

MC/15/4245

Date Received: 2 December, 2015

Location: Watermill Wharf, Canal Road, Strood, Rochester, ME2 4DR

Proposal: Full Planning Application for the change of use of commercial car park and storage to form B1 workspace, landscaping and provision of associated car park

Applicant: Medway Council

Agent: Mr Wright Carl Turner Architects Unit 41-43 49 Brixton Station Road London SW9 8PQ

Ward Strood North

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 9 March 2016.

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 and documents: P001; P002; P100; P101; P201; P202; P203; P204; P205; P301; P302; P303; P304; P305; P306; P307; P308; P401; the Design and Access Statement prepared by Carl Turner Architects dated November 2015; the Flood Risk Assessment prepared by JBA Consulting and dated October 2015; the Flood Evacuation Plan prepared by JBA Consulting dated November 2015; and the Ground Investigation Report prepared by Geotechnical and Environmental Associated dated December 2015.

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

- 3 No development shall take place until details and samples of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 4 The development shall not be occupied until details of the type and appearance of the boundary treatment and hard landscaping, including seating areas and planters, have been submitted to and approved in writing by the Local Planning Authority. The boundary treatment and hard landscaping shall be installed in accordance with the approved details prior to the first occupation of the development and shall thereafter be retained in accordance with the approved scheme of details.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 5 No piling or any other means of foundation formation below the current ground level of the site shall be undertaken prior to details for any such works being submitted to and approved in writing by the Local Planning Authority. Thereafter any foundation formation works shall be undertaken in accordance with approved details.

Reason To protect the underlying groundwater from risk of pollution and to accord with the policy objectives of section 11 of the National Planning Policy Framework 2012.

- 6 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. Thereafter no further works shall be undertaken on site until details for a remediation scheme have been submitted to and approved in writing of the Local Planning Authority. Thereafter the development shall be carried out in accordance with the provisions of the approved remediation scheme. Following the completion of the measures identified in the approved remediation scheme a verification report demonstrating compliance with the requirements of the remediation scheme shall be prepared and submitted to the Local Planning Authority for written approval.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003 and section 11 of the National Planning Policy Framework 2012.

- 7 No development shall be undertaken until a long term monitoring and maintenance plan for ground contamination has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a timetable for: undertaking the on site monitoring; and the submission of reports arising from the monitoring to the Local Planning Authority. The monitoring reports to be submitted to the Local Planning Authority shall include details of any contingency measures that will need to be implemented further to a review of the results from the on site monitoring and, upon the receipt of the written approval from the Local Planning Authority to any such contingency measures, they shall be implemented in accordance

with the approved details. On completion of the monitoring specified in the approved monitoring and maintenance plan a final report demonstrating that all long term remediation works and contingency measures have been implemented shall be submitted to and approved in writing by the Local Planning Authority.

Reason To protect the underlying ground water from risk of pollution and in accordance with the policy objectives of section 11 of the National Planning Policy Framework 2012.

- 8 The development shall not be occupied until: the vehicle parking spaces WS1 to WS15 inclusive; the delivery vehicle bays; and the vehicle manoeuvring areas shown drawings P202 and P205 have been provided, surfaced, drained and are available for use. Thereafter the parking and vehicle manoeuvring areas shall be kept available for such use and no other purpose and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) shall be carried out to preclude the use of these areas for vehicle parking or manoeuvring

Reason: Development without provision of adequate accommodation for the parking, loading, off-loading and turning of vehicles is likely to lead to hazardous conditions in the public highway and in accordance with Policy T13 of the Medway Local Plan 2003.

- 9 The lighting scheme shown on the approved plans shall be installed prior to first occupation of any part of the development and shall thereafter be retained and maintained in working order.

Reason: In the interests of the visual amenities of the area and the safety of staff working and visiting the site.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) Units ST1 to ST11 inclusive, as shown on drawing P202, shall only be occupied for purposes falling with Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended). Units MR1, K1 and WC1 and WC2 shall respectively be used for no purposes other than as a shared meeting room, a communal kitchen and toilets.

Reason In order to minimise the risk of adverse flood impacts upon the occupiers of the development to accord with the objectives of Section 10 of the National Planning Policy Framework 2012

For the reasons for this recommendation for approval please see Planning

Appraisal Section and Conclusions at the end of this report.

Proposal

This application seeks permission for the establishment of fifteen mixed office (Class B1) and storage (Class B8) work units that would be housed in reclaimed shipping containers that will be 2.4 metres wide (8 feet) and either 6.0 metres (20 feet) or 12 metres (40 feet) long. The units would be arranged in two blocks, one of seven units and the other of eight.

Eleven of the units would comprise two shipping containers being stacked one on top of the other, with the ground floor container for each unit being earmarked for storage, given the potential flood risk arising from the site's proximity to the Medway. The upper container for this group of units would be occupied as work space. The stacked containers would stand 5.33 metres high.

The other four units would comprise a first floor work space area, with the containers below these being occupied as: a shared meeting room; a communal kitchen area; communal toilets; and a bicycle storage area. The upper floor accommodation within each of the blocks would be accessed via external staircases and balconies. The first floor accommodation will be illuminated by a mixture of windows cut into each end and side windows or rooflights depending upon the position of the container in question within the development. The exterior of the containers will also be clad in a mixture of vertical larch slats and mesh panelling to soften the appearance of these structures.

The site's ground floor level will be raised by around 200 mm and it is intended that the containers will sit on steel beams and concrete pads to minimise ground disturbance for reasons of minimising the potential for encountering on-site below ground contamination and to avoid any conflict with the existing flood defences in the area.

On-site parking would comprise: 15 spaces allocated to the work space units, with one space being allocated per unit. Covered cycle parking would also be available within one of the containers. Three delivery bays would be provided for the servicing of the units. The external communal areas will be finished with a mixture of hard and soft landscaping, with the latter being accommodated within planters.

It is to be noted that Passmore's, who occupy premises opposite the application site currently rent some of the land within the application site for the purposes of providing parking for the company's staff and customers. During the construction phase the land rented to Passmore's will be unavailable, however, post construction an area of land, adjacent to the boundary with the adjoining games court area, and capable of accommodating five parked cars would be available for non-operational parking and this area has the potential of being re-let to Passmore's.

Relevant Planning History

| | |
|------------|---|
| MC/14/1608 | Change of use from workshop and parking to car and van hire with ancillary security fencing, portakabin and carport car wash and valeting Refused 29 December 2014 |
| MC/07/1291 | Change of use of five railway arches to form B1 office/craft workshops with provision of associated car park Approved 30 October 2007 |
| MC/07/0590 | Town and Country Planning (EIA) Regulations 1999 for a screening opinion to determine the for an Environmental Statement to accompany a planning application for redevelopment of railway arches to create four units with associated parking Determined not to be EIA development on 16 April 2007 |
| MC/07/0444 | Town and Country Planning (EIA) Regulations 1999 for a screening opinion to determine the for an Environmental Statement to accompany a planning application for redevelopment of railway arches to create four units with associated parking Determined not to be EIA development on 5 April 2007 |
| MC/01/1538 | Erection of a 2.4 metre galvanised weld mesh fence and double gates Approved 21 November 2001 |

Representations

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

The Environment Agency has written advising that from its perspective planning permission could be granted subject to the imposition of conditions for: the establishment of a long term contamination monitoring and maintenance plan; during the construction phase measures should be put in place to address any contamination that may be encountered if this had previously not been identified as being potentially present within the site; and to avoid pollution of a principle aquifer within a source protection zone (zone 2) details for piling or any other foundation design should be submitted for the planning authority's approval.

Network Rail has written raising no objection to the proposed development and in so doing has drawn attention to a number of measures that should be adopted to ensure that the construction and occupational phases of the development does not impact

upon Network Rail's rail infrastructure.

Southern Water has written drawing attention to the requirement for a connection to the public foul sewer to be made. The proposed rainwater harvesting system should be installed so as to ensure that the public water supply is protected and cross contamination does not occur. Prior to planning permission for this development being granted the relevant drainage authority's views on the proposed surface drainage arrangements should be sought.

Passmores has written **objecting** on the grounds that the development would affect parking spaces which are subject to a rental agreement that the company has entered into with Medway Council. The loss of these parking spaces would affect the operation of Passmores' business by reducing the opportunities for customer and employee parking. Passmores has advised it would have no objection to the proposed development if it avoids the parking spaces let to the company.

Rochester Bridge Trust has written commenting that it is disappointing that the proposed scheme does not include flood resilience measures that could protect the units within the development and reinstate the 1970s flood protection to Rochester Bridge and Strood High Street. The application proposals show the intention to install galvanised mesh fencing to each of the rail arches which has the potential to be unsightly, The Trust has recently installed fencing on the downstream side of the A2 viaduct and if fencing is installed on the upstream side of the rail bridge there will be potential for a no mans land to be created between the two bridges, an area that could become: overgrown and an area for the dumping of rubbish; and an area that would become the subject of vandalism. The use of containers has the potential for this development to have an unsightly appearance and conditions should be imposed requiring the exterior of the containers to be maintained.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (Local Plan). 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 (the NPPF) and are considered to conform. Where there may be some conflict, this is addressed in the appraisal section of the report.

The application site is within the part of Strood that is subject to the Strood Riverside Supplementary Planning Document (adopted in 2006 – the SPD). The SPD suggests that the application site could be redeveloped as 'a new multi-use centre at the gateway entrance of Canal Street' accommodating business uses.

Planning Appraisal

Principle

The proposed mixed use office/light industrial and storage units would be compatible with the SPD's intention that this part of the Strood Riverside regeneration area be occupied by employment generating uses. It is therefore considered that the proposed development will be compatible with the SPD's aspirations for this part of

Canal Road.

Character and Appearance

The application site is a vacant plot of land that has a generally derelict appearance and is in part visible from the A2 (High Street, Strood) via the railway arches. The proposed development would allow for the site's appearance to be enhanced and for it to be returned to an active use, having historically been used in connection with wharf type activities. It should be recognised that on the face of it the recycled containers would have a functional appearance, however, it is proposed that the containers will be clad with larch slats and decorative metallic mesh panelling, with any residual parts of the container superstructure that would be exposed finished in an anthracite grey paint. The proposed external finishes for the containers will mean that they will not have a utilitarian appearance and this development will have an appearance that will be appropriate to its surroundings.

Taking the aforementioned factors into account it is considered that this development will have an acceptable appearance and that in this respect this proposal will accord with the provisions of Policy BNE1 of the Local Plan.

Living Conditions

The closest residential properties to the site are around 60 metres away in Kingswear Gardens and given that degree of physical separation it is considered that this development will not give rise to any unacceptable loss of outlook, privacy or noise disturbance for the occupiers of properties in the area. In this regard no objection is raised to the development under the terms of Policy BNE2 of the Local Plan.

Flood Risk

The application site lies within a Flood Zone 3a (non-functional floodplain), as identified on the Environment's Flood Map for the area. The application site has been assessed as being at risk of tidal flooding events with a frequency of 1:200 years. This part of Canal Road has defences designed to defend the 1:20 year event. It is clear from historic flood events that have affected Canal Road that this site is susceptible to being inundated in the future if the river wall defence is overtopped during a tidal event. Canal Road is also liable to surface water flooding as a consequence of there being poor drainage infrastructure in this location.

For the purposes of the NPPF as a commercial development this proposal should be treated as being 'less vulnerable'. However, as this site is a Flood Zone 3 area, with an annual chance of flooding of 1:200 (0.5%) the development has been designed to allow for the ground floor to be flooded with flood resilience measures (internal waterproofing treatments, electrical wiring to be located above extreme flood event levels, subscription to the Environment Agency's flood warning service and implementation of a flood evacuation plan) being incorporated into the fit out for the ground floor accommodation.

There is currently no surface water drainage infrastructure on the site and as part of this scheme it is proposed that a sewer connection will be made.

Contaminated Land

As part of the development it is proposed that site's ground level will be raised by 200mm and the containers will be installed on steel beams and concrete pads to minimise below surface disturbance. By restricting below ground disturbance the potential for encountering any on-site contamination during the construction phase or causing any pollution to the water environment will be minimised.

In order to address the matters raised by the Environment Agency in its representations it is recommended that conditions are imposed requiring: details for any below ground level works to be submitted for approval; and measures be put in place to address the discovery of any unexpected on-site contamination during the course of the construction works. On this basis no objection is raised to the application under the provisions of Policy BNE23 of the Local Plan.

Highways and Parking

The development will generate some additional traffic on Canal Road and therefore have some implications for the operation of the junction with the A2. However, it is considered that the volume of the additional traffic generated associated with the development will be of a scale that can be accommodated by the highway network. In this respect no objection is raised to the application under the provisions of Policy T1 of the Local Plan.

With respect to on-site parking provision each unit will have one parking space available to it. Three spaces will also be available for delivery vehicles to service the units within the development. Canal Road is subject to some on-street parking restrictions (i.e. a late morning half hour prohibition) which are designed to preclude all day commuter parking. Notwithstanding the aforementioned restrictions it is considered that there will be sufficient on-street parking available to meet the visitor requirements of this development. The development's parking arrangements are considered to be acceptable and in this respect no objection is raised to the development under the terms of Policy T13 of the Local Plan.

Local Finance Considerations

None relevant to this application

Conclusions and Reasons for Approval

It is considered that this is an appropriate employment development in line with the areas SPD and that visually the clad containers will be of acceptable appearance. There will be no unacceptable impact on the amenities of the area and the proposal is acceptable in highway and parking terms. The proposal 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, however, it has been reported for Members' consideration because of the prominence of the site's location and as it concerns Council development.

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://publicaccess.medway.gov.uk/online-applications/>