

28 April 2023  
Reg 16 Response



Medway Council  
Gun Wharf,  
Dock Road,  
Chatham, Kent,  
ME4 4TR

74 High Street  
Sevenoaks TN13 1JR  
T: +44 (0) 1732 789 700  
F: +44 (0) 1732 789 789  
savills.com

Dear Sir / Madam

**Representation to the Regulation 16 Arches Chatham Neighbourhood Plan on behalf of Donard Living**  
**FORMER BUZZ BINGO AND UNION PLACE CAR PARK, 324-326 HIGH ST, CHATHAM, ME4 4NR**

This letter is written by Savills on behalf of Donard Living to provide observations and suggested changes to the Regulation 16 ("Reg 16") Pre-submission Arches Chatham Neighbourhood Plan ("ACNP"), which has been produced by the Arches Chatham Neighbourhood Forum ("ACNF"). For context, Donard Living own the former Buzz Bingo Building and associated car park. The adjacent Union Street car park is owned by Medway Council. This land collectively forms part of the 'Union Place' allocated site (hereafter referred to as 'the Site') (Site Allocation 3 in ACNP).

Donard Living, is a residential developer in the UK and Ireland. Its mission is to provide high-quality, sustainable, and affordable homes and living spaces, with an aim to sustain and regenerate urban brownfield sites. Donard Living has recently secured resolution to grant planning permission at Medway Planning Committee for another project at Bardell Wharf; as a company they are committed to the area.

Donard Living made representations upon the Regulation 14 Plan ("Reg 14") in June 2022. These representations centred upon;

- Failure to consider realistically viable development options.
- Prematurity in the context of the Emerging Local Plan.
- Draft policy HO4: the proposed approach to the allocated Union Place site relating to:
  - The proposed site capacity of 50 homes: this would not maximise the site's potential as per paragraph 125 of the NPPF.
  - The proposed maximum height of 4 storeys (as above)
  - Residential only designation: such a prominent location is more suited to a residential led mixed use scheme.
  - Proposed Townhouse approach: this was considered to be too prescriptive.
- Failure of the document to take account of the Existing Local Plan (2003), The Chatham Town Centre Masterplan (November 2019) and Medway Building Heights SPD (May 2006) within its evidence base.

**The Union Place Allocated Site**

The Reg 16 ACNP now identifies 8 potential future development sites, with the Union Place allocation now referenced as Site 3. The allocation incorporates the former Buzz Bingo Building and associated car park (within the ownership of Donard Living) and the adjacent Union Place Car Park, which remains within the ownership of Medway Council.

The Reg 16 ACNP recognises the dual ownership of the Site, and the intention at the time the ACNP was written (December 2022) was for Medway Council to sell the Union Place Car Park.

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*“Medway Council’s Cabinet is set to convene on 13 December 2022 where a recommendation has been put forward to declare Union Place Car Park surplus to requirements, so that it can be disposed of for development. It is expected the marketing of the car park is likely to take place in Q4 2022/Q1 2023, with sale completing and the car park closing in spring 2023. Donard Living has publicly announced its intentions to purchase the car park and it has therefore been included within its proposed development”.*

The sale of the car park was originally scheduled to be heard at the cabinet meeting on 23rd August 2022. Prior to the formal agenda being released it was shifted to the cabinet on 20th September 2022 and following the death of the late HM Queen the items scheduled for the September cabinet meeting were then pushed back to the meeting scheduled for the 18<sup>th</sup> October 2022.

The Cabinet report prepared for this meeting sets out the following;

*“The cabinet is asked to*

- 1. Appropriate the above car park for planning purposes.*
- 2. Declare the car park surplus to requirements, so that it can be disposed of for development.”*

The reason is noted so as *‘to secure a capital receipt and enable development,’*

*“Disposal of the car park will enable a more comprehensive development of the area to take place, rather than just the former Bingo Hall site being developed in isolation.”*

At the meeting, the disposal of the car park was *“deferred for further consultation”*, with no discussion taking place during the meeting as to why this decision was made. The disposal of the car park did not subsequently feature within the agenda for the November or December Meetings.

Notwithstanding this above, Donard Living submitted an Outline Planning application in December 2022 for around 231 residential units and flexible ground floor commercial space within 2 blocks of up to 8 and 10 storeys.

### **Proposed Approach to the Union Place Allocated Site**

The Reg 14 ACNP identified the Allocation as suitable for residential development and sets out an indicative site capacity of 50 homes at a maximum height parameter of 4 storeys. The key considerations description stated that the site is *‘suitable for a townhouse residential development on the southern part of the site.’*

Donard Living made representations to the Reg 14 consultation fundamentally disagreeing with this approach with regard site capacity and use.

The Consultation response document responds to Donard Living’s previous representation on this as follows;

*“We have granted greater flexibility by replacing site-specific housing numbers with indicative density ranges.*

*The indicative land use of the site allocation was also amended to ‘residential-led mixed use’ and the indicative building heights were updated in line with the ACNP Design Code (Appendix A).”*

The Reg 16 plan now details the following site parameters

- “Indicative future use(s): Residential-led mixed use*
- Indicative site capacity: 100-250 dwellings per hectare*
- Maximum height parameter: 6 storeys (see Design Code)”*

### **Site Capacity**

Whilst the inclusion of a higher site capacity than was previously stated is welcomed, it is still considered to be too low. Even at the top end of the updated indicative site capacity of between 100 and 250 dwellings per hectare, Donard Living's position is that the Union Place Site could accommodate circa 250 dwellings across its 0.26 hectares to maximise the site's potential, as per paragraph 125 of the NPPF.

Medway Council delivered 2,895 homes between 2018 and 2021 against a target of 4,332 over the same period, achieving a Housing Delivery Test result of 67% in January 2022, this represents under delivery. Medway Council have also acknowledged an inability to demonstrate a five-year housing land supply.

The Site ideally placed for higher density development that will help Medway to meet its housing needs within an appropriate highly sustainable urban location adjoining Chatham Town Centre and a short walk to Chatham Railway station.

The utilisation of brownfield sites for higher density residential development within areas well served by public transport is supported within the provisions of NPPF 2021 (Paragraphs 120 and 125), particularly where there is an existing or anticipated shortage of land for meeting identified housing needs.

### Site Heights

Clarification regarding the maximum heights within the Site is welcomed, in line with the Design Code Guidance. Concerns remain that the maximum height parameter of 6 storeys is lower than could be accommodated on the Site, and lower than is supported within exiting supplementary planning and evidence base documents including the Medway Building Heights SDP 2006 and Chatham Town Centre Masterplan 2019.

Detailed design work, modelling and pre-application discussions undertaken on behalf of Donard Living to inform the Planning Application submission illustrates that the site can accommodate 5-7 storeys in the northern part of the Site, which fronts onto the High Street. The southern part of the Site, which fronts the A2, contains an increase in height, to 8-10 storeys. This height increase is seen within the context of the A2 and being a Gateway feature on a key road junction.

The adopted Medway Building Heights SDP 'A Building Height Policy for Medway' (May 2006) (The SPD) sets out the areas it notes as suitable for higher buildings. The Brook residential quarter is highlighted as such a location (Figure 1).

Paragraph 3.3 of part 2 of The SPD states

*"The Brook and Upper High Street. Opportunities are for residential development and small-scale mixed uses. As a key valley bottom, regeneration site in immediate proximity to the large Pentagon buildings, the Brook can accommodate modest high townscape buildings with mixed uses at ground floor level. The Upper High Street area (the east of the project area) has a complex topography. It may therefore be able to absorb further high building development without detriment to its character or undue effect on the surrounding area."*

**Figure 1:** Extract of Figure 11 from A building Height Policy for Medway part 2- policies on location. (Approximate site location marked with★ to illustrate location)



Figure 11: Medway Waterfront: Development Areas

The Chatham Town Centre Masterplan (“The Masterplan”) which was commissioned by Medway Council and forms part of the evidence base for the emerging Local Plan, also states “*most new buildings on the Brook will be within 6-10 storeys*”.

Within the Consultation Statement, in response to Donard Living’s Reg 14 representation relating to the requirements of The Masterplan and its conformity with the ACNP. The ACNF states;

*“The site is also not included within the Chatham Town Centre Masterplan 2019 and falls outside the town centre boundary”*

Whilst it is true that the Union Place Site falls outside of the Town Centre boundary as defined by the Local Plan 2003 Proposals Map. The Town Centre Masterplan incorporates “*wider context areas considered to be part of the town centre*”. This includes the Union Place Site and the land to the north of the Brook, which fall within the ACNP area.

Mixed Use Designation

It is noted that the designation has been updated from ‘Residential’ to ‘Residential- led mixed Use’, and this is supported.

This will provide the potential for greater flexibility to the ground floor spaces within the scheme and allow continuation of an active frontage along The High Street frontage and provide flexible commercial space at an appropriate location at the heart of Chatham.

### Proposed Townhouse Approach

The removal of the reference to 'townhouse residential development on the southern part of the site,' is also welcomed. This would have failed to maximise the potential of urban land in the context of the NPPF (Paragraph 125) or the geographical context of the site itself and this change to the wording is supported.

### Viability

In regenerating land consideration needs to be given to the existing use value. The proposed allocation for the site would render the site unviable to develop. The PPG (Paragraph: 002 Reference ID: 10-002- 20190509) identifies that *"it is the responsibility of plan makers in collaboration with the local community, developers and other stakeholders, to create realistic, deliverable policies."*

The policy as currently drafted remains undeliverable for reasons set out above. As can be seen across a number of sites in the immediate vicinity, viability is already hindering development. By placing too many restrictions on height and density, it has the effect of further developments not coming forward.

### Prematurity in the Context of the Emerging Local Plan

The NPPF makes clear the importance of the hierarchy of plans. Paragraph 13 of the NPPF outlines:

*"The application of the presumption has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies."*

Paragraph 13 states that Neighbourhood Plans should support the delivery of strategic policies contained in local plans. NPPF Paragraph 29 makes clear that Neighbourhood Plans must not undermine the strategic policies.

ACNF are seeking to produce the Regulation 16 plan ahead of Medway's emerging Local Plan. Whilst this is permitted, the Neighbourhood Planning PPG ("NP PPG") sets out that the qualifying body is required to agree the relationship between the emerging Neighbourhood Plan, the emerging Local Plan, and the adopted Development Plan, with the relevant Local Planning Authority, to ensure that complementary Neighbourhood and Local Plan policies are produced (NP PPG Para 009; Ref:41-009-20190509).

The PPG also sets out that where a draft Neighbourhood Plan is delivered prior to an emerging Local Plan, it must be in general conformity with the strategic policies of the Development Plan in force if it is to meet the basic condition (NP PPG, Para 009; Ref:41-009-20190509).

The updated ACNP fails to detail the evidence base that has informed the preparation of the plan. It is not clear if the ACNP has been informed by the evidence base, despite including various supporting documents on the website. This needs to be clarified.

The Reg 14 Plan listed the (then) Draft Emerging Medway Local Plan within its evidence base. The (then) Emerging Regulation 19 Medway Local Plan was pulled from Committee in October 2021. A new Emerging Local Plan is now expected back to Regulation 18 consultation in mid-2023, with adoption expected in 2025.

Without a current emerging plan and a failure to set out an evidence base illustrating conformity with the current Local Plan, the ACNP fails to accord with guidance within the PPG and is thus premature.

The ACNP fails to provide sufficient information to demonstrate why ACNF consider that their draft policies are in accordance with the NPPF and the Local Development Plan. ACNF should clearly detail the exact paragraphs within the NPPF and adopted Local Plan Policies in which it considers a policy accords.

ACNF responded to our consultation on this matter within the Consultation Statement (December 2022) stating

*“No action needed regarding prematurity concern, as the progression of the Neighbourhood Plan is influenced by the LPA.”*

This is not strictly true, with the LPA acting under the instructions of the ACNP they must *“fulfil its duties and take decisions as soon as possible, and within statutory time periods where these apply.”* (NP PPG Para: 021 Reference ID: 41-021-20140306).

## **Conclusion**

On behalf of Donard Living, we welcome the opportunity to comment on the Regulation 16 ACNP and agree that the Union Place site represents a suitable location for new development.

There have been a number of changes that have been made further to Donard Living’s previous representation, however a number of concerns remain and the changes do not go far enough. In its present form, if enacted into Policy, it would render the Site unviable for development. This would result in another development site in the area not coming forward.

Donard Living therefore request the following to ensure conformity with the NPPF, and that reflects the sustainable location of the Site:-

- That production of the NP is slowed down to ensure full conformity with the emerging Local Plan.
- That the Union Place site is recognised as being suitable to accommodate residentially led mixed use development at a site capacity of 250 dwellings at a maximum height parameter of 10 storeys along the A2 stepping down to 7 storeys on the High Street / Brook Junction.

Once again, we wish to thank The Arches Chatham Neighbourhood Forum and Medway Council for their continued efforts in promoting this part of Medway as a significant site for future development. If you wish to have any further conversations regarding the specific site, then we would welcome this opportunity.

Yours sincerely

