

**Medway Council**  
**Meeting of Planning Committee**  
**Thursday, 4 September 2014**  
**6.30pm to 8.30pm**

**Record of the meeting**

**Subject to approval as an accurate record at the next meeting of this committee**

**Present:** Councillors: Baker, Bowler, Carr (Vice-Chairman),  
Mrs Diane Chambers (Chairman), Christine Godwin, Griffiths,  
Adrian Gulvin, Hubbard, Purdy, Royle and Smith

**Substitutes:** Councillors:  
Pat Gulvin (Substitute for Mackness)  
Paul Godwin (Substitute for Gilry)  
Wicks (Substitute for Avey)  
Kemp (Substitute for Iles)

**In Attendance:** Robin Cooper, Director of Regeneration, Community and  
Culture  
Amanda Berger-North, Locum Legal Representative  
Michael Edwards, Principal Transport Planner  
Councillor Phil Filmer - Ward Councillor  
Dave Harris, Head of Planning  
Councillor Peter Hicks - Ward Councillor  
Perry Holmes, Assistant Director, Legal and Corporate  
Services/Monitoring Officer  
Councillor Chris Irvine - Ward Councillor  
Councillor Alan Jarrett  
Councillor Vince Maple  
Councillor Mackness  
Councillor Tom Mason - Ward Councillor  
Councillor Peter Rodberg Ward Councillor  
Councillor Tony Watson - Ward Councillor  
Christine Wilson, Head of Legal Services  
Ellen Wright, Democratic Services Officer

**282 Apologies for absence**

Apologies for absence were received from Councillors Avey, Gilry, Griffin, Iles and Mackness.

**283 Urgent matters by reason of special circumstances**

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There were none.

### **284 Declarations of disclosable pecuniary interests and other interests**

#### Disclosable pecuniary interests

There were none.

#### Other interests

Councillors Bowler and Mrs Diane Chambers informed the Committee that prior to the meeting, they had been contacted by Mr Ian Burt, Chairman of the Medway Countryside Forum requesting that they lend their support in refusing the planning application. Both Councillors Bowler and Mrs Diane Chambers advised the Committee that whilst they had agreed to listen to the views of the individual concerned, they had refused to comment upon the application.

### **285 Planning application - MC/11/2156 - Lodge Hill, Chattenden, Rochester, Kent**

#### **Discussion:**

At the commencement of the meeting, the Committee had a brief adjournment to enable all Members to read the contents of the supplementary agenda advice sheet.

The Director for Regeneration, Community and Culture and the Head of Planning then outlined the application in detail.

The Director of Regeneration, Community and Culture reminded the Committee that the application site had previously been used by the Ministry of Defence but had been declared surplus to requirements several years ago. The site had been identified as suitable for development and, following a period of extensive negotiations and consultations, the outline planning application for the demolition of existing buildings and the development of a mixed use settlement had been submitted for consideration. The Committee was reminded that this was not a Medway Council planning application.

The Committee was informed that the proposed development comprised up to 5,000 residential units, up to 36,750 sqm Gross External Area (GEA) of B1 business floorspace, up to 7,350 sqm GEA B2 business floorspace, up to 3,251 sqm GEA convenience retail floorspace A1, up to 2,070 sqm GEA comparison retail floorspace A1, A2, A3, A4, A5, secondary school, 3 primary schools, community facility, healthcare facility, assisted living facility, nursing home, garden centre, two hotels, water bodies and associated infrastructure works including access, roads, informal and formal open space, pedestrian, cyclist and public transport infrastructure, utilities, car and cycle parking.

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Attention was drawn to the supplementary agenda advice sheet which set out a number of issues:

- A correction to the planning application number of the agenda front sheet to read MC/11/2516 and a correction to the Wards affected to include Peninsula in addition to Strood Rural;
- A correction to proposed recommendation B) to refer to S28I (6) of the Wildlife and Countryside Act;
- Minor corrections to the wording of the section of the report headed representations.

In addition, the Committee was advised that since despatch of the agenda, further representations had been received from the Medway Countryside Forum, Natural England, Hoo St Werburgh Parish Council and Butterfly Conservation. Copies of their representations were either included within or appended to the supplementary agenda advice sheet.

It was noted that the applicants had responded to the objection from National Grid and had confirmed that there were no permanent or temporary crossings of the pipeline and any work in the vicinity would comply with the necessary requirements.

Referring to the planning appraisal section of the report, attention was specifically drawn to page 68 of the agenda which required the Committee to consider what steps were appropriate to achieve the objectives of the preservation, maintenance, re-establishment and diversity of habitat of wild birds.

The Director of Regeneration, Community and Culture advised the Committee that should the Committee be minded to approve the application, it would be referred to the Secretary of State (via the National Planning Casework Unit) as being an out of centre location and including a quantum of retail, leisure and office use above the threshold set out in Circular 02/2009 Town and Country Planning (Consultation) (England) Direction 2009. In addition, the application would require referral to Natural England in accordance with S28I (6) of the Wildlife and Countryside Act.

The Committee then received a detailed presentation outlining the location of the application site, its relationship to the surrounding areas and the various elements of the proposed development. This included the proposed highway infrastructure and the public transport routes.

The Director for Regeneration, Community and Culture drew attention to the responses received from the extensive consultation processes undertaken since 2011 as summarised on pages 39 – 66 of the agenda. This included representations both objecting and supporting the proposed development from a wide range of individuals and bodies including local Ward Councillors, Parish Councils, statutory bodies and external groups.

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The Committee was advised that Lodge Hill was the only strategic allocation in the Medway Core Strategy 2012 (submission draft). Such allocation was in relation to a freestanding new settlement. However, following the designation of the majority of the site as a Site of Special Scientific Interest (SSSI) the Council had withdrawn the Core Strategy in November 2013 and therefore the policies were not being used in the determination of the planning application. The Council had also previously produced and consulted on the Lodge Hill Development Brief 2011. However this document had also been written prior to the site being designated as a SSSI. As much of the content of the document was now out of date, it had not been considered in the determination of this planning application.

It was reported that during the Core Strategy process, the Planning Inspector had stated in a letter dated 21 June 2013:

*'Paragraph 152 of the Framework advises that significant adverse impacts on any of the dimensions of sustainable development should be avoided by, wherever possible, pursuing alternative options. Development at Lodge Hill would have a significant adverse impact on the SSSI and the Framework's objective of halting the overall decline in biodiversity. For the reasons given above, I am not convinced that there are no reasonable alternatives to the proposed development at Lodge Hill. The Framework only requires mitigation and compensation measures to be considered where adverse impacts are unavoidable. However, in considering the balance to be struck between all the dimensions of sustainable development I am not persuaded that the social and economic benefits that would flow from development on this site would outweigh the harm to the site of national importance for biodiversity.'*

It was confirmed that since the withdrawal of the Core Strategy, a replacement suite of documents had now been received. Such documents included a Development Needs Assessment Report outlining the economic and social aspects of the development, together with matters of housing land supply and alternatives. It also included a detailed assessment of the proposed development against the 'avoid, mitigate, compensate' hierarchy set out in the National Planning Policy Framework. Furthermore, a compensation package had been submitted with regard to ecological matters and with particular reference to the compensation land for nightingales. Therefore consideration of this particular planning application was being made against a much wider and more detailed suite of information than was available at the Core Strategy hearings.

The Director of Regeneration, Community and Culture drew the Committee's attention to the applicants appraisal of alternative sites, which had included the following:

- Extended Hoo – land to the North and South of Main Road, East of Hoo and a mixed use area at Chattenden North of the A228;
- East of Rainham – land to the North and South of the A2 around Moor Street and Meresborough;

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- The Darland area at the Northern part of the Capstone valley together with Gibraltar Farm to the South;
- Brompton Farm Road;
- Hogmarsh Valley;
- Cliffe and Cliffe Woods;
- North Rainham – land to the South of Lower Rainham Road, and which included a mixed area.

He also advised the Committee that in considering the planning application, the Council had reviewed the submission from the applicants and a summary of the Council's comments of the various alternative sites was set out on pages 81 – 90 of the agenda.

The Director of Regeneration, Community and Culture advised that, in terms of meeting Medway's aims of developing a strong economy and creating major community improvements, the Lodge Hill site offered significant advantages over the other known sites. The advantages included:

- A clear vision of a sustainable settlement supported by evidence to demonstrate its deliverability;
- Better economic, social and community benefits than any of the alternative options;
- The scale of housing was important in assisting Medway significantly increase the supply of housing;
- A good location, including better road access to Chatham and also the M2 than the eastern sites, which would help to realise Medway and Thames Gateway growth objectives;
- The provision of good public transport links to rail and to Chatham Town Centre;
- It was better related to the universities than most of the other sites;
- The scale of the development as a whole would enable early investment in the necessary infrastructure and early delivery of housing and employment opportunities;
- The development was of sufficient scale and quality to promote a new image and the step change in economic development that Medway aims to achieve; and
- The proposal provided major benefits to rural communities on the Peninsula.

The Committee was informed that having assessed alternative sites, it was therefore considered that there was no credible site that could provide a suitable alternative on the scale of the proposed Lodge Hill development. Furthermore, should the planning application be approved, the proposed development at Lodge Hill would fulfil the requirement for housing provision in Medway by the provision of 5,000 homes along with corresponding numbers of employment opportunities for local people.

The Head of Planning advised the Committee that since the SSSI classification, there was a requirement to consider paragraph 118 of the National Planning

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Policy Framework, this stated that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying a number of principles, details of which were set out on page 97 of the agenda.

The Head of Planning explained that the proposed development at Lodge Hill would result in the loss of grassland and scrub habitat of national importance for nightingales and MG5 grassland. A number of ponds and other habitats associated with the site would also be removed. It was noted that not all the nightingale territories would be lost but the reduction in territories would result in the site no longer meeting the selection threshold for this species as a SSSI.

It was confirmed that a range of habitat was being retained as part of the proposed development and new habitat would be created within the development site boundary. Further off site compensation measures were proposed in the off site mitigation area immediately adjacent to the West of the application site at Islingham Farm. It was also reported that off site compensation land was also proposed at Shoeburyness/Foulness principally for nightingales but which would also benefit other species.

The Head of Planning also outlined the compensation arrangements for the grassland that would be lost as a result of the proposed development.

Pages 108 and 109 of the agenda set out the proposed compensation/mitigation measures for species other than nightingales.

The Head of Planning also informed the Committee that should the application be approved, the proposed Section 106 provisions would include provision of funding for Wardens and the provision of appropriate signage for the education of visitors to the protected and ecologically sensitive areas.

Referring to the objections from Sport England, the Head of Planning advised the Committee that Sport England had accepted that Swinton Playing Fields had not been used for some considerable time. In respect of Sport England's concern that the widening of Dux Court Road would lead to the loss of playing fields at Deangate Ridge Recreation Ground, attention was drawn to the proposed Section 106 provision that included over £1 million funding for off site formal sports at Deangate Ridge.

With the agreement of the Committee, Councillors Filmer, Hicks, Irvine, Mason, Rodberg and Watson addressed the Committee as Ward Councillors for both Strood Rural and Peninsula Wards and raised a number of concerns including the following:

- The affect that the proposed development would have upon the highway and the increase in vehicle movements;
- The impact that the proposed development would have upon the Four Elms Hill roundabout and the possible need for provision of a bridge over the roundabout;

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- The requirement for a dedicated link to the development to the A289 as opposed to via Chattenden Lane or Dux Court Road and the requirement for the site to be served by a perimeter road;
- Traffic modelling being biased towards a public transport service providing buses every 10 minutes;
- The biodiversity matters had been set out in the report and the proposed mitigation measures were considered to be well conditioned;
- The level of objections received from Parish Councils;
- Concern that the proposed development would have on future precedent for development of areas of SSSI;
- Concern that the supporting infrastructure e.g. schools and health care facilities would not be put into place until the end of the development which would result in further pressure on existing schools, GP's and hospital services;
- Concern at the level of housing that was required to be provided in Medway generally;
- Acknowledgement that at a presentation by Land Securities at the March Open Meeting of the Rural Liaison Committee, those Parish Council representatives in attendance had not been supportive of the proposed development of Lodge Hill;
- Lack of certainty that the nightingales would relocate to the areas which were being provided as compensation;
- The requirement to protect the existing community, environment and habitat;
- The site should not be regarded as a brownfield site;
- The proposed development would result in the merger of the Parishes surrounding Lodge Hill; and
- Concerns regarding the effect upon traffic, schools, hospitals and the water supply.

The Committee then discussed the application in detail having regard to the detailed report and the additional information on the supplementary agenda advice sheet, the presentations from both the Director for Regeneration, Community and Culture and the Head of Planning and the various concerns highlighted by Ward Councillors.

During discussion, a Member referred to the proposed Section 106 provisions and suggested that should the Committee be minded to approve the application, the proposed contribution per dwelling towards the Great Lines Heritage Park would be better directed to the Hoo and Grain Peninsula which would be of greater benefit to existing and proposed residents.

In response to the concerns raised by Ward Councillors as to whether the application site was a brownfield or a greenfield site, the Head of Planning clarified that 60% of the outline planning application site or 80% of the whole developable area was previously developed land. Whilst it was recognised that scrub had overgrown the site, this did not change its classification as previously developed land.



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It was also suggested that proposed condition 45 on page 21 of the agenda be amended to include the words 'unless previously agreed by the Local Planning Authority' at the end of the condition.

### Decision:

Approved subject to:

- A) Referral to the Secretary of State under the provisions of Circular 02/2009 Town and Country Planning (Consultation) (England) Direction 2009 due to the application being not wholly in accordance with Policy BNE25 of the Medway Local Plan 2003; being in an out of centre location and the proposal includes a quantum of retail, leisure and office use above the threshold set out in the Circular; and due to the objection by Sport England with regard to the loss of playing fields.
- B) Referral to Natural England in accordance with S281 (6) of the Wildlife and Countryside Act.
- C) The applicant / owner entering into an agreement under Section 106 of the Town and Country Planning Act to secure:
  - i) A contribution of £1,040,750 towards off site formal sport at Deangate Ridge.
  - ii) A contribution of £119.34 per dwelling towards green infrastructure on the Hoo and Grain Peninsula.
  - iii) Provision of 25.4% Affordable Housing units on-site (of which 120 units shall be provided as Extra Care).
  - iv) Provision of 2% commuted sum towards off-site Affordable Housing provision.
  - v) Provision of 2.6% first time buyer assisted purchase units.
  - vi) Provision of 304ha of nightingale compensation land to be designed and managed for nightingales, to be provided on land, which meets the criteria as set out in the revised Environmental Statement. Together with any mitigation that may be required.
  - vii) A contribution of £1,358,000 towards SPA and RAMSAR mitigation measures to manage potential recreational pressure adjacent to the sites and at nearby 'honey pot' sites.
  - viii) Provision of up to 8 forms of primary school entry in 3 new primary schools of up to 3 form entry (minimum 2 form entry) of which one may be part of an extended or re-located Chattenden Primary School (limited to additional 2 form entry), with a



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contribution of £4.3 million towards the extension if pursued subject to feasibility study, all to include nursery provision.

- ix) Either a contribution of up to £1,837,550 towards temporary primary school and nursery places at Chattenden Primary School, or early years provision of first on-site 2-form entry primary school.
- x) Provision of a 5-form entry secondary school with sixth form and sports facilities on site.
- xi) Contribution of £1,937,250 towards 1 form entry of secondary school places at Hundred of Hoo.
- xii) One primary school to include Special Education Needs provision.
- xiii) One primary school to include a Family and Children's Centre (early years and family services) of 120sqm internal space and 120sqm external space.
- xiv) Temporary healthcare provision of 100sqm to be in place until a permanent facility is provided.
- xv) Permanent primary health centre facility of between 1,000sqm and 1,500 sqm (subject to specific requirements of the NHS), or a contribution of £467 per dwelling towards healthcare if no on-site facility is provided.
- xvi) Contribution of £7,596,433.88 towards highway network capacity and public transport improvements on A228 and A289, including Sans Pareil Roundabout, Anthony's Way Roundabout, Wulfere Way, Berwick Way and Vanguard Way.
- xvii) Contribution of £16,000 towards the monitoring of the travel plan.
- xviii) Contribution of £90,000 towards improvements to the cycle links between the application site and Medway City Estate.
- xix) Contribution of £240,000 towards replacement public transport infrastructure between the site and Strood Railway Station.
- xx) Contribution of £100,000 towards Council initiatives to deliver improvements and/or extensions to off-site public rights of way.
- xxi) Provision of an Employment and Skills Training Fund up to £1,000,000 for developer/contractor training schemes.
- xxii) Establishment of Community Management Body including £100,000 start up fund for setting up the continued stewardship of community facilities.

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- xxiii) Contribution of £175 per dwelling towards waste and recycling services.
  - xxiv) Provision of library accommodation if requested by the Council.
  - xxv) Contribution of £300 per trigger event for monitoring officers costs.
- D) The imposition of conditions 1 – 44 and 46 – 83 as set out in the report for the reasons stated in the report with delegated authority being granted to the Head of Planning to make minor amendments to the wording of the conditions if considered desirable before the issuing of the permission and with condition 45 amended as follows:
- 45. No development shall take place until a S278 agreement has been entered into with the Highways Authority for the A228 off-slip from Four Elms Hill to the site (as illustrated on drawing 0146-UA003269-GDD-07 Replacement Means of Access Plan, received on 27 February 2014). The development shall be carried out in accordance with the approved details and implemented prior to any construction traffic accessing or egressing the site via Chattenden Lane unless previously agreed by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with policy T2 of the Medway Local Plan 2003.

**Chairman**

**Date:**

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