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<b>East Malling &amp; Larkfield</b> East Malling	<b>569772 157943</b>	<b>5 February 2007</b>	<b>TM/07/00384/FL</b>
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Proposal:	Demolition of 5 no. existing houses and development of 18 no. new houses and bungalows with associated external works
Location:	Land Rear Of Bondfield Road Temple Way And Carnation Crescent East Malling West Malling Kent
Applicant:	Russet Homes

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## 1. Description:

- 1.1 This proposal is for the provision of 18 affordable dwellings, comprising a mix of bungalows, terraced houses, detached dwellings and semi-detached dwellings. The proposed affordable dwellings are to be socially rented. The proposed residential scheme will involve the demolition of a terrace of five dwellings, 22, 24, 26, 28 and 30 Temple Way, the demolition of a storage building serving flats in Carnation Crescent and development on existing public open space and two car parks.
- 1.2 The proposed scheme involves the erection of a terrace of 3, three bedroom dwellings (plots A1, A2 and A3) between 46 & 48 Temple Way. Three 2 bedroom bungalows (plots C4, C5 and C6) between the flats in Carnation Crescent and 32-46 Temple Way. A pair of semi-detached two bedroom dwellings (B7 & B8) sited to the south of No.32 Temple Way and to the north of the existing alleyway and electricity substation. A terrace of 4 two bedroom dwellings (plots B9, B10, B11 and B12) behind 2-5 Bondfield Road. A pair of semi-detached three bedroom dwellings (plots A13 and A14) in the centre of the site. A two bedroom detached dwelling (plot BZ15) backing onto 37, 39 and 41 Carnation Crescent. The remaining 3 plots, D16, E17 and E18 are one and two bedroom bungalows sited behind Bondfield Road. All of the properties will be served by two parking spaces each, apart from plots C4, C5 and C6, whilst a new vehicular access is proposed off Temple Way which will serve the majority of the development.
- 1.3 The proposal involves the provision of alley gates to existing properties in Bondfield Road and Temple Way, as well as widening the existing pedestrian route into the site from Carnation Crescent through the removal of a storage building.
- 1.4 The applicant has confirmed that alternative storage within the perimeter of the flats in Carnation Crescent will be provided and that the existing affected residents will have personal keys to the proposed alley gates.
- 1.5 The applicant states in relation to the public open space that "*current activities observed and reported on by management in the open grassed areas, which are unused for their proper purpose, are limited to dog walking with associated*

*nuisance, anti-social gathering and vandalism. Due to the lack of natural overlooking these spaces are a source of fear and anxiety to some residents. The spaces do not improve the quality of the lives of the local residents. In respect to Policy P8/2 of the TMBLP 1998 we would be happy to discuss with you some form of appropriate contribution to suitable play facilities”.*

- 1.6 The applicant has also indicated the proposed housing scheme forms part of wider environmental improvements planned for the Winterfield estate. The applicant has submitted an indicative drawing of environmental improvements, such as providing additional parking spaces, providing alley gates and additional landscaping. Such improvements do not form part of this application.
- 1.7 The application site area is 0.537 hectares and results in a development of 34 dwellings per hectares.

## **2. The Site:**

- 2.1 The application site lies within the urban confines of East Malling and within the Winterfield Estate. The site is irregular and lies to the east of Temple Way and to the north of Bondfield Road. This part of Winterfield Estate is defined by rows of two storey terraced houses which border the application site on all sides, apart from the northeast, where three storey flats stand in Carnation Crescent.
- 2.2 The site contains a block of five terraced houses, two car parks, open space and a number of trees, the majority of which have been previously pollarded, but none of which are covered by a Tree Preservation Order. The land within the site rises to the north.
- 2.3 Vehicular access to the car parks within site is currently gained off Temple Way and Bondfield Way, whilst there are also a number of permissive footpaths and alleyways that run through the site connecting to Temple Way, Carnation Crescent and Bondfield Way.

## **3. Planning History:**

TM/97/01175/FL      Refuse      9 October 1997

Creation of enclosed tarmac play area.

TM/92/01149/FL      Approve      23 November 1992

Extension of existing car park by 8 spaces.

## **4. Consultees:**

- 4.1 PC: No objection to the demolition and rebuilt but would prefer to see it as part of the regeneration plan which was heralded some years ago when the whole estate was subject to improvements – to the garage courts, knocking down some of the

walls which run parallel to Chapman Way, alley gating, etc and improvements to play facilities. Russet Homes state that they have spent significant sums of money – but the only thing appears to be hoop topped fences on front gardens which are ugly.

4.1.1 We would like to see the whole scheme along with a delivery timetable – we might see only the building of even more houses on an estate which already struggles because of the poor design, etc. Disappointed that does not appear to be any four bedrooms houses – large families have to wait ages to get a home. The internal layout is also strange on some of the houses. Two bedrooms houses have a separate dining room but three bedrooms do not.

4.1.2 The existing area for proposed development comprises two unused car parks, open grassed area at the back of the rear gardens. This is unattractive. The proposal will re-direct pedestrian movement around the estate with improved surveillance and security. Kent Police have been consulted and this is part of the regeneration of the estate which is welcomed.

4.1.3 There will be an alley gating scheme to accommodate new and widened alleys linking to established rear access. The scheme leads to improved, widened, planted alley into Carnation Crescent, a vast improvement. Poplars in poor condition are to be removed and new tree/shrub planting to public areas to soften impact. Traditional materials and brickwork and hopped tiled roofs. Bungalows suitable for elderly and disabled.

4.1.4 The development is welcomed as part of the improvement to Winterfield Estate. However, could at least one four bedroom property be incorporated into the proposal as they are always in demand.

4.2 DHH: Housing: The applicant proposes a total of 18 affordable housing units for rent as part of the Winterfield regeneration scheme. The bid for funding was supported by the Borough Council and therefore we expect 100% of first nominations and 75% thereafter. We expect the scheme to comply with Eco Homes Very Good and Housing Corporation SDS.

4.2.1 The applicant confirms that the floor areas will be as follows:

- 3 bed house – 102 square metres;
- 2 bed house – 76 square metres;
- 2 bed patio bungalow – 76 square metres;
- 2 bed bungalow (type D) - 62 square metres;
- 1 bed bungalow – 46 square metres;

- 4.2.2 Whilst the 2 bed bungalow (type D) is smaller than our usual minimum requirement of 65 square metres this is considered acceptable on this occasion given the limitations of the site due to the underground sewer and the need to maximise the number of units on the site.
- 4.3 EA: No objection to protection of groundwaters and appropriate decontamination where necessary.
- 4.4 KCC Highways: In general I find the proposals acceptable. I am satisfied with the level of parking to be provided. Double parking spaces need to be widened to 5.4m and the scheme needs to ensure pedestrian vision splays are provided. The new vehicular access adjacent to plot B7 needs to be widened to 4.8m to accommodate two way traffic.
- 4.5 Scotland Gas Networks: You will note the presence of our Low/Medium/Intermediate Pressure gas main in the proximity to your site. No mechanical excavations are to take place above or within 0.5m of the low pressure and medium pressure system and 3 metres of the intermediate pressure system. You should where required confirm the position of mains using hand dug trial holes.
- 4.6 Private Reps: 90/0X/0S/12R. Twelve letters of objection have been received objecting on the following grounds:
- Storage building for Carnation Crescent flats to be demolished without a replacement;
  - Existing alleyway is adequate, just needs increased lighting;
  - Bungalows are not served by parking spaces and will park in Carnation Crescent causing parking problems;
  - No details of external lighting shown;
  - Bungalow is in close proximity to neighbouring properties;
  - Existing alleyways are in poor condition;
  - Loss of green space;
  - Loss of mature trees;
  - Lack of off road parking in area;
  - Will the existing rear accesses be retained?;
  - Results in overdevelopment of the area;

- Scheme should be for OAP bungalows;
- Loss of pedestrian access to Carnation Crescent flats;
- Lack of consultation by Russet Homes on the scheme.

4.7 A8 Site Notice & Press Notice: No response.

4.8 Mouchel Parkman (KCC): Views awaited.

4.9 West Kent PCT: The PCT is seeking a contribution of £13,968 plus legal costs through a Section 106 Agreement for healthcare.

## **5. Determining Issues:**

5.1 The main issues to be considered are whether the proposal is appropriate, whether the proposal would detract from the visual amenity of the locality and whether the proposal would result in hazardous highway conditions.

5.2 The proposed housing scheme will provide 18 affordable dwellings for rent. The provision of additional affordable housing units is one of the Borough Council's key priorities for 2007/08. The application is supported by the Parish Council and the DHH.

5.3 The application site lies within the urban confines of East Malling and policy P5/3 of the TMBLP 1998 and the Government guidance contained in Planning Policy Statement No.3 seek to make more efficient use of land in urban areas. Whilst parts of the site would be classed as previously developed land, such as the site of the five houses to be demolished and the car parks, a large section of the site is public open space.

5.4 Policy P8/4 of the TMBLP 1998 seeks to resist the loss of public open playing spaces unless the need for the development is overriding. The loss of open space can also be justified where it makes no significant contribution to the quality of the environment; there is no existing deficiency of open space in the vicinity; or alternative recreational facilities of equivalent benefit are provided. The applicant has stated that the open space is unused and subject to vandalism and anti-social behaviour. The open space is clearly under utilised, suffering from lack of natural surveillance and problems of vandalism. The open space is very much enclosed by rear gardens and the majority of the open space is not visible from public vantage points along Temple Way, Bondfield Road or Carnation Crescent. The open space does not significantly enhance the quality of the area or indeed the quality of life of local residents. The applicant has indicated a willingness to provide an off site contribution towards public open play space and this matter can be controlled by condition. Therefore, given the overriding need for the affordable

housing combined with the poor quality of the open space and potential for provision of off site contributions to alternative facilities in East Malling, I am satisfied that the principle of the development is acceptable.

- 5.5 The proposal scheme whilst appearing relatively compact is actually only 34 dwellings per hectare, which is just above PPS3 minimum requirement of 30 dwellings per hectare and therefore the proposal will not result in overdevelopment of the site. The irregular shape of the site dictates the housing layout, resulting in reasonably sized gardens and plots.
- 5.6 The pattern of development is not entirely in keeping with the adjacent terraced properties, but given the shape of the site and the range of dwellings being provided, including bungalows, I am satisfied that the pattern of development will not unduly harm the visual amenity of the locality.
- 5.7 In visual terms, the proposed development will clearly intensify the extent of built development in this locality through the loss of the open spaces. However, the proposed design of the dwellings is generally in keeping and introduces hipped roofs, which help to lessen the bulk of the dwellings. The proposed built form is in keeping with the locality, as well as introducing bungalows which clearly have a lesser impact than two storey dwellings. Whilst the principle of the loss of open space has been discussed above, I am satisfied that the proposed residential scheme will not significantly detract from the visual amenity of the locality subject to appropriate levels of landscaping.
- 5.8 The proposal also includes the loss of a number of poplar trees, however, these are poor quality and do not significantly contribute to the visual amenity of the locality. The proposed scheme has been designed to ensure appropriate levels of landscaping and tree planting can be achieved. The precise details of the landscaping can be controlled by condition.
- 5.9 The proposed scheme will not result in the loss of privacy to neighbouring properties, due to the physical orientation, siting and use of boundary treatment. The proposed dwellings will not result in the loss of sunlight or background daylight to neighbouring properties. I acknowledge that dwelling C4 does lie within close proximity to boundary with 42 and 44 Temple Way, however, this plot is a bungalow and would not be oppressive or dominant to the outlook from the two storey properties in Temple Way.
- 5.10 In highway terms, the proposal involves the loss of two parking courts. However, the loss of these parking spaces is being partly countered by the demolition of five dwellings which would have used these parking spaces. In addition, the parking spaces provided off Bondfield Road are rarely used, as it is fairly secluded and lacking natural surveillance and security. Members should also be aware that Russet Homes is intending to carry out a series of environmental improvements to the Winterfield Estate, which includes the reconfiguration garages, parking spaces and hardstanding areas to provide additional parking spaces for the whole estate.

Such works do not form part of this application. Overall, however, I am satisfied that the level of parking in the vicinity of the application site will not be significantly reduced or result in hazardous highway conditions.

- 5.11 In terms of the parking provision for the proposed development, the scheme essentially provides two parking spaces per dwelling apart from 3 two bedroom bungalows, where five parking spaces are provided. KCC Highways raise no objection to this level of parking, just commenting that some of the parking spaces need to be widened by 0.3m to meet Kent Vehicle Parking Standards. Whilst the plans have not been amended to reflect this request, there is adequate space to accommodate such a request within the site and therefore, I have imposed a condition requiring the parking spaces to comply with the Kent Vehicle Parking Standards.
- 5.12 KCC Highways have also requested that the new vehicular access off Temple Way, should be widened to 4.8m to accommodate passing traffic. Such a request can be accommodated by slightly reducing the extent of landscaping either side of the proposed access. Again this matter can be controlled by condition, as can the landscaping details.
- 5.13 I note local residents' concerns that the proposal will involve the loss of storage building for residents of Carnation Crescent. However, the applicant has now indicated that they will provide alternative storage accommodation within the grounds of the Carnation Crescent flats. This matter can be controlled by condition. It should also be noted that the existing ramped access to Carnation Crescent is still to be retained. It should be noted that through the loss of the storage building in this location, it helps to widened the footpath at this point and enable the visual appearance of this particular location to be softened, as the existing environment is rather hard at present.
- 5.14 The provision of alley gates within the scheme is a private management issue for the Housing Association, however, it is noted that the scheme has been designed to ensure that existing residents are not excluded. Equally the physical condition of the alleyways is a private management matter for Russet Homes.
- 5.15 The West Kent PCT has requested contributions towards healthcare as a result of the impacts of the proposed development. However they have given no indication that the contribution sought would be provided on local healthcare facilities. Notwithstanding this, I consider it appropriate to impose a condition requiring the submission of a scheme for healthcare facilities.
- 5.16 As mentioned above, the proposed housing scheme forms part of environmental improvements for Winterfield Estate planned by Russet Homes. The other works such as landscaping, reconfiguration of parking courts, alley gates and new paths do not form part of this current application. Indeed, much the proposed

environmental works will not need to be subject to a planning application, as the works are either not development, (such as the landscaping), or permitted development, such as the alley gates.

5.17 In light of the above considerations, I am satisfied that the proposal is appropriate, will not detract from the visual amenity of the locality and will not constitute a highway hazard, therefore I support this proposal.

**6. Recommendation:**

6.1 **Grant Planning Permission** in accordance with the following submitted details: Letter dated 05.02.2007, Design and Access Statement dated 05.02.2007, Details dated 05.02.2007, Site Plan dated 05.02.2007, Floor Plan D13 dated 05.02.2007, Floor Plan D14 dated 05.02.2007, Floor Plans And Elevations D15 dated 05.02.2007, Floor Plan D16 dated 05.02.2007, Floor Plan D17 dated 05.02.2007, Photographs D18 dated 05.02.2007, Photographs D19 dated 05.02.2007, Elevations D20 dated 05.02.2007, Elevations D21 dated 05.02.2007, Elevations D23 dated 05.02.2007, Elevations D24 dated 05.02.2007, Survey D-09 dated 05.02.2007, Drawing D10 dated 05.02.2007, Letter dated 03.04.2007, Letter dated 21.03.2007, 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. 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.

4. The new accesses serving plots A1, A2 and A3 and the new vehicular access off Temple Way shall not be used until vision splays of 2m x 2m x 45° between the access concerned and the back of the footway have been provided. The area of land within these vision splays shall be reduced in level as necessary and cleared of any obstruction exceeding a height of 0.6m above the level of the nearest part of the carriageway. The vision splays so created shall be retained at all times thereafter. (H017)\*

Reason: In the interests of highway safety.

- 5 No building shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved plans. (H009)

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

- 6 None of the dwellings to be served off the new vehicular access from Temple Way shall be occupied until this new vehicular access has been constructed having a width of 4.8m for the first 6m from the back edge of the existing highway.

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

- 7 The use shall not be commenced, nor the premises occupied, until vehicle parking space in accordance with the adopted Kent Vehicle Parking Standards 2006 has been provided on site. 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 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 the reserved parking area. (P007\*)

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 building shall be occupied until the area shown on the submitted plan as a turning area 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 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 turning area. (P011)

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway.

- 9 The development shall be constructed at the level indicated on the approved drawing. (B005)

Reason: In the interests of amenity and privacy.

- 10 The existing storage building to be removed in order to widen the footpath by Carnation Crescent shall not be demolished until details of alternative storage have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details. (D008)\*

Reason: To ensure that adequate storage facilities are available for residents of Carnation Crescent.

- 11 No development shall begin until a scheme has been submitted to and approved in writing by the local planning authority relating to the provision or enhancement of off site playspace facilities, to demonstrate compliance with Tonbridge and Malling Borough Local Plan policy P8/2 and P8/4. For the purposes of this condition such a scheme is one which:

- Secures the safe implementation of the works and ensures that they are made available to the public before the occupation of any dwelling on the site.
- Provides for the long term maintenance, inspection and insurance of the facilities so that they are available to the public in perpetuity; and

The development shall not be carried out other than in accordance with the approved scheme.

Reason: To ensure adequate play provision for the occupiers of the development.

- 12 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 competent 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. The assessment and scheme shall have regard to the need to ensure that contaminants do not escape from the site to cause air and water pollution or pollution of adjoining land.

The scheme submitted pursuant to (b) shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking of the development hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority of the presence of any such unforeseen contamination.

Prior to the first occupation of the development or any part of the development hereby permitted

(c) the approved remediation scheme shall be fully implemented insofar as it relates to that part of the development which is to be occupied, 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. (N015)

- 13 None of the buildings shall be occupied until works for the disposal of foul sewage and surface water have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved by the Local Planning Authority. (W004)

Reason: In the interests of pollution prevention.

- 14 Soakways shall only be used in areas on the site where they would not present a risk to groundwater. If permitted their location must be approved in writing with the Local Planning Authority.

Reason: To prevent pollution of the water environment.

- 15 No development shall take place until details of external lighting have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details. (D008)

Reason: In the interests of the visual amenity of the locality.

- 16 Development shall not begin until an affordable housing scheme has been submitted to and approved in writing by the Local Planning Authority; for the purposes of this condition such a scheme is one which:

(a) ensures the provision and implementation of dwellings as affordable for rent, and these dwellings shall be occupied by persons in need as defined in the affordable housing scheme; and

(b) ensures that Tonbridge and Malling Borough Council enjoys nomination rights to the affordable housing.

The affordable housing shall not be used other than for the provision of housing accommodation which meets the objectives of the Registered Social Landlord unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to ensure sufficient affordable housing is provided to meet the identified needs of the Borough.

17. No development shall begin until a scheme has been submitted to and approved in writing by the local planning authority relating to the provision or enhancement of healthcare facilities to demonstrate compliance with Tonbridge and Malling Borough Local Plan policy P8/1. Such details shall include the level and location of healthcare facilities to be provided. The development shall not be carried out other than in accordance with the approved scheme.

Reason: To ensure adequate healthcare provision for the occupiers of the development.

18. 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. (R004)

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

### **Informatives**

1. The Borough Council will need to create new street name(s) for this development together with a new street numbering scheme. To discuss the arrangements for the allocation of new street names and numbers you are asked to write to the Chief Solicitor, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or telephone Trevor Bowen, Principal Legal Officer, on 01732 876039. To avoid difficulties, 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. (Q051)
2. The applicant is advised that a gas pressure mains runs through the site and you should contact Scotland Gas Networks regarding construction works in close proximity to the gas mains.
3. No surface water from the private areas shall discharge onto the public highway.
4. A minimum amount of unsaturated zone should be maintained at all times during the year between the invert level of the soakaway and maximum height of groundwater. This zone should be at least 10m in depth.
5. Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system.

6. In relation to condition 7, the new Kent Vehicle Parking Standards require the width of end parking spaces abutting an enclosed boundary to be increased to 2.7m.

Contact: Aaron Hill