

**Offham
Downs**

565824 157473 18 June 2009

TM/09/01538/FL

Proposal: Erection of four bedroom dwelling house to north of Dianella
Location: Dianella North Meadow Offham West Malling Kent ME19 5NU
Applicant: Mr + Mrs G Goodwin

1. Description:

1.1 Planning Committee will recall that this application was deferred from the 5 August 2009 Area 2 meeting for a Members' Site Inspection. The Members' Site Inspection was held on 1 September 2009. The original and supplementary reports are reproduced as an Annex.

2. Reason for reporting to Committee:

2.1 To report back following a Members Site inspection.

3. The Site:

3.1 This is as previously described.

4. Planning History:

TM/53/10186/OLD grant with conditions 20 August 1953

Dwelling house.

TM/53/10493/OLD grant with conditions 18 June 1953

Outline application for one dwelling house.

TM/54/10461/OLD grant with conditions 18 February 1954

Garage.

TM/88/10960/OUT grant with conditions 3 February 1988

Outline application: Detached house with garage and access.

TM/90/10510/FUL grant with conditions 28 November 1990

Two storey rear extension.

TM/90/10558/OUT grant with conditions 20 December 1990

Renewal of outline permission TM/87/2037 for detached house with garage and access.

TM/99/01611/FL Grant With Conditions 21 September 1999

Garage to side.

TM/05/01634/FL Application Withdrawn 13 September 2005

3 bedroom detached dwelling with garage.

TM/06/00858/FL Refuse 23 May 2006

3 bedroom detached dwelling with garage.

TM/08/01623/FL Refuse 4 August 2008

Detached dwelling including vehicular access.

TM/09/01528/FL Application Not Proceeded With 17 June 2009

The construction of a single two storey four bedroom dwelling house to north of 'Dianella'.

5. Consultees:

5.1 Additional consultation was carried out on amended plans received prior to the 5 August Area 2 Committee meeting: No responses had been received at the time of writing this report.

6. Determining Issues:

6.1 These are as previously described.

6.2 In terms of the concerns raised with respect to the impact that the proposed dwelling would have upon the ground conditions and the high water table, I have liaised with the Chief Building Control Officer and the Conservation Officer. The soil in the area of the site is sand and ragstone and they have confirmed that this raises no significant issues in relation to the water table. Therefore, the 4.9m separation between the proposed dwelling and Walnut Tree Cottage provides no cause for concern in terms of the impact that it may have upon the stability of the Listed Building.

6.3 Members will note that the submitted street elevation plan shows that whilst the road level of North Meadow varies, the height of Dianella would be 0.5m below the ridge height of the proposed house and the height of Walnut Tree Cottage would be 0.3m above the ridge height of the proposed house, therefore demonstrating that the height of the proposed dwelling relates well to the adjacent properties.

6.4 An additional condition is recommended to require submission of eaves details.

7. Recommendation:

7.1 **Grant Planning Permission** as detailed by Design and Access Statement dated 31.07.2009, Planning Statement dated 18.06.2009, Proposed Plans and Elevations PL090203 PL01 C dated 31.07.2009, subject to:

Conditions / Reasons

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. 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.

3. The garage(s) shown on the submitted plan shall be kept available at all times for the parking of private motor vehicles.

Reason: Development without the provision of adequate vehicle parking space is likely to lead to hazardous on-street parking.

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. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the south and north elevation(s) of the building other than as hereby approved, without the prior written consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy of adjoining property.

6. Any gateway to the access shall be set back 5.0 metres from the edge of the highway.

Reason: To enable vehicles to stand off the highway whilst any gates are being operated.

7. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment. 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. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

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.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Classes A-E of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: In the interests of amenity.

9. If during implementation of this permission, contamination is found to be present at the site then, unless otherwise agreed in writing with the Local Planning Authority, no further development shall be carried out until details of how that contamination shall be dealt with have been submitted and approved by the Local Planning Authority. The approved remediation scheme shall be fully implemented insofar as it relates to that part of the development which is to be occupied, and 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.

10. No development shall take place until details of the proposed slab level 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: To ensure that the development does not harm the visual amenity of the locality.

11. Prior to the commencement of development, a scheme shall be submitted to the Local Planning Authority for approval to demonstrate that the development hereby approved will adopt and incorporate sustainable construction standards and techniques. Where practicable and appropriate, the scheme shall include measures to:

- minimise waste generation (including reduction and recycling of construction and demolition waste)
- minimise water consumption (including potential for recycling water)
- minimise energy consumption by the use of natural lighting, heat and ventilation
- use building materials that minimise the depletion of non-renewable resources
- assess potential for 10% of energy consumption requirements to be generated from decentralised and renewable/low-carbon sources

The approved scheme shall be implemented prior to the first occupation of any of the unit(s) hereby approved and retained thereafter.

Reason: In accordance with policy CP1 of the Tonbridge and Malling Borough Core Strategy and Policy CC4 of the South East Plan 2009.

12. No development shall take place until details of the design of the eaves 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: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

Informatives

1. During the construction phase, the hours of working (including deliveries) shall be restricted to Monday to Friday 08:00 hours – 18:00 hours. On Saturday 08:00 to 13:00 hours, with no work on Sundays or Public Holidays.
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. 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. Surface water from private areas is not to discharge onto the public highway.
4. With regard to works within the limits of the highway, the applicant is asked to consult Kent Highway Services, Doubleday House, St Michaels Close, Aylesford ME20 7BU. Tel 08458 247 800
5. Tonbridge and Malling Borough Council operate a two wheeled bin and green box recycling refuse collection service from the boundary of the property. Bins/ boxes should be stored within the boundary of the property and placed at the nearest point to the public highway on the relevant collection day.

Contact: Glenda Egerton