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<b>East Malling &amp; Larkfield</b> East Malling	<b>569716 157085</b>	<b>01.11.2005</b>	<b>TM/05/03322/RD</b>
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Proposal:	Revised landscaping details by millpond submitted pursuant to condition 4 & 23 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:	Former Council Depot 77 83 91 And Mcnaughtons Yard Mill Street East Malling West Malling Kent
Applicant:	Hillreed Homes Ltd

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### 1. Description:

1.1 This is a retrospective application to retain the railings on top of the dwarf brick wall around the edge of the millpond.

### 2. The Site:

2.1 The application site lies within the redevelopment site of the former Council depot on the southern side of Mill Street. The application site lies within the Mill Street Conservation Area and this particular proposal relates to the area to the south of the millrace. The dwellings either side of the millpond are now occupied, whilst construction works are still continuing on the frontage to Mill Street.

### 3. Planning History (most relevant):

- 3.1 TM/04/00484/RD Approved 26.03.2004  
Details of drainage layout and slab levels for plots 1-14, 33-40 and 46-67.
- 3.2 TM/04/00424/RD Approved 08.11.2004  
Amendment to details of treatment of the millpond – TM/03/3313/RD.
- 3.3 TM/03/03819/RD Approved 28.01.2005  
Hard and soft landscaping (excluding walls and fences).
- 3.4 TM/03/03313/RD Approved 19.12.2003  
Details of treatment of millpond.
- 3.5 TM/01/03099/FL Approved 27.06.2003  
Residential development.

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#### 4. Consultees:

- 4.1 PC: No objection. This appears to be retrospective as existing looks as drawing. Why was it necessary to have a brick plinth in front of the dwellings? Much neater to have railings only along entire length. Were the railings to have been finished in green?
- 4.2 East Malling Conservation Group (summarised): Objects to the application on the following grounds:
- The application conflicts with the original design of the millpond that was approved under TM/03/03313/RD. The proposal changes the concept and totally removes any visual evidence of this important feature, which is why it is a Conservation Area;
  - The large expanse of tarmac conflicts with the rural setting in a Conservation Area;
  - Application TM/04/00424/RD did not include the wall indicating the edge of the millpond;
  - The hoop top railings on a brick plinth are totally inappropriate for a Conservation Area and do not comply with the original concept.
  - The line of the railings should be curved and include planted areas;
  - By erecting walls it will impact on flooding of adjacent properties and would conflict with flood management details approved under TM/04/00484/RD.

#### 5. Determining Issues:

- 5.1 The main issues to be considered are whether the development detracts from the visual amenity of the locality and whether the development harms the character of the Conservation Area.
- 5.2 What Members are being asked to consider through this application is, in effect, an amended alignment for the railings, and their relationship to the dwarf brick wall not the low level brick wall itself. The wall has been previously approved under TM/04/00424/RD. Members may recall the consideration of the revised details of the millpond at the October 2004 APC3 meeting, and that the Officers recommendation to Committee on the main Agenda required confirmation that a low brick wall will be provided on the original edge of the pond to depict its linear nature. The applicant subsequently submitted revised plans indicating the line of the 0.45m high brick wall, either side of the millpond. Receipt of the plans showing the low brick wall delineating the original edge of the millpond was reported in the supplementary report and the Officers recommendation in respect of the precondition was removed from the recommendation. The low wall follows a

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straight line and is an approved structure, which was intended to delineate the original edge of the pond, thus giving a reminder of the historical associations of the site.

- 5.3 The line of the railings approved under the landscaping details TM/03/3819/RD, showed a curved line most noticeably on the south eastern side of the pond, rather than a straight line. However, when the millpond and landscaping details were considered at the October 2004 Committee, the landscaping details were not amended to reflect the changes made on the millpond details through the introduction the low brick wall in order to delineate the former hard edge of the millpond. The applicant has sought to reconcile the difference between the two sets of plans by erecting railings on top of the low level wall to link up with the remaining sections of railings.
- 5.4 I note the PC's question whether the railings should be green, rather than black, however, I can confirm that under the approved landscaping details, the railings should be black metal railings.
- 5.5 The erection of railings on top of the low level brick wall does not detract from the visual amenity of the locality nor does it harm the character or integrity of the Conservation Area, in my view. In particular, railings have been found to be visually acceptable in this location, as has a low wall delineating the former hard edge of the millpond. Indeed the wall was introduced at the Borough Council's request, and as a result of public consultation. Whilst it does not automatically follow that a combination of these structures would be acceptable, I am satisfied in this instance that the development does not harm the setting of the millpond or the character of the Conservation Area.
- 5.6 The East Malling Conservation Group refers to the tarmac finish adjacent to the millpond, however, this does not form part of this application and has been subject to previous enforcement investigations. The applicant has stated that they still intend to lay the resin bonded gravel finish over the tarmac before the housing development is completed. Given that construction works are still on going on site, the applicant is not in breach of any planning condition at present in this regard.
- 5.7 The East Malling Conservation Group refers to the flood management details approved under TM/04/484/RD. However, that application relates to slab levels and drainage, not flood management. In addition, there is no condition attached to the original planning permission TM/01/03099/FL, which relates to flood management. However, in response to concerns over some of the slab levels, the applicants did comment that the roadway adjacent to plots 24 and 26 had been constructed at a level such that it could in, extremis, provide an overflow route. The wall and railings will not prejudice this and it should also be remembered that the low level wall is an approved structure.
- 5.8 In light of the above considerations, I find this amendment acceptable.

**6. Recommendation:**

- 6.1 **Approve Details** as detailed by letter dated the 28 October 2005 and by plans 131/104 and 131/lafen N.

Contact: Aaron Hill