

Decision Notice

MC/19/2836



Mr Graham Simpkin
Graham Simpkin Planning Ltd
2 The Parade
Ash Road
Hartley
Longfield
DA3 8BG

Applicant Name:
Mr A PRITCHARD

Planning Service
Physical & Cultural Regeneration
Regeneration, Culture, Environment &
Transformation
Gun Wharf
Dock Road
Chatham
Kent
ME4 4TR
01634 331700
01634 331195

Planning.representations@medway.gov.uk

Town and Country Planning Act 1990

Location: Land South Of View Road, Cliffe Woods, Rochester, Kent,

Proposal: Application for approval of reserved matters being appearance, landscaping, layout and scale pursuant to planning permission MC/16/3742 (Allowed under appeal reference APP/A2280/W/18/3202264) - for construction of 50 retirement homes comprising a 2/3 storey block of apartments and single storey bungalows with ancillary meeting room, gymnasium, office, parking and garaging

Notification of Refusal of Planning Permission to Develop Land

Take Notice that the Medway Council in pursuance of its powers under the above Act HAS REFUSED PERMISSION for the development of land as described above in accordance with your application received complete on 2 December 2019.

for the following reason(s):-

- 1 The layout of the proposal is inappropriately urban in character. The inner site layout of street parking and service corridor unsympathetically encircles the development's central amenity focus for resident's daily community and social activities, resulting in the development being dominated by the appearance of roads and parking, which in turn results a poor quality of amenity space. In addition, the landscaping proposals which are considered fundamental to the

design of this rural edge application site are inadequate to achieve a transition from urban to rural, or an effective screen from visual receptor(s) to the south and south-west contrary to Policies BNE1 and BNE6 of the Medway Local Plan 2003 and Paragraphs 127 and 170 of the National Planning Policy Framework 2019.

- 2 The proposal offers limited amenity space between the proposed units and the perimeter boundaries, particularly for a rural site and the lack of boundary treatment to define individual garden areas would result in an adverse impact on future occupiers with regard to lack of privacy contrary to Policy BNE2 of the Medway Local Plan 2003 and paragraph 127f of the National Planning Policy Framework 2019.
- 3 In absence of swept path analysis for large vehicles, the applicants have failed to demonstrate the internal highway network is safe and suitable for all vehicles. In addition, the provision of the mobility scooter parking is considered unsuitable accommodation in terms of its location. The application is, therefore considered to be contrary to Policies T1 and T22 of the Medway Local Plan 2003 and Paragraph 110 of the National Planning Policy Framework 2019.
- 4 Opportunities to secure sustainable drainage such as ponds and swales and enhance biodiversity have been missed. The site is large and located on clay geology which would increase SuDS options. As such the proposal would conflict with Paragraphs 164, 170(d) and 175 of the National Planning Policy Framework 2019.

Your attention is drawn to the following informative(s) :-

- 1 In accordance with paragraph 38 of the NPPF Medway Council takes a positive, proactive and creative approach to development proposals focused on solutions. Medway Council works with applicants/agents in a positive, proactive and creative and manner by:

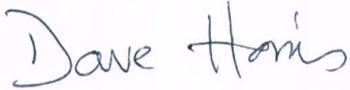
Offering a pre-application advice service;
Updating applicants/agents of any issues that may arise in the processing of their application;
Where possible suggesting solutions; and
Informing applicants/agents of any likely recommendation of refusal prior to a decision.

In this instance the agent was updated of any issues after the initial site visit.

- 2 This planning decision relates to

- Application form and site location plan received on 25 October 2019.

- Drawing nos: 16-1212-22C, 16-1212-25C and 16-1212-28A received on 25 November 2019.
- Drawing nos: 16-1212-24D, 16-1212-29A and 16-1212-40A received on 2 December 2019.
- Drawing nos: 16-1212-30B, 16-1212-31C, 16-1212-32C, 16-1212-33A and 16-1212-34A received on 14 April 2020.
- Drawing nos: 2020 05 19 5172 received on 19 May 2020.
- Drawing nos: 16-1212-19N, 16-1212-20N, 16-1212-21E, 16-1212-26D, 16-1212-27D, 16-1212-35B, 16-1212-36B and 16-1212-38A received on 30 July 2020.
- Tree Survey Protection report and Landscape report received on 26 November 2019.
- Reptile Survey received on 5 February 2020.
- Landscape Visual Assessment received on 6 March 2020.
- Ecology response received on 14 May 2020.
- Drainage Plan received on 19 May 2020.
- Revised Design and Access Statement, Appendix 10 (Site Appraisal), Appendix 11 (Car Parking Assessment) and Appendix 12 received on 30 July 2020.



David Harris
Head of Planning
Date of Notice 17 September 2020

TOWN & COUNTRY PLANNING (APPEALS) (WRITTEN REPRESENTATIONS) (ENGLAND) (AMENDMENT) (REGULATIONS 2013)

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your Local Planning Authority's decision then you must do so within **12 weeks** from the date of this notice for appeals being decided under the Commercial Appeals Service and **6 months** from the date of this notice for all other **minor and major applications**.
 - However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:
 - **28 days** from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
 - **28 days** from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).
 - Appeals must be made using a form which you can obtain from the Planning Inspectorate by contacting Customer Support Team on 0303 444 50 00 or to submit electronically via the Planning Portal at

https://www.planningportal.co.uk/info/200207/appeals/110/making_an_appeal

Commercial Appeals Service

- This type of appeal proceeds by way of written representations, known as the "Commercial Appeals Service". Third parties will not have the opportunity to make further representations to the Planning Inspectorate on these.

All other Minor and Major Applications

- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the

proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based on their decision on a direction given by him.

Purchase Notes

- If either the Local Planning Authority or the Secretary of State refuses permission to development land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.