

Planning Committee – Supplementary agenda No.1

A meeting of the Planning Committee will be held on:

Date: 19 November 2025

Time: 6.30pm

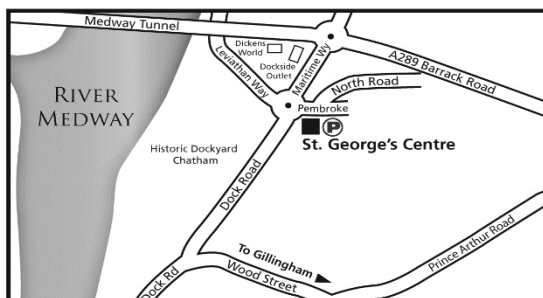
Venue: St George's Centre, Pembroke, Chatham Maritime, Chatham
ME4 4UH

Items

- 18 **Additional Information - Supplementary Agenda Advice Sheet** (Pages 3 - 10)

For further information please contact Julie Francis-Beard, Democratic Services Officer on Telephone: 01634 332012 or Email: democratic.services@medway.gov.uk

Date: 19 November 2025



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Medway Council
Planning Committee – 19 November 2025
Supplementary Agenda Advice Sheet

Page 68 – Planning Application MC/25/0753 St John Fisher School, Maidstone Road, Chatham

Recommendation

Amended Recommendation B

Add 4 - A contribution of £15,000 towards improvements to the public realm in Chatham town centre.

Representations

Two further letters of objection (on behalf of Asda and Tesco) have been received, both attached in full to this supplementary report, in summary raising the following concerns:

- Lack of a complete sequential test assessment
- Lack of compliant/effective retail impact assessment, lower threshold in emerging policy should be afforded significant weight
- Cannot be certain that there would not be a significant impact
- Impact on heritage assets needs to be correctly addressed
- Permission should not be granted without a mechanism in place to secure (offsite) BNG.

Planning Appraisal

Principle – new retail store location section of the report – the application has been assessed, and it is considered that adequate information has been provided to reach a decision on a sequential test assessment. The report also sets out why a retail impact assessment is not considered essential. The draft Local Plan is at an early stage, Regulation 19 consultation has been carried out but the Plan has not yet been submitted for examination. There have been objections to Policy T17, and as such there are unresolved objections to this policy. Paragraph 49 of the National Planning Policy Framework (NPPF) states:

Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*

- b) *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) *the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

Given the stage of the plan, and the objections to the Policy, it is considered that, as set out in the report, only limited weight can be given to this policy.

Biodiversity Net Gain (BNG) section of the report – BNG is secured by the statutory biodiversity gain condition under paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The details of how BNG would be secured are agreed pursuant to this, post-decision. This statutory condition is the method for securing acceptable details and would not be discharged until a suitable mechanism was in place to achieve this (for example, this may be a receipt for offsite units from a registered habitat bank or a separate arrangement which may require a S106 or covenant). Agreement is not required in advance of a decision on the main planning application.

S106 Matters section of the report - A contribution of £15,000 towards improvements to the public realm in Chatham town centre has now been agreed and is added to the S106 requirements.

Conclusions and Reasons for Approval section of the report – it is acknowledged that, whilst the proposals are considered less visually harmful than the existing site development, they would result in some harm (less than substantial) to heritage assets. It is also recognised that, in accordance with paragraph 212 of the NPPF, great weight which should be given to the conservation of heritage assets and that, in accordance with paragraph 213, any harm should require clear and convincing justification. Paragraph 215 confirms that where development proposals will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, with paragraph 216 confirming that the effect on the significance of a non-designated heritage asset should be taken into account in determining the application, a balanced judgement being required having regard to the scale of any harm or loss and the significance of the heritage asset.

In the current case the school has been relocated to a new site and the redevelopment of the site is reasonable and welcomed in this context, with the removal of the existing buildings highly welcomed. The proposed retail store would be well linked to the town centre, accessible by a range of transport means and provide public benefit from its services. In these circumstances, the low level of harm to heritage assets is considered to be outweighed by the benefits of the scheme.

Comments for Planning Application MC/25/0753

Application Summary

Application Number: MC/25/0753

Address: St John Fisher School 79 Maidstone Road Chatham Medway ME4 6DP

Proposal: Demolition of existing buildings and structures and construction of a new food retail store (Use Class E(a)), with access, car and cycle parking, landscaping and associated works.

Case Officer: Mary Smith

Customer Details

Name: Mrs Katherine Sneedden

Address: Jigsaw Planning, PO Box 2844,, Glasgow, Glasgow G61 9DG

Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We write on behalf of Asda Stores Limited to object to the above application submitted to Medway Council.

Our objection focusses on the concern that the application is not supported by an effective retail impact assessment leaving the Council unable to determine whether there will be a significant adverse impact from the proposal.

As the Council will be well aware, National Planning Policy Framework (NPPF) is very clear at paragraphs 90 to 94 that retail impact assessments are required for proposals which exceed a locally defined threshold for impact testing. The applicant's consultant simply refer to the default threshold set out in NPPF of 2,500sqm which would mean that a retail impact assessment is not required as the proposed development is 1912sqm.

However the emerging Local Plan Policy T17 Table A notes that the local threshold proposed for Chatham is 280 sqm for convenience goods. The 280sqm stems from a recommendation with the Medway Retail and Town Centres Study (2025). The supporting text to section 8.6 of the policy confirms that "proposals to date have relied upon the national threshold, in absence of a locally defined threshold. 2,500sqm represents a large scale and quantity of floorspace compared to the typical size of units in each centre and would therefore have a significant impact. It is therefore too large to reflect the local context. In addition, the cumulative impact of out of centre proposals will also have a resounding impact on the health of centres in Medway."

NPPF does not require that a locally set threshold has to be from an 'adopted' policy. Given the Council's endorsement of the lower threshold through the publication of it in the emerging policy

means that it should be afforded significant weight.

The applicant has not provided a compliant retail impact assessment and therefore the Council cannot be in a position to fully assess the proposal and its impact on defined centres. The Council cannot therefore be certain that there will not be a significant adverse impact from the proposal.

Our Ref: 2995/MR/LT20251117

19 November 2025

Dave Harris
Chief Planning Officer
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Via Email: dave.harris@medway.gov.uk

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PLANNING PRACTICE

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Dear Dave,

**ITEM 7, PLANNING COMMITTEE, 19 NOVEMBER 2025; NEW FOOD STORE (ALDI),
ST JOHN FISHER SCHOOL, MAIDSTONE ROAD, CHATHAM**

As you will be aware, we act for Tesco Stores Limited and have previously made representations to the above application by letters of 27th August and 13th November 2025. The content of those letters remain relevant. We now respond to matters raised by the publication of the Officer's Report to Planning Committee.

The lack of a complete sequential test assessment

Retail development applications located away from town centres are required to be subject to a “*sequential test*”. The applicant's agent has identified that no suitable or available sites exist within town centres or on their edge. However, assessment does not end there. The application site can only be given preference if there are no more appropriate sites that are ‘*accessible to and well connected to the town centre*’. This step of the important national and local policy process has not been carried out. The National Planning Policy Guidance explains that “...*failure to undertake a sequential assessment could in itself constitute a reason for refusing permission*” (paragraph 2b–011–20190722).

Failure to undertake a full and robust retail impact assessment

Our letters of 27th August and 13th November set out a detailed explanation of this failure. The threshold below which retail impact assessment might not be undertaken is not a requirement of policy. The NPPF requires it only to be “*locally set*”. Advice has been given to the Council by its experts as to the fragility of many retail centres in the area and why a particularly low threshold should be applied. With impacts on town and local centres more carefully reviewed, the risk of adverse harm can be avoided. Because of the complex hierarchy of retail centres in Medway and the vulnerability of many, the absence of a robust retail impact analysis is a significant omission justifying refusal of planning permission.

The need for impacts on heritage assets to be correctly addressed in decision-making

Part of the site is located within a Conservation Area; the whole of the site adjoins that Conservation Area and the development will be within the setting of a Listed Building. Whilst the demolition of existing buildings on the site might be welcomed, the outcome of the assessment of heritage impact is that, *“The proposed development would result in less than substantial harm to designated heritage assets...”*. Whilst harm to heritage assets can be weighed with public benefits, the Officer’s Report appears to have asked the wrong question. The test must relate to whether there is harm arising from the proposed new development notwithstanding that the removal of existing buildings might on their own be seen as beneficial. And the relevance of that asserted benefit must be considered, and rejected, in the context that the assessment finds the proposed new development itself causing harm to heritage assets. This harm is then a matter that must weigh in the planning balance in final decision making. However, assessment of ‘clear and convincing reasons’ arising from the *“great weight”* that is to be applied to decision making, arising from sections 66 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990, are lacking in the section headed *“Conclusions and Reasons for Approval”*.

Lack of resolution with regard to the provision of offsite biodiversity net gain

The Conclusions and Reasons for Approval suggest that *“Ecology, lighting and BNG have been adequately addressed subject to conditions to secure suitable detailing”*. However, the Officer’s Report explains that offsite gains or purchases of biodiversity units may need to be the subject of a covenant or section 106 agreement. It is suggested that *“...this would be secured post-decision, the method depending on exactly what is proposed at that time”*. Whilst the Report may state that (at that time) there were no objections from a BNG perspective, that is not a reason for leaving this important matter unresolved. Permission should not be granted without a mechanism being in place to secure satisfactory resolution.

Conclusions

The sequential assessment has not been completed in accordance with national and local policy. A full retail impact assessment should have been undertaken bearing in mind the advice already given to the Council and that the imposition of the necessary, locally set threshold is not a matter to await the emerging Local Plan being adopted. That the suggested thresholds are low is indicative of nearby centres being fragile. The proposed development causes heritage harm and this has not been correctly addressed in terms of the weight that should be applied in decision-making. BNG considerations have not been finally resolved. It is inappropriate to leave them unresolved if a decision were made to approve this application.

These matters are all substantive, development plan led, reasons to justify refusal of the application. When assessment is made against plan policies as a whole and having regard to the paucity of material planning benefits, permission should be refused.

Yours sincerely,

Martin Robeson
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cc: mary.smith@medway.gov.uk

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