

**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.

**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.

DPTL: Whilst the offer of a legal agreement is noted it is not considered that this would be necessary, nor indeed relevant to the current application. The appropriate controls over the manner of occupation of the site are adequately achieved by the conditions proposed in my recommendation on the main Agenda papers.

RECOMMENDATION REMAINS UNCHANGED

Ditton **TM/11/00285/OA**
Ditton

Outline application for the demolition of existing buildings and erection of warehouse development (Use Class B1(c)/B2/B8) and associated works at SCA Packaging Papyrus Way Aylesford Kent ME20 7PF for Goodman

For clarification the application is for the following uses: light industrial (B1(c)), general industrial (B2) or warehousing (B8).

At the request of the applicant, an additional condition is recommended to be added, purely to list the documentation referred to in the application.

AMENDED RECOMMENDATION:

Additional condition:

18. The development shall be carried out in accordance with the following plans and documentation: Letter dated 02.02.2011, Planning Statement dated 02.02.2011, Design and Access Statement dated 02.02.2011, Air Quality And Odour Survey dated 02.02.2011, Ecological Assessment dated 02.02.2011, Flood Risk Assessment dated 02.02.2011, Desk Study Assessment dated 02.02.2011, Noise Assessment dated 02.02.2011, Report SUSTAINABILITY REPORT dated 02.02.2011, Transport Statement dated 02.02.2011, Travel Plan dated 02.02.2011, Location Plan NK016546/A1/SK016 B dated 16.05.2011, Plan NK016546/A1/102 A dated 16.05.2011, Plan NK016546/A1/101 C dated 16.05.2011.

Reason: For the avoidance of doubt and in order to reflect the submitted plans.

Burham **TM/11/00931/OA**
Burham Eccles Wouldham

Outline Application: Erection of 8 no. residential units comprising 6 no. four bedroomed detached dwellinghouses and 2 no. three bedroomed semi-detached dwellinghouses with associated access and parking facilities at 125 Rochester Road Burham Rochester ME1 3SG for Blue Ribbon Developments

PC: The observations from Burham PC on the latest amendments to the subject application are unchanged from the previous version of the application. In summary, the application is an improvement on the 11 dwelling application but is still a poor plan for such an important development location in Burham. The houses and gardens are very small for family homes and the parking provision is inadequate bearing in mind that 8 garages will mostly be used for storage. This will result in on street parking along Rochester Road which is totally unacceptable. Burham PC believes that a further site inspection should be arranged to examine implications this application will have on this site. This will have the benefit of allowing the new Councillors on Area 3 and those unable to attend the previous site inspection to review this proposed development.

DHH: No comments to make on last amended plan submitted.

Private Reps: 19 letters have now been received. Objections are raised on the following grounds:

- Too many houses for the plot;
- Rooms and gardens are too small to be described as family homes;
- Garages will end up being used for storage rather than parking spaces;
- Tandem parking discourages use;
- Parking arrangements will result in people parking on Rochester Road, which is already dangerous. Further parking will cause more accidents on a road that already gets regularly gridlocked;
- Parking is not satisfactory to accommodate vans or four-wheel drive vehicles;
- Cars are an essential for village life;
- Traffic volumes will increase which will also affect highway safety;
- Houses are very small and will be cramped which will result in people moving out after a short period – not good for a village atmosphere and community spirit;
- Owner of Frosts Garage states that Jet drivers have complained that unless parking improves they may stop delivering fuel. Further parking on Rochester Road may therefore threaten viability and a major village asset may be lost;
- Drawings showing the site boundaries are incorrect;
- Further site visit is required to allow new Members of the committee to familiarise themselves with the site;
- Impossible to assess the massing of the development without elevations;
- Development would cause a loss of privacy to properties opposite;

- 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.
