

# Planning Committee – Supplementary agenda

**A meeting of the Planning Committee will be held on:**

**Date:** 30 August 2017

**Time:** 6.30pm

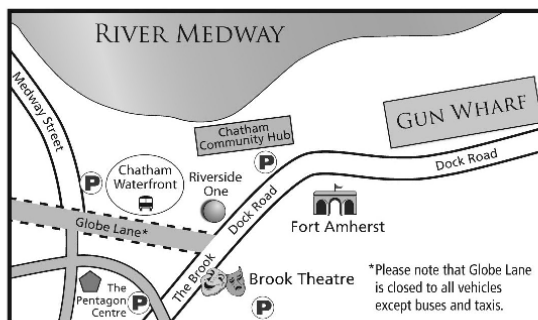
**Venue:** Meeting Room 9 - Level 3, Gun Wharf, Dock Road, Chatham ME4 4TR

## Items

- 21 Additional Information - Supplementary agenda advice sheet (Pages 3 - 26)**

For further information please contact **Ellen Wright, Democratic Services Officer** on Telephone: 01634 332012 or Email: [democratic.services@medway.gov.uk](mailto:democratic.services@medway.gov.uk)

**Date: 30 August 2017**



This agenda and reports are available on our website  
**[www.medway.gov.uk](http://www.medway.gov.uk)**

A summary of this information can be made available in other formats from **01634 333333**

If you have any questions about this meeting and you want to speak to someone in your own language please ring **01634 335577**

বাংলা 331780  
中文 331781

ગુજરાતી 331782  
हिंदी 331783

ਪੰਜਾਬੀ 331784  
Polski 332373

کوردی 331841  
এহেৎশাফব 331786

اروو 331785  
فارسی 331840

Русский 332374  
Lietuviškai 332372



Medway Council

**PLANNING COMMITTEE – 30 August 2017**

**Supplementary Agenda Advice**

**Page 9      Minute 205      133 Watling Street, Strood, Rochester, ME2 3JJ**

**Reasons for refusal agreed with the Chairman**

- 1      As a result of the restricted width of the frontage, a vehicle is unlikely to be able to enter and exit the site in a forward gear without several manoeuvres which would likely result in movement of vehicles along the public footpath that would in turn compromise the safety of highway users contrary to Policies T2 and T3 of the Medway Local Plan 2003.
  
- 2      By virtue of the removal of the soft landscaped verges and their replacement with hardstanding, the proposal would result in the hardening of the street scene and therefore a harsh form of development, which would be unsympathetic and harmful to the appearance of the street scene contrary to paragraph 56 of the NPPF and Policy BNE1 of the Medway Local Plan 2003.

**Page 24      MC/16/1084      Plot 1 Anthony's Way, Medway City Estate, Rochester, ME2 4NS**

**Proposal**

Revision to floorspace provision

Drawing number PL[0]02 Rev A details an alteration to the floorspace figures quoted in the main report. This is in part a result of units 5 and 6 in the main building being combined into a single unit. The revised gross internal floorspace figures are detailed below for Members information.

	Ground floor (Gross Internal Area (GIA)) in square metres (m2)	Mezzanine floor (GIA) in m2	Total floorspace (GIA)
Unit 1	1894.2	0	1894.2
Unit 2	1393.5	0	1393.5

Unit 3	726	622.06	1348.06
Unit 4	1393.5	0	1393.5
Unit 5	1950.9	864.34	2815.24
Unit 6 (Pod)	111.5	0	111.5
Unit 7 (Pod)	111.5	0	111.5
Unit 8 (Pod)	111.5	0	111.5
Unit 9 (Pod)	111.5	0	111.5
Total	7804.1	1486.4	9290.5

## Representations

The applicant (Location 3 Properties) e-mailed all Planning Committee Members directly on the 22 August 2017 attaching a letter setting out their concerns as to the recommendation related to this planning application. This e-mail also contained a document entitled 'Briefing note for Planning Committee Members and Drawing Number PL[0]04 Rev A.

This document is attached to this supplementary agenda.

The Planning Agent has written a letter dated 29 August 2017 and received by e-mail timed at 10:12, advising both he and his client fundamentally disagree with the analysis and subsequent recommendation. This letter is appended in full to this supplementary advice sheet for Members consideration.

### Officer Comment

None of the points raised within the Planning Agent's letter are considered to overcome the concerns raised within the committee report. The fallback position, the matter of the non-provision of the park and ride facility and the retail impact considerations are all fully considered within the committee report. In addition to the above, the Council's Retail Planning Consultant has reviewed the Planning Agent's letter and maintains their position. There is nothing in the concerns raised in the Planning Agent's letter which changes the Officer recommendation within the committee report.

**William Gallagher, a planning consultancy, who are acting on behalf of both the Chatham Town Centre Forum and Ellandi LLP** (Owners of the Pentagon Centre) have written advising that they are both committed to preserving and enhancing the vitality and viability to Chatham Town Centre. Bearing this in mind, they advise that they have significant concerns in regard to this proposed retail park development. The William Gallagher letter is appended in full to this supplementary advice sheet for Members consideration.

**A business operator in Chatham** has written stating they are a key occupier of Chatham town centre and driver of footfall. Their letter objects to this proposed development on the following summarised grounds:

- The writer has significant concerns related to the impact of the proposal on the future vitality and viability of Chatham Town Centre;

- The writer concurs with the conclusion within the report that the proposed out-of-centre retail park would result in a significant adverse impact on the vitality and viability of the area's allocated Town Centres, especially Chatham in its role and function as the main sub-regional shopping centre of Medway;
- The writer refers to the nature of the development proposal and the fact that it will result in six new retail units in the larger units and 4 new retailers in the smaller 'pod' units and considers that these units would be occupied by a range of retailers selling both convenience and comparison goods and would constitute a development which replicates the retail offer which underpins Chatham town centre;
- The writer fully supports and concurs with the recommendations and findings of the Council's independent retail advisor which from the writers perspective concludes:
  - *"that Chatham Town Centre is vulnerable to further loss of trade/turnover to both the application proposal and the significant commitments identified by the Council both within and outside Medway Councils administrative area - the further loss of shoppers and reduction in footfall across the town centre will inevitably undermine private sector confidence and operator demand for representation in Chatham both now and in the future;*
  - *that the forecast levels of trade diversion and impact from the application proposal and other known commitments will result in a significant adverse impact on the town's overall vitality and viability, and will harm investor confidence in the town centre; including the ability for the town centre and specifically the Pentagon Centre in the current climate to retain existing businesses and, as important, to attract new retail and leisure operators;*
  - *that the application proposal will compete on a "like for like" basis with existing centres and existing investments in these centres, specifically in terms of the range of (convenience and comparison) goods proposed to be sold, and the value/mid-range retailers identified by the Applicant - this will significantly impact on the (convenience and comparison goods) turnover of the main centres, and specifically Chatham and Strood; and it will make it more difficult to retain existing retailers and attract new businesses to the centres, particularly in the current climate."*

### Recommendation

Add condition 17 as follows:

17. Prior to the occupation of the building herein approved, details of screening to be provided to the rooftop amenity area shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be retained thereafter.

Reason: To protect the amenity of nearby residents in accordance with Policy BNE2 of the Medway Local Plan 2003.

Page 120 MC/17/1250

Chatham Quayside (Formerly Colonial,  
House), Quayside, Chatham, ME4 4YY

**Amend description of the development to read:**

Approval of reserved matters (appearance, landscaping, layout and scale) pursuant to condition 1 of MC/14/3631 for *outline planning permission with all matters reserved for future consideration, except access, for demolition of existing buildings and structures and redevelopment for a mixed development of up to 253 apartments and houses and up to 339 sq.m (3,650 sq.ft) of Class A1 floorspace (as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended)) together with vehicular and pedestrian access, formal and informal public open space, hard and soft landscaping and associated services.*

Plus an application for non-material amendment to planning permission MC/14/3631 to the main access design from Quayside and details pursuant to conditions 6, 11, 12, 13, 16, 21 & 28.

**Amend condition 1 as set out below.**

1. Under the heading 18<sup>th</sup> July 2017 amend drawing number 4179 PL 1000 revision F to read Drawing number 4179 PL 1000 revision L.

In addition, add:

- the following drawing numbers under the heading 18 July 2017: Drawing number(s): 4179 PI 7105-02 Rev D' 4179 PI 4200-02 Rev G; and 4179 PI 7204-02 Rev B; and
- the following additional plans and documents received on 25 August 2017: Drawing Numbers: 01-586-100 Rev F; 01-586-101 Rev E; 01-586-102 Rev F; 01-586-103 Rev E; 01-586-104 Rev E; 01-586-201 Rev D; 01-586-202 Rev E; and 01-586-300 Rev C; Documents 'Design Code (Document Reference 4179 PL 0011 – Issue 5 (dated 18/08/2017)); Planting Strategy (Drawing references 01-586-301 Rev C - 01-586-307 Rev C (Inclusive)); Hardworks Strategy (Document Reference: 01-586-502); The L.E.A.P. (Locally Equipped Area of Play) Strategy (Document Reference: 01-586-600 Rev B); and The Landscape Implementation and Management Plan (Document Reference: 01-586-700 Rev B).

Amend condition 2 as set out below:

2. Prior to construction proceeding above damp proof course level for any phase or sub-phase of the development, a design code for that phase or sub-phase of the development, which shall accord with the Design Code received by the Council on the 18 August, 2017, shall be submitted to and approved in writing by Local Planning Authority. The design code will accord with the principles established in the design guide submitted to the LPA with the reserved matters application and will be prepared in accordance with a content of components to be agreed in writing with the Local Planning Authority. Following the written approval of the design code by the Local Planning Authority, the development shall only be undertaken in accordance with that design code.

Reason: Specific design details, such as materials to be used, are vague. Therefore design details are required to ensure the satisfactory design and quality of the development. Such details are required to ensure compliance with paragraph 56 of the National Planning Policy Framework and saved Policies H4 and BNE1 of the Medway Local Plan 2003.

### **Representations**

The applicant has commented on the content of the committee report. The comments relevant to Members consideration of this proposal are summarised below:

In response to the Council's comments on Condition 6: landscaping – An amended Landscape Implementation and Management Plan (document 01-586-700 Revision B) is submitted. The opportunity has been taken at the same time to ensure all the landscape drawings align with the development layout changes previously submitted and this has meant very minor changes to other landscape drawings. A full package of amended landscape drawings has also been submitted.

Comments on the application by Southern Water (SW) are noted by the applicant and are noted to be the same comments as made by SW at the outline application stage. SW's comments were included as an informative to that permission. The applicants would like the Committee to be made aware that this is not a planning matter but, where relevant, one to be addressed at building regulations approval stage. The applicant's advise that they have not disregarded Southern Water's previous comment but have commissioned an expert consultant's report on noise and vibration from the pumping station and neither was detected. The same applies to odour from the pumping station which has never been detected within the boundaries of the application site. The pump which might have been the potential source of noise and vibration

is housed within a substantial building and is at least 15 metres away from the closest apartment block within the proposed development. However, this is not a category of pump to which any building regulation on minimum separation distance from residential development applies. The applicants' civil engineering consultant is in contact with Southern Water to provide them with this information.

In addition to the above, the applicants have submitted an additional document entitled "Chatham Quayside – Design Code - (Document Reference: 4179\_PL\_0011 Revision 5 dated 18.08.17). This document is a revision to their former document entitled 'Design Guide – Draft – work in progress 4.8.17'. The applicant states that their revised document "provides that additional level of detail, particularly architectural detailing, that might otherwise need to have been sought in further submissions to the Council post determination of the reserved matters application."

Officer Comment – With regard to Condition 6 (Landscaping – Outline), in terms of the additional plans and the amended Landscape Implementation and Management Plan (document 01-586-700 Revision B), the amended and the revised plans are considered to address the Council's original concerns related to the lack of detail in regard to maintenance of the landscaping proposed. This being the case, it is considered that the landscaping details submitted, as revised, are acceptable and that the description of the development should be revised to include the discharge of condition 6 (Landscaping – Outline) accordingly.

Turning to the document entitled Design Code (Document Reference: 4179\_PL\_0011 Revision 5 dated 18.08.17). The above design code document has been reviewed and it is considered that the document is generally acceptable as an approach even though it suffers a bit from largely repeating the design and access statement. As a document that seeks to guide the conditions process it could do a lot, though the project would likely still be better served by Chetwoods [the current architects] being retained at the very least as concept stewards. It does offer some greater clarity from the Design and Access Statement although it is suggested that the following is included to complete it for this stage:

1. A diagram for the location of character areas and by extension clear articulation where each of the varying details apply;
2. Overall dimensional parameters for the buildings and their façades;
3. Overall dimensional parameters for the masterplan, spaces and roads, etc.;
4. Dimensions of brick set-backs to reveals, any eaves overhangs, roof pitches, internal balconies and oriel window projections;
5. Description of how buildings connect to the ground and how the lower level brick courses / hard scape/softs cape/ connections of land and any drainage channels at this junction;
6. Confirmation that all gas pipes and other ventilated ducts will be internal the units;
7. Outline specification, material, colour, position and dimensions of visible of rainwater goods;



8. Outline specification, material, colour, position and dimensions of any visible flues & vents;
9. A bit more detail on the aluminium balcony fascia detail as this in the wrong hands could be very crude;
10. Dimensional information regarding the balconies, balustrades and rails;
11. Diagram demonstrating the colour strategy across the project to coordinate with other materials – i.e. doors, windows, etc.; and
12. Intentions for landscape edge and material junctions.”

The **Environment Agency (EA)** has written in response to amended plans which they were re-consulted on. The EA have confirmed that they have no objection to the proposed amended plans, but have reiterated their comments concerning the scope of works required to address any contamination issues and that land contamination conditions should not be fully discharged until relevant verification of all work has been carried out and submitted.

**Kent County Council Ecological Advice Service** has written in response to amended plans, which they were re-consulted on. They advise that their previous advice applies equally to this amendment; the proposed amendments to the original application are unlikely to have significantly different impacts than the original proposal; and they have no further comment to make.

**Southern Water** has written in response to amended plans, which they were re-consulted on. They advise that their comments remain unchanged from their previous response, as precis in the main report, and are valid for the revised plans submitted by the applicants.

**Page 138 MC/16/4229**

**Land North of Peninsula Way, Main Road  
Chattenden, Rochester, Kent**

### **Recommendation**

**Add new condition 3 as follows:**

3. No development shall take place until details of surface water drainage storage with supporting evidence have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and retained thereafter.

Reason: To ensure that the attenuation requirements for surface water drainage are appropriate for the lifetime of the development.

### **Representations**

**Cllr Roy Freshwater** has emailed making comments on the application. This email is attached as an appendix to this supplementary agenda.

### Officer Comment

The 2016 Medway Air Quality Planning Guidance has been used as the basis for quantifying the cost to society which may be caused by the resulting transport related emissions. The guidance uses a formula for assigning a monetary value to the amount of damage caused by the additional transport emissions, and is based upon the latest available evidence on health effects. This monetary value (damage cost) is the used as the basis for determining the scale of mitigation required to offset the emissions. The damage cost value is not to be paid to the council, but is the minimum amount of money to be spent by the applicant on mitigation measures, and is a condition of the outline planning permission. The mitigation scheme for the development has been accepted and more detail on this can be found in the air quality assessment.

The assessment of this development's impact has been based upon the worst case scenario, i.e. vehicle emissions do not improve between now and the opening year. In reality this is unlikely to be the case as evidence is emerging that the real world emissions from Euro VI cars have improved upon Euro V. The actual level of improvement lies somewhere between the no improvement scenario, and the absolute improvement mandated by the Euro emissions standards.

Development assessments are also required to consider the cumulative impacts of other committed developments in the vicinity.

All developments coming forward which are likely to have an impact on air quality have to use the Medway guidance for determine the scale of mitigation to be provided. In this way cumulative impacts are addressed and minimised.

Whilst there may be concern regarding emissions from lorries, an assessment carried out for the forthcoming Four Elms Hill Air Quality Management Area has shown that emissions from diesel cars are the major contributor to poor air quality in the area.

We cannot advise on the traffic flow information used in the consideration of the Four Elms Hill roundabout improvements as this is an Integrated Transport project. Integrated Transport will be best placed to answer what inputs and assumptions have been made. However, we would expect that the impacts of committed development on this area, and traffic growth, would be a factor in why the project is being developed.

**Page 166    MC/17/0930    Machine Shop 8, Chatham Docks**

### **Representations**

**The applicant** has written advising that they are hopeful of agreeing a transaction for the bulk of the space to be occupied by a climbing centre. In this respect they are excited by the prospect as climbing is anticipated to be an event at the next Olympics and are hopeful of securing one of the first Olympic style climbing walls in the UK.

2 further letters have been received making the following comments in objection to the application:

- There will be no linked trips with Dickens World as that has closed
- Customers will not walk from Dockside to machine shop but will drive around.
- Accessible car park is opposite bus stop and will cause congestion.
- Ship and trades car park already overflows and this will make situation worse.
- Concerned that proposed materials will not be compatible with the area.
- No arboricultural method statements re: retained tree.
- Landscaping may be reduced due to cost savings
- Operating hours much longer than flip out and should be amended to reflect those.
- 3 entrances will increase likelihood of noise transference
- Proposals to limit noise could be visually intrusive
- Parking management plan will result in more car parks being managed by a private company.
- Should be automatic barrier on Dock Head Road
- Can residents review and comment on CEMP
- Loss of privacy
- Noise disturbance during day as work on shifts

Page 194 MC/17/1227

89 Brambletree Crescent, Borstal,  
Rochester, ME1 3LQ

### Recommendation

Add new condition 4 as follows:

4. Prior to the commencement of development, details of existing and proposed site levels (clearly detailing the height of the proposed slab level for the garden studio) and proposed boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and the approved boundary treatment completed prior to the studio first being brought into use.

Reason: No such information and detailing has been provided and in the interests of the amenities of the area and neighbours.

Add new condition 5 as follows:

5. The garden studio shall be constructed in brickwork to match the existing house or in accordance with materials that have first been approved in writing by the Local Planning Authority.

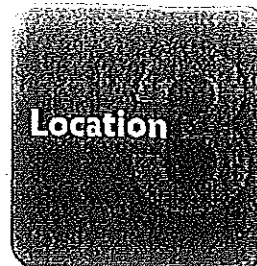
Reason: In the interests of the visual amenities of the area.

Page 206    MC/17/2131    1A and 1B Merlin Way, Gillingham,  
ME7 4JN

#### **Correspondence from Applicant**

The applicant has emailed to confirm the internal floor to cill heights of the rooflights. The height of floor to cill of the rooflights to the rear is 1500mm and the height of floor to cill of the rooflights to the front is 800mm.

In addition to this, the applicant has also included information to address the concerns raised regarding parking. The agent has been working alongside Ward Councillor Clive Johnson, who has been liaising with the Council's highways department, to introduce measures to address existing parking issues within the close. Any mitigation measures will be consulted on in due course by the relevant Council department.



Victoria House  
36 Albion Place  
Maidstone  
Kent ME14 5DZ

22 August 2017

T - 01622 677222  
F - 01622 661188  
WWW.L3P.CO.UK

Dear Councillor,

**Plot 1, Anthony's Way, Medway City Estate Application Ref: MC/16/1084**

I am writing to you in respect of our planning application for the above site which is due to be considered by the Planning Committee at its meeting on 30 August.

The application was submitted in March 2016 and proposes an 84,000sqft (net ground floor) retail scheme. These proposals are much smaller than retail schemes that have previously been granted planning permission on the site including a 100,000sqft Sainsbury's. We had constructive discussions with Medway planners and have agreed the design, ecological mitigation (most of which has been completed), technical / environmental and highways matters.

However, officers are now in the incomprehensible position of having to recommend refusal of the application on a site with an extant retail permission, owing largely to retail advice received from external consultants. This advice is unsound and does not consider any of the regenerative benefits that would be delivered by the proposals. The planning process has been protracted, largely owing to the performance of the external consultants advising Medway Council, the first of which was dis-instructed by the Council. Nevertheless we have been committed to reaching a negotiated planning permission with Medway Council rather than take the route of an appeal.

Surprisingly the Committee Report also cites the absence of a Park & Ride facility as a reason for refusal. The need for a Park & Ride facility in conjunction with these proposals has not been raised during the 18-month planning process and, indeed, it was explicitly confirmed at a meeting with officers on 1 November 2016 that it would not be supported as a reason for refusal.

National companies (including Lidl and Dunelm) are lined up for over 90% of the proposed retail accommodation, all of which are brand new to Medway and the overall investment will be in the order of £30 million, with the introduction of over 225 new jobs to the area. These companies want to be represented in Medway but continued delays could cause them to invest elsewhere rather than wait.

The larger permitted Sainsbury's scheme has no retail restrictions but we are willing to accept a range of conditions which we have put forward to officers. I have pleasure in enclosing a short briefing note that covers the issues more fully and includes the conditions that we are proposing.

In the report to Committee it states that *"the application by its nature raises a number of complex issues that are most appropriately considered by the Planning Committee rather than under officer delegated powers."* With your permission, the new development proposals can now, finally be completed by the end of 2018. We are in advanced negotiations with the main building contractor and it is ready to start on site. We also have interest from a major institutional investor in the project. We therefore ask that you share our confidence in Medway, support common sense and allow us to undertake the development of this important landfill site.

We have shared a copy of this letter and enclosure with your officers.

Thank for you taking the time to consider our position.

Yours faithfully,

---

Colin Thacker MRICS

## BRIEFING NOTE FOR PLANNING COMMITTEE MEMBERS

### PLOT 1, ANTHONY'S WAY, MEDWAY CITY ESTATE

22 AUGUST 2017

#### 1. OVERVIEW

The planning application proposes 84,000sqft (net ground floor) of retail space including a 20,000sqft discount foodstore and so is much smaller than all of the previous proposals.

The site already has an extant planning permission for a 100,000sqft retail foodstore, which is capable of being built at any time. Planning permission was previously granted on the site for a 150,000sqft B&Q, which was later approved by committee to allow a 150,000sqft retail park.

Sainsbury's cancelled their plans to open this store due to well-publicised major changes in shopping patterns that impacted the retail and development viability of new stores for all of the major food retailers, throughout the country. However, the market is dynamic and changing; and the original development could proceed in the future, including the park & ride (despite us being told that there is no requirement by Medway to operate it). The consent exists in perpetuity to enable this to happen.

The Council's own Counsel has advised that the weight to be given to the fall-back position is a matter for the decision maker – i.e. the Planning Committee. However, irrespective of the planning weight of the fall-back position, the Committee supported the previous proposals for the site for many other reasons, including regeneration, jobs, retention of expenditure in Medway and choice. These reasons also apply to the latest proposals.

#### 2. PARK & RIDE AND HIGHWAYS

In late 2015, we presented our plans to Planning Committee members and stakeholders at Gun Wharf. The principal comments related to deliverability given the site's history. As Medway Council no longer operates park & rides, a costly element of the previous development has been removed, negating the need to infill Whitewall Creek.

The absence of a park & ride facility from the proposals forms the basis for the second reason for refusal, despite our being previously informed by officers that it would not be considered as such. The report to Committee states that "*the Council has not abandoned the [park and ride] policy at this time*" although it has abandoned its park & ride at Horsted and gone on to sell the site. Reality does not appear to support the policy position and the reason is unsound.

The inclusion of a park & ride facility was not included in the reasons for approving the previous Sainsbury's scheme.

The reason for refusal also refers to the proposals not amounting to a sustainable form of development. Across the peak periods, the proposals will generate around 70% less traffic than the previously permitted Sainsbury's scheme. The report to committee recognises that existing bus services along Anthony's Way would provide staff and customers with an alternative travel option.

The highway improvements delivered by the new proposals will provide a new footpath on the eastern side of Anthony's Way, a new bus stop, road widening and a new traffic light controlled junction serving the new development, the existing petrol station and the McDonalds restaurant, which presently suffer from access and parking problems. At a cost of £1m, the works tie in with those already undertaken by Medway Council to the roundabout at the A289 and will make a significant improvement to access to and from Medway City Estate.

In the report to Committee, it states that it is requested that provision is made for a suitable crossing facility to the south of Enterprise Close. This has been agreed.

### 3. RETAIL MATTERS

In 2016 Medway Council appointed external consultants (GVA) to report on retail policy issues including impact. They provided advice to the Council, although we were not given the opportunity to engage with them before they were dis-instructed. A second consultant, Carter Jonas were subsequently appointed to advise.

They eventually reported back to Medway, again after very little engagement with us but, unfortunately, we believe that the advice given by them is flawed and prejudicial and now threatens this significant investment opportunity for Medway. Planning officers have rightly disregarded unsound advice in respect of the sequential test. However, the advice from Carter Jonas in respect of retail impact, which contains erroneous data, has been included in the report to committee at length and resulted in the primary reason for refusal.

In assessing the perceived impact on existing centres with Carter Jonas using very negative 'worst case scenario' figures to justify their advice. We have formally responded on the Carter Jonas report and remain confident that when *correctly* analysed, the development does not adversely impact any existing centre. For our tenant line up they advise an impact of -4.4% against our figure of -1.8%. Neither is significant in retail planning terms.

In the report to the Planning Committee, officers recognise that "*the assessment of the economic impact of new retail schemes on town centre trade/turnover at some point in the future is not an exact science.*" The report also states that "*It is not considered that there will be any significant adverse impact on any current known planned private investment in Chatham Town Centre or Strood Town Centre.*"

Recently, Carter Jonas advised Dartford Council on the 300,000+sqft extension to Bluewater (unrestricted retail), concluding that a 5% impact on Chatham was acceptable without any mitigation measures. Yet they consider a much smaller retail park, which we are happy to limit by condition, with a lower impact should be refused. This is illogical.

All of our proposed retailers are new to Medway and tend to traditionally trade from out-of-centre retail parks, not town centres. The potential for any like-for-like competition with existing town centre will be further reduced as we are willing to commit to restrict the sale of fashion, footwear or sports goods.

The Medway Future report published early in 2016 states that there is a need for 34,900sqm of comparison retail space and 10,500sqm of convenience (groceries etc.) retail space up to 2031. Survey data collected as part of the work for the Council's retail study showed that £187million of Medway's comparison expenditure



was leaking to Bluewater and Maidstone. This leakage will increase with the extension to Bluewater if the retail offer in Medway is not improved.

The Medway City Estate proposals will help to protect Medway from external threats such as Bluewater, by providing a wider choice, comparable with other local centres such as Maidstone. The committee report does not highlight advice that our proposals will help to claw back a proportion of the trade currently leaking out of Medway.

#### 4. PROPOSED CONDITIONS

We are willing to agree to conditions that restrict the retail activities at the site. We are not proposing a scheme that resembles the High Street and are instead suggesting conditions that are reasonable and common for parks such as this which would commit to:

- Not providing space for a period of five years for any retailer who occupies space in Gatham town centre.
- Restricting the foodstore to a discount retailer only.
- Restricting the sale of fashion, footwear or sports goods.
- Restricting the subdivision of the retail units.
- Not exceeding the floor area specified in the plans or providing any additional floorspace, such as by way of a mezzanine.

The full wording of the suggested conditions are appended.

#### 5. CONCLUSION

There is an overwhelmingly positive case for the proposals. The key points and benefits are:

- A £30million+ investment in Medway
- Over 225 new full-time jobs plus over 100 jobs during the construction phase
- New companies investing in Medway
- Improved highways for Medway City Estate
- Improved facilities for Medway City Estate employees
- Investor confidence in Medway
- Redevelopment of a landfill site
- The site has an extant planning permission for a 100,000sqft Sainsbury's and a history of retail permissions since 2006
- Medway Council no longer operates park and ride schemes but the original development could still be built
- Like-for-like competition with existing town centres is limited, lesser than with previous permissions and can be reinforced through conditions
- Retention of and increases in retail spend in Medway with more choice for local residents
- The new development is deliverable and if approved will be open for business in late 2018

## APPENDIX

PLOT 1, ST ANTHONY'S WAY, FRINDSBURY  
APPLICATION REFERENCE MC/16/1084)

### SCHEDULE OF RETAIL PLANNING CONDITIONS ACCEPTABLE TO THE APPLICANT

#### Condition 1

(i) Otherwise than in the circumstances set out at (ii) below, for a period of five years from the date on which the development is first occupied, no retail floorspace hereby approved shall be occupied by any retailer who at the date of the grant of permission, or within a period of 12 months immediately prior to the occupation of the development hereby approved, occupies retail floorspace which exceeds 250m<sup>2</sup> (Gross External Area) within Chatham Town Centre.

#### Condition 2

(ii) Such occupation shall only be permitted where such retailer as identified in (i) above submits a scheme which commits to retaining their presence as a retailer in Chatham Town Centre for a minimum period of 5 years following the date of their proposed occupation of any retail floorspace hereby approved, and such a scheme has been approved in writing by the Local Planning Authority.

#### Condition 3

Unit 1 hereby approved, as shown on plan PL[0]02A, shall only be used as a Limited Assortment Discounter (LAD) retail unit. This is defined as primarily a food store which is characterised by: a dominance of private or 'exclusive' labels with few national brands; selling a limited range of products; and ancillary non-food ranges promoted through 'weekly specials'. For the avoidance of doubt, the use shall not include a butchers counter; a fishmongers; a dispensing pharmacy; a dry-cleaning service; a Post Office service; financial products; photography processing; a café or restaurant; or the sale of cigarettes and tobacco products. No use other than a LAD, as defined above, shall occupy the premises, including any other purpose in Use Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

#### Condition 4

Notwithstanding the provisions of the Town and Country (Use Classes) (Amendment) (England) Order 2015 (or any Order amending, revoking or re-enacting that Order), Units 2 to 5 (as shown on plan PL[0]02A) shall not be used for the sale of fashion, footwear or sports goods unless such products are ancillary to the main product range.

#### Condition 5

The buildings hereby approved, shall at no time be subdivided to create retail units with a floorspace of less than 696m<sup>2</sup> (GIA) without the prior consent of the Local Planning Authority.

#### Condition 6

Notwithstanding the provisions of the Town and Country (Use Classes) (Amendment) (England) Order 2015 (or any Order amending, revoking or re-enacting that Order), no additional internal floorspace (including, but not limited to, the creation of mezzanine floorspace) shall be created within the buildings hereby approved other than those approved by this permission and shown on drawing no. PL[0]02A.

#### Condition 7

The total gross internal floor area of the development hereby approved and shown on plan PL[0]02A shall not exceed 9,290.4m<sup>2</sup>.

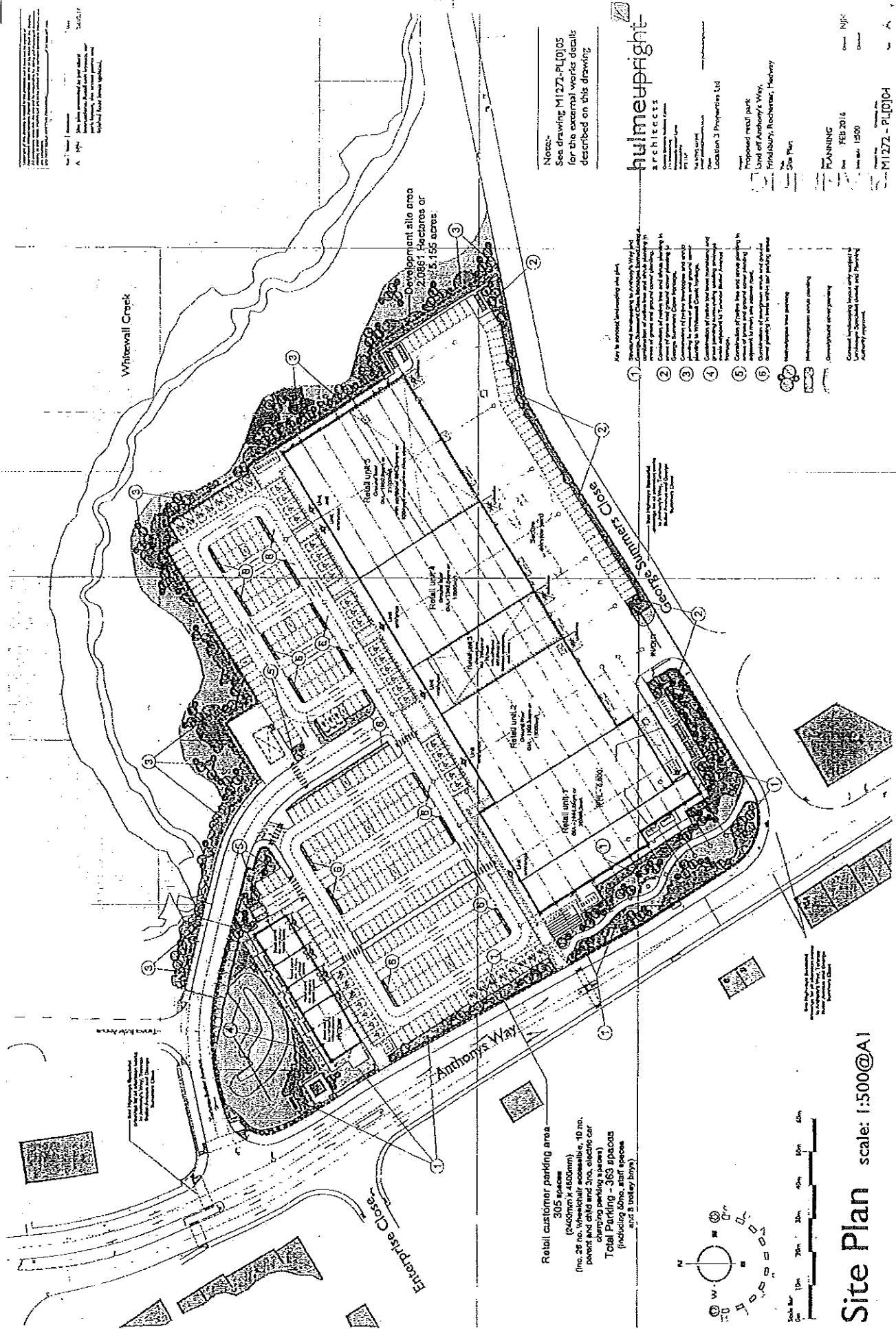
ENDS

1. See also drawings M1272-PL0103, M1272-PL0104, M1272-PL0105, M1272-PL0106, M1272-PL0107, M1272-PL0108, M1272-PL0109, M1272-PL0110, M1272-PL0111, M1272-PL0112, M1272-PL0113, M1272-PL0114, M1272-PL0115, M1272-PL0116, M1272-PL0117, M1272-PL0118, M1272-PL0119, M1272-PL0120, M1272-PL0121, M1272-PL0122, M1272-PL0123, M1272-PL0124, M1272-PL0125, M1272-PL0126, M1272-PL0127, M1272-PL0128, M1272-PL0129, M1272-PL0130, M1272-PL0131, M1272-PL0132, M1272-PL0133, M1272-PL0134, M1272-PL0135, M1272-PL0136, M1272-PL0137, M1272-PL0138, M1272-PL0139, M1272-PL0140, M1272-PL0141, M1272-PL0142, M1272-PL0143, M1272-PL0144, M1272-PL0145, M1272-PL0146, M1272-PL0147, M1272-PL0148, M1272-PL0149, M1272-PL0150, M1272-PL0151, M1272-PL0152, M1272-PL0153, M1272-PL0154, M1272-PL0155, M1272-PL0156, M1272-PL0157, M1272-PL0158, M1272-PL0159, M1272-PL0160, M1272-PL0161, M1272-PL0162, M1272-PL0163, M1272-PL0164, M1272-PL0165, M1272-PL0166, M1272-PL0167, M1272-PL0168, M1272-PL0169, M1272-PL0170, M1272-PL0171, M1272-PL0172, M1272-PL0173, M1272-PL0174, M1272-PL0175, M1272-PL0176, M1272-PL0177, M1272-PL0178, M1272-PL0179, M1272-PL0180, M1272-PL0181, M1272-PL0182, M1272-PL0183, M1272-PL0184, M1272-PL0185, M1272-PL0186, M1272-PL0187, M1272-PL0188, M1272-PL0189, M1272-PL0190, M1272-PL0191, M1272-PL0192, M1272-PL0193, M1272-PL0194, M1272-PL0195, M1272-PL0196, M1272-PL0197, M1272-PL0198, M1272-PL0199, M1272-PL0200.

Notes:-  
 See drawing M1272-PL0105  
 for the external works details  
 described on this drawing

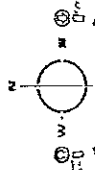
**hulmeuplight**  
**architects**  
 100, The Arcade, Rochdale, Greater Manchester, M16 9JG  
 Tel: 01627 511111  
 Email: info@hulmeuplight.co.uk  
 Location: 3 Properties Ltd

Proposed retail park  
 Land of Anthony's Way,  
 Tintindilly, Rochdale, Highway  
 The Site Plan  
 Planning  
 Date: FEB 2016  
 Issue No: 1/500  
 Drawing No: M1272 - PL0104



- 1. Area to be retained (including the park)
- 2. Structures to be retained (including Anthony's Way and George Sumner's Close, Whitehall Creek, and the existing car park)
- 3. Structures to be demolished (including the existing car park)
- 4. Contributions of earth, tree and other landscaping to be retained (including the existing car park)
- 5. Contributions of earth, tree and other landscaping to be demolished (including the existing car park)
- 6. Contributions of earth, tree and other landscaping to be replaced (including the existing car park)
- 7. Contributions of earth, tree and other landscaping to be replaced (including the existing car park)
- 8. Contributions of earth, tree and other landscaping to be replaced (including the existing car park)
- 9. Contributions of earth, tree and other landscaping to be replaced (including the existing car park)
- 10. Contributions of earth, tree and other landscaping to be replaced (including the existing car park)

Retail customer parking area  
 305 spaces  
 (10m x 4.50m) x 10 no.  
 parent and child and 300 electric car  
 charging parking spaces  
 Total Parking - 363 spaces  
 (including 30m staff spaces  
 and 8 motorbikes)



**Site Plan** scale: 1:500@A1



15 Buckingham Gate, London, SW1E 6LB. Tel: 0207 935 5880

Dave Harris  
 Head of Planning  
 Medway Council  
 Civic HQ  
 Gun Wharf, Dock Road  
 Chatham  
 Kent  
 ME4 4TR

roger@simply-planning.com  
 29<sup>th</sup> August 2017

Dear Mr Harris,

Town and Country Planning Act 1990  
Plot 1, Anthony's Way, Frindsbury  
Application Reference MC/16/1084

I am writing to respond on behalf of my clients to your report on our planning application which will be considered at Wednesday's Committee meeting. Not surprisingly, we fundamentally disagree with your analysis and subsequent recommendation.

As previously agreed, would you ensure a full copy of this letter is included in your update papers for Members.

In support of our application we would make the following points:-

- The starting point with this site, which cannot be ignored, is that it benefits from an extant consent for the same quantum of retail floorspace that can be built out at any point and will remain in perpetuity. To think that the site will ultimately be developed for anything other than retail is therefore naïve.
- If we are unsuccessful it is simply unknown what Sainsburys will do with the site. One option, that has been raised, is that they could build out the existing consent but trade it under their multi facia format (this includes in addition to Sainsburys their Argos, Habitat, Timpsons and other facias). They have and are opening such stores elsewhere in the country and nothing would prevent them from doing that here. Such a concept would have significantly greater impact implications than our proposal.
- The fallback position is a material consideration in our application and your own Counsel tells you as much. It is for your Planning Committee to decide what weight should be given to it.
- Carter Jonas's (CJ's) advice on impact is pessimistic in the extreme. Their Scenario 2 figures (an open A1 position) will simply not arise as it is not what we are seeking consent for. We have offered a range of conditions which would limit the products that can be sold from the site, the size of units, a preclusion on further mezzanine floorspace and preventing town centre retailers taking units. Therefore CJ's Scenario 2 analysis cannot arise and those impact figures merely mislead and paint a wholly unrealistic impact scenario.
- The true difference on impact is small. In the case of Chatham, CJ say 4.4% and we say 1.8%. Either way, neither is high or a cause for concern. Each must be seen in the context of the Council's acceptance of a similar impact on Chatham with the Sainsbury's proposal or CJ's recent support for a 5% impact on Chatham with the proposed Bluewater extension.

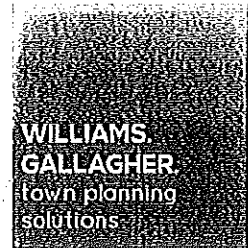
- CJ's impact figures for Strood seriously overstate the proposed trade draw from the Aldi store in Strood and correspondingly down play the draw from Aldi, Gillingham. The Gillingham store is by far Medway's best performing discount food retail store and yet CJ presume that 20% more trade will be derived from the Strood store. Given the relative proximity of the two stores and the disposition of population this level of difference is not justified and merely seeks to over inflate the projected impact on Strood.
- What CJ do not tell you is that even with their overestimated trade draw from Aldi Strood that store will still be trading at very high levels, well in excess of the company average turnover level, and will remain extremely profitable.
- Strood's convenience offer is very good. It benefits from Aldi, Asda, Iceland, the nearby Tesco and Morrisons stores and the recently opened M&S Simply Food. To suggest the one Lidl store we are proposing could seriously threaten this robust convenience offer is simply not credible.
- Your reason for refusal based on Policy T17 and the Park and Ride is quite incredible. At no point in the past 18 months that we have discussed this application has the failure to provide a Park and Ride been raised as a potential objection. Indeed, it was said in our meeting on 1st November 2016 (minuted in my letter of 8<sup>th</sup> November) that, on advice from you, failure to provide a Park and Ride was not considered a justified reason for refusal.
- Had the Park and Ride been fundamental it should have been raised at day one and not just 10 days before the application is presented to Committee.
- The fact remains that your Council closed Medway's only existing Park and Ride facility (Horsted) and has subsequently sold the site. To suggest, therefore, that the Council is actively pursuing a Park and Ride on our site is misleading in the extreme.
- If there had been serious intent to still achieve a Park and Ride on our site, as officers, you should have raised it with us long ago. You did not. We can conclude nothing other than reliance on Policy T17 is a cynical attempt to strengthen your Council's position should this matter end up at appeal.
- Finally your Report references your Legal Counsel advising that provision of the Park and Ride '*was an important consideration in granting permission*' (page 53) for the Sainsbury's development. That is factually wrong as the Committee Minutes confirm. Committee granted consent to the Sainsbury's on the back of the fallback position, surplus expenditure capacity and impact, the job benefits it would deliver (as will we) and the acceptability of the highway works. The Park and Ride was not a minuted factor in their decision.

We hope that your planning committee will not follow your recommendation on this application but rather will see common sense and take on board the significant benefits our proposal will bring not least in terms of investment, jobs and an enhanced retail offer that the scheme will bring. They are all substantial and should be given significant weight.

Yours sincerely,

17333 - 30030083 3

29 August 2017



Williams Gallagher  
Studio 321  
51 Pinfold Street  
Birmingham  
B2 4AY

williams-gallagher.com  
t: 07375 041974

e: matthew@williams-gallagher.com

By Email

Dear Planning Committee Member

**Plot 1, Anthony's Way, Medway City Estate, Rochester, ME2 4NS (Application Ref: MC/16/1084)**

We are writing to you today on behalf of the Chatham Centre Forum and Ellandi LLP (owners of the Pentagon Shopping Centre in Chatham Town Centre) regarding the abovementioned planning application which is due to be heard at Planning Committee on Wednesday 30 August.

Both Ellandi and the Chatham Centre Forum are committed to preserving and enhancing the vitality and viability of Chatham Town Centre which provides an important facility to local residents and the wider community. Despite this important role, you will be aware that the Town Centre faces numerous challenges which include retaining existing occupiers whilst simultaneously seeking to attract new retailers to the Town Centre.

It is with the above in mind that we have significant concerns regarding the proposed retail park at Medway City Estate. These concerns can be summarised as follows:

- When the application was first submitted in 2016, the Applicant was asked to clarify who the scheme was being targeted at. The Applicant only provided confirmation of the types of operators they are seeking to attract in July of this year. While these operators are not signed to the scheme, the types suggested include those selling homewares, electrical goods, health and beauty products, cards and stationery, books and toys.
- These types of goods are sold throughout Chatham Town Centre including from a number of stores which anchor the Centre and help to drive footfall to smaller stores and facilities. This includes stores such as Sainsbury's, TK Maxx, Wilko, The Works, Boots and Superdrug as well as existing café operators such as Greggs, BBs, Subway, Muffin Break and Coffee Republic. Accordingly, the proposed retail park will compete head on with the town centre selling like for like goods, this will result in a significant adverse impact on the vitality and viability of the centre.
- In addition, the Applicant proposes to include a number of restaurant and café uses at the retail park which are simply designed to get people to stay longer at the retail park and will remove a further reason for visiting Chatham Town Centre.
- The proposal will impact investor confidence in the Town Centre and undermine attempts to make improvements through, for example, the refurbishment / extension of the Pentagon Centre. In addition, the beneficial impacts arising from committed investment in the Town Centre as part of the Chatham Placemaking Project will be undermined. In this regard, the proposal will have a significant adverse impact on existing and planned investment.

The above concerns are very real and well-founded based on the nature of the application proposed. We therefore fully support and concur with the conclusions of your officers in regard to the proposed development's impact on Medway's allocated centres, namely that the proposed development will result in a development that will result in a significant adverse impact on the vitality and viability of Chatham and its role and function as the main sub-regional shopping centre of Medway.

10/10/10

In order to protect the future of Chatham Town Centre, we would respectfully ask that Members refuse this application in line with your officer's recommendation.

---



harris, dave

---

From: Roy Freshwater <royfreshwater@hotmail.co.uk>  
 Sent: 28 August 2017 22:40  
 To: Diane Chambers; harris, dave  
 Subject: Re: Planning Application MC/16/4229 Land North of Peninsula Way, Main Road, Chattenden - Actions

Dear Councillor Chambers, Thank you for your invitation but I regret I am now unable to attend your meeting and address the Committee on pollution concerns. Local residents have called a local meeting at very short notice at Hoo Village Hall at the same time as your committee meeting and asked me to attend together with Alan Jarret and Kelly Tolhurst.

Planning Application MC/16/4229 is slightly outside my ward area but you will be aware that all residents living or working on the Peninsula are required to travel on the A228, Peninsula Hill and use the Peninsula Roundabout which has high levels of pollution.

All residents living and working on the Peninsula are very worried about this planning application and development and other planning applications in the pipe line for the Peninsula. The Council and residents are concerned over the ever increasing levels of pollution in the area of 4 Elms Roundabout and Four Elms Hill and the Council has completed a consultation and the Cabinet will be considering the implementation of a designated air quality management area.

All these pollutions and health concerns will relate to new residents and all roads within MC/16/4229 planning application and all roads within the Peninsula as the vehicles used by new residents of this development will be adding to the pollution levels at 4 Elms Hill and roundabout. Mr. Harris has indicated that answer by Medway Pollution officers to my questions will be submitted to your committee under supplementary advice. As you are aware the Councils has a legal duty to take air quality into account in determining planning applications and to consider adverse effects which this and future developments may have on local air quality and adverse effect on the proposed development. Residents living in many small villages on the Peninsula are stressed and confused and need the Councils help as they are not getting clear information about pollution and poisonous fumes. Housing developers just consider pollution and poisonous fumes as another hurdle to overcome and do not care about residents health and just walk away when developments are completed leaving the community to deal with any long term health issues.

I would ask the Planning Committee not to proceed further and refuse this Planning Application Mc/16/4229 on the grounds (a) it is not sustainable for the same combination of harms the government inspector refuse the appeal to the adjacent land of Planning Application MC/14/3405 in April 2015 (b) that all new residents buying homes and using vehicles from this new development will add to the pollution levels at 4 Elms Hill and 4 Elms roundabout where the emphasis of air quality, particularly in new developments in or near to designated Air Quality Management Areas, is to ensure air quality is neutral or better to ensure new developments have a negative impact on air quality in the Peninsula. Kind regards  
 Roy

