

Planning Committee – Supplementary agenda

A meeting of the Planning Committee will be held on:

Date: 8 December 2021

Time: 6.30pm

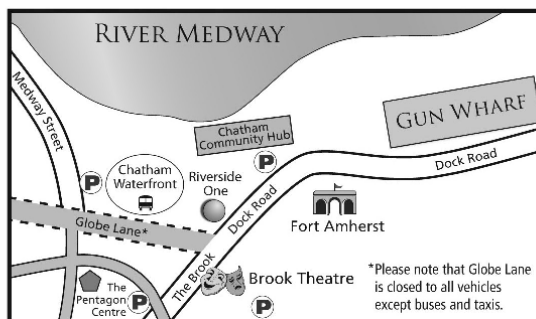
Venue: Civic Suite, Gun Wharf, Dock Road, Chatham Kent ME4 4TR

Items

16(A) Additional Information - Supplementary agenda advice sheet (Pages 3 - 28)

For further information please contact Ellen Wright, Democratic Services Officer on Telephone: 01634 332012 or Email: democratic.services@medway.gov.uk

Date: 8 December 2021



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If you have any questions about this meeting and you want to speak to someone in your own language please ring **01634 335577**

বাংলা	331780	ગુજરાતી	331782	ਪੰਜਾਬੀ	331784	کوردی	331841	اردو	331785	Русский	332374
中文	331781	हिंदी	331783	Polski	332373	ଓଡ଼ିଆ	331786	فارسی	331840	Lietuviškai	332372

Medway Council

PLANNING COMMITTEE – 8 December 2021

Supplementary Agenda Advice

**Page 15 Minute 439 Canada House, Barnsole Road,
Gillingham**

With delegated authority, the Head of Planning agreed the final wording of condition 15 with the Chairman and Vice Chairman to read as follows:

15. Notwithstanding the details submitted within the design and access statement (by Tang & Associates Limited, dated June 2021), to address energy efficiency and climate change. No flat shall be occupied until details of how the flats will be heated, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall thereafter be maintained in working order.

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 154 the National Planning Policy Framework 2021.

Page 18 Minute 441 63 Duncan Road, Gillingham

With delegated authority, the Head of Planning agreed the final wording of the refusal reason with the Chairman and Vice Chairman to read as follows:

1 The proposal, by virtue of its contrived design, overall scale, mass, height and siting in such close proximity to the northern boundary with neighbouring properties on Franklin Road, the lack of pavement, and limited outdoor space, would result in a cramped and incongruous form of development which would not relate well to the existing character, and spatial pattern of development in the surrounding area. The proposal would also have an overbearing impact on the neighbouring amenity, as such resulting in an overdevelopment of the site. The proposal is, therefore, contrary to Policies BNE1, BNE2 and H4 of the Medway Local Plan 2003 and paragraphs 126, 130 and 130f of the NPPF.

Recommendation

A. Section 106

Add the following obligation:

iv) A Skills and Employment Plan to be submitted in accordance with the Outline Skills and Employment Plan (dated July 2021) received 13 August 2021 to secure the use of local labour, educational training courses and apprenticeships.

B. Conditions

Replace existing condition 2 in its entirety with the following:

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

Received 4 November 2021:

A-011-XX-40-PL 01 - Proposed Site Plan
A-011-XX-42-PL 01 - Proposed Site Entrance
A-011-XX-43-PL 01 - Proposed Site Car Park
A-011-XX-44-PL 01 - Proposed Site Building
A-053-X-21-PL 01 - Cross Sections Car Park and Access
A-053-X-22-PL 01 - Cross Sections through Woodland

2148-TFC-XX-00-DR-L-1001 P16 - Landscape proposals
2148-TFC-XX-00-DR-L-1002 P16 - Landscape proposals 1 of 3, drawing
2148-TFC-XX-00-DR-L-1003 P15 - Landscape proposals 2 of 3, drawing
2148-TFC-XX-00-DR-L-1004 P12 - Landscape proposals 3 of 3, drawing
2148-TFC-XX-00-DR-L-1005 P11 - Landscape proposals ground floor
2148-TFC-XX-00-DR-L-1006 P02 - Specification notes

Received 13 August 2021:

A-064-X-01-PL 01 - East and West Elevation

Received 4 August 2021:

A-031-098-01-PL 00 - Basement Level 02
A-031-099-01-PL 00 - Basement Level 01
A-031-100-01-PL 00 - Ground Floor
A-053-X-11-PL 00 - Cross Sections
A-053-X-12-PL 00 - Cross Sections
A-064-X-02-PL 00 - North and South Elevation
A-064-X-05-PL 00 - Information Point Elevation

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

Replace existing condition 3 in its entirety with the following:

- 3 No development above winery building ground floor slab level and access road/car park base course level (excluding site investigations and site clearance) shall take place until details of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

Replace existing condition 4 in its entirety with the following:

- 4 No development above winery building ground floor slab level and access road/car park base course level (excluding site investigations and site clearance) shall take place until detailed drawings at scales of at 1:5, 1:10 and 1:20 showing details required of the ridge, eaves, verge, brick bonding and joint types, mortar colours, scheme colourways, entrance recess soffits, balustrades, handrails, parapets & capping's, window and door cills - jambs - heads , ground connections, wall plane changes, junctions at material changes and visible flashings, roof vents, electricity cupboards, waste enclosures, boiler and other flume placements, energy centre retaining structure and flue have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

Replace existing condition 8 in its entirety with the following:

- 8 No development of the winery building above slab level and access road/car park base course level (excluding site investigations and site clearance) shall take place until a Soil Resource Survey is provided that confirms analysis of the condition of existing site topsoil, subsoils and its appropriateness for landscape use; the sourcing, quality and use of imported material; with outline recommendations for the stripping, stockpiling, remediation, amelioration, movement, profile and use of soils, relative to the planting proposals.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

Replace existing condition 9 in its entirety with the following:

- 9 The development herein approved shall not be brought into use until full details of a hard and soft Landscape Scheme in accordance with the approved landscape drawings have been submitted to and approved in writing by the Local Planning Authority. The Landscape Scheme shall include:
- i. Plans and information providing details of existing and proposed finished ground levels, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, all paving and external hard surfacing, lighting, and services (including drainage), tree grilles, minor artefacts and structures (seating, refuse receptacles and raised planters). Soft landscape works, including details of planting plans, tree positions, planting build ups, written specifications (including cultivation and other operations associated with grass, tree and planting establishment, aftercare, and maintenance); schedules of plants, noting species, plant sizes, root treatments and proposed numbers/densities where appropriate.
 - ii. Details for the design and specification of tree planting to enable healthy establishment at maturity. Information should provide details for the planting environment (including within hard landscape and raised planters), calculated soil volume, tree support and tie specification, guards and grilles, aeration and irrigation systems, soil build-up information (avoiding the use of tree sand), tree cell systems (to street tree planting environments).
 - iii. Detailed information should be provided for the design and specification of green roofs, terraces, and podium decks. Including drainage and soil build up, planting plans & plant schedules, the treatment for any tree planting (including tree pit details and tree supports), all paving and hard surfacing, minor artefacts, and structures.
 - iv) A timetable for implementation.

The development shall be implemented in accordance with the approved details and timetable and any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

Replace existing condition 12 in its entirety with the following:

- 12 No tree clearance shall take place until the final alignment of the main vehicular access route and main pedestrian and buggy access route through the plantation woodland and the identification of trees to be removed has been submitted to and approved in writing with the Local Planning Authority.

Reason: Required prior to tree clearance to ensure no irreversible harm to retained trees and to protect and enhance the appearance and character of the site and locality, in accordance with Policy BNE43 of the Medway Local Plan 2003.

Replace existing condition 13 in its entirety with the following:

- 13 Notwithstanding the submitted revised Tree Survey, Arboricultural Implications Assessment and Method Statement Ref 21080/A2_AIA_Rev.A (dated November 2021) and revised tree constraints plans, and tree protection plans (received 5 November 2021), no development shall take place until a scheme of tree protection measures has been submitted to and approved in writing by the Local Planning Authority. The tree protection measures shall be implemented in accordance with the approved details prior to the construction of the main vehicular access route and main pedestrian and buggy access route and shall thereafter be retained throughout the construction phase of the development.

Reason: Required prior to the commencement of development to ensure no irreversible harm to retained trees and to protect and enhance the appearance and character of the site and locality, in accordance with Policy BNE43 of the Medway Local Plan 2003.

Replace existing condition 14 in its entirety with the following:

- 14 The mitigation and monitoring measures shall be implemented in accordance with the revised Tree Survey, Arboricultural Implications Assessment and Method Statement Ref 21080/A2_AIA_Rev.A (dated November 2021). Monitoring of the trees within the plantation woodland shall be undertaken and the findings shall inform a revised Mitigation Strategy that shall be submitted to and approved in writing by the Local Planning Authority within 1 calendar year after the construction of the main vehicular access route and main pedestrian and buggy access route. The revised Mitigation Strategy shall take account of windthrow and tree failure and include a timetable for the delivery of any further replacement tree planting and any other mitigation measures. The recommendations of revised Mitigation Strategy shall be implemented in accordance with the approved details.

Reason: Required prior to ensure no irreversible harm to retained trees and to protect and enhance the appearance and character of the site and locality, in accordance with Policy BNE43 of the Medway Local Plan 2003.

Renumber and Replace existing condition 13 in its entirety with the following to be condition 15:

- 15 No development shall take place (excluding site investigations and site clearance) 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.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on any archaeological interest and in accordance with Policy BNE21 of the Local Plan 2003.

Renumber and Replace existing condition 14 in its entirety with the following to be condition 26:

- 16 No development shall take place (excluding site investigations and site clearance) until details of foundation designs and any other proposals involving below ground excavation have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on any archaeological interest and in accordance with Policy BNE21 of the Local Plan 2003.

Renumber existing condition 15 to be condition 17.

Renumber and Replace existing condition 16 in its entirety with the following to be condition 18:

- 18 No development (excluding site investigations and site clearance) shall take place until a Construction Environmental Management Plan (CEMP) in accordance with the Outline CEMP version: 02 (dated 15 October 2021) received 4 November 2021 that describes measures to control, amongst other matters, hours of working, deliveries to the site, noise, dust and lighting, arising from the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The construction works shall be undertaken in accordance with this approved plan.

Reason: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents, the countryside and to ensure that the M2 continues to be an

effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety and with regard to Policies BNE2, BNE5, BNE14, BNE39, T1, and T2 of the Medway Local Plan 2003.

Renumber and Replace existing condition 17 in its entirety with the following to be condition 19:

- 19 The development herein approved shall not be brought into use until the following highway works have been implemented in full:

Access arrangements as outlined in drawing number B/MDLUDESDOWN.1/01 Rev A in the Stage 1 - Road Safety Audit ref: S/LIDLPUROBROOKWAY2.1.1.6 Rev A (dated July 2021).

Reason: to ensure the development preserves conditions of highway safety, pedestrian safety and the free flow of traffic, in accordance with Policies T1, T2 and T3 of the Medway Local Plan.

Renumber condition 18 to be changed to condition 20.

Renumber and Replace existing condition 19 in its entirety with the following to be condition 21:

- 21 The development herein approved shall not be brought into use until the area shown on the submitted layout as vehicle parking spaces, drawing number A-011-XX-43-PL 01 (Proposed Site Car Park) received 4 November 2021, has been provided. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking and in accordance with Policy T13 of the Medway Local Plan 2003.

Renumber and Replace existing condition 20 in its entirety with the following to be condition 22:

- 22 The carpark herein approved shall not be brought into use until details for the provision of 10 electric vehicle charging points has been submitted to and approved in writing by the Local Planning Authority. Details shall include the location, charging type (power output and charging speed), associated infrastructure and timetable for installation. The development shall be implemented in accordance with the approved details and shall thereafter be maintained in working order.

Reason: In the interests of sustainability in accordance with paragraph 112E of National Planning Policy Framework 2021.

Renumber existing condition 21 to be changed to condition 23.

Renumber and Replace existing condition 22 in its entirety with the following to be condition 24:

- 24 The development herein approved shall not be brought into use until a Parking Management Plan in accordance with the Outline Car Park Management Plan (dated July 2021) received 13 August 2021 has been submitted to and approved in writing by the Local Planning Authority. The Parking Management Plan shall contain details of how the on-site parking provision is to be managed. The Parking Management Plan shall be implemented in accordance with the approved details prior to the first use of the building and shall thereafter be retained.

Reason: To ensure satisfactory off-street parking in accordance with Policy T13 of the Medway Local Plan 2003.

Renumber and Replace existing condition 23 in its entirety with the following to be condition 25:

- 25 The development herein approved shall not be brought into use until a Delivery and Servicing Management Plan (DSMP) in accordance with the Outline Deliveries and Servicing Management Plan (dated July 2021) received 13 August 2021 is submitted to and approved in writing by the Local Planning Authority. The DSMP shall describe the means of servicing and times of deliveries and means provision for servicing/delivery vehicles. The DSMP should identify exactly how and what types of vehicles are anticipated for the commercial uses and their delivery times should also be detailed to demonstrate that the proposed system would work. Deliveries and servicing shall be implemented in accordance with the approved details from the first use of the building and shall thereafter be maintained.

Reason: Development without provision of adequate delivery management plan is likely to impact neighbourly amenity and potential impacts to the function of the local road network in accordance with Policies BNE1 and T1 of the Medway Local Plan 2003.

Replace existing condition 26 with the following wording:

- 26 The development herein approved shall not be brought into use until a Travel Plan in accordance with the Framework Travel Plan (dated July 2021) received 4 August 2021, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall contain details of measures to reduce car travel. The Travel Plan shall be

implemented in accordance with the approved details prior to the first use of the building and shall thereafter be retained.

Reason: To ensure the sustainable transport objective related to the development of this site and to reduce potential impact on the surrounding area in accordance with Policy T14 of the Medway Local Plan 2003.

Renumber and Replace existing condition 24 in its entirety with the following to be condition 27:

- 27 No development shall take place until a scheme showing details of the disposal of surface water, based on sustainable drainage principles, including details of the design, implementation, maintenance and management of the surface water drainage scheme; along with details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations), in accordance with the Flood Risk Assessment and Outline Drainage Strategy (dated 23 July 2021) received 4 August 2021 shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.

Those details should be submitted in conjunction with the site Landscape Plan, and 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. If relevant, proposed arrangements for future adoption by any public body, statutory undertaker or management company.

The approved CSWMP and shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:

- i. Temporary drainage systems.
- ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses.
- iii. Measures for managing any on or offsite flood risk

The approved details shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at paragraph 165 of National Planning Policy Framework 2021.

Renumber existing condition 25 to be changed to condition 28.

Renumber and Replace existing condition 26 in its entirety with the following to be condition 29:

29 No development shall take place (excluding site assessment and site clearance) until an investigation and risk assessment in accordance with the Preliminary Geo-Environmental Risk Assessment (Desk Study) Ref: 70080257(April 2021) received 4 August 2021 has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development (excluding site assessment and site clearance). The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination.

(ii) an assessment of the potential risks to:

human health
property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.
adjoining land,
groundwaters and surface waters,
ecological systems,
archaeological sites and ancient monuments.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management document (LCRM)'.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

Renumber and Replace existing condition 27 in its entirety with the following to be condition 30:

- 30 No development shall take place (excluding site assessment and site clearance) until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

Delete existing condition 28.

Delete existing condition 29

Replace existing condition 31 in its entirety with the following:

- 31 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 29, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 30, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

Replace existing condition 32 in its entirety with the following:

- 32 Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition 29 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 29.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

Renumber and Replace existing condition 30 in its entirety with the following to be condition 33:

- 33 The development herein approved shall not be brought into use until an Air Quality Emissions Mitigation Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall be prepared in accordance with the Medway Air Quality Planning Guidance and the Air Quality Assessment revision 1 (dated 27 July 2021) received 4 August 2021 and shall include full details of the measures that will be implemented as part of the development to mitigate the development related road transport emissions. The total monetary value of the mitigation to be provided shall be demonstrated to be equivalent to, or greater than, the total damage cost values calculated as part of the approved Air Quality Assessment. The development shall be implemented, and thereafter maintained, entirely in accordance with the measures set out in the approved Mitigation Statement.

Reason: To ensure the adequate protection of health and amenity of the surrounding area in accordance with Policy BNE24 of the Medway Local Plan 2003.

Renumber and Replace existing condition 31 in its entirety with the following to be condition 34:

- 34 No development above winery building ground floor slab level and access road/car park base course level (excluding site investigations and site clearance) shall take place until a scheme to minimise the transmission of noise from the use of the premises in accordance with the Noise Impact Assessment revision 1 (dated July 2021) received 4 August 2021 has been submitted to and approved in writing by the Local Planning Authority. Noise from the premises should be controlled, such that the noise rating level (LAr,Tr) emitted from the development shall not exceed the background noise level (LA90,T) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014. All works which, form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To ensure the adequate protection of amenity of surrounding residents in accordance with Policy BNE2 of the Medway Local Plan 2003.

Renumber existing condition 32 to be changed to condition 35.

Renumber and Replace existing condition 33 in its entirety with the following to be condition 36:

36 Prior to the installation of any external art installations, wayfinding measures and means of interpretation, details of which, shall be submitted to and approved in writing by the Local Planning Authority. Details shall include location, materials, elevations, and a timetable for installation. The development shall be implemented in accordance with the approved details and shall thereafter be maintained.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

Renumber existing condition 34 to be changed to condition 37.

Representations

The Applicant has submitted a Briefing Note to the Planning Committee. This is attached in full to this Supplementary Agenda.

Cuxton Parish Council has emailed Members of the Planning Committee attaching two representations of objection from the Parish Council and two representations of objection from the AONB Unit in relation to the proposal.

The representation reiterates concerns regarding the proposal's location in the AONB and greenbelt and increase in traffic.

Appraisal

Principle

Replace the wording of the second paragraph on P.53 with the following:

The architectural proposals also demonstrate how the scale of local landform rise-and-fall can be used to reduce its visual impact. Maintaining the current level of relative tranquillity will be more challenging as the winery proposals generally would bring more intensive visitor uses to Site B around its pedestrian and vehicular approaches. Trails, tracks, and roads connecting to the proposed development intersect and cross the three PROWs. Firstly, where the main access to the site links with the wider road network of Bush Road. The access road is close to Footpath RS200 which skirts the northeast edge of Site A. The second PROW affected relates to two trails and a road crossing through the plantation woodland intersecting Footpath RS201 a short distance to the northeast of the proposed winery building. The third relates to a proposed vehicular track that connects the winery building to the vineyards in Bush Valley, by crossing the Footpath RS201 on the southwest corner of Site B, and a new pathway also intersect around the same point. Generally, this use intensity is expected to be mostly low key, with higher seasonal intensity related to harvest activity and visitors.

Recommendation

B. Section 106

Add the following obligation:

5. To operate a single management company for the whole site.

This is to ensure that under any future scenario where a change of land ownership of part of the whole of the site could occur (which is not a scenario that is at suggested by the applicant but is considered to be a reasonable safeguard by the Local Planning Authority) that the management of the whole site would remain under a single management body, given the intricate landscape and ecology relationships on the site.

C. Conditions

Replace all references to Highways England with National Highways in conditions 23 and 24.

Delete the second reference to 'Management Plan' in the last sentence of condition 33.

Representation

Natural England (NE) have has responded with a further representation to advise that they consider the development will not have a significant adverse impact on designated sites and that they concur with the assessment that the proposal can be screened out from further stages of assessment because of significant effects are unlikely to occur either alone or in combination.

"To meet the requirements of the Habitats Regulations, NE advise the Local Planning Authority to record a decision that a likely significant effect can be ruled out. The following may provide a suitable justification for that decision:

- Medway Estuary and Marshes SPA and Ramsar Site lies 9.6km to the northeast of the proposed site, thus outside of the SAMM/Bird Mitigation boundary (6km). Therefore, no likely significant effect (LSE) has been noted.
- With respect to Peters Pit SAC, a site designated primarily for its population of Great Crested Newt, no LSE due to air, noise quality, contamination, surface water drainage, lighting or recreational disturbance has been noted.
- Although it has been noted that there may be an element of increased recreational pressure from visitors to the site using Public Rights of Way into the North Down Woodlands SAC, it has been concluded that there will be no significant effect from this.

Planning Appraisal

Replace references to Quarry Road with Quarry Grove throughout this section.

Principle

Delete the words 'yoga studio' in the second to last paragraph of this section.

Page 134 MC/21/2271 209-217 High Street, Rochester

Heading

Delete the word 'Of' at the beginning of the proposal

Recommendation

Replace condition 2 with the following wording:

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

Received 30 July 2021:

29826B_013	Proposed Site Plan
29826B_008	Demolition Ground Floor Plan
29826B_009	Demolition First Floor Plan
29826B_010	Demolition Second Floor Plan
29826B_011	Demolition North and West Elevations
29826B_012	Demolition South and East Elevations
29826B_105 Rev B	Proposed Roof Plan
29826B_201 Rev A	Proposed Sections
29826B_203	Proposed North Elevation Facade
29826B_206	Proposed East Elevation Facade

Received 6 August 2021:

29826B_101 Rev D	Proposed First Floor Plan
29826B_103 Rev D	Proposed Third Floor Plan
29826B_104 Rev D	Proposed Fourth Floor Plan
29826B_200 Rev D	Proposed North and West Elevations
29826B_204 Rev A	Proposed West Elevation Facade

Received 12 October 2021:

29826B_100 Rev F	Proposed Ground Floor Plan
29826B_201 Rev D	Proposed South and East Elevations
29826B_202 Rev C	Proposed Street Elevations
29826B_206	Proposed South Elevation Facade

Received 28 October 2021:

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

Delete the words 'within a phase' in the first sentence and 'within that phase' in the last sentence of condition 6.

Add the words 'in working order' after the word 'maintained' in the last sentence of condition 16.

Replace condition 21 with the following wording:

21. The proposed development shall not be occupied, until a Parking/Operation Management Plan, has been submitted to and approved by the Local Planning Authority in writing. The agreed details shall include measures for pupil's arrivals and departures and how on-site parking will be managed. The development shall operate within accordance with the approved Parking/Operation Management Plan thereafter.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking and in accordance with Policy T13 of the Medway Local Plan 2003.

Proposal

Remove the bullet points and **delete** the following words after 'This application seeks... '£10,000 towards public realm improvements to Rochester High Street.

- £19,798.74 towards strategic measures in respect of the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites.
- Meeting the Council's costs.'

The proposal should then read:

This application seeks planning permission and consent....

Representations

Replace all references to Highways England with National Highways

Add the following words 'making a total of 26 different residents', between the words 'received and raising' in the second paragraph of the representations section.

KCC Archaeology has responded with a further representation to advise that the archaeological Evaluation Report (ref; 15363) dated July 2021 is not

sufficient to remove the previously requested conditions as subsequent mitigation measures are required to form a programme of archaeological works. This can only be agreed when the Evaluation has been completed.

Planning Appraisal

Archaeology (P.152)

Replace the third paragraph with the following wording:

The applicant has submitted an Interim Archaeological Evaluation Report reference: 15363 (dated July 2021) to overcome the need for the archaeological works condition. However, this document does not sufficiently cover proposed mitigation required which can only happen when the evaluation takes place. Therefore, the archaeological works condition is still required.

Page 158 MC/21/1551 107 Station Road, Rainham

Planning Appraisal

Residential Amenity

P.164 Neighbouring Residential Amenity

Replace entire subsection with the following wording:

The amendments to the originally submitted scheme include the removal of the first-floor external balconies and installation of internal/ enclosed balconies to serve units 107C and 107D. The removal of the balconies and associated screens overcomes concerns of any potential overlooking of the neighbouring gardens along Station Road and any sense of an overbearing nature due to the height of the screens when seen from neighbouring gardens. The internal/enclosed balconies would provide an element of amenity space in addition to the ground floor balconies, whilst preventing any overlooking of neighbouring private amenity space. The revisions also include the removal of the ground floor rear elevation windows and installation of openable rooflights to serve units 107C and 107D to prevent any encroachment into No. 105 Station Road or obstruction of the alley way and overlooking of neighbouring private amenity space.

**Page 170 MC/20/2815 Dental Surgery 1-4 Eastgate Court,
Rochester**

Recommendation

Replace reference to 2018 with 2015 in condition 15

Add the following condition:

23. The ground and first floor windows located on the rear elevation of units 4 and 5 as shown on drawing numbers 20/288/05 received 23 July 2021, 20/288/04 received 7 September 2021 and 20/288/03 Received 8 September 2021 shall be fitted with obscure glass and apart from any top-hung light, that has a cill height of not less than 1.7 metres above the internal finished floor level of the room it serves, shall be non-opening. This work shall be completed before the room it serves is occupied and shall be retained thereafter.

Reason: To ensure the development does not prejudice conditions of amenity by reason of unneighbourly overlooking of adjoining property, in accordance with Policy BNE2 of the Medway Local Plan 2003.

Representations

1 additional representation has been received raising the following concerns

- Overdevelopment of site
- No car parking provision
- Concerns regarding access for construction vehicles and overall impact during construction
- Impact on the adjacent listed buildings and Conservation Area

Page 204 MC/19/2437 13 Canon Close, Rochester

Representations

Further representation received from the occupiers of No. 14 Canon Close which is attached in full to this Supplementary Agenda.

VINEYARD FARMS LTD.

The Kentish Wine Vault



Ref: MC/21/2328

Medway Planning Committee

Wednesday 8th December

At a glance

22

- A new world class winery building to deliver a multi-million-pound investment in the economy, boost tourism and put Medway at the heart of the English wine market.
- The plans will create 50 new jobs, in addition to supporting construction roles. Once operational, the estate will support 75–100 jobs in total and many more in the supply chain.
- The project has been designed to the highest environmental standards and will be operationally carbon neutral.
- We've agreed a sustainable transport plan, including an electric shuttle bus service from local stations to minimise the impact on local roads.
- The plans have been designed by leading architects, Foster + Partners, to sit within the existing landscape – with over 85% of the building underground.



Over 70% of the building is dedicated to wine making, including the processing facility on the lower ground floor

The plans are recommended for approval by your officers:

“The proposal would create educational opportunities including apprenticeships across agriculture, viticulture, and commercial operations and would engage with local schools and colleges and provide programmes on sustainability, viticulture, and agriculture.”

“The proposal has the potential to heighten the public image of Medway and help promote future commercial and cultural investment attracting industries into the area.”

“In terms of ecology and trees, the precautionary and protection measures for protected species and the ancient woodland have been appropriately considered. The indirect impacts to protected species and habitats would be minimal, subject to appropriate conditions. The proposal would result in habitats unit net gain of 14.34% and a hedgerow unit net gain of 864.47%”

Page 59, Committee Report

Our vision

About Vineyard Farms

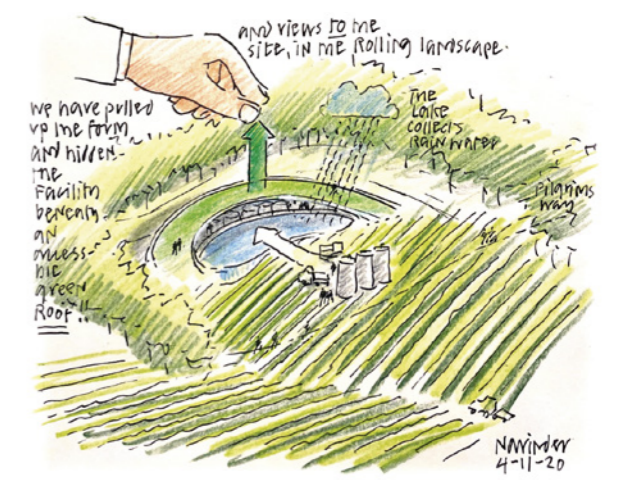
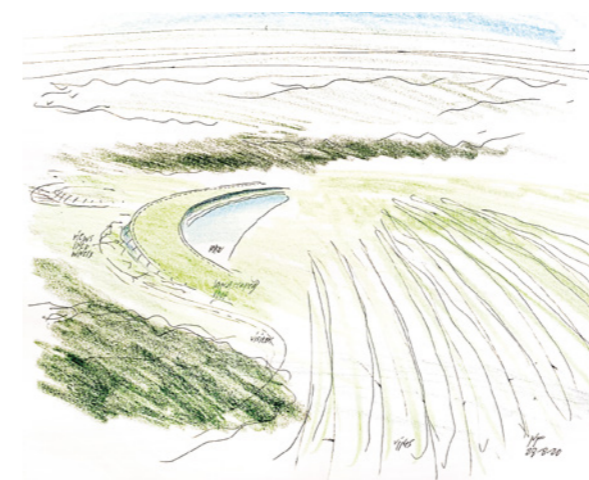
Our 1,200-acre farm is a family-owned operation. We have a growth plan to invest up to £60m in infrastructure and vineyards, creating over 100 permanent new jobs for local people. We want to kick start a wine revolution in England – with Medway at the centre.

Our vision is to produce English sparkling wine which is accessible to everyone, whilst matching the high-quality standards of European alternatives. Traditionally, over 90% of sparkling wine consumed in the UK comes from France, Italy or Spain. We want to transform the market by creating a buzz around homegrown English wine.

In order to do this, we will invest £50m to deliver a world-class winemaking facility in Medway. At the heart of this is a commitment to the highest environmental standards, innovative design and cutting-edge sustainability solutions.

Our team

Foster + Partners is the project architect for the site and is the largest architecture firm in the UK. The company is a British international studio for architecture and integrated design, with headquarters in London. The practice is led by its Founder and Chairman, Lord Norman Foster, who has been responsible for projects such as the Great Court at the British Museum and wineries including Faustino Winery, Château Margaux and Le Dôme Winery.



Lord Norman Foster has led the design process and was inspired by the rolling landscape and local prevalence of chalk

Investing in Medway's economy

Investment

The Kentish Wine Vault represents a £50m investment in the local economy and will generate over £2.5m in Business Rates for Medway over the next decade.

Jobs and skills

The winery building will create 50 new jobs, as part of a total 75-100 jobs across the wider estate. We currently operate an apprenticeship scheme with Plumpton College – the UK's centre of excellence for wine – and are keen to expand this programme in partnership with Medway Council.

Tourism

The proposals will deliver a multi-million-pound investment in Medway's economy over the next decade and provide a significant boost for tourism. The winery will also create wider supply chain opportunities for local businesses and suppliers.



The proposed development as viewed from Pilgrim's Way

What your officers say:

"The proposal would provide social and economic benefits associated with the construction and operation of the winery including the provision of 75-100 permanent and seasonal jobs once operational and more throughout the supply chain."

"There would also be training opportunities as set out in the Skills & Employment Plan submitted with the application, which will improve employability, along with supporting rural tourism."

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Environment and sustainability

Sustainability

Sustainability is at the heart of our vision for The Kentish Wine Vault. The development will be operationally net zero carbon and is aiming to be BREEAM Outstanding. The plans include the latest sustainability features including onsite renewable energy generation and heat pumps.

Electric shuttle buses

We have agreed a sustainable travel plan that will limit car journeys and ensure safe travel to and from the facility. Our customers will be encouraged to travel by rail and use our electric shuttle bus, which will serve local stations including Meopham, Cuxton, Ebbsfleet and Higham.

Design, landscaping and materials

The plans have been designed to sit within the landscape, with over 85% of the building underground. We will use traditional materials including flint to reflect the local design character. The winery building features a signature green roof to support biodiversity and local wildlife.



The proposed car park area and woodland path to the winery

"In response to the sensitivity of the Kent Downs AONB and the greenbelt designation, a well-considered and elegant design has been developed. It utilises materials that are appropriate to the Kent Downs and it is considered that the building responds appropriately to its location. The building design and landscape integration have been carefully considered to mitigate impacts on the AONB as far as possible."

"The proposed access road and car park would be screened with significant hedgerow and tree planting along the entirety of the north-western side, which are considered to significantly reduce the visual impact of the road and associated vehicle movements."

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Supporting the local community

Community engagement

Prior to submitting a planning application, we undertook a programme of community consultation to ensure residents could find out about the plans, ask questions and provide feedback. We were delighted that over 100 people took part in the consultation process and will continue to work with the community to involve them in all aspects of our plans.

Local investment

During the public consultation, the local community identified a number of potential highway improvements for Bush Road. We have worked with your officers to address these matters and have agreed a comprehensive s106 agreement package to improve local infrastructure. This includes contributions of over £100k towards future improvement works, which could fund a new pedestrian crossing, road resurfacing works and the upgrade of local footpaths/public rights of way (PRoW).



The winery is approached by foot through a clearing in the woodland.

What your officers say:

“The proposal would bring significant economic and social benefits both locally and nationally. This would be through the creation of jobs and additional spend in the local area through linked trips and associated tourism as well as providing apprenticeship and educational opportunities.”

“Given the benefits identified above, along with the proposed mitigation measures, the proposed development would result in a sustainable form of development that would outweigh any residual harm and as such planning permission should be granted.”

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Planning application ref: MC/19/2437

Subject Premises: 13 Canon Close, Rochester, Kent, ME1 3EN.

Affected premises: 14 Canon Close, Rochester, Kent, ME1 3EN

Summary of objections by Mr and Mrs Newton, 14 Canon Close, Rochester, Kent.

- 1) The new(ish) decking built by No 13 is a gross overdevelopment based on what was originally agreed by Medway Council. The applicants were permitted to construct the decking at 350mm high and yet chose to establish it at 850mm, with ramps, stairs and balustrades, despite these additions not being shown on the original plans,
- 2) No 13 has been substantially developed, twice to the side with two double-storey extensions, as well as to the back. With the creation of the decking, No 13 are proposing a (total) 11m+ expansion to the side, based on the original footprint of the house. When stood on the decking, the occupants of No 13 are chest height above the established 2m fenced boundary. As such, the decking has created a viewing platform right down the middle of our garden and, importantly, directly into our house.
- 3) The retrospective planning application suggests some necessity around *disability*. The decking can be reduced to the permitted 350mm and the ramps re-orientated to create the same access options. On that basis, the question of disabled access is a complete 'red herring' and a cynical attempt to legitimise the application. This is an important point in that the decking is a 'nice to have' and the proposed mitigation a 'sticking plaster' for an ill-conceived decking,
- 4) If agreed, the proposed 'mitigation' of the screening is yet a further visual encroachment that will now extend approximately three quarters of the boundary (with a sudden drop/break) and will be substantially higher (by 600mm) than the established 2m fence,
- 5) The proposed mitigation is utilitarian, and its sole purpose is to re-establish privacy for a decking that does not need to be so high. No 14's rear garden orientation is in the direction of No 13's proposed decking and screening. No attempt has been made to provide aesthetic integration,
- 6) There are planning laws that prevent home owners from having decking over 300mm, fences higher than 2m and overdeveloping the footprint of their land without planning consent. Such laws were presumably passed to ensure that homes maintained a character and were sympathetically established and maintained. No other houses in Canon Close, to my knowledge, have fencing at 2.6m high. To agree to the decking and the screening is an affront to those laws, setting a precedence for other residents in Medway. It simply is not fair that we are expected to concede to a house that has already been developed both up and out and is now working its way, quite substantially along the boundary.
- 7) The case rests on the 'reasonableness' of the mitigation, as it is accepted that the decking, in its current form, is not appropriate and impacts on the privacy of No14. Quite apart from the issues of aesthetics, the **biggest issue by far** is that No 14's privacy will not be guaranteed. Since 1968 the boundary in question has been owned by No 14. In the last few years we have faithfully installed a new fence, which respects the original installation in terms of look and height.

If the Planning Committee agrees to the decking and the mitigation, they are essentially shifting the protection of privacy from No 14 to No 13. At present we can guarantee our privacy through the maintenance of our boundary. The mitigation will be 2.6m high in places and it is well known that the backs of our houses are subject to adverse weather conditions from across Priestfields. If there is any partial or total failure of the screening or some deterioration, then we are completely 'in the hands' of our neighbours to restore, repair or

replace the screening. This position will be for the lifetime of the houses and we strongly believe that Medway Council will not get involved in such a case, should there be a delay on the part of our neighbours.

Our considered view is that our right to privacy is significantly impacted and agreement to the screening is depriving us of our right to a private life, on the basis the screening is not a guarantee. The proposal shifts ownership of the boundary privacy enjoyed by No14 for 53 years and that simply is not fair. It can be reasonable foreseen that the screening will become damaged or will deteriorate and that places an onus on us to 'appeal' to the owners of No 13 to re-establish the right to privacy. Based on our 12 years' experience of the owners of No 13 that is not likely to be a quick fix but, irrespective of that, it simply is not fair.

Statement of Mr and Mrs Newton, No 14 Canon Close

The decking is substantial and was created, contrary to the original planning consent, at 850mm high with stairs, ramps and balustrades. It is an addendum to the side of the house that has already been extended twice to that aspect with two double-storey extensions. As such, the combined position of the extensions, the decking and the screening is a visual and physical encroachment into our property, which has enjoyed privacy since the house was built in 1968.

There is no dispute that the decking, in its current form and without the screening, creates a significant breach of privacy. It is 850mm high, some half a metre above what was originally agreed, and extends most of the way along the boundary. It has created a viewing platform into our garden and directly into our house, with the occupants of No 13 being chest height above a 2m fence.

Any reference to this being necessary for mobility is a cynical attempt to legitimise an ill-conceived decking, as it can be shown that the decking can be reduced to 350mm and the ramps reorientated in such a way that privacy is re-established and elderly access, to and from the house, can still be achieved with ease. This suggestion was put forward by us two years ago and was seen as a concession but discounted by the applicants. Therefore, assuming it is accepted that the decking is inappropriate without the proposed mitigation, this matter rests on whether the proposed screening is appropriate? Our submission is that it is not appropriate based on the following three principals:

- 1) To protect privacy, the screening will be built on top of the decking at 1.80m and, therefore, the combined impact of the raised decking and the screening is a boundary that is 2.6m high in places. The screening is utilitarian. It is simply an after thought and a 'sticking plaster', as the decking does not need to be so high. This arrangement will extend two thirds of the remainder of the boundary before dropping down to approximately 2m. There has been no attempt to negotiate with us with a view to establishing aesthetic integration and the planning application is lacking in that respect. We have put great investment into our house to enjoy a sympathetic view across the garden in the general direction of No 13. If agreed, we will be expected to look at this considerable 'cliff face', that would occupy a significant part of our boundary. The applicants have enjoyed substantial development of their house, which we have accepted, but the decking and the screening is a step too far,**
- 2) There are planning laws that prevent home owners from having decking over 300mm, fences higher than 2m and overdeveloping the footprint of their land without planning consent. Such laws were presumably passed to ensure that homes were sympathetically developed. To agree to the decking and the screening is an affront to those laws, setting a**

precedence for other residents in Medway. We spent in excess of £2000 a few years ago to replace the entire fencing along our boundary. We faithfully reinstated it at the original height and with a like-for-like replacement,

- 3) By far the biggest issue is that the screening, if agreed, does not guarantee our privacy. For the last 53 years our house has owned the boundary and therefore we have full control over the right to privacy afforded by that boundary. If the screening is agreed then essentially the 'ownership' shifts to No 13 for the lifetime of our property. We believe this is a breach of our right to privacy. It is not unreasonable to expect some damage or deterioration to the screening, due to the combined and considerable height of the decking and screening and the adverse weather conditions that prevail across Priestfields. We are wholly 'in the hands' of No 13 (and whoever lives there in the future) to make timely repairs or replacements to protect our right to privacy.

In summary, the decking simply does not need to be so high and the screening is an afterthought that is visually and physically imposing and makes no attempt to be sympathetic to the area. The decision to agree the screening would effectively shift the control of privacy to No13, which is simply unfair given that right has been enjoyed by us and former owners for 53 years. If the screening is compromised then it is highly unlikely that Medway Council will act on our behalf and therefore we, and subsequent owners, will be plunged into civil redress in order to maintain our privacy. This is unfair and unnecessary given the simple solution would be to reduce the main part of the decking to the agreed height of 350mm with ramps from the rear of the building to allow ease of access.

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