

East Malling & Larkfield **569883 157814** **17 September 2012** **TM/12/02846/FL**
East Malling

Proposal: Demolition of existing garages at Lavender Road/Catlyn Close and the erection of 5 new houses: 2 x 2 bed and 3 x 3 bed, with associated landscaping, gardens and car parking
Location: Lavender Road East Malling West Malling Kent
Applicant: Russet Homes

1. Description:

- 1.1 This full application proposes the demolition of a row of garages fronting the north side of Catlyn Close and a row of garages accessed off Lavender Road; and the redevelopment of an area of open space fronting Lavender Road that is currently hard landscaped with a small grassed area. The proposed development is a terrace of 3 no. three bedroom houses facing onto Lavender Road and a pair of 2 bedroom houses facing onto Catlyn Close.
- 1.2 The development is arranged in such a way as to retain the existing right of access to the side and rear of 31 Lavender Road and also the public access from Lavender Road to Catlyn Close. Due to the right of access to the garages in the rear gardens of 31 & 33 Lavender Road an area of hardstanding is to remain to the rear of the new terrace fronting Lavender Road.

2. Reason for reporting to Committee:

- 2.1 The application is reported to committee due to the general public interest created by the redevelopment plans for the area in general.

3. The Site:

- 3.1 The site is split into two distinct parts; the Lavender Road frontage and the side fronting Catlyn Close. There is a significant level difference between the two parts, with a drop of approximately 2.5m from Lavender Road to Catlyn Close. The land fronting Lavender Road is currently laid out as an area of open space that is largely hard landscaped with a small grassed area. This area is often used for informal parking.
- 3.2 Catlyn Close is separated from the Lavender Road garage block by an approximately 800mm high retaining wall behind the garages along the north side of Catlyn Close. A footway linking Catlyn Close and Lavender Road runs behind the Catlyn Close garages.

4. Planning History:

TM/57/10805/OLD grant with conditions 4 May 1957

Detailed plans, dwellinghouses (second section)

5. Consultees:

- 5.1 PC: No objections to the demolition of the garages and no objection to the design of these dwellings which fit in with their surroundings. Should be condition though requiring landscaping and boundary treatment details.
- 5.2 KCC (Highways): Parking adequate for the development. Supporting information indicates readily available parking for existing dwellings and given the low usage of the garages the loss of the facilities would not result in a significant increase in on-street parking.
- 5.3 DHH: No objections subject to conditions.
- 5.4 EMCG: Support the application subject to details of materials being required by condition.
- 5.5 Private Reps: 41/0S/5X/0R + site notice. 5 objections received from 3 addresses raising the following concerns:-
- Development would displace parking from the area adjacent to the open space fronting Lavender Road leading to greater pressure on the rest of the road, which is narrow and where on-street parking may reduce access for emergency vehicles.
 - Cars parked on the road are frequently vandalised and the garage blocks are the only safe place to park.
 - Works would adversely impact on light and privacy to the property adjacent to the new terrace of houses and would also adversely impact on the recently consented extension that is to provide suitable accommodation for a disabled child.
 - The existing rights of access afforded to a neighbour's property could be blocked whilst the development is undertaken but these accesses should be kept open 24 hours a day.
 - Construction work and demolition would be detrimental to the use of the garden which is the objector's son's only access to fresh air and open space given his disability.
 - Garages could not be demolished without severe disruption and loss of security to the garden.

- Would create an alleyway to the side of the house that would enable youths to hang around the side of the house where there have already been issues of the property being attacked due to son's disability.
- Landscaping plans indicate a pear tree in the garden of one of the houses. This should not be allowed to grow into the adjacent garden where the falling pears may cause a nuisance and potentially injure people.
- Drawings do not clearly indicate boundary treatments for the Catlyn Close properties, which is important given the vehicular access to the rear of the adjacent Lavender Road dwellings.
- Open area fronting Lavender Road is one of the few areas children can play after Russet built on a larger play area off Catlyn Close; where are children supposed to play if this area is developed?
- Drainage in the area frequently blocks and contractors use the open area as a base to work from to clear blockages due to a main drain access.

6. Determining Issues:

- 6.1 As the site is within the urban area of TMBCS the main policies for consideration are policy CP11 and CP24. The application proposes residential development within the urban confines of East Malling and therefore fully complies with the aspirations of policy CP11.
- 6.2 With regard to policy CP24, the new dwellings fronting Lavender Road have been design to respect the scale and height of the existing buildings in the street. The two dwellings fronting Catlyn Close would introduce a more positive street scene for the existing residents, as the garage block that they would replace is of a poor quality and does not positively contribute to the overall appearance of the area.
- 6.3 It is acknowledged that the works would result in the loss of an area of open space fronting Lavender Road. However this area is a poor quality area of hard landscaping with a small amount of grass that has been used for informal additional parking. It is considered that the proposed terrace of three dwellings would have a positive contribution in strengthening the streetscape in the area in a form that would not be out of keeping with the surroundings.
- 6.4 The concerns regarding loss of light and privacy to the adjacent property are noted but it is considered that, given the orientation of the development, there would not be a significant loss of light experienced at the adjacent property in general. The issue of overlooking windows can be overcome by the use of obscured glazing and this can be controlled by planning condition. Landscaping and boundary treatments have also been raised as a concern and these details can also be controlled by condition.

- 6.5 The issue of parking has raised local concerns in light of the loss of the garages and also the potential loss of on-street parking. Parking surveys submitted with the application indicate that the loss of the garages would not have an adverse impact on the area as a whole. Given this fact and the adequate provision of parking for the new development, it is considered that the proposal is acceptable from a highways point of view.
- 6.6 The issues regarding rights of access and matters during the construction phase are not matters that fall within planning control but they are, however, matters that should be addressed by the developer prior to the commencement of the development. An informative is attached encouraging the developer to liaise with DHH to agree hours of operation in advance of the commencement of works on site.
- 6.7 Overall, subject to conditions, the proposal is considered to be acceptable.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Design and Access Statement dated 17.09.2012, Planning Statement dated 17.09.2012, Statement AFFORDABLE HOUSING dated 17.09.2012, Assessment CODE FOR SUSTAINABLE HOMES dated 17.09.2012, Assessment PARKING dated 17.09.2012, Tree Report dated 17.09.2012, Tree Plan C353TCP dated 17.09.2012, Tree Plan C353TPP R1 dated 17.09.2012, Site Plan PL_0100 A dated 17.09.2012, Site Plan PL_0110 dated 17.09.2012, Site Plan PL_1001 A dated 17.09.2012, Street Scenes PL_0301 dated 17.09.2012, Street Scenes PL_3001 dated 17.09.2012, Roof Plan PL_1004 dated 17.09.2012, Floor Plan PL_1101 A dated 17.09.2012, Floor Plan PL_1102 A dated 17.09.2012, Elevations PL_3003 dated 17.09.2012, Elevations PL_3004 dated 17.09.2012, Elevations PL_3001 dated 17.09.2012, 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, appearance or visual amenity of the locality in accordance with Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

3. 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 in accordance with paragraph 121 of the National Planning Policy Framework 2012.

4. The windows on the east elevation of the new dwellings facing Lavender Road, and the windows on the north elevation of the new dwellings facing Catlyn Close, shall be fitted with obscured glass and apart from any top-hung light shall be non-opening. This work shall be effected before the relevant dwelling is occupied and shall be retained thereafter.

Reason: To minimise the effect of overlooking onto adjoining property in accordance with CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

5. 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 the provision of adequate vehicle parking space is likely to lead to hazardous on-street parking and therefore be contrary to Policy SQ8 of the Managing Development and the Environment Development Plan Document 2010 and the Kent Design Guide Interim Guidance Note 3 2008.

Informatives

1. During the demolition and construction phase the hours of working (including deliveries) shall be restricted to Monday to Friday 08.00 - 18.00, Saturday 08.00 - 13.00 with no work on Sundays or Public or Bank Holidays.

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