

**Medway Council**  
**Planning Committee**  
**Wednesday, 9 March 2022**  
**6.30pm to 11.10pm**

**Record of the meeting**

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

**Present:** Councillors: Barrett, Buckwell (Vice-Chairman),  
Mrs Diane Chambers (Chairman), Curry, Hackwell, Howcroft-  
Scott, Hubbard, Opara, Potter, Thorne and Tranter

**Substitutes:** Councillors:  
Browne (Substitute for Adeoye)  
Price (Substitute for Chrissy Stamp)  
Van Dyke (Substitute for McDonald)

**In Attendance:** Dylan Campbell, Senior Planner  
Councillor Matt Fearn  
Dave Harris, Head of Planning  
Joanna Horne, Planning Solicitor  
Councillor Harinder Mahil  
Robert Neave, Principal Transport Planner  
Carly Stoddart, Planning Manager  
Ellen Wright, Democratic Services Officer

**720 Apologies for absence**

Apologies for absence were received from Councillors Adeoye, McDonald and Chrissy Stamp.

**721 Record of meeting**

The record of the meeting held on 9 February 2022 was agreed and signed by the Chairman as correct.

The Committee was advised that under delegated authority the following refusal ground had been approved by the Head of Planning in consultation with the Chairman, Vice Chairman and Opposition Spokesperson:

Minute 680 – Planning application – MC/21/3436 – 16 Stour Close, Strood, Rochester

Refused on the following ground:

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- 1 The proposal, by virtue of the site layout with two parking spaces serving two properties and refuse storage in the frontage, would result in a cramped overdevelopment of the site. The proposed parking would impede on the vehicular access and parking situation in the Close, while the under provision of parking would result in increased parking pressure on the surroundings roads thereby having an adverse impact on occupiers and neighbour's amenity. The proposal is therefore contrary to Policies BNE1 and BNE2 of the Medway Local Plan 2003.

### **722 Urgent matters by reason of special circumstances**

There were none.

### **723 Declarations of Disclosable Pecuniary Interests and Other Significant Interests**

#### Disclosable pecuniary interests

There were none.

#### Other significant interests (OSIs)

Councillor Tranter referred to planning application MC/21/2965 – 122 Maidstone Road, Chatham and advised that although he had not discussed this application, a friend lived next door and therefore he would leave the meeting for the consideration and determination of this application.

#### Other interests

Councillor Curry referred to planning application MC/21/2588 – Land between Roman Way and Knight Road East on Medway Valley Railway Line (Temple Waterfront), Strood, Rochester and advised that although he had worked with Medway Council as a Consultant on this site, he had not received any consultancy work since becoming a Medway Councillor and therefore he did not consider that he had any interest to declare but just wished this to be noted.

### **724 Planning application - MC/21/2328 - Land South of Bush Road, near Cuxton, Medway, Kent**

#### **Discussion:**

The Head of Planning reminded the Committee that this application had originally been considered by the Committee at its meeting on 8 December 2021, following which the application had been deferred to enable the Committee to visit the application site and participate in a question and answer (Q&A) session with the applicant to clarify a number of issues raised at the meeting in December.

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The Head of Planning reminded the Committee that the site visit had taken place on 15 January 2022 and Members and officers had walked the application site and visited the junction of Bush Rd and the A228.

The Q & A session had taken place on 22 February 2022 allowing the Committee to ask questions of the applicant for clarification on the issues raised at the meeting on 8 December 2021.

The Head of Planning then outlined the planning application in detail and informed the Committee that since despatch of the agenda, the applicant had submitted a Briefing Note for the Committee summarising the benefits of the proposal and a Highways Technical Note. Both documents were appended to the supplementary agenda advice sheet.

He further advised that Cuxton Parish Council on behalf of residents who objected to the proposal had emailed the Committee two documents titled 'A Community Insight for Medway Planning Committee' dated 7 February 2022 and 'Supplementary Community Information for Medway Planning Committee' dated March 2022. Both were also appended to the supplementary agenda advice sheet.

The Committee was also informed that an additional 341 objections had been received since the Planning Committee meeting on 8 December 2021 and of these, 175 had been received via an on-line auto-generated proforma created by objectors. Given the nature of these representations, they were being treated by the Local Planning Authority as a petition.

An additional 231 letters of support had been received since the meeting of the Planning Committee on 8 December 2021. Of these 225 had been received via an on-line auto-generated proforma created by the applicant. Again, given the nature of these representations, they were being treated by the Local Planning Authority as a petition. However, it had been brought to the attention of the Local Planning Authority that by using the online auto generated proforma, the applicant had opened themselves to its misuse and potential fraudulent submissions from unknown sources and to prevent this, the applicants had switched off this representation tool on 17 February 2022. It was confirmed that the numbers reported did not include those representations of support that had been identified as fraudulent.

The Head of Planning explained the various elements of the application including the construction of a winery building. This included a café/restaurant and visitor centre with energy centre, car park, access road and landscaping.

He reminded the Committee that in determining the planning application, the Committee was required to consider the application on its planning merits having regard to all the information available and to determine the application based on an assessment of this information.

In outlining the application, the Head of Planning informed the Committee that the use of the land as a winery qualified as an agricultural use. He explained

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the design and that the majority of the building associated with this proposed development would be built underground within the site.

The Committee was informed that the Kent AONB Unit had suggested that if the application was to be approved, a darker shade of concrete be used for the coping below the roof so as to be more sympathetic to its surroundings and both the applicant and officers were satisfied with this suggestion.

With the agreement of the Committee, Councillor Fearn addressed the Committee as Ward Councillor and set out the following summarised concerns:

- This proposed development would create an intrusion in an Area of Outstanding Natural Beauty and Greenbelt would not enhance the environment or landscape but would create damage to the AONB and result in the loss of dark skies and thus impact on local wildlife.
- The development has been identified as inappropriate for the area as it has now been identified as requiring submission to the Secretary of State if recommended for approval.
- Whilst residents were not opposed to the operation of the vineyard, it was the commercial element of the project that gave rise to concern as this would have a detrimental impact upon the village of Cuxton.

The Committee discussed the application and the points raised by the Ward Councillor and the Head of Planning confirmed that following the Committee on 8 December 2021, further legal advice had been provided as to whether the proposed development would constitute inappropriate development in the Green Belt. This was considered balanced but, due to the provision of the visitor centre and café/restaurant which would measure more than 1000 sq m, it had been considered that the proposed development would constitute inappropriate development in the Green Belt and therefore, if approved, the application would be referred to the Secretary of State in accordance with the Town and Country Planning (Consultation) (England) Direction 2021.

The Committee discussed the proposed development and a summary of the points raised and officer responses is set out below:

- The proposed 106 funding was considered inadequate to mitigate the impact of the development in particular the increase in traffic generation through Cuxton. In response, the Head of Planning advised that the Section 106 funding requested must comply with the CiL regulations and in that respect was required to relate to the development.
- Concern that the development would have a detrimental impact upon the dark skies in Cuxton and on wildlife and habitats. The Head of Planning advised that this was addressed under proposed condition 11.
- Concern that there would be a detrimental impact on wildlife generally including badger setts. In response, the Head of Planning advised of the biodiversity net gains that would be achieved resulting from this application for both habitats and hedgerows.
- Concern that there would be a detrimental impact on the ancient woodland. The Head of Planning confirmed that the woodland was

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designated as 'plantation' woodland and not ancient woodland. The Senior Planner advised that the development would have ecological merits with 28,000sq m of new tree planting to mitigate against 1251 sq m which would be lost.

- The development would result in an unacceptable increase in traffic through Cuxton as it was estimated that the development would attract 65,000 visitors per year. This could result in conflict with increased vehicular traffic and pedestrians and those on cycles. It could also lead to a potential increase in on-street parking in Cuxton village. In response, the Head of Planning advised that tours of the winery would need to be pre-booked and therefore visitors could not just turn up and take part in a tour. However, visitors could visit the café or walk/cycle to the site. He advised that the applicants would be providing bus links to and from the railway stations for visits to the tour.
- Processing of the grapes could be undertaken at an alternative location off site which would not impact on the quality of the grapes. In response, the Head of Planning advised that to process the grapes off site would significantly increase the generation of lorry movements on Bush Road.
- This development forms more than a winery and aims to provide a major commercial tourist attraction. The Head of Planning confirmed that 92% of the site was agricultural use.
- The Kent Downs Area for Outstanding Natural Beauty Unit (ANOB) has provided robust objections to the application due to its impact on the ANOB. The Head of Planning advised that upon initial receipt of the application the Kent Downs ANOB Unit had been involved in discussions on the application and as a result, the proposed design had been developed to keep impact to a minimum.
- Concern as to the access/egress at the junction of Bush Road and the impact that increased traffic generated by the development would have on the junction. The Principal Transport Planner advised that the Parking Management Plan would remain a 'live' document and would be reviewed once the facility was operational. He confirmed that the applicants had taken on board concerns relating to traffic generation during peak hours of the school runs and were seeking to avoid opening the café or operating tours during these periods.
- The design of the proposed building, being 85% underground was iconic, of particular merit and better than the applicants could decide to provide under Permitted Development Rights.
- The countryside in Kent is evolving and in particular attracting wine production.
- The project will attract 50 additional jobs, thus creating employment opportunities.
- Concern as the size and maturity of trees to be planted as part of the scheme. In response, the Head of Planning advised that if approved, the applicants would be required to submit landscaping details to the Local Planning Authority and the Council's Tree Officer would assess the species and sizes of the trees to be provided.

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- Concern that to approve this application may send messages to developers that Medway is prepared to allow development on land in an ANOB.
- If approved, what level of information would be submitted to the Secretary of State. In response the Head of Planning advised that the Secretary of State would be provided with all information that had been submitted concerning the application, including all objections and minutes of meetings of the Committee.
- The importance of giving weight to the concerns of those who live in Cuxton Village particularly as the village is unique in that it only has one road in and out namely Bush Road. This would be the road used by all those who would be visiting the site if the application was to be approved.

The Head of Planning and Principal Transport Planner referred to the concerns raised relating to the highway and cautioned against using the highway as a reason for refusal if the application was not to be approved. They explained that if the application was refused and was the subject of appeal, officers would need to provide evidence to justify the reasons for refusal and, if this could not be provided, the Planning Inspector could award costs against the Council. The Principal Transport Planner advised that based on the projected vehicular movements, it was considered that it would be challenging to defend a refusal reason on highway grounds.

In summary, whilst noting that this application had generated a strength of opinion and a high level of concern by local residents, it needed to be recognised that there was an existing agricultural use at this site, namely a vineyard. Should the applicants therefore decide to process the grapes off site, this would generate a significant increased level of traffic through Cuxton village and should the processing of grapes be handled on site without the benefit of the commercial element of the development, this would require functional buildings to be provided which would not be to the standard of the buildings proposed as part of this planning application.

Following debate, it was moved and seconded that the application be approved subject to referral to the Secretary of State, a Section 106 agreement as outlined in the Committee report and conditions 1 – 38 but on being put to the vote this motion was not supported.

In accordance with Council rule 12.6, Councillors Buckwell, Curry, Howcroft-Scott, Hubbard, Price, Thorne and Van-Dyke requested that their votes against be recorded.

In accordance with Council rule 12.6, Councillor Browne requested that her vote to abstain be recorded.

It was then moved and seconded that the application be refused on the ground that the proposed development would have a severe adverse impact upon the ANOB in particular on the wilderness and tranquillity of the area and would impact on the character and uniqueness of the community in Cuxton with the

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Head of Planning being granted delegated powers to approve the final wording of the refusal ground in consultation with the Chairman, Vice Chairman and Opposition Spokesperson.

On being put to the vote this motion was approved.

### **Decision:**

Refused on the grounds that the proposed development would have a severe adverse impact upon the ANOB in particular on the wilderness and tranquillity of the area and would impact on the character and uniqueness of the community in Cuxton with the Head of Planning being granted delegated powers to approve the final wording of the refusal ground in consultation with the Chairman, Vice Chairman and Opposition Spokesperson.

In accordance with Council rule 12.6, Councillors Buckwell, Curry, Howcroft-Scott, Hubbard, Price, Thorne and Van-Dyke requested that their votes in favour be recorded.

In accordance with Council rule 12.6, Councillor Browne requested that her vote to abstain be recorded.

### **725 Planning application - MC/21/2271 - 209 - 217 High Street, Rochester, Medway ME1 1HB**

### **Discussion:**

The Planning Manager outlined the planning application and informed the Committee that the report required amendment to add Southern Water to the list of consultees set out on page 95 of the agenda papers.

### **Decision:**

Approved subject to:

- a) The applicant entering into a legal agreement under the terms of Section 106 of the Town and Country Planning Act 1990 to secure:
  - i) £22,865 towards health improvements in capacity in primary care premises.
  - ii) £8,500 towards public realm improvements to Rochester High Street.
  - iii) £15,229 towards strategic measures in respect of the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites.
  - iv) Meeting the Council's costs.
- b) Conditions 1 – 27 as set out in the report for the reasons stated in the report.

**726 Planning application - MC/21/2588 - Land between Roman Way and Knight Road East of the Medway Valley Railway Line (Temple Waterfront) Strood, Rochester**

**Discussion:**

The Head of Planning outlined the planning application in detail and informed the Committee that since despatch of the agenda, the applicant had provided an update note summarising the development and its benefits and a copy of this had been appended to the supplementary agenda advice sheet.

The Head of Planning informed the Committee of the planning history relating to this site and the phased development. He confirmed that the outline planning permission had expired at midnight on 6 December 2021 but the current application for reserved matters (access, appearance, landscaping, layout and scale) to provide 132 new dwellings within the second phase of the development had been received prior to the expiration of the outline planning permission and was therefore a valid reserved matters application which required determination.

He further advised that the applicant also sought to discharge a number of conditions relevant to Phase 2, details of which were set out in the report.

The Committee discussed the application noting that both Highways and Environmental Health had not raised objections to the application. Comment was also made about the location of housing and its proximity to Council land which was partly a former waste land fill site.

The Committee also discussed the access to the site and the use of materials for the development which had been addressed within Phase 1.

It was also noted that the affordable housing provision would be distributed across the whole site when taking Phase 1 and 2 as a whole.

**Decision:**

Approved subject to:

- a) The applicants entering into Deed of Variation agreement under Section 106 of the Town and Country Planning Act to:
  - i) Amend the trigger for payment of contributions under the MC/17/4034 Deed of Variation (towards Travel Plan, Knight Road/Temple Manor public realm works, Roman Way/Cuxton Road Junction public realm works, bus service provision, waste management, safer routes, open space delivery, maintenance and management) to reflect the reduced numbers within this phase under those anticipated per phase in the current Deed of Variation drafting.
  - ii) Amend the original S106 for MC/09/0417 in respect to the car club.
  - iii) Update the illustrative Masterplan for the whole site.

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- iv) Update the Landscape and Open Space Management Plan.
- b) Conditions 1 – 17 as set out in the report for the reasons stated in the report.

### **727 Planning application - MC/20/1632 - 419 Walderslade Road, Walderslade, Chatham, Medway**

The Planning Manager outlined the planning application and suggested that if the Committee was minded to approve the application, the recommendation be changed to resolve to grant approval subject to there being no objections from the Environment Agency. This update would then amend the sequencing of the proposed recommendations set out in the report.

The Planning Manager further advised of proposals to update the Section 106 heads of agreement, details of which were set out on the supplementary agenda advice sheet.

She informed the Committee that since despatch of the agenda, two further letters of objection had been received from occupants of addresses that had previously objected and reiterating concerns already set out within the report.

Furthermore, the Planning Manager drew attention to changes to the Planning Appraisal section of the report relating to Contamination, Waste and the Report Conclusion, full details of which were set out on the supplementary agenda advice sheet.

The Committee was requested to note that in the event of the Environment Agency responding during the completion of the Section 106, the Committee was requested to approve that the Head of Planning be granted delegated powers to add any condition(s) suggested in the EA's response or to determine refusal if conditions could not address any objection.

The Committee discussed the report and in particular, the distance between the proposed balconies and those properties in Rush Close.

Clarification was also sought as the wording of that element of the proposed Section 106 agreement relating to health improvements. The Planning Manager confirmed that the Section 106 funding request referred to 'in the vicinity of the development' and therefore the words 'in Gillingham South and Medway' required removal.

Reference was also made to concerns regarding the potential use of the roof as a garden but it was confirmed that a roof garden was not shown on the application plans and may have related to an earlier planning application. As the property would have a seeded roof, the Head of Planning advised that the restriction on use of the roof area would be addressed in the conditions if approved.

### **Decision:**

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Approved subject to:

- a) There being no objection from the Environment Agency and, in the event of the Environment Agency responding during the completion of the Section 106, the Head of Planning be granted delegated powers to add any condition(s) suggested in the EA's response or to determine refusal if conditions could not address any objection.
- b) Subject to the applicant entering into a legal agreement under the terms of Section 106 of the Town and Country Planning Act 1990 to secure:
  - i) £46,829.34 green space contribution. Split £44,487.87 towards improvements to the local area and £2,341.47 towards the Great Lines Heritage Park.
  - ii) £11,606.22 towards health improvements
  - iii) £1,437.48 towards youth provision in Chatham for young people between 819.
  - iv) £3,031.20 towards library improvements at Walderslade Village Library.
  - v) £3,363.12 towards community facilities within the vicinity of the site.
  - vi) Meeting the Council's costs.
  - vii) £3,176.10 towards waste containment for the development, maintenance and improvement of the location of bring centres and waste education.
- c) Conditions 1 – 17 as set out in the report for the reasons stated in the report.

### **728 Planning application - MC/21/1315 - Star Meadow Sports And Social Club, Darland Avenue, Darland, Gillingham**

#### **Discussion:**

The Planning Manager outlined the planning application in detail.

#### **Decision:**

Approved with conditions 1 – 14 as set out in the report for the reasons stated in the report.

### **729 Planning application - MC/21/2965 - 122 Maidstone Road, Chatham, Medway ME4 6DQ**

#### **Discussion:**

The Senior Planner outlined the planning application in detail.

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With the agreement of the Committee, Councillor Mahil addressed the Committee as Ward Councillor and outlined the following concerns:

- The proposed development would result in the loss of part of the rear garden of the property in Maidstone Road and would be out of character for housing in this road and the design was not in keeping with the area.
- The development would result in the loss of amenity, greenery and trees in King Edward Road.
- Concerns regarding potential root damage and flooding
- The application site falls within the Maidstone Road Chatham Conservation Area.
- If not refused, the Committee was requested to undertake a site visit to view the area.

The Committee discussed the application and noted the history relating to other planning applications in the vicinity of the application site which had been granted planning permission at appeal. Nevertheless, it was suggested that consideration be deferred to allow Members to undertake a site visit to view the site and its locality.

### **Decision:**

Consideration of the application be deferred pending a site visit.

### **730 Planning application - MC/21/3171 - 19 Kennington Close, Twydall, Gillingham, Medway**

#### **Discussion:**

The Senior Planner outlined the planning application in detail.

Concern was expressed as to the proposed size of the two-storey extension and in particular, the potential future use of the detached outbuilding. Whilst it was recognised that there had been an increase in the desire for outbuildings to provide office accommodation for those individuals who were now working from home, there was concern that these could be converted to separate living accommodation and rented out. In response, the Senior Planner drew attention to proposed condition 5 which addressed these concerns and could result in enforcement proceedings should there be a breach of the planning permission.

#### **Decision:**

Approved with conditions 1 – 6 as set out in the report for the reasons stated in the report.

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**731 Planning application - MC/21/3615 - 5 Abbots Close, Rochester ME1 3AZ**

**Discussion:**

The Senior Planner outlined the planning application in detail and drew attention to an additional supporting statement provided by the applicant and one additional letter of support, details of which were set out on the supplementary agenda advice sheet.

The Committee expressed concern as to the potential impact that this proposed side extension may have on the street scene and character of the area but noted that there were similar developments already in the street. The Committee also noted the applicant's reason for wanting the provision of an extension at their property.

**Decision:**

Approved with conditions 1 – 4 as set out in the report for the reasons stated in the report.

**732 Performance Report 1 October 2021 to 31 December 2021**

**Decision:**

Consideration of this item was deferred until 6 April 2022.

**733 Report on Appeal Decisions 1 October 2021 to 31 December 2021**

**Decision:**

Consideration of this item was deferred until 6 April 2022.

**Chairman**

**Date:**

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