

**West Malling**                      **567721 158378**                      **21 August 2006**                      **TM/06/02562/FL**  
West Malling And  
Leybourne

Proposal:                      4 bedroom family house  
Location:                      Land Rear Of 31 To 38 Brickfields West Malling Kent  
Applicant:                      Mr And Mrs Wolfstrome

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**1. Description:**

1.1 Members will recall that the application was deferred at the last Area 2 Planning Committee to enable full details of the proposed car parking layout and slab levels to be obtained, together with confirmation of the height of the hedge adjacent to Brickfield Cottages and confirmation that this will be maintained. Amended details have now been submitted, and a fresh round of consultations has been carried out.

**2. Consultees:**

- 2.1 PC: Additional views awaited.
- 2.2 Kent Fire & Rescue Services: Additional views awaited.
- 2.3 KCC (PROW): Additional views awaited.
- 2.4 KCC (Highways): Additional views awaited.
- 2.5 DHH: Additional views awaited.
- 2.6 Private Reps: 16/0S/0X/0X. Additional views awaited.
- 2.7 The consultation periods expire on 2 November 2006 and any further views received will be included in a supplementary report.

**3. Determining Issues:**

- 3.1 The amended plan submitted indicates a revised parking layout, a layout for the storage of wheelie bins and recycling bins on site. The plan also indicates the height of the finished ground floor slab level in relation to the mean ground level of the surrounding area. A topographical survey has also been submitted by the applicants.
- 3.2 Given the proposed finished ground floor slab level in relation to the existing ground levels, the height of the proposed dwelling in relation to the height of 31-38 Brickfields, and the distance of the proposed dwelling from the rear of the existing dwellings, I am of the opinion that the proposal will not have an overbearing impact on this group of properties.

- 3.3 The proposed parking layout has been amended, to relocate the parking space that was shown to be adjacent to the boundaries of 31-38 Brickfields (space no. 4) to be next to space no. 3 and immediately adjacent to the site access. It is proposed to plant flower beds where parking space no. 4 was previously shown, thereby taking the parking further away from the adjacent dwellings. I am of the opinion that this would not have a significantly detrimental impact upon the amenity of the adjacent properties, given that the parking area has been moved away from the boundary.
- 3.4 The applicants have confirmed that they propose to maintain the hedge adjacent to 31-38 Brickfields to a maximum height of less than 2m. This can be controlled by a condition.
- 3.5 The applicants have shown an area where it is proposed to store refuse on the site. Refuse freighters are too large to be able to access the site, and refuse will need to be placed along the straight section of Brickfields on bin collection day, where the refuse for 25 and 26 Brickfields is currently collected from.

**4. Recommendation:**

- 4.1 **Grant Planning Permission** as detailed in letters dated 03.08.2006, 07.08.2006, 17.08.2006, 18.08.2006, 20.09.2006 and 17.10.2006, plan nos. L/200A, L/201B, L/202, L/203 and plan date-stamped 19.10.2006, subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

- 2 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.

- 3 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.

- 4 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.

- 5 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.

- 6 The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

- 7 The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space for 31-38 Brickfields (spaces 1-3) has been provided, surfaced and drained. Thereafter, it shall be kept available on this basis and 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 or in such a position as to preclude vehicular access to this reserved parking space.

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

- 8 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.

- 9 The hereby approved scheme for the storage and screening of refuse 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 The building shall be constructed at the slab levels hereby approved.

Reason: To preserve visual amenity.

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 The hedge bounding the east of the site shall be retained at a height of not less than 3.5m in height and where necessary shall be gapped up unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of amenity.

13 The hereby approved hedge bounding the north-west of the site shall be retained at a height of no more than 2m and where necessary shall be gapped up unless otherwise approved by the Local Planning Authority.

Reason: In the interests of amenity.

Informatives:

1. 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.

2. With regard to the construction of the pavement crossing, the applicant is asked to consult The Highways Manager, Kent Highways, Joynes House, New Road, Gravesend, Kent, DA11 0AT. Tel: 08458 247 800.
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.

Contact: Glenda Egerton