

Planning Committee

Wednesday, 6 January 2021

7.00 pm

Present:

Cllr Lauren Sullivan (Chair)
Cllr Harold Craske (Vice-Chair)

Councillors: Jordan Meade
Elizabeth Mulheran
Tony Rice
Steve Thompson
Derek Ashenden
Gary Harding
Christina Rolles

Note: Councillors: John Burden, Leslie Hills, Bob Lane and Leslie Pearton were also in attendance.

Laura Caiels	Principal Lawyer (Place)(Medway Council)
Wendy Lane	Assistant Director (Planning)
Richard McEllistrum	Service Manager (Development Management)
Richard Hart	Principal Planner (Major Sites)
David Herrington	Digital Services Manager
Lauren Wallis	Committee Services Officer (minutes)

34. Apologies for absence

An apology for absence was received from Cllr Conrad Broadley and Cllr Gary Harding attended as his substitute.

An apology for absence was received from Cllr Brian Francis and Cllr Christina Rolles attended as his substitute.

An apology for absence was received from Bob Lane and Cllr Derek Ashenden attended as his substitute.

35. To sign the Minutes of the previous meeting

The minutes of the meeting of the Planning Committee held on 15 December 2020 were signed by the Chair.

36. Declarations of Interest

Cllr Tony Rice made a voluntary announcement of an other interest in relation to application reference 20190290 as was one of the Ward Councillors for Shorne, Cobham & Luddesdown. He advised that he had no previous involvement in the application and there had been no pre-determination on this matter.

Cllr Harold Craske made a voluntary announcement of an other interest in relation to application reference 20190290 in that the report (page 35) referred to the Kent Marshes Drainage Board of which he was the Vice-Chair. He confirmed that he had received no contact with regard to the application.

Cllr Jordan Meade made a voluntary announcement of an other interest in relation to application reference 20190290 as he was the Borough Council's representative on the Gravesham Rights of Way Committee. The Committee had not discussed the application and there had been no pre-determination in this matter.

37. Planning applications for determination by the Board

37.1 20190290 - Nuralite Industrial Estate, Canal Road, Higham, Rochester ME3 7JA

The Committee considered application reference 20190290 in relation to the Nuralite Industrial Estate, Canal Road, Higham for the systematic redevelopment of the existing site. This included the importation of inert materials to cap and landscape the historic asbestos landfill, thus containing the contamination risk. In addition, the existing buildings on the site would be demolished, making safe of existing contamination both through capping and removal of areas of hydrocarbon pollution would occur, the laying of new service and utility infrastructure and the construction of 11 new purpose built light industrial type units and a site office are all proposed.

The Principal Planner (Major Sites) drew Members' attention to a number of key points.

Members were advised that paragraphs 5.1 to 5.29 of the report set out the history of the site from its original development in the late 19th century up until the present day. The application site was located within the Green Belt to the northwest of the settlement of Lower Higham. The site was also in close proximity to the Thames Estuary Marshes and the only vehicle access to the site was by the partly adopted road known as Canal Road.

The principle of employment use on this site had been established through the historical use of the site dating back to the late 19th century when it was first used as an asbestos factory and then subsequently for other various industrial uses. The redevelopment of an existing employment use would provide additional employment floor space and the principle of redeveloping the site for employment uses was acceptable in planning policy terms.

In relation to the contamination, planning policy at both a local and national level was clear that new development should seek to avoid adverse environmental impacts of land contamination and seek to remediate contaminated land. The Committee's attention was drawn to the report which contained the detail on the contamination and remediation issues in paragraphs 5.43 to 5.81.

Members were also asked to note the following in relation to contamination.

- The site was originally developed as a factory to construct asbestos and other related building materials.
- From the 1980s onwards there was a decline in site activity due to health concerns around asbestos.
- The company filed for liquidation for the third and final time in November 1987.

- The liquidators continued their work until 1995 when they applied for the company to be formally dissolved. However, due to the outstanding unsecured creditors and unresolved court cases where serious illness and deaths had been associated with working at Nuralite, the company was still 'technically' in existence and still listed as such at Companies House.
- In addition to being used as manufacturing site for asbestos and other materials, the site had been used for significant landfilling (at the western end) for asbestos cement chipping, asbestos cement slurry and commercial waste with the license expiring in 1999.
- With the company going into liquidation there had been no formal closure of the landfill site.
- To aid understanding the extent of the site contamination image after paragraph 5.25 in the report was displayed on screen to put the contamination into context.

The officer advised that the only viable proposal put forward to address contamination and remediation was a capping solution which would differ at the eastern end (former factories) and the western end (landfill site). It was confirmed that both the external consultees and Gravesham Environmental Health officers were supportive of cap/fill approach subject to suitable conditions being imposed.

The application had raised considerable comments from consultees and various objections from residents. The report before the Committee addressed the highways impacts and vehicle parking in detail from paragraphs 5.101 to 5.158 and Members were asked to note the following:

- The existing situation of the site was that there were no planning restrictions controlling vehicle movements to and from the application site. The site could currently lawfully operate 24 hours a day 7 days a week lawfully.
- Canal Road also serves Hoo Junction Railway yard, Beckley Hill industrial estate, a number of dwellings and accesses to a number of fields.
- The local highway network beyond Canal Road was rural in nature.

The impact on highways would be in two phases, during the remediation/demolition/construction stage and then during the occupation of the site

It was noted that the first phase of the redevelopment of the site would be the remediation of the former asbestos landfill at the western end of the site. This would require around 500,000 tonnes of material which will be needed to cap the former landfill site. Alongside the remediation of the former landfill site, construction of a new industrial estate would commence and it was estimated that around 230,000 tonnes of material may be required to construct the units.

As outlined in paragraphs 5.130 to 5.140 this would result in 4 distinct impacts on the highway network:

- Importation of around 500,000 tonnes of materials.
- Demolition of existing buildings and exportation of 200,000 materials.
- Construction of the new industrial units and associated infrastructure.
- Operational traffic to and from the new industrial estate.

To address the impact on the surrounding highway network the applicant had proposed a Construction Management Plan. However, in this instance it was felt that this would not be

sufficient and a more detailed Construction Logistics Plan would be required, which would seek to reduce environmental impacts, road risk and congestion on the surrounding rural roads. The report explains that the proposed Highway improvements (including HGV routing) which would be secured through a combination of planning conditions and the Section 106 legal agreement.

Once operational conditions would be used to restrict hours of use, secure a travel plan and this would be a pre-occupation/use condition.

The site was situated within the Green Belt and the officer had concluded that the proposed development would be harmful to the Green Belt on three grounds:

- Permanent loss of openness.
- Encroachment of the countryside.
- Safeguarding the countryside by minimising the expansion of the Borough's rural settlements.

However, the applicant had demonstrated very special circumstances which outweigh the harm to the Green Belt. In order to more clearly highlight the difference between the existing activities on site and the proposed extent of development, the existing and proposed site plan had been included in the supplementary agenda.

Paragraphs 5.287 to 5.326 of the report addressed the impacts of the construction and development on the amenity of neighbouring properties. The Committee was reminded that the site was currently lawful and there were no planning restrictions on the site. This meant that the following could occur:

- The site could operate 24 hours a day 7 days a week.
- No control over the type of vehicle movements to and from the site.
- No control over the routing of HGV's to and from the site.
- The uses on the site were not restricted (B use class).

With this proposal it was acknowledged that there would be a slight increase in vehicle movements on Canal Road. However, this had to be offset against the following gains for neighbouring amenity:

- Hours of use of the site would be conditioned.
- Site management plan could be conditioned.
- Routing agreement for HGVs.
- Uses of each building and yard could be adequately controlled.
- The site would be remediated and the danger from Asbestos Containing Materials would be removed.

Attention was drawn to the supplementary agenda which set out the conditions and suggested heads of terms.

In conclusion, the Principal Planner (Major Sites) (hereafter referred to as the officer) stated that the application was policy compliant and drew the Committee's attention to the recommendation set out in the report attached the supplementary agenda.

The application had been referred to the Committee for consideration as a major development proposal.

The Committee heard the views of public speakers in support of and against the application who answered questions from Members.

Members also heard from Borough Councillors who spoke with the leave of the Chair and who answered questions from the Committee.

The following points were made during discussion on this application:

- The officer confirmed that he had visited the site twice in the last two days wearing the appropriate PPE and the site had been quiet but operational.
- Following a question in relation to consultation with Kent Police, Members were advised by the officer that it was quite common for an application to be submitted to Committee before the detailed method through which Kent Police's comments were secured and any Secure by Design / security requirements could be covered by conditions.
- It was noted that the site operation was over 100 years old and therefore was not subject to any type of planning conditions including lighting, hours of operation etc.
- The officer clarified that the use of the proposed light industrial units was flexible and the applicant was hoping for high end engineering opportunities. It was also confirmed that the employment head count on site was currently 100 people, the construction would add 100 and the final total would be 500 when fully occupied. It was noted that without knowing the letting arrangements on the site meant precise future traffic predictions could not be made. The officer noted that letting arrangements could be covered by pre-commencement conditions.
- Following doubt expressed in relation to the special circumstances, the officer confirmed that in regard to the area specifically being queried, there was hard standing on site but there was some encroachment into Green Belt land and the special circumstances had been set out in the report. It was also noted that the land had been developed many years ago and was therefore effectively a brown field site.
- The officer noted that paragraph 5.7 of the report addressed the effects of the application on the Public Rights of Way which would be addressed by the Construction Logistics Plan.
- A member of the Committee stated that the lack of consultation with local residents and the parish councils was raised in relation to the Conservation Area on which the effect of the application would be profound and paragraph 109 of the National Planning Policy Framework was referenced.
- Following a question on whether the current source of fresh water for the site from borehole would be sufficient for the new development, Members were advised that water management on the site would be conditioned via the creation of a Drainage Strategy before commencement of the works.
- The need to protect the natural heritage of the site and its surroundings was highlighted especially in relation to the toxins and pathogens which must be cleared from the site in a safe and sympathetic way.
- The officer confirmed that he had read and individually reviewed each and every response received by the Council on the subject of this planning application and he felt that this application offered the only viable option that had been proposed in the last 40 years including the best way of dealing with the asbestos.

Site Contamination

- Concern was expressed about the safety of the asbestos and other toxins present on the site. It was confirmed that the site owner (the applicant) should address the contamination. However, if the applicant declined for any reason, then the Borough Council would have to consult with the Environment Agency about possible decontamination of the site.
- It was noted that the applicant had stated that it was considered to be uneconomic to dredge the canal due to contamination by asbestos and other materials. Members noted that the officer had consulted with the Environment Agency and the Council's Environmental Services. The canal was reported to contain asbestos paste which, if dredged, could dry out and become airborne. Therefore, a view had been taken that the canal could not be safely dredged and it was advised that the Health & Safety Executive would probably not support a proposal to dredge. However, a Speaker raised an opposing view was raised in an unnamed online report that the pools had asbestos in them but nothing had been found in the canal itself. Neither had core samples recorded the presence of asbestos. The officer further explained that if the canal was allowed to dry up, then there would be asbestos left in the silt which would then become airborne and that there would be health and safety issues if the canal was dredged.
- The Committee was advised by the officer that as well as asbestos on the site, which could be seen on the surface, there had been a history of fly tipping and the Environment Agency had also permitted landfill there in the mid 1990s. Numerous reports and risk assessments had been undertaken and were available the Council's website <http://plan.gravesham.gov.uk/online-applications>. Therefore, whilst the site was known to be contaminated the full detail on the contaminants was not known. Pre-commencement conditions could give the Council full control which would enable the minimisation of removal of the contaminants from the site.
- The applicant confirmed that it might take up to 5 years for the removal or capping of contaminants on the site to be completed which would depend on the availability of the necessary materials.
- Following a point raised by one of the speakers, the officer advised that following the purchase of the site in 2016, fallen trees had exposed the presence of asbestos and amelioration work had taken place. However, this was historical and was therefore no longer a consideration for the Committee.
- Whilst recognising the environmental gains, the S106 benefits, the controls, remediation and employment gains, concern was expressed on the apparent lack of completeness and depth of diligence. It was considered that the question of whether or not the canal contained asbestos needed an answer as the canal was a heritage issue. The officer replied that the applicant's approach to the reinstatement or otherwise of the canal had been supported by the Environment Agency and the Council's Environment Services. It was confirmed that the canal would not be filled in but would also not be used as a functional canal. It had also been suggested that an interpretation Board was to be placed near the canal giving information on the history of the site.
- Previous attempts to decontaminate this site and the associated lack of success was noted together with the site being a hazard to health.

Traffic Management

- Following a question on the effect of the increased traffic on residents, Members were advised the Kent County Council (KCC), the Borough Council and the applicant had

considered the issues and a number of highway improvements had been proposed. For example, a new mini-roundabout would improve the flow of traffic from the Nuralite site, the Hoo Junction Railway yard and the Beckley Hill industrial estate to the benefit of the houses adjacent to Canal Road.

- A representatives of the applicant confirmed that a draft Construction Management Plan had been submitted which set out the routing of traffic to and from the site. There was also an Operational Management Plan for the operation side of the site and it was intended that the use of routes for incoming and outgoing Heavy Goods Vehicles be tied into the leases of the light industrial units.
- The fact that the application was near to the Lower Higham Conservation Area was raised and the related issues caused by the increased heavy traffic and associated threat to pedestrian safety. Residents had considerable traffic related concerns. It was noted whilst the applicant and KCC had been consulted the Parish Council had not. Paragraph 9.4 of the report was referred to and the fact that a traffic management scheme would be required to ameliorate the concerns. Members were advised that the traffic from the site was currently under no controls which, in future, could fall under the control of the conditions in the application should it be approved. A Construction Logistic Plan would be required and a Site Management Plan could be used to control vehicle movements which the applicant was keen to minimise.
- Following a question on any assessments carried out with regard to direct receptors on the route in relation to noise and vibration, Members were informed that work on amenity issues usually related to the use of the road and an assessment had shown that the surface of Canal Road would not cause any vibration issues. The highway authority, Kent Highways, was responsible for maintaining the adopted part of the road and making good any damage such as potholes which might cause vibration issues. However, it was noted that the road would be maintained by the applicant during the construction and operational phase.
- The Committee noted that the number of walkers in the area had increased since the start of the pandemic and Members were advised that a public car park was not included in the plans for the site. The applicant owned part of the road and it was intended to improve and widen the road, walkway and cycle path. However, it would be difficult to introduce a parking area for walkers as there were no soft verges to be retained in this area following improvements to the roadway proposed.
- A member of the Committee advised that HGV movements in the area had been recorded at their highest at 204 per day which meant one every 4 minutes. Whilst the existing conditions were understood, it was asked, given the volume of HGV movements, if it was worth going the extra mile as it was recognised that traffic modelling and commitments were more best endeavours and that a way of controlling the volume should be investigated. Members were advised by the officer that prescribed routes would be used to control traffic and suppliers would be controlled via their contracts. The Construction Logistics Plan would include GPS tracking of vehicles during the construction phase to ensure the correct use of routes by all Nuralite related vehicles. Following a question from the Chair, it was advised that the GPS tracking records would be viewed by the local authority during the construction phase.
- A question was asked about the inclusion of pinch points such as school drop-off and pick-up times in the appropriate Plan. It was confirmed by the applicant's transport adviser that it was standard practice to restrict vehicle movements at busy times. This could also be controlled by condition and would be subject to the GPS tracking.
- Following a question on the actual impact of HGVs on the proposed route to be used during the construction phase, Members were advised that resident's days were

interrupted by reversing HGV's and buses and their beeping sensors as, in busy times, their forward access along the road was often impeded by oncoming vehicles. The road was also too narrow to pass side by side at some points. It was noted that weekends were quieter.

- It was noted that part of Gore Green Road was only 3 metres wide, another nearby roadway was 4 metres wide and Lillechurch Road had soft verges and ditches alongside the roadway. When car or lorries went into the ditches a tractor was needed to pull them out. The officer drew Member's attention to paragraph 5.1.3 which gave details of the routing of HGVs and construction traffic. It was intended to have one-way movement requirements, 2 way control and passing bays enhancements and this would be included in pre-commencement conditions and the S106 Legal Agreement to minimise the impact.
- Following a statement from one of the speakers against the application, the officer reminded the Committee that issues such as the presence of police on Canal Road for septic tank emptying etc were not material planning considerations.
- The Committee was also advised by the officer that the RS Skips comment related to a waste application which was dealt with by Kent County Council and therefore he could not comment.
- It was confirmed that the installation of a mini-roundabout in Canal Road was supported by Kent Highways.
- The officer advised that the application would have been recommended for refusal if the cumulative traffic impact was so severe that it did not fall within the National Planning Policy Framework. He noted that KCC Highways had not objected to the application but had suggested improvements which could be covered by pre-commencement conditions or legal agreement. A comment was made by some Members that Kent Highways had not been known to object to any application. The officer replied that KCC Highways had based their response on local and national policies and had no objections subject to conditions / legal agreement. If the application was to be refused on this basis, without definitive evidence to the contrary, then an appeal would be difficult to defend.
- The Committee noted that the Post Development Plan restricted routes past schools. Also, any traffic lights required would fall within pre-commencement conditions and the S106 Legal Agreement.
- The Committee was told that that use of roads in the locality by HGVs caused constant annoyance, noise and some danger to life and property. However, the officer responded by advising that if this application was refused, and the existing uncontrolled use of the site continued, there would be no control of lorry movements in the area from the site.

Hoo Junction

- Following a suggestion that the railway sidings could be used to facilitate the transportation of construction and waste materials to and from the site, the officer advised that this question had been asked of the applicant and the proposition had been fully explored. It was noted that new sidings would have to be built because the line did not have the correct type of railhead for the transportation of materials. In addition, materials would have to be loaded and unloaded from the train and then transported the short distance to the site by HGV and agreement would also have to be sought from Network Rail. Therefore, this had been found not to be a viable proposition.

- The bridge on Canal Road was 4.1 metres in height, was used by vehicles accessing Hoo Junction and would not be affected by this application.

Following the concern expressed about the lack of consultation with appropriate parties such as the Parish Councils, the Service Manager (Development Management) suggested a possible way forward. He commented that whilst it would be complicated to make a resolution to grant permission, subject to consulting with parties who were opposed to the application, a consultation might be taken forward using a series of defined questions or matters to consult upon. The Vice Chair highlighted the need to also be consulted in regard to the final format of the decision to be delegated to the Service Manager to issue. The Service Manager (Development Management) further suggested that the detail of the application permission such as the conditions, informatives and S106 Legal Agreement could be delegated to the Service Manager (Development Management) and the Chair and Vice-Chair who could then undertake the consultation with Higham and Shorne Parish Councils and share their findings with the Service Manager (Development Manager). A concern raised about an alleged lack of due diligence which had also been expressed led the Service Manager (Development Management) to remind Members that it was open to the Committee to vote to defer the application, to refuse or to approve. Should the application be deferred then this must be with good reason and with specific matters requiring further investigation to be agreed upon and defined. He considered that the appropriate due diligence had been undertaken.

The Chair asked the Committee put the proposal for both the Chair and Vice-Chair to be included in the officer's recommendation and the general consensus was that this would be acceptable should the recommendation contained in the officer's report be supported.

A motion for refusal of the application was moved, seconded and put to the vote. The vote was lost.

Cllr Jordan Meade asked that his vote against this decision set out below be recorded.

Resolved that:

- (a) application 20190290 be DELEGATED to the Service Manager (Development Management), in consultation with the Chair and Vice-Chair of the Planning Committee, for the issue of planning PERMISSION subject to planning conditions and informatives as set out in the main and supplementary reports and the completion of a Section 106 Legal Agreement;**
- (b) that Natural England be consulted on the Borough Council's Appropriate Assessment and consideration of the response received including the potential need for additional requirements be DELEGATED to the Service Manager (Development Management), in consultation with the Chair and Vice-Chair of the Planning Committee; and**
- (c) that the Chair and Vice-Chair of the Planning Committee consult with Higham Parish Council and Shorne Parish Council in the exercise of their role in (a) and (b) above.**

- Note:
- (a) Simon Hughes (Agent)(a supporter) addressed the Committee.
 - (b) Dave Parnell (a supporter) addressed the Committee.
 - (c) Ian Wickett (Transport Consultant)(a supporter) was present.
 - (d) Parish Councillor Susan Lindley (an objector) addressed the Committee.
 - (e) Parish Councillor David Martin (an objector) addressed the Committee.

- (f) Peter Parr (an objector) addressed the Committee.
- (g) Borough Councillor Leslie Hills spoke with the leave of the Chair.
- (h) Borough Councillor Bob Lane spoke with the leave of the Chair.
- (i) Borough Councillor Leslie Pearton spoke with the leave of the Chair.
- (j) Borough Councillor John Burden spoke with the leave of the Chair.

37.2 20201231 - Alexandrias Residential Home 147 Wrotham Road, Gravesend DA11 0QL - report herewith

The Committee considered application reference 20201231 for the change of use of a building to that of a residential care home (Use Class C2) to an 11 bedroom HMO (House in Multiple Occupation) (sui generis) with communal facilities and staffing areas to provide short-term supported accommodation at 147 Wrotham Road, Gravesend DA11 0QL.

The Principal Planner (Major Sites) (hereafter referred to as the officer) introduced the report and displayed a site location plan together with a diagram of the proposed internal alterations. It was noted that the building had been a residential home since 1991. No comments or objections had been received by the Council in relation to this application. The Committee was also advised that there was no impact on neighbouring properties.

Following a question from a Member, the officer confirmed that an HMO licence would require a valid fire safety certificate and separate legislation dealt with this subject.

In conclusion the officer stated that the application was national and local policy compliant and recommended the application for approval.

The application had been referred to the Committee as Gravesham Borough Council was the applicant.

The attention of the Committee was drawn to the registered public speaker in support of the application who did not wish to speak but was happy to answer any questions.

Resolved that application 20201231 be PERMITTED subject to conditions as set out in the report.

Daniel Killian (Applicant)(a supporter) was present.

38. Planning applications determined under delegated powers by the Director (Planning & Development)

A schedule showing applications determined by the Director (Planning & Development) under delegated powers had been published on the Council's website.

Close of meeting

The meeting ended at 10.05 pm