

MC/19/2364

Date Received: 5 September 2019

Location: Land Adjacent To Kaler House George Summers Close Medway
City Estate Rochester

Proposal: Construction of 10 light industrial units with associated parking and
landscaping (resubmission of MC/19/0678)

Applicant JM Clark Ltd,
Mr J Clark

Agent Clague
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CT1 2BH

Ward: Strood Rural Ward

Case Officer: Doug Coleman

Contact Number: 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 15th January 2020.

Recommendation - Approved Subject to:

- A. The applicant entering a Section 106 agreement to secure a contribution of £7,500 towards improvements to the roundabout at the junction of Anthony's Way and Berwick Way (A289)
- B. And the following 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 numbers: 29402/10A and 29402/14A received on 5 September 2019; 29402/12A, 29402/13A and 29402/15A received on 10 September 2019.

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

- 3 No development above slab level 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. The development shall be implemented 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 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not take place until conditions 5 to 7 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the Local Planning Authority until condition 6 has been complied with in relation to that contamination.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 5 No development shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health

- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.
- adjoining land,
- ground waters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 6 No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared and submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 7 No development shall take place (other than development required to enable the remediation process to be implemented) until the approved remediation scheme has been carried out in accordance with its terms. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority prior to the bringing into use of the development.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 8 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. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 5 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 6 which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition 7 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 6.

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.

- 9 No development shall take place until the implementation of a programme of archaeological work has been secured in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority. The archaeological works shall thereafter be carried out in accordance with the approved specification.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on any archaeological interest and in accordance with Policy BNE21 of the Local Plan 2003.

- 10 No development shall take place until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of working, parking of operatives vehicles, deliveries to the site, noise, dust and lighting arising from the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The construction works shall be undertaken in accordance with this approved plan.

Reason: Required before commencement of development in order to minimise the impact of the construction period on the amenities of other businesses in the vicinity and habitat and with regard to Policy BNE2 of the Medway Local Plan 2003.

- 11 No part of the building shall be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before any dwelling and/or building is occupied and shall thereafter be retained.

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.

- 12 Prior to the installation of any external lighting on the site, details of such lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include height, position, external appearance, any shielding, light intensity, colour, spillage (such as light contour or lux level) plans showing the existing and proposed levels.

Reason: In order to limit the impact of the lighting on the surrounding area and nearby businesses and with regard to Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 13 The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking, loading and off-loading and turning space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on that area of land or in such a position as to preclude vehicular access to the reserved vehicle parking area.

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

- 14 The cycle and refuse storage facilities shall be implemented in accordance with the approved details prior to the building herein approved being occupied and hereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown for cycle and refuse storage facilities.

Reason: All new development requires provision of adequate accommodation for cycle and refuse storage to accord with Policies BNE1 and T4 of the Medway Local Plan 2003.

- 15 No development shall take place above ground floor slab level until details of the provision of 10 electric vehicle charging points (one per unit) have been submitted to and approved in writing by the Local Planning Authority. Details shall include the location, charging type (power output and charging speed), associated infrastructure and timetable for installation. The development shall be implemented in accordance with the approved details and shall thereafter be maintained.

Reason: In the interests of sustainability in accordance with paragraph 110E of National Planning Policy Framework 2019.

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

Proposal

This application relates to an L-shaped plot on the south side of George Summers Close, with a frontage of approx. 44m and a depth of approx. 57m. The site is currently occupied by a small building towards the rear, with the remainder of the site, occupied by portable buildings and open storage. The site currently presents an untidy appearance.

The proposal is to build 10 industrial units with a total floor space of 1,002 sq. m. in a building measuring 14.5m by 53m. The proposed building would have a mono-pitched roof rising from 6.8m to 8m, and would be clad in aluminium. Vehicular access would be achieved via a new entrance at the centre of the site with parking for 30 cars (3 per unit). Cycle parking is also shown.

The application is accompanied by a Design and Access Statement. No information has been submitted with the application with regard to employment or hours of operation, although the Design and Access Statement comments that the units will allow for small businesses to move into the area, increasing employment and supporting the local economy. According to the application form no staff will be employed at the premises.

Relevant Planning History

MC/19/0678	Demolition of existing buildings and construction of 12 light industrial units with associated parking and landscaping Refused 16 August 2019
MC/2003/2584	Application for Lawful Development Certificate (proposed) for internal alterations Allowed 22 December 2003

Representations

The application has been advertised on site and in the press as a major development, and by individual neighbour notification to the owners and occupiers of neighbouring properties. Frindsbury Extra Parish Council and KCC Archaeology have also been notified.

Frindsbury Extra Parish Council noting the reduction in the number of units and the increase in parking, but considers that this does not go far enough and raises objection on the grounds that the parking is still inadequate.

One letter has been received raising an objection to the loss of the footpath in George Summers and raising concerns with regard to the existing use of the site.

KCC Archaeology has written advising that the site is within an area of archaeological potential and if piled foundations are to be used a condition would be required securing a programme of archaeological work.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the 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 2019 and are considered to conform.

Planning Appraisal

Background

The application has been submitted following the refusal of planning permission for 12 units with a floor space of 1,258 sq. m. and 24 parking spaces (MC/19/0678) for the following reasons:

- 1) *The application, as submitted, fails to provide sufficient information to assess the level of vehicle movements and the impact of those movement onto the local highway network, and to provide suitable mitigation for these movements. The application is, therefore, contrary to Policy T1 of the Medway Local Plan 2003 and Paragraphs 109 of the National Planning Policy Framework 2019.*
- 2) *The proposal, as submitted, fails to provide adequate on-site parking to serve the development proposed, and is, therefore likely to increase demand for on street parking adversely affecting highway safety and efficiency of the highway network in the vicinity. The proposal is contrary to Policies T13 of the Medway Local Plan 2003 and Paragraphs 109 of the NPPF 2019.*

The current scheme has reduced the number of units by 2 and increased the number of parking spaces by 10.

Principle

Medway City Estate (Frindsbury Peninsula) is identified as an existing employment area under Policy ED1 of the Local Plan. Policy ED1 supports development for business (Class B1), general industry (Class B2) and storage and distribution (Class B8) at Frindsbury Peninsula. Paragraph 80 of the NPPF 2019 states that planning policies and decisions should help to create conditions in which businesses can invest, expand and adapt.

The principle of development of the site for employment use is, therefore established and in accordance with Policy ED1 of the Local Plan and Paragraph 80 of the NPPF and no objection is raised in this regard.

Design and appearance

Medway City Estate is an established employment area with development ranging from large industrial/warehouse units, small high tech uses and predominantly open uses. The part of the estate within which the proposed development would be located comprises metal clad industrial units with areas of open storage.

The proposed building would be aluminium clad and as such would correspond with other buildings in the immediate locality. Small areas planting are proposed along the site frontage and to the rear of the site.

Subject to careful detailing (materials, hard surfacing and boundary treatment), the proposal could enhance the character and appearance of the area and accordingly, no objection is raised in design terms under Policy BNE1 of the Local Plan and Paragraphs 124 and 127 of the NPPF 2018.

Amenity

There are no residential properties in the vicinity of the site and the proposal would not have any impact on the amenities of other neighbouring businesses. The application would, therefore comply with Policy BNE2 of the Local Plan and Paragraph 127f of NPPF in terms of amenity.

Highways

The proposal would provide 30 on-site parking spaces (3 per unit) which includes visitor parking, compared to 24 (2 per unit) under the previously refused scheme. This level of parking is considered to be acceptable, having regard to the size and intended use of the proposed units.

A transport statement has not been provided with the application as this is not considered necessary having regard to Paragraph 111 of the NPPF. An indication of likely vehicle movements has been provided with the Design and Access Statement. This gives the following movements:

- AM peak: 8 vehicles two-way (6 in/2 out)
PM peak: 7 vehicles two-way
Daily: 70 vehicles two-way

This compares with daily vehicle movements of 85 daily vehicle movements under the previous scheme.

It is considered that the proposal would have an impact and increase pressure on the Medway City Estate roundabout and therefore a developer contribution of £7,500 is sought towards help with improvements to the road network. The proposed development would use the existing access onto George Summers Close and therefore no objection is raised in this regard.

The NPPF 2019 has put sustainable development as a central core and Paragraph 110e states that development should provide electric charging facilities and a condition is recommended in this regard.

Subject to the above contribution and appropriate conditions, the application is considered to be acceptable in respect of the transport and parking policies T1, T2 and T13 of the Medway Local Plan 2003 and Paragraph 109 and 110e of NPPF.

Flood risk

The Environment Agency's flood zone map shows that this part of Medway City Estate is not at risk from tidal flooding and therefore, no objection is raised under Policy CF13 of the Local Plan and Paragraph 164 of the NPPF.

Contamination

The former use of the site could have given rise to contamination. Policy BNE23 of the Local Plan states that development of land likely to be contaminated should be accompanied by the findings of a site examination, which identifies contaminants. It will be necessary for a site investigation to be carried out. The proposed development is for an industrial use, which is considered to pose a lesser risk to human health than residential development. There is, therefore, no need for a desk top study at the application stage and, in the event of planning permission being granted, contamination issues can be controlled by way of an appropriately worded condition. No objection is, therefore, raised in this regard under Policy BNE23 of the Local Plan and Paragraph 178 of the NPPF.

Noise and dust

Due to the location of the development, there is potential for noise and dust from the construction phase of the development to have a negative impact on nearby businesses. In the event of planning permission being granted a condition is recommended requiring the submission and approval of a Construction Environmental Management Plan (CEMP) before any works commence.

Local Finance Considerations

There are no local finance consideration raised by this application.

Conclusions and Reasons for Approval

The principle of the proposed development is acceptable and subject to appropriate conditions, no objection is raised in terms of design and appearance, amenity, traffic generation, access, parking, flood risk or contamination. The application would, therefore comply with Policies BNE1, BNE2, BNE23, ED1, T1, T2 and T13 of the Local Plan and Paragraphs 80, 109, 110e, 124, 127, 164 and 178 of the NPPF and is recommended for approval.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the representation received from Frindsbury Extra Parish Council expressing a view contrary to officer's 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://publicaccess1.medway.gov.uk/online-applications/>