

Wouldham **TM/14/02015/FL**
Burham Eccles Wouldham

First floor rear addition at 324 Pilgrims Way Wouldham Rochester Kent ME1 3RB for Mrs Fran Holgate

Additional Information: Since the Members' Site Inspection, an amended plan has been submitted which shows the proposed first floor extension without the permitted development scheme as previously shown. This has been provided for the avoidance of any doubt and to highlight that it is only the first floor addition that is to be formally considered.

RECOMMENDATION REMAINS UNCHANGED

Ditton **TM/13/03692/FL**
Ditton

Erection 32 no. dwellings, access road, car parking and landscaping at Bellingham Way, Aylesford, Kent at Ferns Surfacing Ltd Larkfield Depot Bellingham Way Larkfield Aylesford Kent for Ferns Surfacing Ltd

No supplementary matters to report.

Wouldham **TM/14/03341/FL**
Burham Eccles **TM/14/03594/CNA**
Wouldham

Hybrid Application: A: Formation of a lit paved runway with parallel grass runway, formation of grassed bund, re-siting of helipads, erection of two hangars, a hub building with control tower and associated building, erection of fencing and gates, formation of associated car parking areas, fuel tank enclosure, family viewing area and a memorial garden (detailed submission) plus demolition of a range of structures (identified on plan) and removal of portable structures and B: Identification of future development site (outline submission) land to the east of hangers 5 and 6 at Rochester Airport Maidstone Road Chatham for Rochester Airport Ltd

Since the main Agenda was published a number of matters have arisen including matters of clarification, queries made to the applicant and representations received. As a result revised Recommendations are set out below but essentially application **TM/14/03341/FL**

is **WITHDRAWN FROM THIS AGENDA** and will be reported to Committee at the appropriate time (when there will be a full opportunity for public speaking). However, there is a recommendation in respect of **comments to be made to Medway Council in respect of TM/14/03594/CNA**. The matters described below will form part of both the Borough Council's consideration of TM/14/03441/FL in due course and also the matters to be raised with Medway Council in respect of TM/14/03594/CAN.

KCC Archaeology: Archaeological and historical background: The proposed development site lies in an area of archaeological and historical interest relating to past discoveries of ancient archaeological remains in the general vicinity and arising from the site's more recent use as an airfield.

Past archaeological discoveries to the south and west of the site have revealed evidence for archaeological activity of prehistoric and Romano-British date. These remains include a Roman inhumation to the south of the airfield. The burial comprised a skeleton accompanied by grave goods, including two vases. It is possible that further evidence for prehistoric and Romano-British activity may extend into the site in question.

Rochester Airfield was itself established in the 1930s, initially developed by Rochester Council, the airfield was quickly taken over by Shorts Brothers who began flying from the site in c. 1934-35. The site was used for test-flights, a flying school and also hosted civilian flights to Southend.

In the Second World War Shorts Brothers had a factory at the airfield which was used for the production of Stirling Bombers. Whilst no operational squadrons were based there a number of planes made emergency landings at Rochester. Although not an operational military airfield, the Rochester site was an important manufacturing site and as such was bombed on a number of occasions. Anti-aircraft defences were installed at the site and there were a number of air-raid shelters to provide accommodation for factory workers. A number of buildings relating to Short's use of the site survive, including hangers, air-raid shelters and other ancillary buildings. Of particular note is Hangar 3, built in 1939, for No. 23 Elementary and Reserve Flying Training School. I welcome the proposals to retain this building as part of the airport redevelopment.

Recommendations: The submitted Archaeological Desk-Based Assessment concludes that the site has a "...low to moderate possibility that archaeological remains of regional significance could be extant within the proposed development area. There is a moderate to high possibility that archaeology relating to the Second World War may be uncovered, especially in the northwest part of the site earmarked for future development" and I would agree with this conclusion.

The Desk-Based Assessment goes on to make recommendations for actions required to mitigate the impact of the development works on the site's historical and archaeological interest. The recommended works include historic building recording, archaeological monitoring, evaluation and investigation. Such works could be secured through the

inclusion of suitable planning conditions as part of any forthcoming planning consent.

Planning policy considerations

Paragraph 6.2 of the main report references the Medway Council produced Masterplan for the Airport, and its association with policy S11 of their adopted plan. It has now been established that this is no longer correct, so to clarify, policy S11 IS NOT A SAVED POLICY. It can, therefore play no part in the consideration of either planning application. However it must be noted that the Saved Policies of the Medway Local Plan 2003 includes an aviation related policy (T23).

An extract from the Medway Local Plan is set out below, including the policy text:

“The local plan is proposing to develop a science and business park at Rochester Airfield which would result in the closure of one of the main runways. However, with the appropriate investment in the remaining runway and other aviation related facilities within the airport, the level of activity could increase. Policy T23 therefore sets out the criteria against which any future proposals for aviation related development will be measured. Such criteria would also apply to any proposals for new general aviation facilities within the plan area.

POLICY T23: AVIATION RELATED DEVELOPMENT

Development proposals at or affecting Rochester Airport and any proposed new aerodromes, will be considered against the following criteria:

- (i) compatibility with existing or potential aviation operations;***
- (ii) the scale and nature of the proposed development, taking account of the existing amount of activity on the site;***
- (iii) the economic and employment benefits of the development;***
- (iv) the proposals for a science and technology park at Rochester Airport in policies S11 and ED5;***
- (v) the impact upon residential and other noise sensitive properties;***
- (vi) traffic generation;***
- (vii) other environmental and social impacts; and***
- (viii) accessibility from the urban area of Medway.”***

Other factors

By way of an update to Members on the current position in respect of the planning application for determination by TMBC, I can advise that since publication of the main Agenda, we have received some initial and detailed feedback from our independent noise consultant which identifies that a number of matters have emerged in his initial assessment that require further clarification in respect of matters of both appropriate noise policy considerations and application of noise testing/projection methodology. The technical points raised with the applicant have also been shared with Medway Council's case officer. The responses to these points will be referred to our independent noise consultants and the assessment on noise matters will form a key factor in the report that is eventually prepared for TMBC Committee on TM/14/03441/FL.

The applicant's agent has now clarified that the outline element of the application relates only to the area to the east of hangars 5 and 6. It was possible that, on one reading of the proposal description and accompanying documents, the land that currently forms part of runway 16/34 was also included in the applications – but this is not the case. An amended plan has been received with revised red and blue lines around the relevant pieces of land. The description of the planning application has also been amended so that it makes it clear that outline permission is sought on land east of hangars 5 and thus the proposal is a hybrid application. In association with the proposals for these two Rochester Airport applications various procedural matters have been raised by those making comment on the applications and which they believe should be viewed as material considerations in the determination of the applications. These are outlined below and should be drawn to the attention of Medway Council. Where appropriate they will also be addressed in the subsequent report to APC3.

Application status

Mention has been made, by some parties, of the status of the full planning application. It has been implied that the application should be considered as a Nationally Significant Infrastructure Project (NSIP) which would fall to be dealt with by the Planning Inspectorate and not the LPA. In planning terms whilst this application is of local significance, it is a conventional planning application to be decided by the relevant Local Planning Authority. It does not meet the relevant *statutorily defined criteria* to be treated as an NSIP.

Environmental Impact Assessment

It is understood from Medway Council that a local resident has contacted the DCLG regarding the validity of Medway Council's Environmental Impact Assessment (EIA) screening opinion of 2nd September 2014. To date, TMBC has not seen any formal papers relating to such a challenge and are not aware of any response from the DCLG team. Any feedback that is received from Medway will be reported to the Committee members when application TM/14/03341/FL is considered by APC3, along with any relevant legal guidance.

Rochester Airport Options Study

Reference has been made to the Rochester Airport Options Study (August 2012), commissioned by Medway Council's Asset and Property Services and produced by TPS which outlined options for the future of Rochester Airport. This document examined potential aerodrome layouts to enhance the viability of Rochester Airport through the implementation of a paved runway and the release of land for commercial development by the closure of one of the airports existing main runways. This report includes details about capital expenditure associated with the options for the runway, aerodrome safeguarding and airport planning criteria. This document includes aspirations and compares options for the possible changes to the runways. This document was not submitted in support of the current application and would appear to carry little weight with regard to the current application before Medway for determination.

Runway operational matters

The proposed paved runway is not considered by some residents to be Civil Aviation Authority (CAA) compliant, as no approval documents have been provided by the applicants. Reference has also been made to other aspects of aerodrome safeguarding as outlined by CAA requirements, including Runway End Safety Areas (RESA), Obstacle Limitations Surfaces (OLS) and Emergency Landing Zones.

The operation and safeguarding procedures for pilots using Rochester Airport are matters that would be continue to be covered under CAA requirements, as they are at the present time. See paragraph 5.13 of the main report.

Cost

The cost of the proposed works to the airport is disputed and it is considered that the overall cost would be considerably higher than that referred to in the application documents. The cost of the proposals is not a matter that can be taken into account in the determination of this planning application in absence of any evidence that the cost would prevent delivery of the proposal.

Malicious emails

A neighbour is of the opinion that there may be some malicious behaviour taking place to distort public opinion and comments on the application. It is implied that the views of those who may use the airport but who may not live locally have been encouraged. It is argued that such action would give the impression that there may be a higher level of support and that this may be an attempt to deceive others to wrongly misrepresent themselves.

Background investigations are taking place but it is not, as a matter of principle, inappropriate for correspondents remote from an application site to make comment on an application. In any event it is not the weight of numbers of comments that is relevant but the weight of argument on material planning matters that must be taken into account. This will be dealt with in the further report if necessary.

Land Compensation Act

It has been suggested by at least one local correspondent that the provisions of the Land Compensation Act 1973 may have some bearing as a material consideration in the Councils' planning decisions. This legislation contains provisions relating to the payment of compensation by the operator of relevant infrastructure if the use of that infrastructure has a negative impact upon surrounding land values. Legal advice has been taken and it is thought unlikely that this would be a material planning consideration. Even if it were material, the weight to be attributed to such considerations would be low.

Noise

The technical matters raised with the Agent thus far are set out on the attached letter/note. Once a detailed response is received it will be assessed by the TMBC consultant and if necessary further matters may need to be raised. The matters surrounding noise factor will have a significant bearing as to the timing of the report back on TM/14/03341/FL

One factor that TMBC will need further information upon is the clarification of the full range of Aircraft types, both fixed wing and rotary wing, that are physically able to utilise a runway of the type/size and configuration proposed.

A further matter relates to the likely effect of noise/disturbance of testing "dead engine" skills as the proposed scheme would only allow this to take place south of the airport (in terms of impact on TMBC) whereas at present does not need to occur on the same flight-path.

Representations

A number of representations have been received raising issues along the lines mentioned above. These and any other representations received subsequently will be dealt with in the substantive report in due course.

REVISED RECOMMENDATIONS**TM/14/03341/FL****APPLICATION WITHDRAWN FROM AGENDA****TM/14/03594/CNA**

In light of the issues identified above, the following recommendation is put forward in respect of this Authority's formal consultation response to Medway Council:

REVISED RECOMMENDATION:

The Borough Council requests that prior to any formal determination of TM/14/03594/CNA (Medway ref: MC/14/2914) Medway Council should consider the matters raised in the Supplementary Report above.

The Borough Council reserves the right to provide further formal comments to Medway Council on the receipt of the above information, or information from any other sources, that may arise in the interim period up to the next report on TM/14/03341/FL.

Alleged Unauthorised Development

**East Malling 14/00289/WORKM
East Malling**

Invicta Works Mill Street East Malling Kent

DPHEH: Members are advised that further investigations concerning a breach of condition (erection of boundary fences and walls) are ongoing in respect of this site. We are not currently in a position to report in detail on these matters but Members will be updated on further progress separately.

To clarify, if Members are minded to endorse the recommendations set out in the main report, enforcement notices would be served as follows:

(1) Enforcement Notices to be served on each of the Leaseholders of the converted Invicta Works building and the Freeholder (which we have established is Clarendon Homes). The Notices would need to be accompanied by a detailed Schedule of necessary remedial works and this will be agreed with the Conservation Architect to ensure its acceptability.

(2) Individual Enforcement Notices to be served on each of the Freeholders of the properties known as Nos. 6 – 11 Darcy Court (inclusive). On the approved plans, these were shown to be plot numbers 1 – 6. Again, it is likely that Officers will need to conduct individual surveys of each of the plots to ascertain in each case what the Enforcement Notice should include.

Members should also be aware that the post and rail fences themselves may not be subject to enforcement action alone as the erection of fences, even outside of residential gardens, benefit from certain permitted development rights. It is the use of the land as residential curtilage and any associated structures that the Notices would be seeking to be rectify.

RECOMMENDATION REMAINS UNCHANGED
