

**Snodland TM/11/01507/FL**  
**Snodland East**

**Subdivision of ground floor to create part retail unit (Class A1 use) and part financial and professional services (Class A2 use), and installation of new shop front at 36 High Street Snodland Kent ME6 5DA for Markerstudy Group**

Since the report was written, revised plans have been received showing the shop front as it has been installed. As a result the recommendation should be amended to reflect these revised plans.

**AMENDED RECOMMENDATION:**

**In the list of submitted details, substitute Letter received 9.8.2011 and Drawing number 09.10.03 received 9.8.2011 for Elevational Drawing 09.10.03 dated 06.06.2011.**

**All other submitted documents referred to in the recommendation to remain as shown in the report.**

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**East Malling & Larkfield TM/11/01269/FL**  
**East Malling**

**Removal of condition 4 (the site shall only operate between 1st March and 31st October) on planning permission reference TM/10/01908/FL (continued use of land as caravan site to accommodate up to 20 touring caravans) at Land At Hillberry House 353 Wateringbury Road East Malling West Malling Kent ME19 6JG for Mr John Hilden**

A letter has been received from the applicant's agent advising that the applicant is willing to enter into a Section 106 Agreement to prohibit the use of the site as a gypsy site.

PC: EM&LPC have revised their view on the application and appreciates the issues explained in paragraph 6 regarding the use of this site for touring caravan pitches for holiday use only.

It supports on that basis the deletion of condition 4 and the substitution of the revised conditions recommended to the Committee which it urges be adopted.





- Plans do not show an extension at 119 Rochester Road.

DPTL: In response to the suggestion that the site boundaries drawn on the submitted plans are incorrect, the planning agent has provided the following statement:

*“The proposals before the Council have been prepared by drawing the proposed layout as an ‘overlay’ onto a full topographical survey that was carried out at the site and submitted with the application. Thus, the applicants are satisfied that the proposed layout plan is accurate and the proposed layout could be constructed on the application site without the need to encroach onto any adjoining properties as Mr Kennard has alleged.*

*As a result of this issue being raised, I have inspected the site carefully, checked historic Ordnance Survey plans and historic aerial photographs and consulted official Land Registry Title Deed information for my clients’ land. It is evident from this investigation that the application site area is indeed wholly within the ownership of my clients and that, in fact, the land ownership extends to an area greater than that shown on the proposed layout plan. Accordingly, if anything, being if anything, there may be an encroachment onto my clients' land by some of the fencing of No. 129 Rochester Road and this is something that my clients will investigate in greater detail because this is something that will need to be resolved so that it is not become an issue at a later stage. I will therefore be contacting Mr Kennard directly on this issue.”*

A copy of the official Land Registry title plan for the site together with a copy of the land registry plan for Mr Kennard's property has also been provided in support of the above statement.

Land ownership and associated disputes are not something that the LPA should become involved with. I am satisfied that the development can be adequately accommodated within the application site denoted by a red line on the site location plan. Any planning permission granted does not give a legal right to enter or undertake works on land outside the ownership of the application without the necessary consents of the relevant landowners. Similarly, any damage incurred is a private matter outside the scope of planning control.

One of the key concerns raised by local residents centres on the amount and type of parking proposed and the potential implications for highway safety on Rochester Road. To clarify, the level of parking proposed within the site is that six of the houses would be provided with a garage and two parking spaces each and the other two houses would have a garage and one parking space each. The previous scheme (proposing 11 three-bedroom houses; refused under planning reference TM/10/01437/OA) proposed 22 parking spaces within a central communal courtyard. This equated to 2 spaces per dwelling. Insufficient parking did not form part of the grounds for refusal in that case and as the scheme now before Members has increased the parking ratio to serve the development. There would be no justification to now refuse planning permission on grounds of insufficient parking.

Additionally, some comparison has been made between the proposed development and that located immediately adjacent to the application site (121 Rochester Road; 6 dwellings approved under planning reference TM/01/02496/FL). That scheme was approved with four of the six dwellings served by shared garages and further space in front. The remaining two houses are served by attached garages with associated driveways. As such, the parking provided within the neighbouring development has been provided by tandem parking. The private driveway also appears to allow for informal visitor parking taking place on an ad hoc basis. Therefore, what has been referred to by some as a successful recent development within very close proximity to the application site is in fact directly comparable in terms of parking layout. As a consequence, I consider there to be no reason to resist the parking layout proposed at No.125.

**AMENDED RECOMMENDATION:**

**Additional Informatives:**

**7. This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.**

**8. If the development hereby permitted involves the carrying out of building work or excavations along or close to a boundary with land owned by someone else, you are advised that, under the Party Wall, etc Act 1996, you may have a duty to give notice of your intentions to the adjoining owner before commencing this work.**

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