

Post Planning Committee Report

Planning Application No: 20250721

Location: Nuralite Industrial Estate, Canal Road, Higham, Rochester, Kent, ME3 7JA.

Description: *Application for removal of conditions 4 and 12 and variation of condition 7 attached to 20190290 - The proposal is for the systematic redevelopment of the existing Nuralite site. This includes the importation of inert materials to cap, and landscape the historic asbestos landfill, thus containing its contamination risk. To demolish the existing buildings of the Nuralite industrial estate, deal with existing contamination, both through capping and removal of areas of hydrocarbon pollution, the laying of new service and utility infrastructure and the construction of 11 new purpose built light industrial type units and a site office; to allow removal of passing places, Archaeological works and implementation of a TRO for all traffic.*

Applicant: Mr Simon Hughes

Reason for Report

The purpose of this report is to;

- Document any policy changes since the Planning Committee resolution;
- Document any additional third-party comments received since the Planning Committee resolution;
- Set out Medway Council's response;
- Set out engagement with the Highways Authorities; and
- Provide confirmation of the planning conditions.

Application Background

A section 73 application was submitted for the removal of conditions 4, 6, 12 and variation of condition 7 attached to 20190290 - The proposal is for the systematic redevelopment of the existing Nuralite site. This includes the importation of inert materials to cap, and landscape the historic asbestos landfill, thus containing its contamination risk. To demolish the existing buildings of the Nuralite industrial estate, deal with existing contamination, both through capping and removal of areas of hydrocarbon pollution, the laying of new service and utility infrastructure and the construction of 11 new purpose built light industrial type units and a site office; to allow removal of passing places, temporary traffic controls, Archaeological works and implementation of a TRO for all traffic.

At the Planning Committee on Wednesday 4th February 2026 Members resolved that the application be DELEGATED to the Head of Planning to grant Planning **PERMISSION** subject to the following: description being amended to remove reference to condition 6 (Traffic Controls),

- the finalisation of planning conditions (including making any necessary modification, deletion or addition to the proposed conditions) Informatives;
- the consideration of Medway Council's response; and
- engagement with the Highways Authorities in regard to highway safety matters at the B2000 in the vicinity of the junctions with Lillechurch Road/B2000 and Lower Rochester Road/B2000.

Procedural Note

The description of the development on the final line included an incorrect word 'permanent', and this was an error, and with the applicant's agreement, this was removed from the description. The officer's presentation to committee Members confirmed this change in wording. The committee report and all supporting information were clear; that the TPO would be temporary in nature. As a result third parties were not prejudiced by the description. The sentence in question is highlighted in yellow below on the original description.

Application for removal of condition 4 ,6,12 and variation of condition 7 attached to 20190290 - The proposal is for the systematic redevelopment of the existing Nuralite site. This includes the importation of inert materials to cap, and landscape the historic asbestos landfill, thus containing its contamination risk. To demolish the existing buildings of the Nuralite industrial estate, deal with existing contamination, both through capping and removal of areas of hydrocarbon pollution, the laying of new service and utility infrastructure and the construction of 11 new purpose built light industrial type units and a site office; to allow removal of passing places, temporary traffic controls, Archaeological works and implementation of a permanent TRO for all traffic.

As the applicant is not removing condition 6 and the TRO is not permanent, the description of the development has been amended to the following:

Application for removal of conditions 4 and 12 and variation of condition 7 attached to 20190290 - The proposal is for the systematic redevelopment of the existing Nuralite site. This includes the importation of inert materials to cap, and landscape the historic asbestos landfill, thus containing its contamination risk. To demolish the existing buildings of the Nuralite industrial estate, deal with existing contamination, both through capping and removal of areas of hydrocarbon pollution, the laying of new service and utility infrastructure and the construction of 11 new purpose built light industrial type units and a site office; to allow removal of passing places, Archaeological works and implementation of a TRO for all traffic.

Document any policy changes since the Planning Committee resolution.

There have been no changes to National Policy that need to be taken into account as a material consideration in relation to this application.

At a local level, the Local Planning Authority issued its emerging Local Plan for a Regulation 19 consultation on 17 April 2026.

Paragraph 48 of the Framework makes it clear that planning applications can only be determined in accordance with the development plan, unless material considerations indicate otherwise. An emerging Local Plan, does not form part of the Development. The Framework, at Paragraph 49 allows local planning authorities to give weight to relevant policies in emerging Local Plans, according to:

- The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the Framework, the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given to those policies.

West Oxfordshire District Council v Secretary of State for Housing, Communities and Local Government & Rosconn Strategic Land Ltd [2018] EWHC 3065 (Admin) is a High Court judgement, that deals with the weight to be given to a Regulation 19 Local Plan. In this judgement the Court found that the weight to be given to an emerging Local Plan, was a matter of planning judgement, which had to be reached having fully considered the relevant part (Paragraph 49) of the Framework.

The Council's emerging Local Plan, has only just been issued for consultation and the Council as a result is not yet aware of whether third parties will support or object to specific policies within the Plan, or whether they will consider the policies with the emerging Local Plan to be broadly sound and consistent with the Framework. Taking this into consideration, one can only conclude that at this stage of the process that **limited (i.e. minimal) weight should be afforded to the emerging Regulation 19 Local Plan**. This position would only change once the emerging Local Plan has progressed towards submission and examination, with the Council being fully aware of policies that are subject to unresolved objections and with knowledge of policies that have had their soundness and conformity against the Framework challenged.

This approach, accords with the approach taken in a separate High Court case, Gladman Developments Ltd v SSHCLG & Corby Borough Council; & Uttlesford DC [2020] EWHC 518 (Admin) and Court of Appeal [2021] EWCA Civ 104, which was also the subject of a Court of Appeal Ruling [2021] EWCA Civ 104.

Document any additional third-party comments received since the Planning Committee resolution.

One additional third-party comment was received raising the following comments

1. Impact on the Lower Higham Conservation Area

- Concern that the proposed changes would harm the character and appearance of the Lower Higham Conservation Area.
- Increased heavy goods vehicle movements close to historic buildings are considered a risk to the setting, character, and structural integrity of heritage assets.
- The potential introduction of a new roundabout is viewed as a significant and inappropriate alteration to the established character of the area.

2. Highway Safety and Access Concerns

- The proposed one-way system is considered to raise highway safety issues, particularly for residents accessing the local road network.
- Highlights difficulties in accessing Gore Green Road from Lower Rochester Road, requiring a tight and potentially unsafe manoeuvre.
- This manoeuvre is seen as increasing the risk of vehicle conflict and not supporting safe or efficient traffic flow, which are material planning considerations.

3. Impact on Local Residents' Journeys

- The one-way system is expected to result in longer journey times for local residents.
- Increased travel distances are likely to lead to higher vehicle emissions, which the objector believes conflicts with environmental objectives and policies aimed at reducing traffic impacts and carbon output.

The above comments raised no issues that were not addressed within either the committee report or verbally reported to Members. For the avoidance of doubt, the roundabout mentioned does not form part of this application.

Medway Council's Response

Medway Council were given 21 days consultation period which expired on 9th February 2026 and no comments were received.

Engagement with Highway Authorities

Engagement with the Highways Authorities in regard to highway safety matters at the B2000 in the vicinity of the junctions with Lillechurch Road/B2000 and Lower Rochester Road/B2000.

To address the above the highway improvements the wording of the condition 6 and description of the condition has been amended to the following

See yellow highlighted text which addresses members concerns and the concern from the agent that below condition as originally worded the condition would overlap TRO requirements which Gravesham cannot enforce the Council is not the highways authority.

Road User Safety Measures

Other than the works shown on [Drawing No.23/171/14 - Nuralite Retaining Wall], no development approved by this permission (including demolition and engineering operations) shall commence until a highway condition survey to identify safety issues including where applicable highway safety matters in the vicinity of the junctions with Lillechurch Road/B2000 and Lower Rochester Road/B2000 shall be submitted to the Local Planning Authority. The approved details shall form part of the TRO application (Where applicable) which is to be submitted to the relevant Highways Authorities.

Reason: To ensure adequate highway improvement works are provided in a timely manner to ensure no adverse impact to the safe and free flow of traffic on the highway network; to ensure that the final external appearance of the public highway is acceptable and built to appropriate and recognised safety standards and in accordance Policy CS11 of Gravesham Local Plan: Core Strategy (September 2014).

On 17th April 2026 Kent Highways Authority were sent a copy of the above condition setting out the highway safety concerns at the B2000 in the vicinity of the junctions with Lillechurch Road/B2000 and Lower Rochester Road/B2000 and asked to share with their Highway colleagues at Medway. They were also asked to take into account the highway safety issues when considering the TRO. KCC responded initially to confirm that the B2000 is in Medway. The officer confirmed this was the case and stated the following 'the B2000 is Medway but there would be two TRO's one covering the Medway section of road and the other covering Gravesham section. As mentioned below when the TROS are submitted can you take account of the below please?'

Medway Council were formally consulted and no response was received.

Provide confirmation of the planning conditions.

The planning condition to be varied is condition 7 which is shown below. In addition, two additional conditions (cease works and *Road User Safety Measures*) have been added.

Condition 7 (Traffic Regulation Order)

Other than the works shown on [Drawing No.23/171/14 - Nuralite Retaining Wall], no development approved by this permission (including demolition and engineering operations) shall commence until a Traffic Regulation Order has been enacted to introduce a one-way routing strategy requiring all vehicles travelling westbound to use Lower Rochester Road and Gore Green Road/Lillechurch Road for travelling eastbound during the construction of the development. Details of physical signage specifications and location of one way signage shall be submitted to the Local Planning Authority. For the avoidance of

doubt, the Local Planning Authority would expect the Traffic Regulation Order to only be in place for a temporary period.

Reason: To ensure adequate highway improvement works are provided in a timely manner to ensure no adverse impact to the safe and free flow of traffic on the highway network; to ensure that the final external appearance of the public highway is acceptable and built to appropriate and recognised safety standards and in accordance Policy CS11 of Gravesham Local Plan: Core Strategy (September 2014).

Additional Conditions

Cease Works

The Traffic Regulation Order (TRO) approved under Condition 7 shall be maintained in full legal force and physical effect throughout the duration of the construction period.

In the event that the Traffic Regulation Order expires, is rescinded, or otherwise ceases to be enforceable, all development activity on-site shall cease immediately, with the exception of works required to make the site safe.

Development shall not resume until:

1. A new or extended TRO has been legally secured.
2. Written confirmation has been provided by the Local Planning Authority that the routing strategy is once again operational.

Reason: To ensure adequate highway improvement works are provided in a timely manner to ensure no adverse impact to the safe and free flow of traffic on the highway network; to ensure that the final external appearance of the public highway is acceptable and built to appropriate and recognised safety standards and in accordance Policy CS11 of Gravesham Local Plan: Core Strategy (September 2014).

Road User Safety Measures

Other than the works shown on [Drawing No.23/171/14 - Nuralite Retaining Wall), no development approved by this permission (including demolition and engineering operations) shall commence until a highway condition survey to identify safety issues including where applicable highway safety matters in the vicinity of the junctions with Lillechurch Road/B2000 and Lower Rochester Road/B2000 shall be submitted to the Local Planning Authority. The approved details shall form part of the TRO application (Where applicable) which is to be submitted to the relevant Highways Authorities.

Reason: To ensure adequate highway improvement works are provided in a timely manner to ensure no adverse impact to the safe and free flow of traffic on the highway network; to ensure that the final external appearance of the public highway is acceptable and built to appropriate and recognised safety standards and in accordance Policy CS11 of Gravesham Local Plan: Core Strategy (September 2014).

Summary

One additional 3rd party comment has been received which raises no fresh material planning conditions and there has been no planning policy changes that warrant a reconsideration of the application. The conditions as suggested (with the amendment to address B2000 junctions) are acceptable and permission can be issued.

Team Leader:	Richard Hart	Head of Planning:	Shazad Ghani
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Signed:	<i>R Hart</i>	Signed:	<i>S.Ghani</i>
Dated:	16 th April 2026	Dated:	17 th April 2026