

AREA 3 PLANNING COMMITTEE

26 May 2005

Present: Councillor Mrs Simpson (Chairman); Councillor Hickmott (Vice-Chairman); Councillors Chapman, Clements, Davis, Diment, Hayes, Homewood, Lavery, Miners, Porter, Mrs Ridsdill-Smith, Rowe, Sullivan, Thornewell and Mrs Woodger.

Councillor R Brown was also present pursuant to Council Procedure Rule 15.21.

Apologies for absence were received from Councillors Dalton, Lettington and Mrs Oakley.

MINUTES

AP3 05/023 RESOLVED: That the Minutes of the meeting of Area 3 Planning Committee held on 28 April 2005 be approved as a correct record and signed by the Chairman.

DECLARATIONS OF INTEREST

There were no declarations of interest made.

MATTERS FOR RECOMMENDATION TO THE CABINET

MATTER TAKEN IN PRIVATE

The Chairman moved, it was seconded and

AP3 05/024 RESOLVED: That as public discussion would disclose exempt information the following matter be considered in private.

16A CHAPMAN WAY, EAST MALLING - PROPOSED LEASE RENEWAL (LGA 1972 Sch 12A Para 9 – Contract Negotiations (Property))

The Central Services Director's report set out details of the terms and conditions to be applied to the renewal of a lease in respect of a lock-up unit at 16A Chapman Way, East Malling.

AP3 05/025 RECOMMENDED: That an eight year lease be granted for the unit at 16A Chapman Way, East Malling, on the terms and conditions set out in the report of the Central Services Director.

**DECISIONS TAKEN UNDER DELEGATED POWERS
IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION**

**DEVELOPMENT CONTROL
APPLICATIONS FOR DETERMINATION**

Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the Committee when determining the applications. Speakers are listed under the relevant planning applications shown below.

AP3 05/026 RESOLVED: That

- (1) the following decisions be taken on the applications listed below subject to the pre-requisites, informatives, conditions or reasons for refusal set out in the report of the Director of Planning and Transportation.

<u>Application No</u>	<u>Description</u>	<u>Decision</u>
TM/04/04222/FL	Erection of 9 terrace houses following demolition of existing, new access, landscaping and parking at 91 Robin Hood Lane, Chatham	A – Subject to the revision of condition 3 to read: 3. No development shall take place until there has been submitted to and approved by the Local
	<hr/> Planning Authority a scheme of landscaping and boundary treatment. The approved fencing shall be retained at the approved heights thereafter. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.	

(Prior to determination of the above application Members’ attention was drawn to the confidential report of the Chief Solicitor (Minute AP3 05/030 refers))

TM/05/00797/FL	Pair of semi-detached three bedroom dwellings at land rear of 1 to 5 Mackenders Close, Eccles	A
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TM/05/01242/FL Change of use of garden at The Anchor, 87 Queenswood Road, Aylesford

A – Subject to the addition of condition:
2. The existing trees within the extended garden area shall not be lopped, topped, felled, uprooted or wilfully destroyed without the prior written consent of the Local Planning Authority, and any planting removed with or without such consent shall be replaced within 12 months with suitable stock, adequately staked and tied and shall thereafter be maintained for a period of ten years.
Reason: To protect and enhance the appearance and character of the site and locality.

TM/05/00672FL New detached 5 bedroom house with integral garage at land adjoining 5 Gilletts Lane, East Malling

A – Subject to
(1) the addition of condition
11. The dwelling shall not be occupied until the ragstone wall to the front of the site has been reinstated in accordance with the details to be submitted to and approved in writing by the Local Planning Authority. Such a wall shall be retained thereafter.
Reason: to retain and enhance the character of the locality.
(2) the amendment of Informative 3. to read:
3. The applicant is advised that due to the narrowness of Gilletts Lane all delivery and construction vehicles should park and unload within the site and no materials should be stored on the highway. All site traffic should enter and exit Gilletts Lane via The Rocks Road with no site traffic using the private access to the rear of the site at any time. The applicant is advised that only suitable vehicles should use Gilletts Lane.
(3) the addition of Informatives
4. To reduce the severity of domestic property fires and the number of injuries resulting the Fire Officer recommends that consideration should be given to the installation of a sprinkler system in all new properties. (Q053)
5. The applicant is advised to use sympathetic external materials, which have regard to the East Malling Village Design Statement.
6. The applicant is advised to carry out a Geo-technical survey to assist in assessing the most appropriate form of foundations required, given the close proximity to the Gilletts Hole stream.

[Speaker: Mr J Williams – on behalf of East Malling Conservation Group]

TM/04/04154/RD	Revised landscaping and boundary treatment for plots 29-38 submitted pursuant to condition 2 of consent ref. TM/99/01428/OA (Residential development and school playing field) at land south of school and East of High Street, Wouldham	A
TM/05/00405/FL	Change of use and alterations/ refurbishment to form a pair of semi-detached dwellings with a detached garage and partial details of refurbishment submitted pursuant to condition 3 of planning permission TM/01/03099/FL: residential development comprising 63 new build and 2 refurbished dwellings and associated external works, access, landscaping, parking, garaging and traffic management proposals at 39 Upper Mill (former Mill building), East Malling.	A – Subject to the amendment of the recommendation to read: ‘Grant Planning Permission as detailed in letters dated 20 May 2005, 8 February 2005, design statement dated 23 December 2004 and the building survey report dated October 2004 and by plans 03, 04, 02B and 01A, subject to the following conditions and informatives’.

and (2) the decisions indicated be taken in respect of the following:-

TM/04/04376/FL	Application under Section 73 for removal of condition 14 of planning permission TM/96/00238/FL (seven industrial units) to allow the 24 hour movement of heavy goods vehicles at Priory Park, Ditton Court Quarry, Mills Road, Quarry Wood, Aylesford	D – For a report from the Chief Solicitor on the implications of possible reasons for refusal.
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[Speakers: Mr C Clarke, Mr M Sutton and Mr Holmes – member of the public
 Mr J Pope on behalf of the Society for the Preservation of the Holt Wood Area Environment; and
 Ms H Greenhalgh – Agent for the applicant]

TM/04/03838/FL	Temporary stationing of a mobile home for a horticultural worker at Rosie’s Garden Plants, Rochester Road, Aylesford.	R – For the following reasons: 1. The Local Planning Authority is not satisfied that the applicant has adequately met the exceptions tests for creating residential accommodation for a rural worker in the countryside as set out in Annex A of Planning Policy Statement No 7 and policy P6/8 of the Tonbridge and Malling Borough Local Plan 1998. As such the proposal would have resulted in an inappropriate dwelling within the countryside and the Strategic Gap, also contrary to policies RS5 of the Kent Structure Plan 1996 and P2/18 of the Tonbridge and Malling Borough Local Plan 1998. 2. Given that there is no justification for rural worker residential accommodation in this location, the proposed development would harm the landscape character of the Special Landscape Area, contrary to policy P3/6 of the Tonbridge and Malling Borough Local Plan 1998.
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TM/05/00784/FL	Erection of one and a half storey house and vehicle turntable at land north of 10 High Street, East Malling	D – For Members’ site inspection.
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[Speaker: Ms J Saunders – member of the public and on behalf of Ms G Livermore]

TM/05/00608/FL	Change of use from A1 (Retail) to A5 (Sale of Hot Food) at 5 Premier Parade, Aylesford	D – For reports on the implications of possible reasons for refusal and to consider crime reduction issues.
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[Speakers: Mr D Kings – Aylesford Parish Council
 Mr Mahoney, Mr J Lloyd on behalf of Mr J Smelt, Mrs I Lloyd,
 Mrs R Kelly, Mr B Taylor, Mr D Smith and Mr A Barrett – members of the public; and
 Mr C Smith – Agent for the applicant]

A – Approved R – Refused D – Deferred

LIST D

The Director of Planning and Transportation submitted a list of applications determined since the date of the previous meeting.

AP3 05/027 RESOLVED: That the report be received and noted.

INFORMATION REPORTS

AP3 05/028 RESOLVED: That the following matters contained in the report of the Chief Solicitor be received and noted.

Planning Appeal Decisions

Details of recently received planning appeal decisions.

Forthcoming Public Inquiries and Hearings

Details of arrangements made for forthcoming Public Inquiries and Hearings for all three Areas.

MATTER TAKEN IN PRIVATE

The Chairman moved, it was seconded and

AP3 05/029 RESOLVED: That as public discussion would disclose exempt information the following matter be considered in private.

**TM/04/04222/FL – DEVELOPMENT AT
91 ROBIN HOOD LANE, WALDESLADE
(LGA 1972 Sch 12A Para 12 – Legal Advice)**

The Chief Solicitor presented a report on investigations he had undertaken into the legal implications of a potential refusal by Members of the above application.

AP3 05/030 RESOLVED: That the report be received and noted.

The meeting ended at 0003 hours