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<b>East Malling &amp; Larkfield</b> East Malling	<b>569747 157113</b>	<b>09.02.2005</b>	<b>TM/05/00405/FL</b>
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Proposal:	Change of use and alterations/refurbishment to form a pair of semi-detached dwellings with a detached garage and partial details of refurbishment submitted pursuant to condition 3 of planning permission TM/01/03099/FL: residential development comprising 63 new build and 2 refurbished dwellings and associated external works, access, landscaping, parking, garaging and traffic management proposals
Location:	39 Upper Mill (Former Mill Building) East Malling West Malling Kent ME19 6BF
Applicant:	Hillreed Homes Limited

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**1. Description:**

- 1.1 Members will recall that this application was deferred from the April APC3 for a Members Site Inspection (DPE pages 31-39 refer). The Site Inspection has been arranged for the 19 May 2005 at 17:00 hours. A copy of my report to the April Committee meeting is attached in Annex 4.
- 1.2 Members also requested clarification of the parking arrangements for the area in general and request that the applicant considers turning the garages through 180 degrees so that they exit straight onto the new estate road. It was also requested that the first floor bathroom window in the north elevation be deleted.

**2. Consultees (brought forward from supplementary report and additional comments received):**

- 2.1 Private Rep: One letter received providing clarification of parking provision within Malling Court and the overflow car park. The local resident's submission confirms that Hillreed owns the access, car park to the oast offices and the overflow car park over the bridge. However, a number of the oast parking spaces are allocated to the apartments. Concern is raised that the future occupants will use the overflow car park, as they only have a single garage. In addition, the creation of the access into the overflow car park area will restrict turning and manoeuvrability within this area.
- 2.2 EMCG: Requests that first floor bathroom window in the north elevation be omitted and the ragstone boundary wall be increased by 1m. Also suggests that the entrance from the overflow car park into the application site should be visually improved by providing a ragstone wall from the entrance to the garages and erecting entrance brick piers with stone caps.

**3. Determining Issues:**

- 3.1 The applicant has confirmed that they own the access from the application site through to the entrance adjacent to the oasthouses. They also own the parking spaces serving the oast offices and the overflow parking adjacent to the application site. The proposed development will not interfere with existing parking spaces or turning areas, but solely use the existing accesses. Members are reminded that each of the proposed residential units is served by two parking spaces (a garage space and a parking space in front) which is the maximum parking requirement under KCCVPS and exceeds that advocated by PPG3. Therefore, the proposal will not constitute a highway hazard.
- 3.2 In terms of the possibility of turning the garages through 180 degrees, the applicant is still considering this proposal. Whilst turning the garages through 180 degrees negates the need to use the access through to oast offices, it does create its own problems, as the siting of the garages would need to be moved further into the site in order to meet highway requirements. In particular, a minimum distance of 5.5m from the back of the highway to the garage door is required, to ensure that a vehicle can stand off the highway, whilst the garage door is opened. Such a requirement will result in the garages being sited right in front of the main entrances, particularly as the site narrows. This could potentially harm the setting of the Mill Building. Notwithstanding this, I await the applicant's decision as to whether to retain the garage as it stands or turn it through 180 degrees and reposition them further into the site.
- 3.3 The applicant has also been requested to omit the first floor bathroom window in the north elevation and they are still considering this proposal. Current Building Regulations require a means of mechanical ventilation from bathrooms regardless of whether or not the room has a window. Therefore, there is no technical reason why this bathroom needs a window. Whilst the omission of this window would be welcomed, I do not consider the retention of this window is so significantly harmful to justify a refusal. Notwithstanding this, I await the applicant's decision as to whether to omit this window.
- 3.4 The EMCG suggests that a ragstone wall should be erected from the proposed garages to the entrance of the overflow car park. This is a matter of detail that can be considered in the context of the detailed required to be submitted pursuant to the condition regarding landscaping and boundary treatment.
- 3.5 Any matters arising from the Members Site Inspection will be reported in the supplementary report.
- 3.6 In light of the above considerations and those raised in my April report, I consider that planning permission should be granted.

**4. Recommendation:**

4.1 **Grant Planning Permission** as detailed in letters dated the 8 February 2005, design statement dated the 23 December 2004 and building survey report dated October 2004 and by plans 03, 04, 02A, 01A subject to the following conditions:

1 The development hereby permitted shall be begun before the expiration of five 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.

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 No development shall take place until details of any joinery to be used have been submitted to and approved in writing 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 visual amenity of the 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 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 provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

- 6 The garage(s) shown on the submitted plan shall be kept available at all times for the parking of private motor vehicles.

Reason: Development without the provision of adequate vehicle parking space is likely to lead to hazardous on-street parking.

- 7 No development shall take place until details of soakaways have been submitted and approved by the Local Planning Authority and carried out in strict accordance with the approved details.

Reason: To prevent pollution of controlled waters.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Classes A, B, C, D, E, G and H of Part 1 and Class A of Part 2 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: In the interests of the retaining the historic nature and setting of the Mill Building/Ragstore within the Mill Street Conservation Area.

- 9 No external lights to the building shall be installed without the written approval of the Local Planning Authority.

Reason: In the interests of the retaining the historic nature and setting of the Mill Building/Ragstore within the Mill Street Conservation Area.

- 10 No development shall take place until details of the raising of the ragstone wall partially, on northern boundary, to screen the metal bridge, have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

Reason: To ensure that the development does not harm the character and appearance of the Conservation Area.

Informative:

- 1 The applicant is advised to use sympathetic colours, rather than white for the finishes for the vents, grilles and service boxes.

Contact: Aaron Hill