, seeking consent for demolition of existing buildings, the parameters plan, and agreement to building and access road levels. If approved, the development will be subject of subsequent reserved matters submissions, that will confirm the details (such as scale, appearance and layout).

The site is accessed from Pier Road to the east, an access point that is shared with other development at Chatham Waters and the wider industrial estate. It currently accommodates industrial and warehouse buildings and open yard space.

A main internal site estate road along the southern edge of the basin following the route of the existing South Side Three Road is proposed to provide access to the site via the junction from Pier Road. The road will also continue to the boundary with Barrack Road to maintain access to the northern part of Chatham Docks industrial estate.

## **Relevant Planning History**

**MC/23/2603** Town and Country Planning Act (Environmental Impact Assessment) (England and Wales) Regulations 2017 (as amended) request for a screening opinion for proposed redevelopment to provide new waterside business and enterprise campus, pedestrian and cycle links, landscaping and access.

**Decision:** EIA not required

**Date:** 12 December 2023

## **Representations**

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

National Highways, The Marine Management Organisation, The Chatham Maritime Trust, The Environment Agency, Active Travel England, Kent Police, KCC Archaeology, KCC Biodiversity, the King Charles III England Coast Path National Trail and Southern Water have also been consulted.

**171 letters** of representation have been received with the following concerns:

- Work at ArcelorMittal and do not want to relocate as the job is local to where they live.
- This would result in 800+ skilled jobs being lost.
- Lock gate repair costs are disputed.
- Closing the docks will escalate emissions as more road transport will occur.
- Docks are important to local history.
- The existing docks provide significant economic activity providing local, regional and national benefits.
- The new proposals do not warrant a waterside location.

1 of the objections is from the current occupiers themselves, being **ArcelorMittal**. Their objection included the following:

- Throughout the Planning Application Material, there is continual reference to the Docks closing in 2025. This is not true. This is just what the developer wishes to happen so that they can shut down the Docks and re-develop the land for residential-led development as part of their wider Masterplan.
- If the docks are to close ArcelorMittal would either close or relocate abroad
- Previous estimates on the economic impact of the existing Chatham Docks in 2020 found that:
  - The Docks currently employ over 800 people – many of whom are local.
  - There are also existing jobs in the supply chains.
  - Overall, there are over 2,000 jobs dependent on the Docks operating today.
- The potential for the Docks to expand in a way that is complementary to its existing uses is not acknowledged.
- The existing activities at the Docks play a key role in sectors that underpin the economy in Medway, such as manufacturing, construction, transport and logistics. These sectors are all identified as key to the Medway economy in the Local Skills Improvement Plan and various policy and strategy documents and are areas that the Medway economy specialise in relative to the national average.
- Existing Chatham Docks businesses handle approximately 600Kt of materials each year and utilise 170 vessels. For this activity to be replicated on the road, it would need approximately 13,000 lorry trips, at a significant environmental cost to residents.
- The proposed types of land use that make up the Peel Outline Application do not require a 'unique waterfront setting' or to be 'waterside' to operate and can be located elsewhere.
- It is poor Town Planning to proposed new development at the cost of existing, thriving employment generating land-uses.
- The Docks provide the only commercial non-tidal berth on the whole of the Medway, upstream of the Isle of Grain. The work at the Docks relies upon the specific dockside location behind Lock Gates.
- Peel stated at its consultation events that continued operation of Chatham Docks was unviable given the cost to repair the lock gates to Basin3 was around £30 million. This assertion has been challenged and whatever the cost, these

repairs could easily be met if new leases were granted to the principal tenants at Chatham Docks.

- The existing employment in Chatham Docks is far higher than is inaccurately stated in this Application.
- The Council should provide appropriate consideration to the comparison of actual real-life jobs that exist on the premises now, against claimed high level estimates of jobs that might be supported by an Outline Planning Application.
- The businesses at Chatham Docks have developed a high functioning ecosystem of education through to employment, with strong connections to the local higher and further education institutions nearby. The most recent assessment identified 16 apprenticeships working at Chatham Docks. This is equivalent to 20 apprenticeship positions for every 1000 jobs at Chatham Docks, which is higher than the Medway average where there is around 9 apprenticeship jobs for every 1,000 workers.

**St Mary's Island Residents Association** have objected to the application re-iterating much of the objections set out by Arcellor Mittal

**National Highways** have stated that they are concerned with proposals that have the potential to impact on the safe and efficient operation of the Strategic Road Network (SRN), in this case particularly within the vicinity of the M2.

Having examined the additional Technical Note which the applicants submitted during the application process, alongside the original information submitted in support of the application, National Highways (NH) have concluded that impacts on the SRN are immaterial and no assessment is required.

In order to ensure the sustainability of the site, NH have recommended a condition for a detailed Travel Plan to be prepared, approved and implemented.

Additionally, NH envisage the SRN being a likely route for construction traffic and have also therefore recommended a condition for a Construction Traffic management Plan be attached to any planning consent granted at the site.

Accordingly, National Highways are content that the proposal, if permitted, would not have an unacceptable impact on the safety, reliability, and/or operational efficiency of the Strategic Road Network in the vicinity of the site (M2) provided that the recommended conditions are imposed, reflecting DfT Circular 01/2022 and DLUHC NPPF 2023 paras. 114-117.

The **Marine Management Organisation (MMO)** have stated that it may be necessary to acquire a licence separately from the MMO.

**Southern Water** have made no objections but have stated that the application will be required to connect to the public sewer.

**The Chatham Maritime Trust (CMT)** made a number of observations:

- Need for an EIA?
- Does the application pre-judge the Local Plan?

- Concern regarding implications for eco system in Basin 2.
- Legal obligations on Peel to manage water quality.

**Peel Land and Property** have responded to CMT comments that the application is for modern employment development that would in due course replace existing industrial uses on the land to the south of the basin. The proposed development will not affect the water body of Basin 2 or 3 and any potential for accidental spillage etc, would be covered by planning conditions through a CEMP. The applicant's flood and drainage consultant (SGi Consulting) has prepared a technical response to the points made by CMT on surface drainage runoff rates. Notwithstanding the technical response provided, the comments from CMT in relation to water quality are not relevant, either in relation to the planning application or more generally.

**The Environment Agency** have no objection to the proposed development subject to the imposition of conditions being included in any consent relating to flood risk, groundwater and contaminated land.

**Active Travel England** have responded with their standing advice. This generally relates to details that should be considered and incorporated at the reserved matters stage.

**Kent Police** have commented that the Designing Out Crime Officers (DOCO's) should be consulted to address CPTED and incorporate Secured by Design as appropriate at a Reserved Matters stage. It is also noted that site security during construction is required. There is a duty for the contractor to take reasonable steps to prevent access by unauthorised persons under the Construction (Design and Management) Regulations 2007.

**The King Charles III England Coast Path National Trail** have commented on the application stating that when it is completed, the KCIIIIECP will provide a continuous walking route around the coastline of England and become the longest managed coastal walking route in the world (approximately 2700miles). The trail is a national asset that brings health and wellbeing benefits, in addition to boosting local economies. The KCIIIIECP should therefore be taken into consideration when assessing the impacts of the proposed development.

The proposed development at Chatham Docks provides a unique opportunity to improve the character and alignment of the KCIIIIECP, as the trail currently passes along the A289/Pier Road. The trail could potentially be re-aligned along the proposed new waterfront access, providing off-road, traffic free access for path users.

No objection is therefore raised to this proposed development. However, if planning permission is granted, it is requested that the applicant applies for a Variation Report to officially divert the KCIIIIECP along the proposed waterfront access and conditions are recommended to that effect.

## **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 (December) 2023 (NPPF) and are considered to conform.

## **Planning Appraisal**

### *Background*

Chatham Docks, for which the application site forms part of, has operated as a commercial port since 1985, before which it formed part of the far larger naval dockyard which the government closed in 1984. Being a naval legacy site, the infrastructure is old and requires considerable maintenance.

Since circa 2008, Chatham Docks has been flagged for regeneration and redevelopment in various calls for sites consultations. In 2013, Peel L&P was granted outline planning permission [ref MC/11/2756] for Chatham Waters, a residential led mixed use development on a 14.6 Ha site on the eastern side of Basin 3.

The Chatham Waters permission enabled a £7m investment to refurbish the historic lock gates to keep them operational until the wider leases ended after 2025. It also funded significant new road infrastructure that was designed with capacity to accommodate development across the whole docks site and additional flood defences.

Chatham Waters is still being developed and has so far delivered a 6,500m<sup>2</sup> Asda Superstore; a 5,500m<sup>2</sup> University Technical College, a Marston's pub/restaurant, further retail space alongside 391 homes for open market sale and rent; 200 Affordable homes and has detailed permission for retirement accommodation and 1.6Ha of new public realm including waterfront promenade and parkland.

### *Site description and surrounding area*

The current site is occupied by large scale industrial buildings and open storage predominantly. There are 5 significant sized buildings currently located here along with a series of smaller structures and make up two businesses (ArcelorMittal and Aggregate Industries Cementitious Materials).

The site is currently in heavy industrial use and is not accessible to the public in any way. There is a wide variety and mix of uses within the immediate area that results in a varied and diverse area which includes residential, education, employment, commercial and leisure.

### *Principle*

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. 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 proposal is for an outline application with some reserved matters (appearance, layout, scale and landscaping) for demolition and redevelopment of site to provide new waterside business and enterprise campus including access.

The application site forms part of the existing Chatham Docks Industrial Estate, which is referred to as Chatham Port in the adopted Medway Local Plan (2003). Chatham Port is identified as an existing employment area with a primary focus for use classes B2 (general industry) and B8 (storage and distribution) and port related uses through Policy ED9.

Policy ED1 of the adopted Local Plan states in summary:

In Chatham Port employment area development will be permitted only for General Industry (class B2) and Storage and Distribution (class B8)

It is considered that this proposal will ensure that this site remains as employment use however it will allow for more flexible interpretation of employment use when compared to the current restrictions as set out within the 2003 Local Plan Policy ED1. The proposal remains in broad accordance with this policy where general industrial (class B2) and storage and distribution (class B8) will be supported.

The new waterfront development will create modern and flexible employment floorspace of up to 31,000m<sup>2</sup> within use classes B2, B8 and E(g) as supported by Policy ED1. The flexibility of use classes is thought to be crucial here because it will help attract businesses from a wider pool of sectors including high-tech, creative media, medical technology, marine and other council growth sectors. The flexibility will also enable the Basin3 campus to come forward via reserved matters applications in stages to meet market demand and help address the council's future employment needs.

Policy ED9 specific to Chatham Port states that Port related development and an expansion of the commercial port of Chatham will be permitted.

The proposed redevelopment of an employment area with more modern buildings and flexible space for employment purposes is not unusual and would not conflict with Policy ED1. Similarly, while Policy ED9 does not protect the site solely for port related development, just that it will be permitted, the proposed redevelopment does not rule out port related uses as this is an outline application. Indeed, one of the current occupiers has made public its proposals for an employment redevelopment of the entire docks site. Linked to this is the fact that based on an independent report in 2022 of the 22 businesses in the industrial estate, 14 were not related to the operation of the Port.

The principle of the proposed development accords with the adopted policy.

## **Economic**

The value of the existing businesses in the industrial area is recognised. Their importance in terms of employment and the national and local economy is accepted – albeit that the independent report does not accept the figures set out by one of the

current businesses in terms of existing job numbers on site. The independent report sets out that all the 14 non port related businesses could be relocated elsewhere on available employment land in Medway. In terms of the 8 port related businesses, while there are opportunities in Medway at sites like Thamesport at Grain, there are also other available sites outside but in close proximity to Medway.

As stated, it is not unusual to see employment areas redevelopment and upgraded. Development of this part of Chatham Docks could provide economic benefits by supporting a transition away from the existing heavy industrial uses on site to attract inward investment, creating new employment opportunities in high-value sectors. Job opportunities would be created for local residents including graduates from nearby higher and further education institutions. This would support skills development and retain local talent.

Relocation of existing tenants is noted as a key consideration within this process.

The proposed development will regenerate and transform the area, deliver new high-quality employment space and attract businesses that will help create many additional jobs, all of which contribute positively to the local economy. Therefore, the proposals are in accordance with Policy S1 of the Development Plan.

The proposed development is in broad accordance with Policy ED1 of the adopted Medway Local Plan (2003) which identifies Chatham Port as an existing employment area where general industrial (class B2) and storage and distribution (class B8) will be supported.

The 2020 Employment Needs Assessment which considered whether sufficient provision is made in order to protect Medway's employment sites, identified a continued and increasing (+5%) need for office floorspace (as well as additional industrial (B1b/c,B2) floorspace in Medway up to 2040.

The brief makes reference to provide flexibility for a number of different layouts, this will depend on market demand and occupier requirements. Noting that this is at outline application stage, in due course economic evidence of need for the particular floorspace mix suggested would be sought, with scenarios tested of potential mixes of these uses and demonstration of a correlation between supply and demand of/for such uses in this location.

There are links between high added value sectors and the Universities in Medway which this proposal supports, which are immediately adjacent to the site with already physical links across the road as well as links to other innovative projects in Medway which would be useful such as Innovation Studios Medway and The Docking Station for example. Furthermore, Medway's Cultural Strategy seeks the expansion of the cultural sector including creative industries which this proposal should tie in with.

## **Social**

The proposed development will transform this waterfront site and open up public access, by combining workspace with the creation of an extensive area of new public realm providing amenity to workers, local residents and visitors. More importantly

creating a vital new public link between Colonial Wharf and the existing and forthcoming urban areas to the south east and south west, dramatically improving sustainability and the attractiveness of routes for pedestrians and cyclists (both for leisure and employment as well as access to other facilities), while increasing the potential for further connectivity into Gillingham with potential knock on social regeneration of those areas.

Overall, the proposed development will transform this waterfront site and continue with the regeneration of the application site ensuring the delivery of employment opportunities designed to help meet future requirements and, as such, the principle of development is acceptable and in accordance with Policies S1 and ED1 of the Development Plan.

### *Design*

Local Plan Policy BNE1 'General Principles for Built Development' requires the design of development to be appropriate in relation to the character, appearance and functioning of the built and natural environment. The Government attaches great importance to the design of the built environment. Paragraph 135 is key to the achieving well designed places.

This application is for outline consent only however, so the details of the design have not been set out at this stage as this will come forward as a reserved matter.

Despite this being the case, a Design Principles Document has been submitted as part of this application.

The Design Principles are key to securing high quality development and shaping the way in which the Application Site develops. The principles build upon the Design and Access Statement and will be conditioned to ensure reserved matters applications are brought forward in conformity with the Principles.

The main principles that have been set out within this document relate to:

- Providing a mix of unit/building sizes to cater for a range of potential occupiers.
- Units/terraces orientated north/south and where possible separated by service yards to create a visual permeability through the site from the south towards the water basin.
- Buildings set back from the basin's edge and with north facing offices fronting the basin to create a continuous active frontage to a new linear landscaped public realm along the waterfront edge.
- Providing connectivity across the site from east to west with segregated movement strategy for pedestrians/cyclists and vehicles.
- Landscape buffer to provide screening and separation between service yards / car parking and public realm and where possible, inward facing service yards to conceal operational yards.

The form of the buildings should be centred around 5 principles, being functionality, standards, access, movement and resilience.



Functionality – to provide buildings that will meet long term needs of occupiers.

Standards – to meet standards of safety, accessibility, energy efficiency and institutional standards.

Access – Providing safe and effective access points into the different building plots from the access road. Allowing segregation of movement between cars, service vehicles, cyclists and pedestrians.

Movement – providing legible movement strategy aiding wayfinding.

Resilience – Ensuring robust flood defence to the site.

In terms of the scale and massing of the buildings, this application sets parameters, which can accommodate flexibility with forthcoming occupiers. The range in building heights is envisaged to be between 12m with a maximum height of 21.5m to ridge height for the largest units.

The Design Principles Document also sets out that the buildings should incorporate vertical and horizontal panes and banding of cladding colours/profiles to break down the scale of operational volumes as well as looking at the possibility of the office elements to units possibly being projecting elements attached to the main building, which may help to step down the scale of buildings from the operational volumes down to the pedestrian scaled public realm. Using louvres, flat cladding panels and glazing would create a dynamic and active office elevation along the entire length of Basin 3.

The document goes on to say that offices should be more distinctive when compared to the 'operational' areas and have dynamic architectural forms and use of materials and detailing, such as glazing, cladding panels, brise soleil fins and well-crafted junction and material transition detailing.

Roof top plant should be set back from the façades and screened by louvred panels or parapets if required.

In general, the design principles should:

- look to create active public elevations to the building at the entrance of the site.
- building at the entrance of the site should have prominence and branding to create an immediate sense of place and identity.
- create prominence at corners with potential for double height office entrance.

The emphasis is on modern, contemporary design, using robust materials which will have longevity on site. There should be a consistent palette of neutral colours across the whole site, using horizontal banding or bay detailing to reduce mass.

Overall, the design of the proposals are not fixed and are to be determined at Reserved Matters stage, however the Design Principles Document is considered to be a good structure for forthcoming applications and should be conditioned so that any Reserved Matters coming forward adhere to this document. The application is considered to comply with Policy BNE1 of the Local Plan and paragraphs 131 and 135 of the NPPF, subject to this condition.

## *Landscape*

This application falls within an area currently designated as an existing employment area. Given that this is the case and that the site is occupied currently by a large scale steel producer it is of no surprise that landscaping is currently not a feature at this site. The only existing greenery or planting on site currently is in the form of limited planting along the southern boundary with Pier Road. This is not considered to be significant in any way and doesn't provide any landscape relief or benefit to the site.

An illustrative landscape and public realm strategy details the design objective which seeks to create a series of new publicly accessible routes through the site which will provide permeability and connectivity across this side of the Basin 3 for the first time ever.

The main objective with the landscaping is to create a series of new publicly accessible routes which will provide permeability and connectivity across the site.

The Basin 3 illustrative landscape proposal follows a series of clear principles which are applied across the site:

- Street trees alongside main vehicle and pedestrian/cycle route.
- Creating clear views across the landscape and towards the water.
- Screening the commercial units when the site is viewed from distance.
- A dedicated pedestrian promenade along the waterfront connecting the two adjacent residential developments at either end of the site.
- Pockets of play and pause between planting beds to create a continuous buffer between the promenade and dedicated cycle route.
- A cycleway running along the entire waterfront connecting to existing cycleways to the east and west.

The main area of proposed landscaping is to the south of the waterfront and has been designed with the potential to create a new basin edge active public realm. The promenade along the waterfront would be a pedestrian and cycle only space, remaining distinct and shielded from the road servicing the commercial units with vegetation and a change in elevation. Several crossings would be incorporated into the landscape ribbon and allow easy access between the waterfront and the commercial units.

Street trees will shield the units from users of the basin as well as emphasising the importance of the spine road as the key access for vehicles into the site.

To the east the landscape would blend into the existing road access and waterfront spaces of the neighbouring Chatham Waters development. To the northwest of the site is a multimodal junction which allows for vehicles, cyclists, and pedestrians to continue their journeys whilst being allowed their own suitable spaces. Seating areas would be created along the entire water frontage and around the junction in the northwest. This would be accompanied by play on the way situated within the new trees and planting alongside the footpath.

To the west, the site sits adjacent to the new Colonial Wharf housing development and small residential park. Large areas of soft landscape make up much of this area with the space opening towards the westernmost access onto Pier Road and allowing for a potential cycle route connection into the site. New tree planting and native meadows could provide space for wildlife on site as well as screen the westernmost units to the adjacent development. Throughout the commercial areas tree planting and planting beds would be created to break up the areas of hard standing, these could be used as part of a SuDS system as well as softening and screening views to the units.

The submitted landscape strategy proposes a significant public realm installation for the junction to Barrack Road, providing pedestrian / cycle continuity and connection to water frontage along Basin 2 and additional site permeability and access to Pier Road along the site's western boundary. The design continues the format and principles of the waterfront promenade with:

- Paved pedestrian and cycle routes and crossings.
- Treelined street verges.
- Seating and play street furniture.
- Raised planter beds with street trees and native shrubs.

Throughout the site, tree planting, native shrubs and meadows should be used to increase the biodiversity of the site and improve the environment and enjoyment of the space by all users.

It is noted that again, as with the overall design of the scheme, this is an outline application so final landscaping details are to be agreed through a Reserved Matters application, however it is important to understand that a landscape strategy is envisaged here and that the result of this development will be that an area previously inaccessible and hard surfaced will be opened up to the public and landscaped and be available for public enjoyment. An appropriate condition is recommended to ensure that the landscape strategy is used for the Reserved Matters submissions.

### *Boundary Treatment and Security*

Consideration should be given to providing safe and convenient access for all users of the site. This should incorporate the following aspects coming forward as part of each Reserved Matters application:

- Security Fencing: Boundary protection around service yards should be 2.4-3m high palisade fencing.
- Access and Movement: Pedestrian routes should be well defined with easy to recognise entrances.
- Natural Surveillance and Lighting: Natural surveillance should be a key factor in the overall design of the site. Offices, where possible should overlook car parking and public realm.
- The existing brick dock wall to the Pier Road boundary will define and secure the site's southern boundary.

Overall, it is considered that landscaping here is to be a significant positive improvement at this site when comparing it to the existing harsh industrial use on site.

The proposed public open spaces will positively contribute to better connected, wider scale improvements to Medway connecting places and encouraging visitors. This being the case, it is considered that subject to appropriate conditions this application is compliant with Policy BNE6 of the Local Plan and paragraphs 96, 104 and 136 of the NPPF.

### *Heritage*

The proposed development is located within the Victorian-era extension of the Chatham Royal Navy Dockyard, but historically formed part of St Mary's Marsh.

Whilst the site lies within an employment area it lies close to the Pembroke Conservation Area and therefore it is appropriate to consider the application against Policy BNE12 of the Local Plan. It is also appropriate to understand the non-designated heritage and general historic importance of this site.

Prior to the extension of the Dockyard onto St Mary's Marsh from 1863, the site was used as part of the defences of the Dockyard, including the end section of the Brompton Lines and the earlier Gillingham Fort slightly further east. There was also a swimming pool within the site constructed in the 19th century but has since been lost.

Due to the site covering part of the Brompton Lines there is the potential for nationally important archaeology.

Since the closure of the Royal Navy Dockyard in 1984, the site has largely been in commercial and wharf use until more recent redevelopment works have commenced. This reuse and redevelopment has led to the loss of several historic buildings constructed during its earlier Navy period, and map regression shows that there are likely to be limited remaining Navy-era buildings (if any) within the proposed development site.

There are however an abundance of features from this period that formed part of the infrastructure of the Royal Navy Dockyard, such as the basins themselves, landing steps, mooring points, railway tracks and a Stothert and Pitt model DD2 crane. The crane (along with the other historic cranes nearby form important landmarks within the area. Similar DD2 cranes at Victoria Dock in London have been Grade II Listed.

### TVIA and Heritage Impact Assessment

Some of the viewpoints within the TVIA have been taken from within the Pembroke Conservation Area. These views are considered useful to gain a relatively short-distance view of the proposed development site.

Positive contributions to setting of the Conservation Area when facing north from Central Avenue are derived from the Listed Buildings and the Parade Ground, with the Site and existing warehouses providing a backdrop of poor quality, modern warehousing which provides at most, a neutral contribution to setting. The impact on this neutral contribution by replacing the warehousing with other modern structures will not reduce the ability to appreciate the significance of the Conservation Area or any of the Listed Buildings contained within. The proposals will not restrict any wider

views of the docks which contribute to the setting of the Conservation Area or Listed Buildings within it more than the existing structures within the Site. The overall impact has been assessed to be Negligible, resulting in a Neutral significance of effect.

It was requested that an assessment from a location on North Side Three Road be made, however it has been confirmed that it is not possible as the area in question is a working dockyard, not accessible to the public and not accessible at the time of survey. Assessments were made from two locations which were publicly accessible. One from north of North Side Three Road and Barrack Road, directly north of the Site, and one from adjacent to the Chatham Waters development on the east side of the basin, north-east of the Site. Neither of these locations were taken forward for assessment within the HIA as no designated heritage assets, including any part of the Pembroke Conservation Area, were deemed to be appreciable from either.

The existing warehousing within the Site does not contribute positively to the setting of the Pembroke Conservation Area from any viewpoint. The introduction of new warehousing which in some areas is of increased height than the existing, though in some areas will create a reduction in height due to the spacing of the structures, is not expected to result in an impact to the setting of the Conservation Area more than Negligible. The additional height of the proposed buildings can be assumed from the white gantry crane which is visible behind the current warehousing. The change in views from the additional height of approximately 5m at these specific locations, as well as the additional viewpoints assessed in this response, is not expected to result in an impact more than Minor Negative, resulting in a Slight significance of effect.

There is no intervisibility with the Site from the majority of the Conservation Area, therefore there will be no impact at these locations resulting in a Neutral significance of effect. There are not currently any views from the highest point within the Conservation Area on Central Avenue towards the docks and this will remain the case in some viewpoints, but in other locations along Central Avenue, views towards the docks may be improved by the spacing between the proposed warehousing, potentially resulting in a slight beneficial effect at specific points. In balance, it is expected that the proposals will result in a Neutral effect on setting on the Conservation Area as a whole.

A condition is recommended to secure the submission of a Heritage Interpretation Strategy and to be implemented at agreed stages of the development.

Overall, it is considered that the proposal takes account of its proximity to the Pembroke Conservation Area and will provide enhancement opportunities within the site itself to promote the Dockyard heritage for the general public. The Reserved Matters coming forward should demonstrate intervisibility and opportunities for views through the site. As a result the application is considered to comply with Policy BNE12 of the Local Plan and Paragraphs 200, 201 and 203 of the NPPF.

### *Highways and Access*

Access to the site is to be retained as existing from South Side Three Road. This is accessed via the Gillingham Gate junction.

Whilst vehicular access to the site does not alter as a result of this application it should be noted that this element of the proposal is a detailed aspect of the application and is not a reserved matter for a later date.

This has been carefully considered in terms of the improvements undertaken at the junction as part of the Chatham Waters development and also the movements associated with existing uses. National Highways have also commented in terms of potential impact on the Strategic Road Network and have not raised objection. It is considered that the existing junction and access are appropriate to serve the development proposed without causing unacceptable impact to highway safety or network capacity.

## Roads

A main internal site estate road along the southern edge of the basin following the route of the existing South Side Three Road is proposed to provide access to the site via the junction from Pier Road. The road will also continue to the boundary with Barrack Road to maintain access to the northern part of Chatham Docks industrial estate.

This road is to be constructed to Medway Council's adoptable standards and will have a minimum surface level to provide robust new flood defences to the development.

Based on the current illustrative layouts, the main estate road would serve an internal network of estate roads to service each of the new buildings and their individual car parks and service yards. Where small unit terraces are proposed, the internal estate road is likely to serve all units on either side of the terrace. In these instances, operational vehicles would use the estate road to manoeuvre into loading bays.

## Car Parking

The Design and Access Statement submitted as part of this application states that staff and visitor parking will be allocated for each building and where possible, located in proximity of the main entrance to each building. Parking ratios will take into account a number of factors such as occupier specific requirements, optimising land use, employment density, public transport accessibility and shift patterns.

For each unit, car parking should include accessible parking spaces in accordance with local planning policy requirements and positioned within close proximity of the office entrance. An electric vehicle charging strategy will be implemented providing active and passive electric car charging spaces across the development. This may include van electric charging spaces within the service yard areas.

Car parking surfaces may have alternative finishes and include landscape breaks to differentiate between service yard/parking/road and to create a hierarchy of external spaces.

Where possible, parking areas should seek to accommodate landscape breaks along their length. Appropriate landscaping should also be considered to partially screen service yards from the waterfront public realm.

Appropriate conditions regarding detail about EVCPs and layout for each unit will be recommended and will come forward within the detailed reserved matters applications.

### Yards

Larger units are likely to require 25-50m deep external service yards, secured by fences where size and tenant requirement dictate. Service yards provide spaces for level access and loading docks. On the largest units, where proposed, the service areas allow enough space for HGV parking and on-site vehicle manoeuvring.

Small and mid-sized units are likely to be located towards the eastern end of the site. Service yards and parking would be directly in front of each unit which will allow for a range of operational vehicles.

Refuse/recycle bin stores would be located within the service yard areas.

### Cycle/bin stores

Again, the submitted Design and Access Statement states that communal covered roofed cycle and bin stores will be located for access to all units and will have to be designed into the detailed reserved matters stage. External MEP plant equipment should be housed in clad structures where enclosed service yards are not provided.

### *Contamination*

The Phase I Geoenvironmental Site Assessment C1688/EAJ/DOR/jt/20230183 Version 3 January 2024 by Shepherd Gilmour is in line with current guidance and, based on the initial conceptual site model, does recommend that a detailed Phase II intrusive Geoenvironmental Ground Investigation should be undertaken in order to confirm the findings of the initial conceptual site model. It is therefore recommended that a land contamination condition be attached to a permission.

### *Air quality*

An emissions mitigation assessment (in the form of a damage costs calculation) has not been undertaken. Whilst the application is outline, there is sufficient information to allow the calculation of damage costs (using the traffic data), which would then form the basis of a condition for submission of a mitigation scheme. The calculation needs to be included in the air quality assessment and follow the approach in the Council's latest version of the Air Quality Planning Guidance.

The air quality assessment predicts very small increases in pollutant concentrations with the development in operation. Given the conservative nature of the assessment there is likely to be an over-prediction of air quality impacts and therefore the Council is satisfied that the development should not have a significant impact. It is therefore appropriate to condition an air quality mitigation scheme.

### *Noise and impact on neighbouring uses*

The development site is near to noise sensitive residential dwellings which could be impacted during both construction and operation. In this respect complaints are already received in relation to existing operations and impact on residential amenity both in terms of properties in St Mary's Island and the newer development on the former colonial site.

The western edge of the site is directly adjacent to the Colonial Wharf development. At the eastern end are new residential properties at The Kell and X1 Chatham Waters. To the north are residential properties across the basin on St. Mary's Island. There is also the university campus on the other side of Pier Road (which is less likely to be impacted by noise).

The Waterfront UTC may also be classed as a noise sensitive location. The noise assessment does not appear to have considered impacts on the UTC.

The extent to which noise affects nearby residential properties will not only depend on the onsite operations of the specific occupiers of the individual units, but also offsite in terms of vehicle movements on the access road and other road links.

Impacts are more likely at night when road traffic noise levels from Pier Road are much lower. Indeed, there is some history of noise complaints associated with the various industrial/commercial uses in the area.

The current use of the site is known to be a significant source of noise, and therefore, so long as suitable controls/conditions are included on any permission controlling for example noise levels, hours of operation etc then noise impacts can be avoided, with an opportunity to improve the acoustic environment for nearby sensitive locations.

The noise survey underpinning the assessment includes a good coverage of locations, including both attended and unattended surveys. These sites should be sufficient to characterise the current acoustic environment in the area in combination with assessments undertaken for adjacent developments.

Whilst the assessment has considered offsite changes to road traffic noise levels, this has not specifically looked at noise associated with vehicle movements on the access, particularly at the very western end of the site near to Colonial Wharf. Vehicles, particularly HGVs, arriving and departing from Unit 7 that do not benefit from any current or planned screening (such as an acoustic fence) should probably be considered further.

The BS4142 assessment has a relatively limited scope (unloading of delivery vehicles by fork lift trucks) and therefore is still a great deal of uncertainty in the respect of cumulative noise levels from all on site sources, which can include mechanical plant, noise breakout through the fabric of buildings etc. Because of this uncertainty it will be necessary to ensure that appropriate noise limits are imposed on any permission, whilst at the same time recognising that the noise mitigation required for the developments nearby is important context. In line with the guidance in BS4142 and



the established commercial/industrial uses in the area, a noise rating level equivalent to the existing background noise level is probably appropriate.

It is noted that the assessment has only considered one delivery operation on site, whilst several HGV loading bays are indicated on the site plans. If two or more operations are carried out simultaneously this will increase noise levels by approximately 3dB for every doubling of sources/operations. Other factors that do not appear to have been considered include noise from HGV arrivals/departures, turning and reversing alarms.

Full noise surveys can be requested via condition for each of the reserved matters applications coming forward to ensure that noise associated with the development is controlled and remains at an acceptable level in terms of impact on neighbouring uses.

### *Biodiversity Net Gain*

The statutory Biodiversity Metric was released on 29th November 2023 and uses habitat features as a proxy measure for capturing the value and importance of nature. It uses calculations to assess the importance of each habitat based on its size, ecological condition and location.

A total of 0.35 baseline habitat units and 0.50 hedgerow units are present pre-development. The parameters plan submitted for approval introduces new areas for landscaping within which the required 10% biodiversity net gain will easily be achieved for the proposed development.

The targeted conditions for proposed habitats will be achieved through appropriate management undertaken during the operational phase of the proposals. This will ensure that the proposed habitats continue to offer biodiversity benefit in the future.

The calculation indicates that a net gain in biodiversity in excess of 10% can be easily achieved under the current development proposals albeit, as landscaping is a reserved matter, the calculation does not necessarily represent the final figure for the development. As such, it is considered that it has been demonstrated that the proposed development will achieve an overall net gain in biodiversity over the existing situation. It is also considered that the development proposals will deliver a further net gain in biodiversity through the additional enhancement measures detailed above that are not accounted for within the calculation.

### *Climate Change*

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 131). Paragraph 139 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.

The Government are introducing significant changes to Building Regulations as part of its commitment to reducing the UK's carbon consumption to net zero by 2050.

The following sustainability targets have been developed for the buildings:

- All buildings are to be designed and constructed to minimize embodied carbon emissions.
- Minimising buildings energy consumption and carbon dioxide emissions by following the energy hierarchy: Be lean: use less energy through passive and active measures in building designs. Be clean: supply energy efficiently by selecting the most energy-efficient heating and cooling infrastructure. Be green: use renewable energy and technologies such as roof mounted PV across the entire development.
- Increased building envelope thermal performance and air tightness.
- Achieving a minimum 10% on site biodiversity net gain.
- Building orientation to avoid south facing office elevations where possible.
- Design led solutions, such as brise soleil could be used to mitigate heat gain while also enhancing the overall look of the elevations.
- Roof mounted photovoltaic (PV) arrays should be placed in the most efficient location.
- Cycle storage racks for each building to encourage a healthier daily commute.
- Suitable green infrastructure and species to ensure biodiversity credits are secured.
- Provision of active EV charging points in the car park of each building.
- Up to 15% roof lights to maximise natural daylight penetration.

## **Conclusions and Reasons for Approval**

As has been set out above, it is considered that the proposal will not result in the loss of employment land as the proposed use will still be providing employment uses on site. The proposed redevelopment of an employment area with more modern buildings and flexible space for employment purposes is not unusual and would not conflict with Policy ED1. This redevelopment could include industrial use (as currently being provided by the current occupiers) but allows for greater flexibility and the potential for a more varied selection of business opportunities to co-exist at this site. The proposed development will transform this waterfront site and continue with the regeneration of the wider site.

In terms of accessibility and landscaping it is considered that this application offers opportunities that have never been possible at this site by opening the basin frontage

up for pedestrian use and by creating a greener space including the planting of trees and development of pocket park spaces.

The heritage of the site is to be preserved while the impact on adjacent Conservation Areas is considered to be acceptable in that it will offer an improved backdrop when compared to the existing warehousing. There is therefore no detrimental impact to the Conservation Areas.

It is considered that the proposed redevelopment of this site will have a positive impact on the Chatham Docks giving the area a new lease of life and regenerating the area for more modern and flexible opportunities.

The impact on neighbouring uses, including residential is considered to be acceptable as it will probably have a lesser impact than the existing use on site and appropriate conditions will ensure that.

The principle of the proposal has been considered against Policy and also in relation to impact on neighbours, landscape and access and the more general area and it is concluded that the provision of these residential units here and associated open space are acceptable in relation to Policies S1, BNE1, BNE2, BNE6, BNE12, ED1, and ED9 of the Medway Local Plan (2003) and relevant paragraphs of the National Planning Policy Framework (2023).

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## **Background Papers**

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

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