

MC/14/0028

Date Received: 7 January, 2014

Location: Victory Pier Pier Road Gillingham Kent ME7 1RL

Proposal: Construction of a 5 storey hotel (80 bedrooms) with associated access and parking

Applicant: Premier Inn Hotels Ltd

Agent: Mr Brooker Walsingham Planning Bourne House Cores End Road Bourne End Bucks SL8 5AR

Ward Gillingham North

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 2 April, 2014.

Recommendation - Approval with Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

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

Drawing 490-01; 3305/P101 Rev A; 3305/P102; 3305/P103; 3305/P104; 3305/P105 Rev A; 3305/P106 Rev A; 3305/P107

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

- 3 Prior to the hotel becoming operational there shall be submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected and the approved boundary treatment shall be erected in accordance with the approved details prior to the Hotel becoming operational and shall thereafter be retained.

Reason: To ensure that the development does not prejudice conditions of amenity and to comply with Policy BNE2 of the Medway Local Plan 2003.

- 4 Notwithstanding the submitted details, before the development is commenced above ground floor slab level details and samples of any materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority and development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not prejudice condition of amenity and comply with policy BNE1 of the Medway Local Plan 2003.

- 5 Prior to the commencement of the development hereby permitted, details of the following architectural elements shall be submitted to and approved in writing by the Local Planning Authority:

- window and window panel designs including sections showing wall/window junctions, window/panel junctions, panel/ wall junctions (main building);
- sections through ground floor/ first floor junction, brise-solie at upper floors, parapet/roof junction (main building);
- curtain walling on entrance tower;
- masonry wall, wall window, and roof window junctions on entrance tower.

Elevations and sections of the details shall be submitted at a scale of not less than 1 :20. The development shall be implemented strictly in accordance with the approved details and all items which form part of the approved scheme shall thereafter be retained, unless any variations are otherwise first approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to comply with policy BNE1 of the Medway Local Plan 2003.

- 6 Notwithstanding the submitted details, prior to the commencement of any development above ground floor slab level full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels of contours; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artifacts and structures (e.g. external furniture, lighting etc). Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and implementation programme.

Reason: In the interest of visual amenity and to comply with policy BNE1 of the Medway Local Plan 2003.

- 7 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the Hotel becoming operational or in accordance with the programme agreed with the Local Planning Authority. The approved planting stock shall be maintained for a minimum period of five years following its planting and any of the stock that dies or is destroyed within this period shall be replanted in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of visual amenity and to comply with policy BNE1 of the Medway Local Plan 2003.

- 8 The area shown on the permitted drawings for vehicle parking shall be surfaced, marked out, drained and made available for use prior to the hotel becoming operational. The vehicle parking shall be kept available for such use and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: To ensure car parking is provided and protected to serve the needs of the hotel and to accord with policy T13 of the Medway Local Plan 2003.

- 9 Prior to the commencement of any development above ground floor slab level, details of the location and design of all external structures for the services to meet the needs of the hotel, including electric and gas boxes, lifts, any air conditioning units, telephone and satellite services shall be submitted to and approved in writing by the Local Planning Authority. The Hotel shall not be brought into operation until the service structures have been provided in accordance with the approved details and they shall thereafter be retained.

Reason. In the interests of visual amenity and to accord with policy BNE1 of the Medway Local Plan 2003.

- 10 No soakaways shall be permitted as part of this development unless otherwise agreed in writing with the Local Planning Authority.

Reason: To prevent pollution of controlled waters and to comply with Policy BNE23 of the Medway Local Plan 2003.

- 11 No development shall commence until the method for piling foundations has been submitted to and approved in writing by the Local Planning Authority. Any piling shall be undertaken in full accordance with the approved details.

Reason: To prevent contamination of the groundwater in the underlying aquifer and to accord with Policy BNE23 of the Medway Local Plan 2003..

- 12 Prior to the commencement of the development hereby permitted a construction code of practice that describes measures to control noise and dust impacts arising from the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved code of practice.

Reason: To ensure that the development does not prejudice conditions of amenity and to accord with Policy BNE2 of the Medway Local Plan 2003.

- 13 Prior to the commencement of the development hereby permitted a scheme for protecting the proposed development from transport related noise, shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include details of acoustic protection sufficient to ensure internal noise levels (LAeq,T) no greater than 30dB in bedrooms with windows closed. Where the internal noise level (LAeq,T) will exceed 30dB in bedrooms with windows open, the scheme shall incorporate appropriately acoustically screened mechanical ventilation. All works which form part of the approved scheme shall be completed before the Hotel is brought into operation and shall thereafter be maintained in accordance with the approved details.

Reason: To ensure that the development does not prejudice conditions of amenity for future occupiers and to accord with Policy BNE2 of the Medway Local Plan 2003

- 14 Before development is commenced above ground floor slab level a scheme that specifies the provisions to be made for controlling noise emanating from the hotel activities shall be submitted to and approved in writing by the Local Planning Authority. All works that form part of the approved scheme shall be completed before the first use of those activities on site and shall thereafter be maintained for the duration of use.

Reason: To ensure that the development does not prejudice conditions of amenity and to accord with Policy BNE2 of the Medway Local Plan 2003.

- 15 Prior to the commencement of any development above ground floor slab level, details of the bin store and a cycle parking shelter shall be submitted to and approved in writing by the Local Planning Authority. The approved store and shelter shall be constructed prior to the hotel becoming operational and thereafter maintained in accordance with the approved details.

Reason: No such details have been submitted.

- 16 Prior to the commencement of any works in connection with the development hereby permitted, wheel cleaning facilities shall be provided on the site in accordance with details submitted to and approved in writing by the Local Planning Authority and shall be used at all times during the construction of the development hereby permitted.

Reason: To avoid the tracking out of mud and detritus on the highway, in the interests of highway safety and amenity generally and compliance with Policies BNE2 and T1 of the Medway Local Plan 2003.

- 17 No development above ground floor slab level shall be undertaken until details of bat bricks and bird boxes as well as the enhancement of the landscape features for bats and birds have been submitted to and approved in writing by the Local Planning Authority. These details shall be undertaken in accordance with a timeframe to be agreed in writing with the Local Planning Authority as part of the details submitted.

Reason: In the interests of nature conservation and compliance with Policy BNE37 of the Medway Local Plan 2003.

- 18 Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority to ensure:

- i) ground floor finished floor levels are set no lower than 6.2metres above Ordnance Datum Newlyn;
- ii) a suitable means of safe egress is provided above revised 1 in 200 year tide level of 6metres above Ordnance Datum Newlyn;
- iii) the incorporation of flood-proofing measures.

The development shall be constructed and maintained in accordance with the approved details.

Reason: To reduce the risk and impact of flooding to the proposed development and future occupants and to comply with Policy BNE2 of the Medway Local Plan 2003.

- 19 The development of the site should be carried out in accordance with the Remediation Strategy approved under application MC2004/1214.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health and to comply with Policies BNE and BNE23 of the Medway Local Plan 2003.

- 20 If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, for an addendum to the approved remediation strategy. This addendum to the approved remediation strategy must detail how this unsuspected contamination shall be dealt with and from the date of approval the addendum(s) shall form part of the Remediation Strategy.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and harm to human health and to comply with Policy BNE2 of the Medway Local Plan 2003.

- 21 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development within Parts 1 or 2 of the second schedule to the Order shall be carried out on the site without the prior written approval of the Local Planning Authority.

Reason: To ensure that the development does not prejudice conditions of amenity and to comply with Policy BNE2 of the Medway Local Plan 2003.

- 22 The development hereby permitted by this planning permission shall not be commenced until an appropriate mechanism relating to the land has been made and lodged with the Local Planning Authority and the Local Planning Authority has subsequently approved the details of the mechanism. The said mechanism will provide for the measures to assist with training and workforce development.

Reason: In accordance with Policy S6 of the Medway Local Plan 2003 and supplementary planning document 'Guide to Developer Contributions' (adopted June 2012).

- 23 The car park and turning area within the site shall be lit in accordance with a lighting scheme installed on site before the Hotel first becomes operational in accordance with details submitted to and approved in writing by the Local Planning Authority.

Reason : To safeguard conditions of amenity within the scheme of development permitted in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 24 Prior to the commencement of the development hereby permitted, a scheme for the extraction and treatment of cooking fumes, including details for the control of noise and vibration from the system, shall be submitted and approved in writing by the Local Planning Authority. Noise from the extraction system (LAeq,T) shall be at least 5dB(A) below the background noise level (LA90,T) at the nearest residential facade, when assessed in accordance with BS 4142:1997. The approved scheme shall be implemented before the development is brought into use and thereafter be maintained in accordance with the approved details.

Reason: In order to protect the amenities of the area and to accord with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 25 Prior to the commencement of any residential part of the development hereby permitted, the details of a scheme of mitigation measures necessary to ensure an appropriate level of air quality within the development shall be submitted and approved in writing by the Local Planning Authority. All works, which form part of the approved scheme, shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: In the interests of the amenity of prospective occupiers of the Hotel and to comply with Policy BNE2 of the Medway Local Plan 2003.

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

Proposal

This application is for the construction of a 5 storey hotel (80 bedrooms) with a restaurant at ground floor. 76 car parking spaces including 4 disabled spaces and cycle shelter and refuse storage facility are to be provided along the western boundary. Access to the site would be from the existing road to the north, Black Avenue. A pedestrian access will be provided from the junction of the Pegasus Way with Pier Road.

Relevant Planning History

MC/13/2610	Variation of condition 36 of planning permission MC/12/0758 (Hybrid application consisting of full planning permission (building L1) for construction of 71 residential units and outline planning permission for access, scale and layout (buildings A & B, C & D, H & J, K & P) for up to 390 residential units (total of up to 461 residential units) and commercial floorspace (A1/A2/A3/B1/D1/D2 uses) with a maximum height of ground floor plus 15 storeys together with car and cycle parking, hard and soft landscaping, refuse and recycling storage and other associated works) related to parking and security measures to Block L1 Approved 26 November 2013
MC/11/2899	Details pursuant to condition 10 on planning permission MC/11/1799 for Construction of a 120 bedroom Hotel with associated car park & external works Discharge of Conditions 13 December 2011
MC/11/2850	Details pursuant to conditions 11, 15 & 17 on planning permission MC/11/1799 for Construction of a 120 bedroom Hotel with associated car park & external works Discharge of Conditions 13 December 2011
MC/11/2086	Details pursuant to conditions 11 & 15 on planning permission MC2008/1614 for Construction of a 120 bedroom Hotel with associated car park & external works Withdrawn by Applicant 03 October 2011
MC/11/1799	Variation of conditions 4,12,13 and 21 of planning consent MC2008/1614 to amend the wording of the conditions to read "Prior to the commencement of the development hereby permitted above ground slab level..."

Approved 23 September 2011

MC/08/1614 Construction of a 120 bedroom Hotel with associated car park & external works
Approved 19 December 2008

MC/04/1214 Outline application for the redevelopment of former industrial works to provide 808 residential units, 11 live/work units, retail use, restaurants, hotel with ancillary pub and restaurant, offices (Class B1a), creche, harbour masters, 93 bed student accommodation, new access arrangements, associated landscaping and car parking (demolition of all existing buildings)
Approved 26 May 2006

Representations

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

20 letters of representation (including one from the MP) have been received expressing concern about:

- Impact of the proposal on the existing low level and poorly managed car parking.
- Noise generated by lorries and cars using the hotel site.
- Excess damage to the road surface due to use of the road by more vehicles.
- Care house land being use as a short cut to the restaurant along the water front.
- Access to the care home could be impacted during the construction of the Hotel.

One letter of support has been received

Southern Water has no objection.

Southern Gas Networks has stated that they have a LP gas mains along the frontage of the application site and there should be no excavations taking place above or within 0.5m or 3m of the gas mains.

Kent Fire and Rescue Service states that the proposed means of access is satisfactory.

The Environment Agency has no objection to the proposed development.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003. The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework, 2012 and are considered to conform.

Planning Appraisal

Background.

The original outline permission in 2004 for this the AKZO site included the provision of a hotel with the layout plan showing a hotel is the approximate location of the current proposal. In 2008 Planning committee granted full planning permission for the erection of 120 bedroom hotel with associated car park on the south west corner of the former Akzo site. The applicant discharged all the pre-commencement conditions of the planning permission and commenced the development by virtue of the construction of the access to the hotel site. It is therefore important to note that the permission granted under MC/2008/1614 is live. The site therefore has an extant planning permission for 120 bed hotel and construction could resume at any time on that without the need for a further permission. However, this application is to build a smaller hotel on this site hence this application before you.

Comparing the current proposal with the 2008 approved hotel

Year	no. of storeys	no. of bedrooms	no. of car parking spaces
2008	6	120	99 +(6 disabled spaces)
2014	5	80	72 +(4 disabled spaces)

Main Issues

- The principle of erection of a hotel development on this site.
- Siting and design
- Residential amenity
- Highway considerations.
- Noise and Air quality
- Drainage and Flooding
- Contamination
- Local Finance considerations

Principle

The principle of the development of a hotel with associated car parking on this site has already been established by the 2008 planning permission for a 120 bedroom hotel and associated car parking. In light of this background there is no in principle objection to this proposal.

Siting and Design

The location of the proposed hotel would be along the southwest corner of Victory Pier development site and this is similar to the 2008 permission. In terms of design the building would be five storey, one storey less than the student accommodation building to the east. The proposed elevations of the hotel would involve the use of strong tower features on the east and west flanks. The main entrance to the hotel will be from the north, facing the car park area.

The design uses vertical glazed band windows as well as strong horizontal windows with coloured tresa panels to enhance the elevational appearance of the building. The finished materials are yet to be agreed. However the proposed design with detailed fenestration and high quality tower design would make the building an important land mark. The overall design of the building would complement the student accommodation and enhance the appearance of the street scene and would provide an attractive and satisfactory finish to this junction, which provides a vehicular entrance to Victory Pier development site.

Internally, the development would provide double and single bedroom accommodation as well as a restaurant at ground floor level.

Landscaping has been proposed around the site and building. Although no details have been submitted, a landscaping condition is recommended to ensure high quality planting is carried out, as this would help to enhance the appearance of the building and street scene and link to the quality of landscaping already undertaken within the wider site.

It is considered that the proposal accords with the development brief, details of the design framework and design code approved for the Victory Pier development and which has guided the development on the remainder of the site. As a consequence the proposed hotel complies with Policy BNE1 of the Medway Local Plan 2003.

Amenity

The proposed hotel development would be over 65m away from the residential block to the north and 55m from the student accommodation building and as such it is considered that the development would not adversely impact on the amenities of the surrounding properties.

The existing industrial units to the west are not considered to be sensitive to overshadowing due to their commercial nature and lack of associated out door operational space.

Pier Road is a very busy and noisy road and future occupiers of the hotel could be affected by the level of noise. To deal with the issue of noise a condition is recommended to seek submission of a scheme for protecting the users of the building from transport related noise.

The application site is within an area which is declared an Air Quality Management Area. This declaration has been made since the 2008 permission for the hotel. To protect the users and occupiers of the ground and first floor part of the hotel facing Pier Road from poor air quality, it is recommended that a condition be imposed requiring that these rooms be fitted with a mechanical ventilation system that pulls air from the northern side of the building.

The applicant has provided some details to deal with the issue of odour from the kitchen ventilation system. However more information would be required to deal with the noise levels from the system. A condition is recommended to deal with this issue.

Also due to the new residential property to the north and east it is considered appropriate to impose a condition to control construction related noise, dust and wheel washing.

Subject to the above conditions it is considered that the proposal would comply with policy BNE2 of the Medway Local Plan 2003.

Highways

This application proposes 76 car parking spaces (4 for disabled) and covered parking for bicycles. The proposed site layout would also allow HGV access (refuse and services).

Medway Council's adopted parking standards for hotels is a maximum of 1 car parking space per room. The proposed level of parking for 80 bedrooms is considered to be acceptable and it would not have an adverse impact on the wider Victory Pier parking provision.

Representations received from local residents have raised concern about inadequate level of car parking allocated to the care home to the north. This issue has been raised with the developer of Victory Pier and a meeting to discuss and address this issue is to take place between the developer of Victory Pier and the residents of the care home. It is not an issue for this application, particularly considering the extant planning permission.

It is considered that the development would comply with policies T1, T2, T4 and T13 of the Medway Local Plan 2003.

Contamination

The applicant has provided information regarding decontamination of the site and has stated that a gas membrane will be installed at the site in accordance with wider remediation strategy for Victory Pier. A remediation scheme has been previously approved as part of the outline planning permission and therefore appropriate conditions making reference to the previously approved details are recommended.

Subject to the above condition it is considered that the development would accord with policy BNE23 of the Medway Local Plan 2003.

Employment

The proposal would generate employment for 24 full time staff, which would contribute towards the overall 200 employment places expected for the wider Victory Pier site as part of the Development Brief and as such the proposal would accord with policies of ED1, ED2, ED12 and ED13 of the Medway Local Plan 2003.

In addition the applicant has agreed to measures to provide for training and workforce development and an appropriate condition is recommended.

Ecology

The outline permission requires provision for bat bricks and birds boxes. To comply with the outline permission a condition is recommended to deal with this issue and to comply with policy BNE37 of the Medway Local Plan 2003.

Local Finance Considerations

None relevant to this application

Conclusions and Reasons for Approval

The proposed hotel is acceptable in principle reflecting the outline permission and 2008 permission for a 120 bedroom hotel. The proposed building in design, mass and scale would relate well with the student accommodation to the east and wider Victory Pier development. The hotel proposal would not cause harm to the amenities of the surrounding residential properties and would make acceptable provision for on site car parking and turning. The application therefore accords with the above mentioned Development Plan policies and is recommended for approval.

This application would normally fall to be determined under officers delegated powers but it is being referred for determination to the Planning Committee due to number of representation received expressing a view contrary to the recommendation.

Background Papers

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

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