MC/21/2291

Date Received: 2 August 2021

Location: BAE Marconi Avionics

Marconi Way Rochester

Proposal: Enabling works comprising demolition of existing buildings

followed by remediation works, construction of a new substation and waste storage compound including fencing, construction / extension / improvement of car parking areas and reconfiguration

of site entrance

Applicant BAE Systems

Mr Stephen Bursi

Agent Cassidy + Ashton Group Ltd.

Mr Alban Cassidy

7 East Cliff Preston PR1 3JE

Ward: Rochester South & Horsted Ward

Case Officer: Wendy Simpson 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 6th April 2022.

Recommendation - Approval with Conditions

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).

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

Received on 2 August 2021:

ROCSD-CASA-11-XX-PL-A-1008-P1 (Site Plan - Enabling Works - Demolition Plan)

ROCSD-CASA-11-XX-PL-A-1009-P1 (Site Plan - Phase 1- Enabling Works - Extended West Car Park)

ROCSD-CASA-11-XX-PL-A-1010-P1 (Site Plan - Phase 1- Enabling Works - Faraday Car Park)

ROCSD-CASA-11-XX-PL-A-1013-P1 (Existing Site Plan - Phase 1- Enabling Works Plan)

ROCSD-CASA-11-XX-PL-A-1014-P1 (Location Plan- Phase 1- Enabling Works Plan)

ROCSD-CASA-06-00-PL-A-2000 (Proposed sub-station floor plan)

ROCSD-CASA-06-00-PL-A-2001 (Proposed sub-station elevations)

ROCSD-CASA-07-00-PL-A-2000 (Proposed Waste Storge floor plan)

ROCSD-CASA-07-00-PL-A-2001-P1 (Proposed Waste Storage/fencing elevations)

Received 10 September 2021

ROCSD-CASA-11-XX-PL-A-1007-P3 (Proposed Site Plan - Phase 1 - Enabling Works Plan)

ROCSD-CASA-11-XX-PL-A-1011-P3 (Site Plan - Phase 1 - Enabling Works - Main Entrance Highway Works)

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

No development shall take place, including any demolition or remediation works, until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority. Works shall be carried out in accordance with the agreed programme and timetable.

Reason: To ensure that historic building features are properly examined and recorded in accordance with Policy BNE21 of the Medway Local Plan 2003.

The works shall be carried out in accordance with the 'Construction Environmental Management Plan' (Rochester SRP Enabling Works, BAE Systems, ref X10281-R6-2, dated November 2021) for the duration of the construction.

Reason: To ensure that the works on the site do not harm the amenities of neighbours, the public or the surrounding area in accordance with Policies BNE2 and BNE23 of the Medway Local Plan 2003.

The works shall be undertaken in accordance with the 'Surface Water Management Plan' (Rochester Site Redevelopment Programme Enabling Works, BAE Systems) for the duration of the construction.

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 169 of National Planning Policy Framework 2021.

Notwithstanding the Remediation Options Appraisal (BAE Systems, ref X10281-R5-1, dated July 2021) no development shall commence within any phase until a remediation strategy and verification plan for that phase have been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall give full details of the remediation measures required and how they are to be undertaken. The verification plan shall provide details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The works shall take place in accordance with the approved remediation strategy and verification plan for that phase.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by unacceptable levels of water pollution to accord with Policy BNE23 of the Medway Local Plan 2003

In the event that contamination is found at any time when carrying out the approved development that was not previously identified in the 'Contaminated Land Desk Study' (BAE systems, ref X10281-R2-1 dated May 2021), 'Factual Report on Ground Investigation' (BAE Systems, X10281-R3-1, dated July 2021) and 'Contaminated Land Risk Assessment' (BAE Systems, ref X10281-R4-1, dated July 2021) no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete to accord with Policy BNE23 of the Medway Local Plan 2003.

No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water

pollution caused by mobilised contaminants in accordance with Policy BNE23 of the Medway Local Plan 2003.

- No development shall take place in any phase or sub-phase until a scheme showing details of the disposal of surface water within that phase, based on sustainable drainage principles and including details of the design, implementation, maintenance, and management of the surface water drainage scheme, have been submitted to and approved in writing by the Local Planning Authority. Those details shall include (if applicable):
 - i. a timetable and construction method statement for its implementation (including phased implementation where applicable).
- ii. appropriate operational, maintenance and access requirements for each sustainable drainage component are adequately considered.
- iii. proposed arrangements for future adoption by any public body, statutory undertaker or management company.

The works shall be carried out in accordance with the approved details and maintained as such thereafter.

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at paragraph 169 of NPPF 2021.

Prior to first occupation/use (or within an agreed implementation schedule) within a phase 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 for that phase. 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.

Reason: This condition is sought in accordance with paragraph 169 of the NPPF 2021 to ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere.

All works (including site clearance) shall be carried out in full accordance with all the precautionary mitigation measures for reptiles and birds detailed in sections 5.5.18 through to 5.5.27 of the Ecological Assessment (Ecology Solutions July 2021).

Reason: To ensure protection of reptiles and birds on the site in accordance with Policy BNE39 of the Medway Local Plan and paragraph 180 of the National Planning Policy Framework 2021.

Proposal

The application seeks planning permission for enabling works to allow for a significant redevelopment of the BAE Avionics site.

The enabling works would involve:

- Demolition of existing buildings within the affected part of the BAE Avionics site
- Remediation works
- Construction of a new substation
- Construction of waste storage compound including fencing
- Construction/extension/improvement of car parking areas
- Reconfiguration of site entrance

The Faraday building and Falcon building will remain and not undergo demolition.

The site gains access from the Horsted gyratory, via Marconi Way. There is also a secondary access off Laker Road to the west.

Relevant Planning History

MC/21/2292

Outline application with some matters reserved (Appearance and Landscaping) for the redevelopment of the land associated with BAE Systems to include the provision of a new factory building, PPS building, 2 no. office buildings and a deep storage building, with ancillary car parking areas, alongside associated highways and access works, provision of new substation, waste storage compound, heat pump / chiller plant, pump house, sprinkler tanks and gate houses following demolition of the existing buildings bar Faraday building and Falcon building which will remain (outline application with matters of access, scale and layout applied for) Also on this agenda

Innovation Park Medway, Rochester Airport, Maidstone Road, Chatham ME1 2XX

MC19/1556

Preparation of Local Development Order and accompanying Environmental Statement in support of the creation of a mixed-use business park, featuring c101,000sqm of predominantly high tech and innovation-oriented E(g)/B2 commercial uses - The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Regulation 38) and the Town and Country Planning (Environmental Impact Assessment) Regulation 2017 as amended Approved 3 December 2020

Representations

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

Rochester Airport, EDF Energy, Southern Gas Network, Southern Water, National Highways, Tonbridge and Malling Council, Kent Downs AONB Unit, KCC Biodiversity, KCC Archaeology, Environment Agency, Natural England, LLFA, KCC Highways and Historic England have also been consulted.

Southern Gas Network have provided a plan showing infrastructure in the area and guidance when working near their infrastructure.

Southern Water have provided a standard response and plan showing infrastructure in the area, together with advice when planting or developing within the vicinity of their infrastructure.

Fulcrum Pipelines Ltd have provided a standard response and plan showing infrastructure in the area.

UK Power Networks have provided a standard response and plan showing infrastructure in the area.

KCC Archaeology accept that it is probable that the current building stock would have resulted in the removal of archaeological remains but consider that it is possible that significant archaeological remains could survive beneath the slabs of existing buildings and under areas of hard landscaping. Furthermore, clarification should be sought from Historic England on the significance of the factory complex and Towers, and only then should building recording work be secured by the use of a planning condition.

Historic England undertook an assessment of buildings on the site in respect to their potential for listing. Following this assessment, no buildings are to be listed on the site, but they consider the two Fuel Flow buildings to be non-designated heritage assets.

Lead Local Flood Authority advise the enabling works are acceptable subject to condition for a Construction Surface Water Management Plan (CSWMP). The submitted application seeks to address the existing flood risk issues on the site and ensure that there will be no increase within the surrounding area. The Ground Investigation details submitted highlight that the site is suitable for infiltration, however this would need to be confirmed through soakage testing during the detailed design stage (MC/21/2292).

Tonbridge and Malling Council do not object to the proposal but 'raise issues' which related to the determining authority being satisfied of various matters in relation to the screening of the proposal under the Environmental Impact Assessment Regulations 2017 and in regard to impacts on the local road network and the Strategic Road Network (SRN).

Kent County Council Highway Authority advise no objection subject to a Construction Management Plan condition.

National Highways do not object to the development, advising that the proposals would not have an unacceptable impact on the safety, reliability, and/or operational efficiency of the Strategic Road Network in the vicinity of the site (M2 Junction 3). They have agreed a CMP which can be secured by a planning condition.

Natural England advise they have no comments.

KCC Biodiversity advise that neither mitigation measures or a precautionary approach are required for the clearance/construction phase in relation to bee orchids, breeding birds and reptiles. They also confirm that with the outline application (also on this agenda) lighting and biodiversity enhancement details also are needed and recommend conditions on that application.

Environment Agency advise that suitable remediation and mitigation would be possible, but conditions are required in relation to the proposed mitigation and unexpected contamination. However, they also requested a condition that no infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority as they state that there may otherwise result in pollution of the ground water (secondary aquifer), and they would object to the proposal.

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 2021 and are considered to conform.

Planning Appraisal

Background

The redevelopment of the BAE site is being applied for as a standalone planning application. However, part of the site has been granted planning permission for redevelopment as part of the Innovation Park Medway (IPM) Local Development Order (LDO), which is extant.

Principle

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. The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan).

The site is located within the urban boundary and part of the site is shown on the Local Plan map as Existing Employment Land (Local Plan Policy ED1) and 'Rochester Airfield' strategic land (Local Plan Policy S11).

This application is not for the redevelopment of the site, which is proposed under outline planning application MC/21/2292 but is for enabling works in preparation for the redevelopment of the site – demolition of some buildings, remediation works, new substation, waste storage compound, fencing, construction/extension/improvement of car parking areas, reconfiguration of site entrance. The granting of planning permission for the enabling works would not pre-determine the approval of the redevelopment works under outline application MC/21/2292, but the enabling works and the redevelopment scheme are of course related. It is intended that occupation and operation of the site will continue during the enabling and redevelopment works taking place. This would require any approved works being carried out in strategic phases.

Policy ED1 (Existing Employment Land) states in relation to the site that it should only be used for B1 (now E(g)), B2, B8 uses.

Policy S11 (Rochester Airfield) states that Rochester Airfield is allocated for high quality business, science and technology development comprising B1 (now E(g)), B2 and B8 uses.

The site also forms part of the land within the Innovation Park Medway [IPM] which is subject to a Local Development Order [LDO] under planning reference MC/19/1556. This granted planning permission for the creation of a mixed-use business park, featuring c101,000sqm of predominantly high tech and innovation-oriented E(g)/B2 commercial uses.

The proposed enabling works are not contrary to the aspirations of any of these policies or the LDO permission and as such are considered to broadly comply with Policies ED1 and S11 of the Local Plan.

Design/Landscaping

Policy BNE1 of the Local Plan requires the design of development to be appropriate in relation to the character, appearance and functioning of the built and natural environment. The Government attaches great importance to the design of the built environment. Paragraph 130 of the NPPF is key to the achieving well designed places. Policy BNE6 of the Local Plan directs that in relation to major development, important existing landscape features, including trees and hedgerows, should be retained and structural landscaping schemes should enhance the character of the locality.

In this case the proposal is for enabling works only and the works are limited in their visual impact. Some existing buildings will be demolished. A substation and waste compound are proposed also to be constructed and some car parking areas extended or created.

Final landscaping works for the proposed car park areas under this application would be the subject of the outline planning permission for the redevelopment of the site under planning application reference MC/21/2292 (which includes strategic landscaping in the assessment of the matter of 'Layout') and any future application(s) in relation to the reserved matter 'Landscaping'.

The proposal is considered to comply with Policy BNE1 of the Local Plan.

Amenity

Policy BNE2 of the Local Plan seeks to protect the amenities of neighbours in terms of privacy, daylight, sunlight, noise, vibration, heat, smell, airborne emissions. Paragraph 130 of the National Planning Policy Framework 2021 requires that development functions well over its lifetime and provides a high standard of amenity for existing users.

The site is in a lawful and active use and the amenities of business workers on the site and of neighbours would need to be protected during the construction phase of the enabling works development. Construction work impacts on amenities can be mitigated and controlled through the use of a Construction Environmental Management Plan (CEMP), which can be secured by the use of a planning condition.

Subject to the use of a planning condition in relation to a CEMP the proposal is considered to comply with Policy BNE2 of the Local Plan.

Ecology

Policy BNE39 of the Local Plan states that "Development will not be permitted if statutorily protected species and/or their habitats will be harmed" and requires conditions or obligations to be attached to permissions to "ensure that protected species and/or their habitats are safely guarded and maintained."

Paragraph 180 of the NPPF states that 'd) opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity'.

The Kent County Council ecologist advises that neither mitigation measures nor a precautionary approach are required for the clearance/construction phase in relation to bee orchids, breeding birds and reptiles. Biodiversity enhancement and lighting details (planting species, installation of bat and bird boxes etc) would be required under the outline application for redevelopment of the site (under ref MC/21/2292).

The proposal is considered to comply with Policy BNE39 of the Local Plan and paragraph 180 of the NPPF.

Contamination

Policy BNE23 of the Local Plan requires that proposals for development of land likely to be contaminated be accompanied by the findings of a site examination, which identifies contaminants. Policy BNE23 of the Local Plan and paragraphs 183 and 184 of the NPPF require that decisions should ensure that new development is appropriate for its location and takes account of the likely effects of pollution on health, living conditions and the natural environment.

A preliminary desk study, a site investigation, a risk assessment, and options appraisal have been submitted and reviewed by the Environment Agency (EA).

The EA require planning conditions in relation to remedial works and verification. The applicant has advised that the enabling works proposal does not involve any remedial works however the EA require conditions still in relation to remedial works in case of, for example, waste/spoil being removed from the site or soil bought onto the site. A condition is also required in the event of the discovery of any unexpected contamination.

Subject to the conditions, the proposal complies with Policy BNE23 of the Local Plan.

Flood Risk

Paragraphs 159 to 164, 165 and 169 of the NPPF consider flood risk in developments and suggests that new development be both directed away from the areas at highest risk of flooding and should not increase flood risk elsewhere.

In support of the application has been submitted a Flood Risk Assessment, Drainage Details and other details, which show a surface water drainage scheme connecting to existing soakaways and providing additional soakaways where required.

The application site is situated within Flood Zone 1 as shown within Environment Agency mapping. It is noted that there are areas of the site which experience medium and high surface water flooding. The submitted application seeks to address the existing issues and ensure that there will be no increased flood impact within the surrounding area. The Ground Investigation details submitted highlight that the site is suitable for infiltration, however this would need to be confirmed through soakage testing which would be the subject of conditions under outline application MC/21/2292.

In conclusion, subject to a condition to agree a Construction Surface Water Management Plan (CSWMP), no objection is raised to the proposal under the above stated paragraphs of the NPPF.

Air Quality

Paragraph 174 of the NPPF refers to the need for planning policies and decisions to contribute to and enhance the natural and local environment in part by "e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability." Policy BNE24 of the Local Plan states that development likely to result in airborne emissions should provide a full and detailed assessment of the likely impact of these emissions.

An Air Quality Assessment has been submitted which addresses both the enabling works application and the redevelopment application (MC/21/2292). The predicted air quality impacts are based upon a worst-case scenario whereby the expected reductions in vehicle trips are not accounted for. It is appreciated that the anticipated reduction in vehicle trips would likely result in a reduction in vehicle emissions associated with the development.

The applicant has additionally advised that they will not utilise any gas for heating/ water heating as this will be provided by Air Source Heat Pumps and Photo Voltaic panels on the roof. The only gas that would be used will be in the paint shop which will utilise a small amount in the process of heating the paint. This compares with the current factory and other buildings which all use gas for heating and water heating.

Therefore, it is accepted that further air quality mitigation is not required to be provided, however it is highly recommended that given the number of parking spaces being retained on site that electric vehicle charging points are installed, and provision be made for enabling infrastructure (ducting/cabling etc) to allow future further installation. This is also a desire of highway policy. The main car park area however will be provided under the outline planning application and as such securing the necessary charging is more appropriately dealt with as part of the outline application.

Overall, no objection is raised to the proposal under the relevant parts of Policy BNE24 of the Local Plan and paragraph 174 of the NPPF.

Heritage and Archaeology

Policy BNE21 of the Local Plan seeks to account for and protect/mitigate from harm/record findings at archaeological sites, from and during development, as do paragraphs 194 and 197 of the NPPF 2021. Paragraph 203 of the NPPF 2021 requires that 'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard for the scale of any harm or loss and the significance of the heritage asset."

A Heritage Impact Assessment and additional impact assessment reports have been submitted in support of this application. The site has a historical background in relation to the Shorts Brothers aircraft manufacturing company construction of seaplanes and involvement with concord instrument testing.

During the course of the application Historic England undertook an assessment of buildings on the site in respect to their potential for listing. Following this assessment, no buildings are to be listed on the site, but they consider the two Fuel Flow buildings to be non-designated heritage assets.

The Kent County Council Archaeologist accepts that it is probable that the current building stock would have resulted in the removal of archaeological remains but consider that it is possible that significant archaeological remains could survive beneath the slabs of existing buildings and under areas of hard landscaping. Therefore, KCC archaeology advises that a programme of archaeological work be secured by condition should planning permission be granted. This however would only be acceptable if the loss of the non-designated heritage assets on the site (as proposed) was accepted.

Paragraph 204 of the NPPF 2021 says that 'Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred." And at paragraph 205 "Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible."

In this case the balance judgement of the loss of the non-designated heritage assets needs to be balanced against the significant business and employment benefits of both retaining BAE Systems as a major high-tech employer in the Medway area and allowing the carefully designed layout and capacity of the site to enable this specialist employer to redevelop the site to allow for maximum efficiency and growth of their research, manufacturing and training programmes.

On balance the non-designated heritage asset of the Fuel Flow buildings is considered to hold a limited, although recognised, historical significance but as they are situated centrally within a secure, private area there is no public access or appreciation on a regular basis. For these buildings to remain in situ, the applicant has reviewed two alternate layouts which are not optimum in terms of the floorspace or layout they would provide (particularly in respect to the loss of factory floorspace). In addition, the alternate layouts would require the re-organisation of circulatory routes around site which would result in the partial (significant) or full loss of the green landscape area between the application boundary and the IPM site, which is considered to be highly important to address the relationship between these two development areas.

It is therefore concluded that, on balance, the loss of the non-designated heritage assets of the two Fuel Flow building be allowed in this instance following the consideration of the

matters of their limited historical significance, the lack of public access, the impact on the whole development to retain them in place (and without an intended use as part of the redevelopment) and the detrimental impact on the operation of this important, leading high-tech company and local employer. Having regard to this and subject to a planning condition that a programme of archaeological work be secured for the site the proposal is considered to accord with paragraphs 203, 204 and 205 of the NPPF 2021 and with Policy BNE21 of the Local Plan.

Highways

Policy T1 of the Local Plan relates to the impact on development on part of the highway network. It says that development will be permitted provided that: (i) the highway network has adequate capacity to cater for the traffic which will be generated by the development: (ii) the development will not significantly add to the risk of road traffic accidents; (iii) the development will not generate significant H.G.V movements on residential roads; and (iv) the development will not result in traffic movements at unsociable hours in residential roads that would be likely to cause loss of residential amenity. Paragraph 111 of the NPPF states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

This enabling works proposes, in part, a minor reconfiguration of site entrance and construction/extension/improvement of some car parking areas, which will allow for future redevelopment works whilst the occupation and operation of the business continues on site.

Highway England advise that the proposals will generate minimal additional traffic on the Strategic Road Network in peak hours and as such do not object to the proposal. No harm or hazard will result to the local road network.

It is also considered that on-site parking will be sufficient for workers and construction traffic and the works will not result in any harm to the local or Strategic Road Networks.

The proposal complies with Policy T1 of the Local Plan and paragraph 111 of the NPPF.

Local Finance Considerations

No local finance considerations.

Conclusions and Reasons for Approval

The proposal is for enabling works to allow for the redevelopment of the site in a high-tech use. The works proposed are closely related to the redevelopment of the site proposed under outline planning application MC/21/2292 and would allow for a continuity of business operations from the site during the redevelopment program, which would need to take place in a phased manner.

While the proposal will result in the loss of two non-designated heritage asset buildings it is, on the balance of all the material planning considerations, considered to comply with relevant Local Plan Policies and paragraphs 203 to 205 of the NPPF 2021.

The application is being referred to the Planning Committee for determination, due to the significance of the proposal and that two non-designated heritage asset buildings will be demolished. The applicant advises that the first redevelopment works on the site are anticipated to start in the later summer 2022.

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/