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**East Malling & Larkfield**                      **569883 157814**    **30 August 2013**                      **TM/13/02299/FL**  
East Malling

Proposal:                      Demolition of existing garages at Lavender Road and the erection of a new building comprising 4 no. 1 bed flats with associated landscaping, gardens and car parking  
Location:                      Lavender Road East Malling West Malling Kent  
Applicant:                      Russet Homes

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**1. Description:**

- 1.1 Members will recall that Planning Permission was granted by this Committee in 2012 for the development of this site for 5 new houses. However, due to site conditions, it has become necessary for the applicant to consider a smaller development.
- 1.2 The new proposal consists of a single two storey block of 4 no. 1 bed flats fronting onto Lavender Road. The layout indicates 5 independently accessible parking spaces accessing onto Lavender Road. The building is a simple brick and tile structure with a single front access door. The building has an overall height of 7.5m and a frontage width of 14.5m. For information the approved houses had a frontage width of 17m.

**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 fronts Lavender Road and 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

**4. Planning History:**

TM/12/02846/FL                      Approved    10 December 2012

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

TM/13/01022/RD      Approved

29 August 2013

Details pursuant to part A and B of condition 3 (details of contamination investigation and remediation) of planning permission TM/12/02846/FL (Demolition of existing garages at Lavender Road/Catlyn Close and the erection of 5 houses: 2 x 2 bed and 3 x 3 bed, with associated landscaping, gardens and car parking)

**5. Consultees:**

5.1 PC: No objection. This has been a very difficult site for Russet to re-develop as no.31 has access to the side of the site and car access to two garages at the rear of their garden. This application appears to meet the needs of no.31 and improve the area by removing the garage blocks to create 4 x 1 bed units, 5 car parking spaces off the road and cycle store for 4 bikes.

5.2 KCC (Highways): No objection.

5.3 Private Reps: 42/0X/3R/0S + site notice. 3 objections received raising the following concerns:-

- Development would lead to permanent disruption to the legal and statutory rights of way the neighbouring property has and uses on a daily basis to enable severely disabled occupant to visit their day care centre. No other safe route is available to access transport.
- No effort has been made to improve the 'pinch point' at the very narrow entrance to the garages and turning area that has no footpath and insufficient width for a fire appliance contrary to Building Regulations.
- Overdevelopment of the area.
- Loss of car parking.

**6. Determining Issues:**

6.1 As the site is within the urban area as defined through the TMBCS and the Proposals Map, the main policies for consideration are 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 building fronting Lavender Road has been designed to respect the scale and height of the existing buildings in the street. The revised design sets the new building approximately 1.6m from the eastern site boundary, whereas the approved houses were sited up to the boundary. It is considered that this reduction in size reduces the overall impact of the works when

viewed in the context of the wider streetscene. This, and the proposed palette of materials which complement the existing development in the area, mean that there are no objections to the design of the building.

- 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 flats 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 development proposes the provision of 5 parking spaces. This provision is in accordance with the requirements of IGN3 which would require one space per dwelling and one visitor space. The principle of losing the garages has been previously accepted and it is considered that their loss 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. With regard to pedestrian access, the submitted plans do indicate the path between the site and 31 Lavender Road being retained with the stepped path along the rear wall of the existing garage block leading to the parking area being removed.
- 6.5 The issues regarding private rights of access and issues 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 CEHO to agree hours of operation in advance of the commencement of works on site.
- 6.6 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: Assessment PARKING dated 02.08.2013, Letter dated 30.08.2013, Other ISSUE LIST dated 02.08.2013, Survey TREE dated 02.08.2013, Report PROJECT 0400 dated 02.08.2013, Plan C353TCP tree constraints dated 02.08.2013, Proposed Plans PL\_1001B,1004A,1101C,3003A,3001A various dated 02.08.2013, Existing Site Plan PL\_0110 A dated 02.08.2013, Tree Protection Plan C436TPP dated 02.08.2013, Existing Site Plan PL\_0111 dated 02.08.2013, 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. 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 window on the east 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 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.

6. 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.

7. This permission shall be an alternative to the following permission and shall not be exercised in addition thereto, or in combination therewith. (Permission granted on 10 December 2012; and under reference TM/12/02846/FL).

Reason: The exercise of more than one permission would result in an overintensive use of the land.

### **Informatives**

1. During the demolition and construction phase the hours of working (including deliveries) shall be restricted to Monday to Friday 0800-1800 hours, Saturdays 0800-1300 hours with no work on Sundays or Public or Bank Holidays. You are advised to contact the Environmental Health Pollution Control Team on [pollution.control@tmbc.gov.uk](mailto:pollution.control@tmbc.gov.uk) in advance of the commencement of works to seek the necessary consents required under Section 61 of the Control of Pollution Act 1974.

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 Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to [addresses@tmbc.gov.uk](mailto:addresses@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. The applicant is reminded of the right of access benefitting 31 & 33 Lavender Road that crosses the site. The applicant is requested to ensure that any works undertaken that may impact on this right of access are fully discussed with all relevant parties to minimise disruption. The applicant is also requested to ensure adequate site security is maintained at all times and that any demolition works are carried out in such a way not to damage or disrupt the neighbouring properties.

Contact: Robin Gilbert