

**West Malling**  
West Malling And  
Leybourne

**567721 158379**

**01.08.2005**

**TM/05/01341/OA**

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Proposal: Outline Application for the erection of one dwelling  
Location: Land Rear Of 31 To 38 Brickfields West Malling Kent  
Applicant: Mr A R Craddock

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**1. Description:**

- 1.1 This application was deferred from APC2 on 14 September for a Members' site inspection, which will take place on 20 October.
- 1.2 The previous report and Supplementary Report are reproduced at Annex 1. Any issues arising from the Members' site inspection will be included in a Supplementary Report.

**2. Determining Issues:**

- 2.1 The main determining issues have been addressed within the report of 14 September 2005, but a couple of additional issues arose during Members' debate on that occasion.
- 2.2 There is a hedgerow bounding the east of the site, separating the site from the adjacent PROW. The hedgerow consists of damson, privet, ivy and hawthorn. I am of the opinion that the retention of this hedge is important in protecting the amenity of the surrounding locality, and therefore I recommend that a condition be imposed to ensure the hedgerow is retained.
- 2.3 A survey has been carried out of the trees on the site. There is a silver birch and an old apple tree which contribute to the amenity of the site. Whilst I do not consider that these trees are worthy of a Tree Preservation Order, it would be desirable to incorporate them within the landscaping scheme which will need to be submitted for approval, if planning permission is granted. The retention of these trees would still allow adequate space to locate a dwelling on the site.
- 2.4 The ground level of the site is significantly raised from that of the adjacent properties. Therefore, I am of the opinion that a single storey building would be more in keeping with the adjacent residential properties.
- 2.5 Members expressed an opinion at the meeting on 14 September, that it would be desirable if the applicant could provide some parking on site for other residents. I have recommended that an additional informative be used to request this.

**3. Recommendation:**

**3.1 Grant Planning Permission** as detailed in letter dated 27.04.2005 and Traffic Survey emailed on 01.08.05, subject to the following conditions:

- 1 Approval of details of the siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority.

Reason: No such approval has been given.

- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

- 3 The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

- 4 No development shall take place until details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality.

- 5 The access drive shall be constructed no steeper than 1 in 14.3 for the first 4.5 metres from the edge of the highway and no steeper than 1 in 8 on any other part.

Reason: To ensure the safe and free flow of traffic.

- 6 The use of the access shall not be commenced until turning facilities have been provided within the curtilage of the site and these facilities shall be retained thereafter free from any obstruction.

Reason: In order that a vehicle may enter and leave the site in a forward direction to ensure the safe and free flow of traffic.

- 7 The access to the site shall not be used until details of vision splays where the main part of the site meets the public right of way have been submitted to and approved by the Local Planning Authority. The dwelling shall not be occupied until the details shown on the approved plans have been implemented. The vision splays so created shall be retained at all times thereafter.

Reason: In the interests of highway safety.

- 8 The details submitted in pursuance of Condition 1 shall show land, reserved for parking or garaging in accordance with the adopted County Parking Standards. None of the buildings shall be occupied until this area has been provided, surfaced and drained in accordance with the approved details. Thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access to reserved vehicle parking area.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking.

- 9 No development shall commence until details of a scheme for the storage and screening of refuse has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

Reason: To facilitate the collection of refuse and preserve visual amenity.

- 10 Before the development commences, details of the slab levels of the proposed dwelling shall be submitted to and approved in writing by the Local Planning Authority and the approved slab levels shall be implemented in complete accordance with the approved details.

Reason: In the interests of the amenity of locality.

- 11 No development shall be commenced until:

(a) a site investigation has been undertaken to determine the nature and extent of any contamination, and

(b) the results of the investigation, together with an assessment by a suitably qualified or otherwise responsible person, and details of a scheme to contain, treat or remove any contamination, as appropriate, have been submitted to and approved by the Local Planning Authority.

Prior to the first occupation of the development hereby permitted (or, where the approved scheme provides for remediation and development to be phased, the occupation of the relevant phase of the development):

(c) the approved remediation scheme shall be fully implemented (either in relation to the development as a whole or the relevant phase, as appropriate), and

(d) a Certificate shall be provided to the Local Planning Authority by a responsible person stating that remediation has been completed and the site is suitable for the permitted end use.

Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity and public safety.

- 12 No development shall take place until details of measures for the disposal of surface and foul water drainage have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

Reason: In the interests of pollution prevention.

- 13 The hedge bounding the east of the site shall be retained unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of amenity.

Informatives:

- 1 With regard to works within the limits of the highway, the applicant is asked to consult The Highways Manager, Engineering Services, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent. ME19 4LZ. Tel: (01732) 844522
- 2 The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited to write to the Chief Solicitor, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or contact Trevor Bowen, Principal Legal Officer, on 01732 876039 or by e-mail to [trevor.bowen@tmbc.gov.uk](mailto:trevor.bowen@tmbc.gov.uk). To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.
- 3 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.

- 4 The granting of this permission does not purport to convey any legal right to block or impede any private right of way which may cross the application site without any consent which may be required from the beneficiaries of that right of way.
- 5 The applicant is requested to incorporate some alternative parking on site for adjacent residents.
- 6 The applicant is requested to incorporate the silver birch and the apple tree within the landscaping scheme to be submitted pursuant to condition 1.

Contact: Glenda Egerton