

Planning Committee – Supplementary agenda

A meeting of the Planning Committee will be held on:

Date: 27 July 2016

Time: 6.30pm

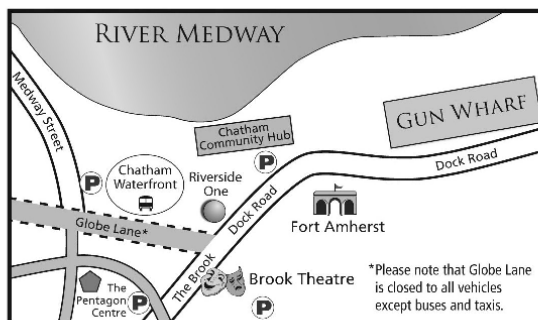
Venue: Meeting Room 2 - Level 3, Gun Wharf, Dock Road, Chatham ME4 4TR

Items

18 Additional Information - Supplementary agenda advice sheet (Pages 1 - 8)

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

Date: 27 July 2016



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www.medway.gov.uk

A summary of this information can be made available in other formats from **01634 333333**

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
中文 331781

ગુજરાતી 331782
हिंदी 331783

ਪੰਜਾਬੀ 331784
Polski 332373

كوردی 331841
এহেৎশফব 331786

اروو 331785
فارسی 331840

Русский 332374
Lietuviškai 332372

Medway Council

PLANNING COMMITTEE – 27 July 2016

Supplementary Agenda Advice

Page 20 MC/16/0712 177 Berengrave Lane, Rainham,
Gillingham, ME8 7UJ

Further information regarding highways

Following the deferral of the application from the last Committee Meeting, the Principal Engineer advises that further investigation has been carried out regarding highway land.

This states that Berengrave Lane is an unclassified road, nominally with a 30mph speed limit but it has a 20mph zone, with speed bumps, at the northern end (Lower Rainham Road end). The carriageway width is approximately 4m with no footway, although there is a parallel footpath, on the eastern side, within the Berengrave Nature Reserve. On the western side there is a kerbed margin, of varying width, to provide for underground services, vehicles crossings to properties etc.

Ribbon development has taken place on the western side over the years, with the front boundary of each property set back, presumably as a Planning/Highways requirement (bearing in mind that KCC was the Highway Authority when most of the properties were built).

Formal adoption of highways is a relatively recent procedure, used in connection with new estate roads. For established roads, such as Berengrave Lane, highway maintained at public expense were identified in lists and maps, kept by the Council, in accordance with section 36 of the Highways Act 1980 (formerly Section 25 of the Highways Act 1959).

In the early 1960's, highway widening lines were produced, for Development Control purposes, to determine the front boundaries of new properties. At 179 Berengrave Lane, both the front boundary wall and the drainage channel, at the vehicle crossing, are set back on the widening line. A further requirement for side boundaries is that for a distance of 2m, from the edge of the highway (not carriageway), any fences, walls etc. should not be greater than 0.6m in height so this provides for sight lines and vision splays.

Medway Council records show, from the attached extract of a plan, which was produced prior to the property at 179 Berengrave Lane being built, that the highway is approximately 7m wide at this point.

Information from the Land Registry shows that the land was first registered in December 1958, having been subject to a conveyance on 19 September 1922. A transfer of the land (title number K361494) was made on 23 June 1971, to a local builder, E C Gransden & Co Ltd and its present owner has held the title absolute since 14 July 1992.

In conclusion when the property was built, the front boundary was set by a highway widening line, under Development Control procedures. The land in front of the front boundary was and still is required for highway purposes, although if the road were "stopped up", the land would revert to the owner of the subsoil and follow normal procedures.

Representation

A further representation was sent to the Chairman of the Planning Committee. The representation is attached in full at the end of this supplementary agenda as Appendix 1.

**Page 62 MC/16/0540 538 Bloors Farm, 538-540 Lower
Rainham Road, Rainham, ME8 7TW**

Amend Condition 3 as follows:

1. The storage use of the building herein approved shall only be for the storage of farm machinery and produce by Rainham Community Orchard Volunteers or such other community group to be approved in writing by the Local Planning Authority; the community and educational use shall only operate ancillary to the agricultural use of the farm by Rainham Community Orchard Volunteers and shall not be used for any other purposes.

**Page 72 MC/16/1697 52, 54 and 54a Green Street,
Gillingham, ME7 1XA**

Members Site Visit 25 July 2016

Members attending: Cllrs Mrs Chambers (Chairman), Hicks (Vice Chairman), Bhutia, Bowler, Carr, Etheridge, Gilry, McDonald, Royle, Tejan, Tranter and Wicks.

Ward Cllr Johnson

Following the opening of the meeting by the Chairman, the Senior Planner explained the application, summarised the main points of representations received; and set out the planning issues for Members to consider relating to the principle, design, residential amenity and parking.

No residents attended the meeting.

The manager of the existing gym raised concerns about the dual use of access to one of the flats which currently serves his gym.

The Ward Councillor explained the situation with regard to the owner of the gym and his lease and stated that residents were concerned with the proposal being overbearing, loss of privacy and parking issues.

Page 80 MC/16/1845

**Land to the West of The Hundred of Hoo
Academy, Main Road, Hoo St Werburgh,
Rochester, ME3 9HH**

Additional Information

Following an objection raised by the Health and Safety Executive (HSE) through standing advice, the applicants held a meeting on site to address the impact of the development on two high pressure gas mains that run through the school site. One runs north/south along the farmers track and the other west to east in the school field at present.

Prior to the meeting, the applicants arranged for an above ground detected survey of the alignment and depth of the mains which were reported to the HSE. This survey showed the mains to be between 2.2m and 1.6m below ground level. At the meeting the HSE verbally confirmed that if this is the case, it would be content that this reduces the risk assessment as the school building itself would therefore be in the Outer Zone of protection. Given this, the HSE implied it would NOT recommend refusal.

However the HSE indicated that they would request a condition which requires the exact depth of the pipelines to be fully confirmed with a representative from the Southern Gas Network in attendance. If it were to be found that either pipeline is less than 1.5m below ground level further details would be required to demonstrate that it would not impact upon the proposed school. This may require mitigation works to the mains.

Whilst no formal comment has yet been received confirming the HSE's views, the verbal comments are considered as a material consideration. To address this and be assured that the development is carried out safely, conditions are recommended to require the formal submission of the survey results and to allow consultation with the HSE for a formal response. These suggested conditions are set out below as condition 25 and 26.

Additional Conditions

25. Notwithstanding the submitted drawings, no works shall take place below the sub soil of the existing site until full details of the depth and route of the existing High Pressure Gas Pipelines have been submitted to and approved in writing by the Local Planning Authority within an identified safety zone to be agreed beforehand by the applicants with the Health and Safety Executive (HSE).

The submitted details shall demonstrate that the existing mains are no less than 1.5m from the existing ground level of the site at any point along the identified safety zone route of the mains (identified as Southern Gas network references GM05 and GM20). The development shall be implemented in accordance with the approved details prior to the first occupation of the school building and shall thereafter be maintained.

Reason: Required prior to commencement due to the potential danger to human health in the interests of public safety and amenity protection in accordance with Policy BNE2 of the Medway Local Plan 2003.

26. If, during the investigation undertaken pursuant to condition 25, any mains are found to be situated less than 1.5 metres below ground level, no development shall take place until a detailed scheme including any mitigation measures, has been submitted to and approved in writing by the Local Planning Authority to demonstrate how the development herein approved would not impact the pipeline(s). The development shall be implemented in accordance with the approved details including any mitigation measures prior to the first occupation of the school building and shall thereafter be maintained.

Reason: Required prior to commencement due to the potential danger to human health in the interests of public safety and amenity protection in accordance with Policy BNE2 of the Medway Local Plan 2003.

Page 102 MC/16/1624

The Countryman, 134 Saunders Street,
Gillingham, ME7 1HP

Additional Information

Since the committee report was written Enterprise Inns (previous owners from when it was in use as a public house) have contacted the Council and have confirmed some barrelage figures in the last two years of trade.

June 2013 – June 2014:

92 Brewers barrels were sold. (Equivalent to 368 x 9 gallon barrels)

This works out at approximately 7.08 barrels a week.

June 2014 – June 2015:

46 Brewers barrels were sold. (Equivalent to 184 x 9 gallon barrels)

This works out at approximately 3.54 barrels a week.

As can be seen from the above information, trade had substantially decreased in this period. This is considered to be additional evidence, to that already given within the main report, which supports the fact that this business was not viable as a community facility and was struggling financially as a public house.

Page 112 MC/16/0713

Asda, 387 Maidstone Road, Chatham
ME5 9SE

Amend Condition 3 and the reason as follows:

3. The use of the petrol filling station shall not commence until a scheme of landscaping (hard and soft) has been submitted to and approved by the Local Planning Authority. All hard landscaping shall be implemented in accordance with the approved details prior to the opening of the Petrol Filling Station to the public and retained thereafter. All planting, seeding and turfing shall be implemented in accordance with the approved details during the first planting season following opening of the Petrol Filling Station to the public. 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, unless the Local Planning Authority gives written consent to any variation.

Reason: To protect and enhance the appearance and character of the site and locality in accordance with Policy BNE1 of the Medway Local Plan 2003.

Amend Condition 5 and the reason as follows:

5. The use of the petrol filling station shall not commence until measures to maintain the flow of traffic onto and off of the site have been submitted to and approved in writing by the Local Planning Authority. The site layout and access shall be completed in accordance with the approved measures prior to first use of the Petrol Filling Station and shall be retained thereafter. The details shall include the provision of "Keep Clear" markings in front of the access to the Petrol Filling Station forecourt on the northbound side of the internal access road (or alternative means, demonstrated as part of the submitted details), to

ensure that vehicles queuing at the signalised junction do not block access to and from the Petrol Filling Station.

Reason: To ensure the free flow of traffic and highway safety and in accordance with Policy T1 of the Medway Local Plan 2003.

Appendix 1

stoddart, carly

From: harris, dave
Sent: 27 July 2016 14:42
To: stoddart, carly
Subject: FW: Land dispute at 179 Berengrave Lane

-----Original Message-----

From: chambers, diane
Sent: 27 July 2016 14:35
To: harris, dave; wright, ellen
Subject: FW: Land dispute at 179 Berengrave Lane

Dear Both,

As this was sent to me before 12noon yesterday, I think it needs to go with the supplementary agenda and be referred to this evening.

See you later,

DMC

-----Original Message-----

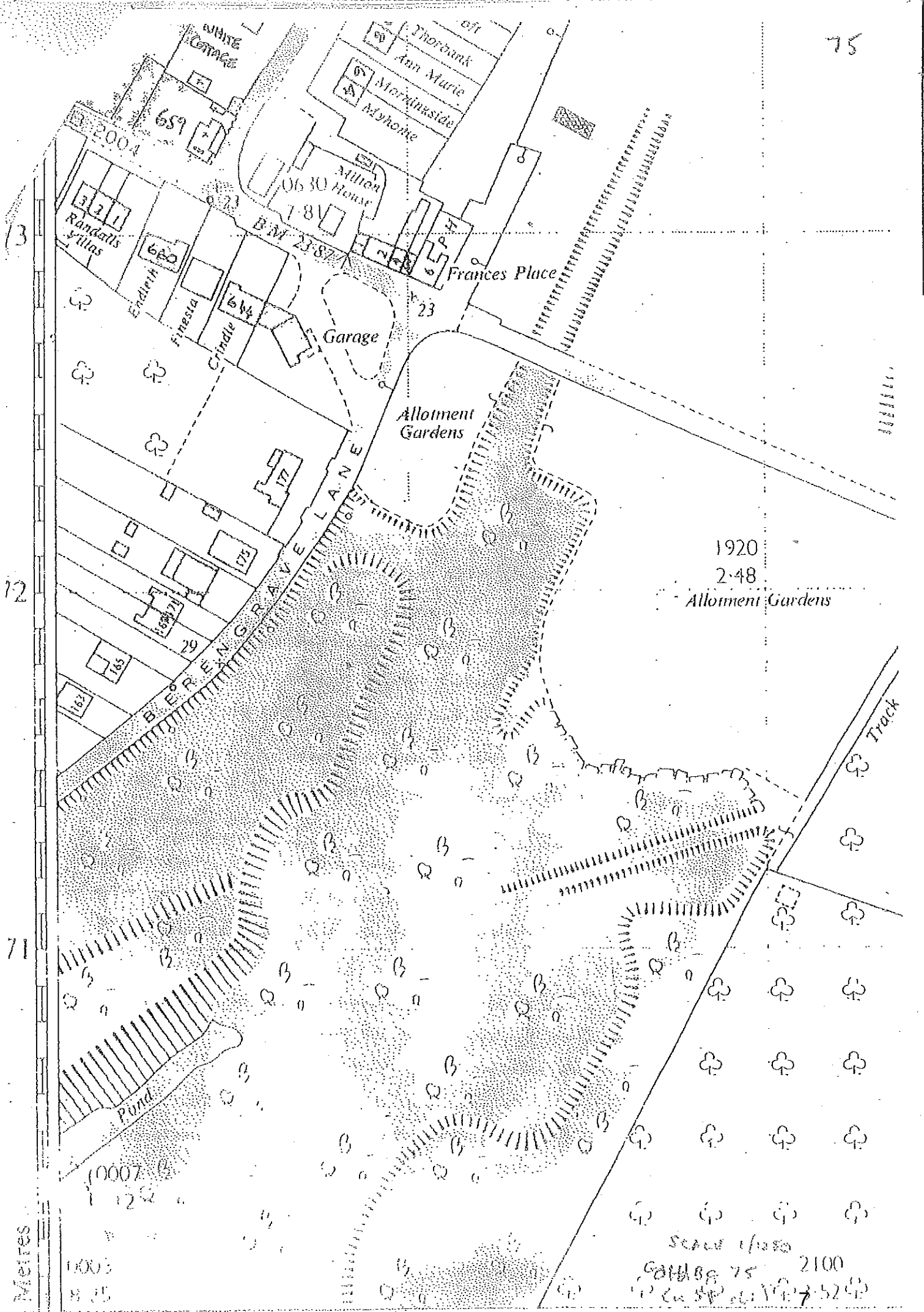
From: PHIL WATTS [REDACTED]
Sent: 26 July 2016 11:57
To: chambers, diane
Cc: carr, david (external); browne, louise; coleman, doug; dodd, david; edwards, michael; harris, dave
Subject: Land dispute at 179 Berengrave Lane

Dear Mrs Chambers I am contacting you in your position as chairperson of Medway planning committee. My name is Mr. Watts and I live at 179 Berengrave Lane adjacent to the proposed development of 13 houses Ref. MC/16/0712. The land to the front of my property belongs to me and my deeds from the land registry prove this. Despite threats and intimidations from the council I will not allow anyone to build a footpath there or interfere with my driveway which extends to the road. The council have been contacted by our solicitor who is also acting for Mr Reynolds at 175 where a similar situation exists. This land is not and never has been part of the public highway and I have maintained it for the last 25years. Despite the council attempting to adopt it or purchase it the fact remains they are unable do so and anyone attempting interfere with my land will be treated as trespassers.

My reason for contacting you in your official capacity is that I feel that the full facts are not always given to the planning committee to enable them to make a fair decision. Several inaccuracies appear on the paperwork handed to the committee, one of the main ones being the fact that the council claim my land to be part of the public highway which it is not. Both our solicitor and our M.P. Mr. Rehman Chishti are waiting for a reply to their communications to the council. I hope I can rely on you to point out some of these facts to the committee before a decision is arrived at.

Yours Sincerely Mr. P.J.Watts

Sent from my iPad.



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2-48

Allotment Gardens

Track

Scale 1/2500

GA 75 2100
C 25 1927-52

Metres

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71

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8.75

10007
122

2004

659

660

664

665

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B.M. 2387

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