

**East Malling &
Larkfield
Larkfield South**

28 September 2016

TM/16/02919/FL

Proposal: Demolition of existing garages and erection of a pair of semi-detached bungalows, with associated parking
Location: 53 New Hythe Lane Larkfield Aylesford Kent ME20 6PW
Applicant: Harestone Associates
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1. Description:

- 1.1 This full application proposes the demolition of the existing block of six garages on the site and the erection of 2 no. two storey two bedroom semi-detached dwellings. These dwellings would be single storey in appearance with rooms in the roof to provide a bedroom, bathroom and wardrobe area. Access would be gained using the existing drive to the north side of 53 New Hythe Lane, with parking and turning to be provided to the front of the new dwellings.
- 1.2 The development would have an overall ridge height of approximately 6.3m and an eaves height of approximately 2.75m. The overall width of the development is proposed to be approximately 13.7m. The dwellings would be brick with a hipped tiled roof over.
- 1.3 Permission has historically been granted for a single dwelling on this site in outline form but this has now lapsed.

2. Reason for reporting to Committee:

- 2.1 At the request of Cllr Oakley due to concerns regarding the access and parking provision to serve the development.

3. The Site:

- 3.1 The application site sits to the west of the rear curtilage of dwelling houses 51 and 53 New Hythe Lane, part of a 19th century terrace of houses on the west side of New Hythe Lane. To the north is a pair of 20th century two storey houses built as an infill. The immediate south of the site is bound by the rear curtilage of a dwelling house. Approximately 12m west to the rear of the site there is a block of flats situated at Martin Square.
- 3.2 A 2m high close boarded fence defines the boundary of the site to the west, north and south. To the east there is a 1m high mesh fence defining the limits of the rear gardens of 51 and 53 New Hythe Lane.
- 3.3 The site is currently occupied by a run of 6 timber and concrete garages along the western edge of the site. The site is approximately 16m wide at its widest point

and has a depth of approximately 24m excluding the parking and turning area, which is to be shared.

4. Planning History (relevant):

TM/66/10309/OLD grant with conditions 28 July 1966

Demolition and replacement of garages.

TM/02/03084/OA Grant With Conditions 24 January 2003

Outline Application for the demolition of six garages and erection of two bedroom bungalow with garage

TM/06/02886/FL Grant With Conditions 3 October 2006

Erection of rear conservatory

TM/08/00807/OA Approved 2 May 2008

Outline Application: Demolition of six garages and erection of bungalow and provision of parking for no.53

TM/11/00349/OAX Approved 31 March 2011

Extension of time for TM/08/00807/OA (Outline Application: Demolition of six garages and erection of bungalow and provision of parking for no.53)

5. Consultees:

5.1 PC: Strongly object to this application as it would lead to over intensification of the site and insufficient parking and inadequate sight lines onto New Hythe Lane.

5.2 KCC Highways: No objection subject to conditions and informatives.

5.3 Private Reps: 21 + site notice/0X/0R/0S.

6. Determining Issues:

6.1 The application comprises the erection of a pair of semi-detached bungalows with rooms in the roof on land currently occupied by a block of six garages to the rear of 51 and 53 New Hythe Lane.

6.2 Policy CP11 of the TMBCS seeks to ensure that development is concentrated within the confines of the urban areas. The application site lies within the urban confines of Larkfield and therefore; development of this nature is acceptable in

principle. It is therefore necessary to establish whether the specifics of the development are acceptable in light of the prevailing policy framework.

- 6.3 Policy CP24 of the TMBCS seeks to ensure that all development is well designed and respects the site and its surroundings. This aim is echoed in paragraph 58 of the NPPF which seeks to ensure that development will function well, create attractive, safe places in which to live and work, optimise the potential of the site, respond to the local character of the surroundings and be visually attractive.
- 6.4 Policy SQ1 of the MDEDPD requires development to reflect the local distinctiveness, condition and sensitivity to change of the local character areas as defined in the Character Area Appraisals SPD.
- 6.5 With regard to these national and local planning requirements the proposal must be assessed in terms of its potential impact on the character and built form of the area. The Medway Gap Character Areas Supplementary Planning Document 2012 describes the area as being *“a mixture of 19th century terraces, 1930’s detached and semi-detached houses, bungalows and some modern infill development. The 19th century cottages are two storey properties in short terraces set behind shallow front gardens, often with no pavements. Small scale infill development has occurred on individual plots in the latter half of the 20th century”*.
- 6.6 The proposal involves the construction of a pair of two bedroom dwellings to the rear of the 19th century terrace. It is acknowledged that the proposed new buildings would not mirror that of the existing development in the vicinity in terms of scale and built form but given their position to the rear of the terrace and the low height and scale it is considered that they would not be detrimental to the overall character and appearance of this part of New Hythe Lane. In fact, given the dilapidated condition of the garage block currently in situ, it is my view that the development of this part of the site in the manner proposed would represent a visual improvement to the site overall.
- 6.7 Turning to matters of residential amenity of the existing dwellings, I consider the proposed dwellings have been designed and sited to minimise any loss of privacy to the surrounding dwellings. The primary windows on the development face to the west and, given the height of the development and the relationship to the properties to the rear of Martin Square, it is not considered that there would be an issue of overlooking or loss of privacy. Only roof lights are proposed within the roof facing the rear of the New Hythe Lane properties. It is considered therefore that the development has been designed to ensure no unacceptable loss of privacy to any surrounding dwellings.
- 6.8 The location and design of the proposed dwellings will ensure that there would be no loss of sunlight/daylight to the windows serving the surrounding dwellings. Again, the siting and scale of the proposed dwellings and the separation distances involved would also ensure that they would not appear overbearing or dominant when viewed from any of the neighbouring properties in more general terms.

- 6.9 It is accepted that the use of the access to the side of No. 53 will increase as a result of the proposed development as will the use of the rear curtilage of the dwelling as a result of the proposed parking and turning area. However, this will be only at a domestic scale associated with two small residential units and is not considered to be harmful to amenity to an extent that would justify the refusal of planning permission on this basis. In this regard it is important to recognise that the garage block in situ, whilst not currently in use, was accessed via the same access point at a greater intensity.
- 6.10 Policy SQ8 of the MDE DPD states that development should only be permitted where it would not significantly harm highway safety. Paragraph 32 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts of the development are severe. I appreciate that on-street parking is at a premium in the New Hythe Lane and Martin Square area and that the proximity to the junction with the A20 leads to congestion on this part of New Hythe Lane at times. However the application provides on-site parking at an acceptable level.
- 6.11 IGN3 requires a single on-site parking space for a two bedroom dwelling in an urban area. The proposal allows for two off-street vehicle parking spaces, one for each of the new dwellings and one to serve the existing dwelling and this meets the requirements of IGN3. With regard to the impact on highway safety, KCC Highways has confirmed that the existing access has been used as a vehicular access for various types of vehicles over the years and that crash data indicates no personal injury crashes associated with the access within the last 10 years up to 31 December 2015. The turning space allows for vehicles to enter and exit the site in a forward gear so it is not considered that the works would have a severe impact on the highways network. The development is therefore acceptable in this respect.
- 6.12 In light of the above assessment, the application accords with the relevant national and local planning requirements and I therefore recommend it be approved subject to the following planning conditions

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Letter dated 27.09.2016, Planning, Design And Access Statement dated 27.09.2016, Location Plan 00-101 dated 27.09.2016, Proposed Floor Plans 00-102 A dated 27.09.2016, Proposed Elevations 00-301 dated 27.09.2016, Drawing 00-302 dated 27.09.2016, Sections 00-400 dated 27.09.2016, Topographical Survey 51-53 dated 27.09.2016, subject to the following conditions:

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 visual amenity of the locality.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Classes A, B, C, D and E of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: Further development of the site could potentially be harmful to adjacent residential amenity and the character of the wider area.

4. Any gates must open away from the highway and be set back a minimum of 5m from the edge of the carriageway.

Reason: To ensure vehicles waiting to access the site do not create congestion and thereby cause harm to the wider highway network.

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) (England) Order 2015 (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: To ensure no adverse impact on highway safety resulting from hazardous on-street parking.

6. Prior to the commencement of development, details of the proposed levels of the finished floor, eaves and ridge relative to existing levels on the application site and neighbouring land shall be submitted for the approval of the Local Planning Authority. The development shall be constructed in accordance with those approved details.

Reason: in the interests of neighbouring residential amenities.

7. No development shall be commenced until the following have been submitted to and approved by the Local Planning Authority:

(a) a contaminated land desktop study identifying all previous site uses, potential contaminants associated with those uses including a survey of the condition of any existing building(s), a conceptual model of the site indicating sources, pathways and receptors and any potentially unacceptable risks arising from contamination at the site;

(b) based on the findings of the desktop study, proposals for a site investigation scheme that will provide information for an assessment of the risk to all receptors that may be affected including those off site. The site investigation scheme should also include details of any site clearance, ground investigations or site survey work that may be required to allow for intrusive investigations to be undertaken.

If, in seeking to comply with the terms of this condition, reliance is made on studies or assessments prepared as part of the substantive application for planning permission, these documents should be clearly identified and cross-referenced in the submission of the details pursuant to this condition.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2012 (paragraph 121).

8. No development shall take place other than as required as part of any relevant approved site investigation works until the following have been submitted to and approved by the local planning Authority:

(a) results of the site investigations (including any necessary intrusive investigations) and a risk assessment of the degree and nature of any contamination on site and the impact on human health, controlled waters and the wider environment. These results shall include a detailed remediation method statement informed by the site investigation results and associated risk assessment, which details how the site will be made suitable for its approved end use through removal or mitigation measures. The method statement must include details of all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990 (or as otherwise amended).

The submitted scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority in writing of the presence of any such unforeseen contamination along with a timetable of works to be undertaken to make the site suitable for its approved end use.

(b) prior to the commencement of the development the relevant approved remediation scheme shall be carried out as approved. The Local Planning Authority should be given a minimum of two weeks written notification of the commencement of the remediation scheme works.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2012 (paragraph 121).

9. Following completion of the approved remediation method statement, and prior to the first occupation of the development, a relevant verification report that scientifically and technically demonstrates the effectiveness and completion of the remediation scheme at above and below ground level shall be submitted for the information of the Local Planning Authority.

The report shall be undertaken in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11. Where it is identified that further remediation works are necessary, details and a timetable of these works shall be submitted to the Local Planning Authority for written approval and shall be fully implemented as approved.

Thereafter, no works shall take place such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2012 (paragraph 121).

Informatives

1. Planning permission does not convey any approval for any works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council, Highways and Transportation 03000 418181 in order to obtain the necessary Application Pack.
2. In the interests of good neighbourliness the hours of construction, including deliveries, should be restricted to Monday to Friday 07.30 - 18.30 hours, Saturday 08.00 - 13.00 with no work undertaken on Sundays or Public/Bank Holidays.
3. The application includes the demolition of garages. If the garage/property was built before or refurbished before 2000 there is the possibility of asbestos containing materials being present in the structure. Before commencing any works, the applicant is advised to seek further advice to ensure the necessary precautions are implemented for the duration of the demolition. More information can be found <http://www.hse.gov.uk/asbestos/> and <http://www.hse.gov.uk/asbestos/faq.htm#domestic-properties>
4. In the interests of good neighbourliness all vehicles and machinery associated with construction must be parked within the site and not on the public highway in such a manner as to create an obstruction.

5. The proposed hard landscaping scheme to be submitted in accordance with planning condition 7 shall include details of a bound surface for the first 5m of the access from the edge of the highway and details of the proposed surface water disposal for all hardstanding to ensure no run-off onto land outside the site.
6. 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. 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.

Contact: Robin Gilbert