
Report of 1 August 2007

West Malling **568151 157906** **15 December 2006** **TM/06/04033/FL**
West Malling And
Leybourne

Proposal: Demolition of existing Magistrates Court and erection of residential retirement development of 12 no. flats with associated parking and vehicular access (for occupation by individuals of 55 years of age and above)

Location: West Malling Magistrates Court Police Station Road West Malling Kent

Applicant: Beechcroft Developments Ltd

1. Description:

- 1.1 The application proposes the redevelopment of the former West Malling Magistrates Courts complex in Police Station Road, with a single block of 12 new apartments for occupation by persons of 55 years of age and over. (As will be noted from the planning history of the site, Conservation Area Consent has already been granted for the demolition of the court buildings.)
- 1.2 The new apartment block would have a main central bay (26.2m wide x 16.4m deep) with two smaller wings attached either side (each 6.7m wide x 11.5m deep). The central bay would feature a steeply pitched hipped style roof with a small flat roof section at its apex. The flat roof section would be concealed through the main roof slopes creating a parapet around that element. The top of the building would stand 9.9m high with eaves set at 5.5m. The two wings would have conventional hipped roofs reaching to 8.3m in height and, with eaves set at just 4.7m high, are essentially one and half storey structures and include the use of small pitched roof dormers over first floor windows.
- 1.3 The apartment block would be constructed from red stock brick elevations under a natural slate roof with lead cladding to dormers. Fenestration would be provided through white painted sliding sash windows, metal conservation style roof lights and black painted front doors. The building would have a central parapet, brick built chimneys, decorative corbelled brick string coursing and decorative arch work over main windows. These elements give the structure a relatively traditional design and appearance, reminiscent of simple early Victorian architecture. **NB** – these proposals have been revised from the original plans that were submitted which proposed 14 units of accommodation with two flats at second storey level within a building that was 1m wider and taller.)
- 1.4 Access would be gained via an existing vehicular access serving the site that connects to Police Station Road. Car parking would be provided on site with the provision of 14 spaces.

1.5 The application has been supported with a Design & Access Statement, a report examining Access and Transportation issues and a Noise and Vibration Assessment. Members are invited to view these documents.

2. The Site:

2.1 The West Malling Magistrates Courts complex is located centrally within the settlement confines and the historic Conservation Area core of the town. The court buildings comprise modern (1970s) structures with one central two storey building with single storey elements wrapping around that structure. The buildings are constructed from modern bricks with flat and shallow pitched roofing.

2.2 The site lies in a 'backland' position to the rear of the former West Malling Police Station, and has no road frontage of its own. The site is surrounded on all sides by residential development with a large single dwelling to the north (and the railway line beyond), two large detached dwellings located in Abingdon Mews to the west and south (with Abingdon House and a mixture of other retail and residential properties on the High Street beyond), and the former Police Station to the east (currently being redeveloped for 10 residential units).

2.3 The site is essentially void of any significant features with just shallow gradient across the site in west to east direction and historic brick and ragstone walling along its eastern, western and northern boundaries. Two mature trees are sited immediately adjacent to the western boundary wall within Abingdon Mews.

3. Planning History:

TM/61/10805/OLD (MK/4/61/147)	Grant with Conditions	25 April 1961
Magistrates court house.		

TM/71/10508/OLD (MK/4/71/149)	Grant with Conditions	18 May 1971
Additional office accommodation.		

TM/81/10301/FUL (TM/80/1195)	Grant with Conditions	2 January 1981
Extension to form additional offices.		

TM/06/04043/CA	Approved	9 March 2007
Conservation Area Consent: Demolition of Magistrates Court.		

4. Consultees:

- 4.1 PC (summarised): No objections to the principle of development but objection is expressed to the fact that the units are proposed for over 55s only and argues that there is already more than sufficient provision of such properties within the Town. Additionally, the PC fears that this is not an appropriate site for an over 55s development given the poor pedestrian facilities within Police Station Road.

The PC would like to see Malling Multi-stock bricks used to match surroundings and also states that street lighting within Police Station Road is in need of upgrading and that the development should make a contribution towards such a goal.

- 4.2 KCC (Highways) (summarised): The proposal is for 12 units of accommodation to be served by 14 parking spaces and I find this level of provision acceptable as the site is located within the centre of West Malling with alternative transport options and local retail and leisure facilities nearby.

I also consider that the proposal is acceptable in terms of access and traffic generation given the historical use of the site and the fact that there is an existing access serving the site that can accommodate a two way flow at the junction with the public highway.

- 4.3 KCC Education & Libraries: A request has been made for a contribution of £174.50 per dwelling to help fund local library facilities at West Malling.

- 4.4 DHH (summarised): Noise: The noise and vibration assessment show that the site lies within NEC A & B for day and night respectively as such there is no objection.

Waste Management: The refuse and recycling facilities should be closer to Police Station Road.

Housing: If possible, affordable housing provision should be sought on this site in accordance with emerging policy.

- 4.5 Private reps: 11 letters of objection were received in respect of the originally submitted scheme and a further 4 letters of objection in response to re-consultation carried out on the revised proposals. Objections have been made on the following grounds:

- The height, bulk, scale and extent of site coverage of the proposed building are too great for this CA location/setting. The proposals represent an overdevelopment of the site and would appear harmful to the roofscape/skyline of the town and damaging to the character of the CA.
- The design and scale of the building would be totally out of keeping with the surrounding properties.

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- The density of the development is too great being twice the government suggestion of 30 dph.
 - The site should be developed in conjunction with the Police Station site rather than the two sites being developed independently.
 - Surrounding properties would suffer loss of daylight and moonlight.
 - Surrounding properties would suffer from increased noise and activities at the site.
 - Neighbouring properties would be unacceptably overlooked – particularly those located within Abingdon Mews and Abingdon House.
 - The building is sited too close to an historic wall to the west and this will mean that the amenities of the occupants within the new building will be unacceptable as they will have an oppressive outlook.
 - A covenant exists dating back to 1840-1860 concerning Abbey Gate House and the Magistrates Court building and the covenant distinctly states that Abbey Gate House has an old ownership covenant still active with regard to future development of the land. A right to purchase part of the Magistrates Court land to provide a drive through access could be exercised.
 - The locality suffers from major parking problems with Police Station Road a narrow thoroughfare. Additional pressures upon parking facilities and additional traffic movements are likely to cause hazards.
 - The proposals would be likely to harm two nearby mature trees.

5. Determining Issues:

- 5.1 The site lies within the centre of the built settlement of West Malling and is surrounded on all sides by residential developments of mixed ages and styles. In the light of these facts, I am satisfied that there can be no objection to the actual principle of redeveloping this site with residential properties. Consequently, it is only those matters of detail that need to be examined with particular regard to the visual and physical impacts of the development upon its surroundings and the acceptability of the proposals in highway safety terms.
- 5.2 Looking first at the visual impacts of the building, as Members will be aware, West Malling is a small rural town that has retained a significant amount of its historic core over the years. Consequently, a large extent of the townscape has been designated as Conservation Area and its principal through roads contain many Listed Buildings. Although the application site does not hold one of the most visually prominent locations within the town, views of the new building will still be

afforded from several private and public viewpoints within the CA and it is critical that the development adequately preserves or enhances the character and appearance of the CA.

- 5.3 In terms of pure design detailing, the applicant has sought to link the building visually with the Victorian developments found along Police Station Road and, importantly, the scheme clearly reflects the design and materials of the redevelopment proposals for the Police Station site so that the two sites will read visually together to a large degree. I find this approach to be both logical and acceptable.
- 5.4 The more difficult issue to gauge in my view is whether or not the height and scale of the development proposed is acceptable on this backland site. Initially, I had some concerns that the height and scale of the building would perhaps make it appear too prominent and dominant for a backland site such as this because, in my opinion, a key character of this part of the CA is the presence of substantial buildings along the High Street, Swan Street and the western side of Police Station Road, with more undeveloped open land and lower buildings situated to the rear of those street frontages.
- 5.5 The applicant has sought to address these concerns by reducing the height of the building by approximately 1m and through removing second storey accommodation with its associated dormer windows. Additionally, sections through the site have been submitted to demonstrate that the new apartment block building would now have a roof level slightly lower than that of the new Police Station development. I would also recognise the fact that there are already two tall and quite substantial buildings within the area of backland between the High Street and Police Station Road (namely 1 & 2 Abingdon Mews) and that the proposal will to a large extent link visually with the Police Station redevelopment scheme. In the light of the above considerations and also the fact that this is not a widely prominent site, on balance, I am prepared to accept the height and scale of the development as I feel that there would not be an unacceptable level of competition for attention between the apartment block and important historic road frontage buildings.
- 5.6 Materials will be an important consideration and the applicant has sought to match these with materials being used on the Police Station site so that the two developments will complement each other and give a unified and comprehensive approach to the redevelopment of the adjacent sites. A condition can be attached to secure the same materials (i.e. Ibstock Parham Multi and natural slates).

Residential Amenities

- 5.7 The application has evolved following negotiations with the applicant to reduce the bulk/height of the building, delete second floor windows and move the structure away from the closest garden area affected and to alter the configuration of rooms and windows.
- 5.8 In my view, the proposals are now acceptable in terms of the impacts upon surrounding dwellings. Properties to the side will be safeguarded through obscure glazing and properties to the rear are located a minimum of 22m away from the first floor windows of the new flats.

Highways issues

- 5.9 Police Station Road suffers from both a substandard width of carriageway and a general lack of parking. Accordingly, it is important the development will not give rise to additional traffic movements or exacerbate local parking problems.
- 5.10 The existing access serving the site will be retained and used to serve the development, and both KCC Highways and the Transport Assessment submitted with the application concur that there would be a reduction in traffic levels attracted to the site in comparison to the historical magistrates courts use. Accordingly, the development is likely to give rise to an improved local situation with regard to the access road itself and to Police Station Road and its junction with Swan Street.
- 5.11 Concerns have been raised by local residents about the amount of car parking proposed to be provided within the site. The level of provision proposed accords with the guidance of PPG3 and also with the recommendations of the appeal decision relating to application TM/01/02908/FL. The more recent PPS3 does allow for local situations to be taken into account so that normally applicable standards can be varied but, following some minor amendments to the layout, KCC Highways has confirmed they are satisfied with the accessibility of the parking bays proposed.

Acoustics

- 5.12 The application site is located close to the mainline London to Ashford railway line and is, potentially, affected by noise pollution from that source. However, the submitted acoustic assessment reveals that noise should not be an issue and, consequently, DHH has raised no objection.

Affordable Housing

- 5.13 Although paragraph 29 of PPS3 advises that Local Planning Authorities can set lower thresholds than the 15 units for triggering affordable housing, and the Council's Local Development Framework has recently been the subject of a public

examination by an appointed Inspector, I do not consider that the Council could require the provision of affordable housing as the current adopted policy would only bite for a development over 25 units and the emerging LDF policy CP18 can only be afforded limited weight at this stage.

Education & Library Contributions

- 5.14 Contributions have been sought from the applicant by KCC to be put towards the provision of libraries. Although there is no specific Development Plan policy that requires such a contribution, KCC has provided an explanation as to the local need for this contribution with specific reference to improving facilities at West Malling Library for the elderly. Accordingly, I find this request justifiable and propose to add a suitable condition to require the payment of the requested funds.

Play Space and Education Contributions

- 5.15 Since the applicant has lodged this application on the basis that the units would only be for occupation by persons aged 55 years and over, I do not consider that any requirements for either open play or education should be sought.

Summary

- 5.16 In summary, I consider that the proposed development can be considered acceptable.

6. Recommendation:

- 6.1 **Grant Planning Permission** 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 The development shall be constructed at the level indicated on the approved drawing.

Reason: In the interests of amenity and privacy.

- 3 The building shall be constructed using Ibstock Parham Multi facing bricks for elevations and natural slates for the roof. Details and samples of any other external material, such as alternative bricks for stringer courses, lintels etc, shall be submitted to and approved by the Local Planning Authority prior to commencement of the development. The development shall be carried out in strict accordance with the approved material details.

Reason: To ensure that the development complements the adjacent redevelopment of the Police Station site in the interests of protecting the character and appearance of the existing building and the visual amenity of the locality.

- 4 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. (L003)

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.

- 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 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 parking space.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking.

- 6 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.

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

- 7 The first floor windows on the southern and northern elevations shall be fitted with obscured glass and, apart from any top-hung light shall be non-opening. This work shall be effected before the room is occupied and shall be retained thereafter.

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

- 8 No persons under the age of 55 shall reside within the flats hereby approved.

Reason: To accord with the terms of the application.

- 9 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 local library facilities at West Malling to demonstrate compliance with Tonbridge and Malling Borough Local Plan policy P8/1. Such details shall provide for the commuted sum of £174.50 per dwelling to be paid to the local library authority. The development shall not be carried out other than in accordance with the approved scheme.

Reason: To ensure adequate social infrastructure provision for the occupiers of the development, pursuant to policy P8/1 of the Tonbridge and Malling Borough Local Plan.

Informatives

- 1 With regard to the construction of the pavement crossing, the applicant is asked to consult The Highway Manager, Kent Highways, Joynes House, New Road, Gravesend, Kent, DA11 0AT. Tel: 08458 247 800.
- 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 number(s) to the new property/ies. To discuss the allocation of 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. (Q050)

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