

**East Malling &  
Larkfield**  
East Malling

**570157 157059**

**09.03.2005**

**TM/05/00784/FL**

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Proposal:                      Erection of one and a half storey house and vehicle turntable  
Location:                     Land To The North Of 10 High Street East Malling West  
                                      Malling Kent ME19 6AL  
Applicant:                    Mr And Mrs Bullman

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**1. Description:**

1.1 Members will recall that this application was deferred from the May APC3 for a Members Site Inspection (DPE pages 87 – 97 refer). The Site Inspection has been arranged for the 15 June 2005 at 17:00 hours. A copy of the report to the May Committee meeting is attached in Annex 1.

**2. Consultees (additional responses since previous report):**

2.1 Private Reps: One additional letter received objecting on the following grounds:

- The existing access is rarely used, whilst the proposed access will be used more regularly;
- The new access faces directly onto vehicles parked on the High Street;
- The vehicle turntable will have a detrimental impact on the nearby cherry tree and there is little scope to relocate the turntable;
- A streetlight will need to be relocated.

**3. Determining Issues:**

3.1 I note the local residents' concerns that the existing vehicular access onto the High Street is barely used. However, this is a lawful vehicular access, which could legitimately be used on a more regular basis (commensurate with the level of use that might be envisaged under the current proposal) without the need for any further planning permission from the Council, notwithstanding that the applicant owns the adjoining 5 Mill Street, which has a separate vehicular access and associated parking spaces. The application site is an extended garden and parking area, with its own lawful vehicular access onto the High Street.

3.2 The existing vehicular access to the High Street is currently gated at the back edge of the highway. This means that vehicles entering the site have to stand on the public highway whilst the gates are opened. This already presents a highway hazard. In addition, the existing vehicular access is not served by any visibility splays, as the existing close boarded fencing restricts visibility.

- 3.3 The proposed new access will not be restricted by gates on the front boundary and will be provided with visibility splays, which can be protected by condition. The prohibition for erecting gates on the frontage can also be controlled by condition. In terms of these elements, the proposed new scheme is in my opinion undoubtedly better than the existing access.
- 3.4 Local residents have also raised concerns that the position of the new access is located further to the south and will be affected more than the existing access by cars parked on the highway on the opposite side of the road. However, KCC Highways has raised no objection to the location of the new access, particularly bearing in mind that the proposed new access has better visibility and is not restricted by gates.
- 3.5 In terms of turning provision, the existing parking area has adequate turning space to enable a vehicle to enter and leave the site in a forward direction. KCC Highways is satisfied that the proposed vehicle turntable is acceptable and I would reiterate that the principle of using a turntable to manoeuvre vehicles within the site was not previously stated as a reason for refusal on planning application TM/04/2488/FL.
- 3.6 Members will recall that it was previously proposed to deal with the potential relocation of the vehicle turntable by condition, in order to limit the impact on the nearby cherry tree. I have given some thought to the possible relocations. Whilst there is scope to physically relocate the turntable itself to the east, this would result in insufficient turning area for a vehicle sitting on the turntable, apart from a very marginal move to the northeast. There is however scope to relocate the vehicle turntable to the west, which would result in the siting of the turntable in the rear garden and ensure that the cherry tree is not detrimentally affected. It is acknowledged that the dimensions of a second parking space beyond this turntable would be less than the required standards. However, given the site's proximity to public transport links and community services and amenities, the provision of a single parking space serving a two bedroom property would be difficult to resist in this central location. Notwithstanding this, the matter of the siting of the vehicle turntable has been raised with the applicant's agent with a view to submitting amended plans, which could also involve alterations to the rear element of the proposed dwelling in order to accommodate the relocation of the vehicle turntable.
- 3.7 The applicant would need to contact KCC (Highways) regarding the relocation of the streetlight, and this can be covered by an informative.
- 3.8 Any matters arising from the Members' Site Inspection will be reported in the supplementary report.
- 3.9 In light of the above considerations, and those raised in my May report, I remain of the opinion that planning permission should be granted.

**4. Recommendation:**

4.1 **Grant Planning Permission** as detailed by letter dated the 7 March 2005 and by plans D520.2C, D520.1C, 2629/04 and site plan received on the 9 March 2005 subject to:

- Receipt of satisfactory drawings of the revised siting of the vehicle turntable;
- The following conditions:

1 The development hereby permitted shall be begun before the expiration of five 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 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.

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.

4 The first floor windows on the south elevation shall be fitted with obscured glass and, apart from any top-hung light shall be non-opening. This work shall be effected before the dwelling is occupied and shall be retained thereafter.

Reason: To minimise the effect of overlooking onto adjoining property.

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 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.

- 7 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: In the interests of archaeological research.

- 8 The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping scheme by observing the following:

- (a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).
- (b) No fires shall be lit within the spread of the branches of the trees.
- (c) No materials or equipment shall be stored within the spread of the branches of the trees.
- (d) Any damage to trees shall be made good with a coating of fungicidal sealant.
- (e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.
- (f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect the appearance and character of the site and locality.

- 9 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.

- 10 The access shall not be used until the frontage from a point 2m from the edge of the carriageway along the centre line of the proposed access tapering to the site boundaries has been lowered in height to a height not exceeding 0.6m above the level of the nearest part of the carriageway. The vision splay so created shall be retained at all times thereafter.

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

- 11 The premises shall not be occupied until the existing vehicular access to the High Street has been closed permanently.

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

- 12 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.

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 and relocation of a streetlight, 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.
- 3 The applicant is advised that no surface water shall be discharged onto the public highway.
- 4 To reduce the severity of domestic property fires and the number of injuries resulting the Fire Officer recommends that consideration should be given to the installation of a sprinkler system in all new properties.

- 5 The applicant is advised that due to the narrowness of the High Street all delivery and construction vehicles should park and unload within the site and no materials should be stored on the highway. The applicant is advised that only suitably sized vehicles should visit the site.

Contact: Aaron Hill