

**SOUTH EAST ENGLAND DEVELOPMENT
AGENCY**

CHATHAM INTERFACE LAND

PLANNING POLICY REVIEW

JULY 2010

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TA Ref: SEEL2001

LPA Ref:

Office Address: 25 Savile Row
London
W1S 2ES

Telephone 020 7851 4010

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1. Introduction

- 1.1 This document reviews the planning policy context which is relevant to the Chatham Interface Land Supplementary Planning Document (SPD).
- 1.2 Following the recent revocation of the Regional Spatial Strategies (RSS), the review is structured around two different spatial scales as follows:
 - National - Planning Policy Statements and Guidance (PPS/PPG);
 - Local - the Medway Local Plan (saved policies) and the emerging Local Development Framework.

2. National Policy

PPS1: Delivering Sustainable Development (2005)

2.1 PPS1 emphasises the Government's commitment to creating sustainable communities and delivering good design. Paragraph 27(viii) states that planning authorities should seek to:

'Promote the more efficient use of land through higher density, mixed use development and the use of suitably located previously developed land and buildings. Planning should seek actively to bring vacant and underused previously developed land and buildings back into beneficial use to achieve the targets the Government has set for development on previously developed land.'

2.2 PPS1 provides detailed guidance on design matters as a key objective of delivering sustainable development. Paragraph 35 states:

'High quality and inclusive design should be the aim of all those involved in the development process. Although visual appearance and the architecture of individual buildings are clearly factors in achieving these objectives, securing high quality and inclusive design goes far beyond aesthetic considerations. Good design should:

- address the connections between people and places by considering the needs of people to access jobs and key services;*
- be integrated into the existing urban form and the natural built environment;*
- be an integral part of the processes for ensuring successful, safe and inclusive villages, towns and cities;*
- create an environment where everyone can access and benefit from the full range of opportunities available to members of society; and*
- consider the direct and indirect impacts on the natural environment'.*

2.3 PPS1 sets out the Government's commitment to protect and enhance the quality of both the natural and historic environment. Paragraph 19 states

'Significant adverse impacts on the environment should be avoided and alternative options which might reduce or eliminate those impacts pursued. Where adverse impacts are unavoidable, planning authorities and developers should consider possible mitigation measures. Where adequate mitigation measures are not possible, compensatory measures may be appropriate.'

- 2.4 Further advice of particular relevance to the Chatham Interface Land is contained in paragraph 36 of PPS1. The objectives seek to ensure that proposals for new development optimise the potential of a site to accommodate development and create and sustain an appropriate mix of uses. It further states that new developments should respond to their local context, address the needs of all in society and be visually attractive.

PPS1 Supplement on Planning and Climate Change (December 2007)

- 2.5 The supplement to PPS1 concerns planning and climate change. It sets out the need for planning policies to support innovation and investment in sustainable buildings and encourage innovative developments. It also sets out the need to support the move towards zero carbon development and the need for a positive approach towards renewable and local carbon energy schemes.

PPS3: Housing (November 2006; updated June 2010)

- 2.6 PPS3 puts high emphasis on good design as fundamental to delivering quality housing which, in turn, contributes to the creation of sustainable, mixed communities (paragraph 12). Family housing that takes account of children's needs is particularly encouraged (paragraph 17). Design should be appropriate in its context and take opportunities for improving the quality and character of an area and the way that it functions (paragraph 16).
- 2.7 Developers should be encouraged to bring forward sustainable and environmentally friendly new housing developments that reflect emerging policy on climate change in the supplement to PPS1 reviewed above and the Code for Sustainable Homes.
- 2.8 At paragraph 20 it states that a key characteristic of a mixed community is a:

'variety of housing, particularly in terms of tenure and price and a mix of different households such as families with children, single person households and older people'.

- 2.9 Affordable housing is defined as social rented and intermediate housing. Local Development Documents (LDD) should set an overall target of affordable housing for the plan area, having regard to the RSS, with separate targets for social-rented and intermediate housing that reflects the economic viability of land for housing in the area and an informed assessment of likely levels of finance available. The LDD should identify the approach to seeking developer contributions, with the presumption that provision should normally be on site unless there is a robust justification for off-site provision or financial contribution in lieu (paragraph 29).
- 2.10 Paragraph 36 states that in order to support the Government's objective of creating mixed and sustainable communities, housing should be developed in suitable locations which offer a range of community facilities and with good access to jobs, key services and infrastructure. This should be achieved by making effective use of land, existing infrastructure and available public and private investment. The priority for development should be previously developed land, and in particular vacant and derelict sites and buildings.
- 2.11 There is a continuing national target of 60% brownfield development, with regional targets set in the RSS having regard to sustainable development principles and the need to cut carbon emissions (paragraph 41).
- 2.12 At paragraph 69, PPS3 states that LPAs in determining planning applications should have regard to the following:
- achieving high quality housing;
 - ensuring a good mix of housing development, reflecting accommodation requirements;
 - the suitability of the site for housing, including its environment and sustainability;
 - use land effectively and efficiently; and
 - ensuring consistency with housing objectives and the spatial vision for the area including addressing housing market renewal.

PPS4: Planning for Prosperous Economies (December 2009)

- 2.13 Planning Policy Statement 4 has recently replaced PPS6 and PPG4 as well as PPG5 and elements of PPS7 and PPG13. PPS4 is a key policy document and applies to all proposals involving 'economic development', which covers employment development, public and community uses and the main town centre uses of retail, leisure, offices, arts, culture and tourism.
- 2.14 As a wide ranging policy document the Government's stated objectives are also broad:
- *Building prosperous communities;*
 - *Reducing the gap in economic growth rates between regions, promoting regeneration and tackling deprivation;*
 - *Delivering more sustainable patterns of development;*
 - *Promoting the vitality and viability of town and other centres;*
and
 - *Raising the quality of life and the environment in rural areas, whilst protecting the open countryside.*
- 2.15 'Town Centre First', therefore, remains at the heart of Government thinking and policy making.
- 2.16 The document includes a presumption in favour of economic development, unless the social, economic and/or environmental costs of the development are likely to outweigh the benefits.
- 2.17 PPS4 maintains the requirement for regional planning bodies and local authorities to assess the broad need for new economic development, including retailing and town centre uses, based on 5 year time periods and to identify sites to accommodate identified needs, based on the application of the sequential approach and the impact of developing sites on existing centres.

PPS5: Planning for the Historic Environment (March 2010)

- 2.18 PPS5 is now the policy basis for all plan making and assessing of heritage-related applications in England replacing both PPG15 and PPG16.
- 2.19 The key change introduced by PPS5 is the scope of assets brought under policy control. In contrast with PPG15 and PPG16, which only covered only archaeology,

listed buildings and conservation areas, PPS5 encompasses any 'heritage asset' considered to have some degree of significance. This includes all nationally designated and registered heritage assets (listed buildings, Scheduled Monuments, Conservation Areas, registered parks and gardens, battlefields, archaeology, World Heritage Sites), plus all locally designated heritage assets (locally listed buildings, sites of local archaeological interest etc).

- 2.20 Policies in PPS5 apply to all types of Heritage Asset, national or local. In addition to listed buildings, conservation areas and scheduled ancient monuments the impacts of development on other types of heritage asset now form a material consideration for any planning application. Under PPS5 all applications are required to 'conserve' the significance of heritage assets, in keeping with the requirement to 'preserve' under the previous PPGs.
- 2.21 PPS5 encourages local authorities to take into account the desirability of new development making a positive contribution to the historic environment. There is an acknowledgement that heritage assets can undergo informed and intelligently-managed change to less significant parts. Local authorities are encouraged to avoid stifling investment and innovation. PPS5 encourages developments that allow heritage to contribute to wider planning (PPS1) and place-shaping agendas.
- 2.22 Provision remains in policy for the demolition of or notable harm to designated heritage assets where it is outweighed by substantial community benefits. However, PPS5 is however more prescriptive than the previous PPGs regarding the need for applications to demonstrate that all other design solutions have been considered. Specific marketing requirements also need to be undertaken, including offering the building to a charity or public ownership, before demolition may take place.
- 2.23 Sustainable development is given a high priority by PPS5, with local authorities encouraged to seek the reuse and sympathetic adaptation of historic buildings to reduce carbon emissions.

PPS9: Biodiversity and Nature Conservation (2005)

- 2.24 PPS9 sets out the Government's vision for conserving and enhancing biological diversity. It states that, planning, construction, development and regeneration should have minimal impacts on biodiversity and enhance it wherever possible.
- 2.25 The statement recognises the importance of the re-use of previously developed land. However, where such sites have significant biodiversity or geological interest

of recognised local importance, LPAs, together with developers, should aim to retain this interest and incorporate it into any development of the site.

PPG13: Transport (2001)

2.26 PPG13 seeks to integrate planning and transport at the national, regional and local levels. The aims of the guidance are to:

- promote more sustainable travel choices;
- promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling; and
- reduce the need to travel, especially by car (paragraph 4).

2.27 This can be achieved by focussing major generators of travel demand and higher densities of development at points of high public transport accessibility, such as town centre sites, to make it easier for people to access jobs, shopping, leisure facilities and services by public transport, walking and cycling.

2.28 In the spirit of this objective, local authorities are encouraged to seek to make maximum use of the most accessible sites and, indeed, be proactive in promoting the intensive development of such sites. Mixed use development is recognised for its potential to provide significant benefits in terms of promoting vitality, viability and diversity (paragraph 30).

2.29 With specific regard to pedestrian transport, paragraphs 75-77 encourage local planning authorities to give walking priority as it forms the most important mode of travel at the local level. Authorities are advised to:

- pay particular attention to design, location and access arrangements of new development, to help promote walking as a prime means of access;
- promote high density, mixed use development in and around town centres;
- promote wider pavements including the reallocation of road space to pedestrians and environmental improvements, including lighting ; and
- provide pedestrian friendly road crossing which give pedestrians greater priority at traffic signals and avoid long detours and waiting times.

PPS22: Renewable Energy (2004)

- 2.30 PPS22 requires local planning authorities and developers to consider the opportunity to incorporate renewable energy projects in all new developments. These should be located and designed in such a way as to minimise any increase in ambient noise levels and possible impacts of odour. It further acknowledges that the landscape and visual effects of particular renewable energy developments will vary on a case by case basis, and that some of these effects may be minimised through appropriate siting, design and landscape schemes.

PPS23: Planning and Pollution Control (2004)

- 2.31 PPS23 advises that any consideration of the quality of land, air or water and the potential impacts arising from development is capable of being a material planning consideration. In considering proposals for development local planning authorities should take account of the risks from pollution and land contamination and how these can be managed or reduced. It recognises, however, that the planning and pollution control systems are separate but complementary. The planning system should therefore focus on whether proposed development is an acceptable use of land, rather than the control of processes or emissions themselves, which are covered by a different regime.

PPG24: Planning and Noise (1994)

- 2.32 PPG24 outlines the considerations to be taken into account in determining applications both for noise-sensitive developments and for those which will generate noise. The PPG also outlines how planning conditions can be used to minimise the impact of noise from development. In introducing the concept of noise exposure categories (NEC) for residential developments, the guidance recommends appropriate levels for exposure to different sources of noise.

- 2.33 Paragraph 10 recognises that:

“Much of the development which is necessary for the creation of jobs and the construction and improvement of essential infrastructure will generate noise. The planning system should not place unjustifiable obstacles in the way of such development. Nevertheless, local planning authorities must ensure that development does not cause an unacceptable degree of disturbance”.

2.34 With regard to new noise-sensitive development, such as housing, within areas exposed to an existing noise source, it states that local planning authorities should consider both the likely level of noise exposure at the time of the application and any increase that may reasonably be expected in the foreseeable future. The guidance does however recognise that there are a number of other statutory powers to control noise emissions.

PPS25: Development and Flood Risk (2006)

2.35 The statement aims to ensure that flood risk is taken into account at all stages in the planning process. It promotes a risk based approach, which avoids adding to the causes or sources of flood risk, by means such as avoiding inappropriate development in flood risk areas and minimising run-off from new development onto adjacent and other down stream properties and into the river systems.

2.36 At paragraph 7 it is stated:

'LPAs should prepare Local Development Documents (LDDs) that set out policies for the allocation of sites and the control of development which avoid flood risk to people and property where possible and manage it elsewhere, reflecting the approach to managing flood risk in this PPS and in the RSS for their region.'

2.37 Furthermore the PPS also states:

'flood risk should be considered alongside other spatial planning issues such as transport, housing, economic growth, natural resources, regeneration, biodiversity, the historic environment and the management of other hazards. Policies should recognise the positive contribution that avoidance and management of flood risk can make to the development of sustainable communities, including improved local amenities and better overall quality of life.'

2.38 At paragraph 22 it states that those proposing development are responsible for:

- demonstrating that the proposal is consistent with the policies of the PPS;
- providing a Flood Risk Assessment (FRA) demonstrating:
 - whether any proposed development is likely to be affected by current or future flooding from any source;

- satisfying the LPA that the development is safe and where possible reduces flood risk overall;
- whether it will increase flood risk elsewhere;
- the measures proposed to deal with these effects and risks. Any necessary flood risk management measures should be sufficiently funded to ensure that the site can be developed and occupied safely throughout its proposed lifetime;
- designs which reduce flood risk to the development and elsewhere, by incorporating sustainable drainage systems and where necessary, flood resilience measures;
- identifying opportunities to reduce flood risk, enhance biodiversity and amenity, protect the historic environment and seek collective solutions to managing flood risk.

3. Local Policy

Local Plan (saved policies September 2007)

- 3.1 The majority of the Local Plan policies have been 'saved' and form the major part the Development Plan at the local level. However, it should be recognised that the Local Plan policies will be replaced by the Local Development Framework, of which the Chatham Interface Land SPD will form part.
- 3.2 The overall development strategy for Medway is set out in policy S1. This describes the focus on reusing previously developed land and focusing on key urban areas including riverside areas. The Plan seeks to integrate land use and sustainable transport development and aims to protect key historic assets within the district including the historic dockyards. Strategic principles are set out in policy S2 and are as follows:
- (i) maintaining and improving environmental quality and design standards;*
 - (ii) a sustainable approach to the location and mix of new development, to provide local communities with a range of local facilities, (including transport measures to serve development and sensitivity in the use of energy and natural resources);*
 - (iii) the adoption of a sequential approach to the location of major people and traffic attracting forms of development, including retailing, leisure, educational and health facilities.*
- 3.3 The requirement for good standards of urban design, including relating well to the existing urban context and providing necessary landscaping is set out in policy S3.
- 3.4 Chatham Interface Land forms part of the Chatham Historic Dockyard. Policy S9 is a specific policy provided in relation to this area, and is as follows:
- 'At the Historic Dockyard, Chatham, as defined on the proposals map, development that respects the historic character of the site will be permitted. The standard of urban design must be of the highest order'.*
- 3.5 The dockyard is recognised for its central role in regenerating the wider area and the need for more detailed planning guidance encompassing the aspirations of different stakeholders involved in the site is recognised.

3.6 Further detail on urban design quality in general is set out in policy BNE1. The policy requires that new development is appropriate to the natural and built environment by:

(i) being satisfactory in terms of use, scale, mass, proportion, details, materials, layout and siting; and

(ii) respecting the scale, appearance and location of buildings, spaces and the visual amenity of the surrounding area; and

(iii) where appropriate, providing well structured, practical and attractive areas of open space.

3.7 Other policies relating to the built and natural environment which are relevant considerations include policy BNE2 relating to protection of amenity (e.g. in terms of access to daylight and sunlight), BNE3 relating to noise standards and provision of appropriate levels of external lighting.

3.8 Energy efficiency in new development is required by policy BNE4 provided it does not cause a detrimental effect on amenity. The policy requires new development to have regard to orientation, use of renewables, insulation, landscaping and embedded energy in order to ensure efficiency.

3.9 Policy BNE6 relates to landscape design. Major developments are expected to include robust landscaping schemes in line with best practice.

3.10 The Local Plan includes several policies which concern the protection of the historic environment which off direct relevance to Chatham Interface Land, given that it forms part of the historic dockyard. This includes control over demolition and development in conservation areas (policies BNE12-14), demolition, alteration and the setting of listed buildings (BNE16-18) and policies relating to scheduled ancient monuments and archaeological sites (BNE20, BNE21).

3.11 New development is expected to be accessible to all sections of society in terms of its design and not enforce or exacerbate societal divisions in terms of age or disability (policy BNE7). New development is also expected to be designed to be safe and secure (policy BNE8).

3.12 Policy relating to BNE23 contaminated land sets out the requirement for appropriate assessments to be carried out as part of the planning process. Policy BNE24 states that new development that would have an unacceptable impact on air quality should not be permitted.

- 3.13 The Local Plan contains a range of other detailed policies which are relevant to the potential development envisaged by the SPD including those policies relating to employment development, residential development (including the requirements for affordable housing), retail development (including the sequential approach reflecting the national policy set out in PPS6), provision of open space and transportation.

Core Strategy – Issues and Options

- 3.14 The Core Strategy document sets out the overall vision and strategy for development in Medway and is a major part of the Local Development Framework. Consultation on the Issues and Options stage of the Core Strategy was carried out between July and September 2009. The draft document poses a series of questions relating to range of policy areas, including housing, the economy, retailing & town centres, leisure, culture & tourism and climate change.
- 3.15 The Core Strategy recognises the importance of Medway within the context of its location within the Thames Gateway. Attention is drawn to several unique characteristics of the area including the presence of the historic dockyard.
- 3.16 A draft submission version of the Core Strategy will set out the Council's preferred policy approach in due course.

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