

Planning Committee – Supplementary agenda

A meeting of the Planning Committee will be held on:

Date: 3 February 2021

Time: 6.30pm

Venue: Virtual Meeting

Items

- 11 Additional Information - Supplementary agenda advice sheet (Pages 3 - 14)

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

Date: 26 January 2021

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Medway Council

PLANNING COMMITTEE – 3 February 2021

Supplementary Agenda Advice

**Page 20 MC/20/3077 Land North of Medway Road, Gillingham
ME7 1NY**

Recommendation

Amend wording of condition 25 as follows:

Add the phrase, 'above slab level' after 'No development shall take place' and before 'until'.

Add condition:

27 The proposed E(a) Use (Retail) hereby permitted shall remain in that use and no other Class E uses within Schedule 2, Part A, Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended) shall be carried out unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of neighbouring and occupier amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

Proposal

Replace within the last sentence of the last paragraph, the phrase 'which is in the process of being finalised and sealed by the Court' with the following wording:

The consent order to quash planning permission granted under MC/19/1875 and MC/20/1431 has now been finalised and issued by the High Court (dated 25 January 2021).

Representation

Additional letter has been received from the applicant. A copy of the letter is appended.

Appraisal

Principle

P.39 Conclusions on matters of principle and sequential test

Add the following wording to the end of the second sentence:

...in support of the previous duplicate application MC/20/1431 and is referred to in the Planning and Retail Statement Ref JPW1531 v1 (dated 27 November 2020).

Flood Risk and Surface Water

Add the following wording at P.51 in front of the sentence, 'The Lead Local Flood Authority (LLFA) has commented as follows:'

'Based on review of the submitted site specific Flood Risk and Drainage Strategy (SCP ref TW/190320/FRS Rev B, November 2020) and Technical Note (Mayer Brown) submitted under Appendix I, required in accordance with paragraph 163 of the NPPF,'

Amend the last paragraph on P.51 to read as follows:

The site is situated predominantly in Flood Zone 1 in accordance with the most up to date Environment Agency (EA) mapping. Flood Zones relate to the risk of tidal and fluvial flooding; Flood Zone 1 represents very low risk where the risk of flooding in any one year is less than 1%. There is a small area along the northern boundary, which is at low risk, where the risk of flooding in any one year is between 0.1% and 1%; this Zone 2 area runs along Pier Road and a small area that overlaps the site boundary. The applicants have put forward that this overlap is due to the quality of the flood zone map and the fact that the application site is approx. 1.5-2m above the level of the road means that there is a very low risk of any flooding along the road spilling over on to the site. It is agreed by the Council that this explanation has merit, and it is not considered by the Council that the Zone 2 area is applicable to the site. As the site and proposed development are outside of the high-risk tidal flood zone, no further consideration is required in that respect.

EA mapping does indicate that the site is however at high risk of surface water flooding with estimated depths under a high-risk scenario of less than <300mm, and some localised areas of 300-900mm depths under a medium risk scenario. The low-risk scenario indicates greater depths, but there is more uncertainty associated with the low order event. There are also known surface water flooding issues adjacent to the site along Pier Road. There is a Southern Water pumping station located at Pier Road which consists of an automatic pump and an additional pump which is used during exceedance. The additional pump currently relies on human intervention. That coupled with the impact of high tides causing 'backing up' of flows during heavy rainfall and high tides, contributes to the flooding frequently experienced at Pier Road, which is significantly lower than the development site.

Amend paragraph 2 on P.52 to read as follows:

The risk of surface water flooding is appraised in the Councils emerging Strategic Flood Risk Assessment (2020), which has been submitted under Appendix L of the Flood Risk Statement and Drainage Strategy Doc Ref TW/190320/FRS RevB (FRA) (dated November 2020), a currently unadopted but relevant strategy.

Paragraph 158 of the NPPF references the flood risk Sequential Test. The aim of this test is to steer new developments to areas with the lowest probability of flooding. Paragraph 019 of NPPG: *Flood and Coastal Change* (Reference ID: 7-019-20140306) states that the Flood Zones as refined in the Strategic Flood Risk Assessment for the area provide a basis for applying the test, to steer new developments to Flood Zone 1 (areas with a low probability of *river or sea flooding*), taking into account the flood risk vulnerability of land uses. Overarching national planning policy and guidance thusly makes the distinction that the Sequential Test is not relevant to sites at risk of other sources of flooding but that those risks need to be considered in applying the sequential approach to development. As the site is predominantly within Flood Zone 1, the Sequential Test referenced does not apply.

The Council are considering how sites at risk of surface water flooding can be considered consistently in this context with areas identified to be at risk of surface water flooding, and so therefore the application of the Sequential Test to areas at risk of surface water flooding is referenced in the emerging SFRA. However, the strategy is under continual review and is being produced to support the emerging Local Plan and relevant site allocations. Therefore, prior to adoption this strategy is currently relevant only with respect to the identification of the site as an area at surface water risk, alongside EA surface water flood risk mapping, as this is the part of the SFRA consistent with national information and is therefore not subject to a formal adoption process.

Insert after the amended paragraph 2 above and before the existing paragraph 3 on P.52, the paragraph as follows:

Notwithstanding, the development constitutes a 'less vulnerable' development according to Table 2: *Flood risk vulnerability classification* within NPPG, Flood and Coastal Change. Further, Table 3: *Flood risk vulnerability and flood zone compatibility* within the NPPG indicates that the proposed use is appropriate for Flood Zones, 1, 2 and 3a. Should a Sequential Test be applied to surface water sites within the emerging Local Plan and SFRA, 'less vulnerable' development will similarly and consistently be deemed appropriate. However, the method and application of the Sequential Test to sites at risk of surface water flooding, is a departure from that within NPPF and NPPG, and therefore remains under review in terms of its appropriateness and application.

Insert 'LLFA' to the last sentence of existing paragraph 3 after the word 'The' and before the word 'concludes' on P.52.

Conclusions and reasons for approval

Add the following sentence before the first paragraph:

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

Add the following wording to the end of the second sentence of the first paragraph:

...in support of the previous duplicate application MC/20/1431 and is referred to in the Planning and Retail Statement Ref JPW1531 v1 (dated 27 November 2020).

Page 56 MC/20/0932 - St Clements House, Corporation Street, Rochester

Recommendation

Amend the following conditions:

Replace condition 13 to read:

- 13 No development shall take place other than demolition, contamination investigation and remediation works, archaeological works and earthworks until a scheme showing details of the disposal of surface water, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. Those details shall include (where applicable):
- i. Details of the design of the scheme (in conjunction with the landscaping plan where applicable).
 - ii. A timetable for its implementation (including phased implementation).
 - iii. Operational maintenance and management plan including access requirements for each sustainable drainage component.
 - iv. Proposed arrangements for future adoption by any public body, statutory undertaker or management company.

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

Replace condition 14 to read:

- 14 Prior to the first occupation of any building (or within an agreed implementation schedule) a signed verification report carried out by a qualified drainage engineer (or equivalent) must be submitted to and approved by the Local Planning Authority to confirm that the agreed surface water system has been constructed as per the agreed scheme and plans. The report shall include details and locations of critical drainage infrastructure (such as inlets, outlets and control structures)

including as built drawings, and an operation and maintenance manual for the unadopted parts of the scheme as constructed.

Replace condition 19 to read:

19 Notwithstanding submitted drawings, no development above ground floor slab level shall take place until full details of a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority. Plans and information provided shall include:

- details of existing and proposed finished ground levels, means of enclosure, car parking layouts, **cycle parking for visitors**, other vehicle and pedestrian access and circulation areas, all paving and external hard surfacing, lighting and services (including drainage), tree grilles, minor artefacts and structures (seating, refuse receptacles and raised planters). Soft landscape works, including details of planting plans, tree positions, planting build ups, written specifications (including cultivation and other operations associated with grass, tree and planting establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes, root treatments and proposed numbers/densities where appropriate; and
- a timetable for implementation.

The development shall be implemented in accordance with the approved details and timetable and any trees or plants which within 5 years of planting are removed, die, or become seriously damaged or diseased so as to impair their successful establishment, shall be replaced in the next planting season with others of a similar size and species.

Replace condition 24 to read:

24 No part of the development shall be occupied until a Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Parking Management Plan shall contain details of how; the parking spaces within the development are to be provided, managed and preserved for use by future residents and their visitors; **provision of annual membership for future residents to access a car club scheme in the vicinity; agreement that future residents will not be eligible for any residents' parking permit schemes in operation in the local area.** The Parking Management Plan shall be implemented in accordance with the approved details prior to the first occupation of the development and shall thereafter be retained.

Add condition:

28 No development shall take place until details of flood resilience and resistance measures specific to the development have been submitted

to and approved in writing by the Local Planning Authority. Such details shall include:

- Demonstration that the finished floor levels will be a minimum of +900mm above current ground level.
- Details of flood resilient building materials to be used.
- Details of safe access and egress.

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

Reason: This condition is sought in accordance with Paragraph 001 of National Planning Policy Guidance (NPPG): *Flood and Coastal Change* to ensure that the development is appropriately flood resilient and resistant for its users for the developments lifetime.

Representation

Additional statutory comment on revised details:

Historic England advise that they have no further comments.

The **Lead Local Flood Authority** advise that, in combination with the proposed surface water drainage system, the proposal satisfies paragraph 163 of the National Planning Policy Framework. Conditions are required in relation to flood resilience measures, surface water drainage scheme, verification report of the agreed surface water drainage scheme.

Page 84 MC/20/1800 - Land off Lower Rainham Road, Rainham, Gillingham

Recommendation

Approve subject to s106:

Amend

ix to - Contribution of £53,312.5 towards highway improvement at Berengrave nature reserve meet Lower Rainham Road, and public transport improvement.

Add the following

xii – Contribution of £50,938.41 to support the foundation and development of the Rainham locality Primary Care Network including the supporting infrastructure, IT, training and equipment

xiii - Contribution of £10,000 towards public realm improvements in Rainham Town Centre

Amend conditions as follow:

Delete condition 31 as it is included in condition 28

Amend the following condition:

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

Add the following conditions

- 31 The development shall be carried out in accordance with the climate change and energy efficiency measures details in the letter Response to Climate Change dated and received 29 Jan 2021.

Prior to the occupation of the 75th dwelling a verification report shall be submitted to and approved in writing by the local planning authority. The verification report shall detail and confirm the measures that have been implemented.

Reason: In the interests of energy efficiency and climate change in accordance with paragraphs 8, 149, 150 and 151 of the National Planning Policy Framework

- 32 No part of the development shall commence until full details (S278) of the following highway improvements have been submitted to and approved in writing by the Local Planning Authority and thereby completed prior to occupation of the residential units:

Access arrangements and parking area as outlined in drawings 14657-H-01 P4 and 14657-H-02 P2.

The approved details shall thereafter be implemented in full prior to first occupation of the development.

Reason: to ensure the development preserves conditions of highway safety, pedestrian safety and the free flow of traffic, in accordance with Policies T1, T2 and T3 of the Medway Local Plan

Renumber condition 32 to 33

Relevant Planning History include:

MC/18/3160 Land Off Lower Rainham Road (West Of Station Road)
Rainham Gillingham Medway ME8 7UB (Adjoining site to the east)

Outline planning application with some matters reserved (appearance, landscaping, layout and scale) for up to 64 dwellings (including 25% affordable), planting and landscaping, informal open space, vehicular access point from Lower Rainham Road and associated ancillary works.
Approved 29 Nov 2019

Representation

Additional letter received from Bellway in response to climate change. A copy of the letter is appended.

Planning Appraisal

Add

Climate Change and Energy Efficiency

The applicant has indicated that all materials will be used to exceed the requirements of the latest building regulations and in particular Part L (Energy Use) with a 20-50% improvement from materials and the dwellings would utilise efficient fittings such as dual flushes.

Biodiversity enhancements are to be secured including the creation of a wildflower grassland, additional tree and shrub planting and ecological enhancements such as bat and bird boxes.

The close proximity of amenities including public transport, public park, leisure facilities, businesses and shopping facilities from the proposed development mean the length of journey is minimal promoting walking and making it not essential to own a car.

Secured bike storage can be provided within the secured rear private gardens or within garages, as such the development offers the opportunity for a sustainable transport solution. Low NOx boilers are to be fitted in each dwelling and electric car points are also conditioned as part of this application.

Copy of letter from Lidl



Lidl Great Britain Limited
Northfleet Property Office
Crete Hall Road
Gravesend
DA11 9BU

Telephone: 01474 543 988
northfleet.property@lidl.co.uk

Date: 27th January 2021

Dear Councillor,

Re: Medway Council Planning Committee – 03/02/2021
Land North of Medway Road, Gillingham ME7 1NL
Application Number: MC/20/3077

It is with great pleasure that I can advise you that the proposed Lidl development is back at planning committee for members' consideration on the 3rd February 2021.

I am sure by now, councillors are extremely well versed in our proposal, having seen it multiple times at committee. The previously consented Lidl scheme, on the same site, was recently quashed for a second time, following a legal challenge submitted by Asda, on the basis of administrative technicalities and their supposed concerns around our resilience to flooding.

As with our previous duplicate application, much of the previous correspondence/ consultations have been rolled over into this newer application.

To that end, in an attempt not to bombard members with excessive correspondence and paperwork, I would simply like to reiterate to members the significant local support for our development. You may recall me previously mentioning that as part of Lidl's original application (MC/19/1875) we conducted an extensive public consultation exercise and received an overwhelming 3,783 responses of which 3,502 (93%) were in support of the scheme. For completeness I can confirm that 2% of responses were undecided, with only 5% of comments received in objection to our proposal. As the proposal before you at February's committee is acknowledged as a 'duplicate application' I trust you will take the results of our previous public consultation exercise into consideration in your decision-making process.

I am sure that members are frustrated by the continued delays to the redevelopment of this brownfield site, especially given the number of times members have consented to the proposals in the past. Both Lidl, and the University of Kent who Lidl will be purchasing the site from, remain committed for this development to go ahead. If members are minded to approve our application again, they will be supporting the redevelopment of a brownfield site back into gainful use, and helping to bring the first Lidl discount foodstore to Medway, thereby stopping spend leakage for local residents who currently need to travel further afield to shop with Lidl.

Thank you for taking the time to read this short summary letter and I look forward to watching this application being determined on the 3rd February.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Adam Forsdick", is written over a dark, irregularly shaped background that looks like a stamp or a piece of paper.

Adam Forsdick
Regional Head of Property
Lidl Great Britain Limited

Copy of letter from Bellway on Energy Efficiency



Date: 29th January

Ref: CM/kh

Mr D Harris
Head of Planning
Medway Council
Gun Wharf
Dock Road
Chatham
Kent ME4 4TR

Bellway Homes
Kent Division
30 Tower View
Kings Hill
West Malling
Kent
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Dear Mr Harris

LOWER RAINHAM ROAD RESPONSE TO CLIMATE CHANGE

Following recent discussions with your Officers regarding Bellway's planning application for the development of Lower Rainham Road for 79 new homes (ref MC/20/1800), I wished to write to you clarifying Bellway's commitment to addressing climate change, which I trust will aid Officer's consideration of the proposals.

Building Performance & Energy Efficiency

Bellway Homes is a FTSE 250 company with National influence and as such takes climate change and environmental matters very seriously. These matters sit at the core of our corporate responsibilities, with policies which specifically look to monitor and actively manage carbon emissions as well as manage environmental impacts. We are therefore delighted that the proposals for Lower Rainham Road comprise the new "Enhanced" house type range. This is a controlled product from design to completion with all dwellings having been refined to maximise energy performance, minimising energy consumption and carbon emissions.

The "Enhanced" house type range exceeds Part L of Building Regulations, which contains requirements relating to the conservation of fuel and power. In particular, Bellway's fabric first approach exceeds building regulations as follows:

- External walls 20% improvement
- Floors 40% improvement
- Roof 50% improvement
- Windows 35% improvement
- Air tightness 50% improvement

These enhancements deliver long term benefits in reducing carbon emissions, which are embedded for the life of the building (not the lifespan of equipment), thus future proofing the homes. Allied to this, the increased energy performance also has the long-term benefit of reducing energy bills.

In addition to the "in-built" measures. Bellway Homes are also all fitted with energy saving appliances, including measures to control water uses, such a dual flushes, further reducing both energy and water consumption.



Bellway is proud to be supporting Cancer Research UK as their charity of the year

Registered Office: Bellway Homes Limited, Seaton Burn House, Dudley Lane, Seaton Burn,
Newcastle upon Tyne, NE13 6BE. Registered in England Number 670176
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Landscape & Biodiversity

Alongside increasing standards of building performance, Bellway is also committed to investing in the quality of the landscaped environment that it provides in its developments. We recognise high quality landscaping not only enhances a sense of place and character, but helps integrate developments into the wider landscape, whilst providing for environments that support ecological gains and varied recreational opportunities that support the health and well being of our residents as well as the wider community.

At Lower Rainham Road we have worked hard to provide meaningful and multifunctional landscaped spaces, which incorporate ecological enhancement measures. Currently dominated by semi-improved grassland habitat the Site is currently of low ecological value, but qualitative enhancements will be achieved through the delivery of:

- Creation of wildflower grassland;
- Native tree and shrub planting;
- Bulb planting;
- Hedgerow planting;
- Creation of grass SuDS basin, swales and rain garden;
- Creation of log-piles for reptiles and invertebrates;
- Inclusion of integrated bat boxes within new dwelling;
- Inclusion of integrated bird boxes within new dwellings; and
- Inclusion of Hedgehog domes within greenspace.

The addition of the rain garden in particular provides an exciting opportunity to deliver a distinctive landscaped feature, providing a multi-functional space that not only benefits ecology, but helps manage surface water run-off and provide an attractive and usable amenity space. The new tree and shrub planting (which will be over and above what already exists on site) will contribute to the absorption of carbon, whilst the creation of new and more varied habitats will provide greater ecological connectivity supporting existing and new ecology, helping to combat the impacts of climate change.

Air Quality


To tackle issues of Air Quality, the proposals incorporate an electric charging point for each new home and one per 10 unallocated spaces. Low NOx boilers will be fitted in all homes, further reducing polluting emissions.

Resources

As a company we are also committed to reducing waste within our developments and where possible will source materials from the local area, both reducing emissions and supporting the local economy.

Bellway has a long and established record of housing delivery in Medway which we want to continue. I therefore hope that this letter is of use to you in your consideration of the proposals and demonstrates that Bellway has actively incorporated a number of measures that seek to address the issue of climate change and is doing so secures a high quality development for Medway and our residents.

Yours sincerely
Bellway Homes Kent Division



Chris Moore
Managing Director

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