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**Report of 23 February 2006**


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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 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 Members will recall that this application was deferred from the APC3 on the 19 January 2006 (Annex 1) for a Members Site Inspection. Members also requested clarification of ownership of the millpond and its surrounds and advice on safety issues regarding the combination of railings on low level walls.
- 1.2 The Members Site Inspection was held on the 10 February 2006 at 8.30am.

**2. Determining Issues:**

- 2.1 The millpond and its surroundings are managed and owned by Russett Homes Housing Association. However, Hillreed Homes are fully aware that the resin bonded gravel finish on the footpaths adjacent to the millpond still needs to be laid before the whole housing development is completed.
- 2.2 In terms of safety matters, this matter has been discussed with the Council's Health & Safety Officer regarding the safety implications of erecting railings on a low wall. The Health & Safety Officer indicates that there is no formal guidance for housing development adjacent to water features. The provision of a barrier to the water feature is welcomed and no objection is raised to the wall and railings combination. The arrangement with a railings in the middle of the wall, results in just a 100mm (4 inches) stretch to attempt to walk on. Whilst the wall could be used to step over the railings to the millpond, such activities could be classed as "*misadventure*" and would always to be difficult to control. Should railings on the wall be raised to 1.1m, i.e., to the same height as the railings not standing on the low level walls, this would give an overall height of 1.55m, which would in my view significantly harm the visual setting of the mill pond and the Conservation Area. Alternatively, if the railings are positioned either in front of the wall or behind the wall, this would in my view result in a doubling up for this boundary treatment to the detriment of the visual amenity of the locality and Conservation Area. As with

the consideration of the height of the railings around the millrace and wheelpit, the Borough Council must balance the safety aspects against the potential visual intrusion of excessive fencing in a Conservation Area.

- 2.3 During the Members Site Inspection, Members requested a chronology of the approvals involving, in some way, the low level brick wall around the millpond and clarification regarding flooding matters.
- 2.4 The details of treatment of the millpond were first submitted under application TM/03/03313/RD, which showed a fairly straight line for the railings, almost identical to the line of the railings now installed. A cross section shows only a hard pond edge on one side of the millpond. These details were approved at Committee in December 2003.
- 2.5 Amended details of the millpond treatment were submitted under application TM/04/00424/RD. These details did not show any details of the hard edge of the millpond, just the railings and earth banks. This application was reported to Committee on the 25 March 2004 and was deferred to assess the works on the mill race and wheel pit. The application was reported back to Committee on the 21 October 2004. My report to Committee states in paragraph 5.18 *"I also have the concerns of the EMCG with regard to the loss of the linear appearance of the millpond and have discussed with the applicant. He has agreed, verbally, to provide a low wall to delineate on the original edge of the pond to enhance the scheme already approved by the Council"*. My recommendation to Committee was to Approve Details subject to the applicant *"confirming that a low brick wall will be provided on the original edge of the pond to confirm its linear nature"*. Prior to the Committee, the applicant submitted details of the proposed wall along the edge of the millpond. The plans show a 0.45m low brick wall. Receipt of the amended plans was recorded in the supplementary report to the October 2004 Committee, which stated *"applicant has submitted an amended plan to show a low level wall delineating the original edge of the millpond"*. The Recommendation was amended to remove the pre-condition relating to submission of details of the low level wall. Members approved the amended millpond treatment details at this October Committee meeting. Therefore, the low level brick wall erected around the millpond is an approved structure.
- 2.6 The matter of the low walls and flooding, this is not a matter for the current consideration as the sole factor for decision is whether to retain the railings on the **approved** low level brick wall. However, for Members information, the land to the south east of the millpond, before the housing commences is lower and the adjoining roadway is designed to take the water should it overflow into an overflow pipe to alleviate the problem. The start of the dwarf wall is sited beyond this lower land level. There is also a separate overflow pipe system by the mill race to assist in dealing with overflowing waters.

- 2.7 Members will recall from the Site Inspection, that the arrangement of railings on top of brick walls is not out of character with the Conservation Area. Indeed, the mill race and wheel pit feature railings erected on brick walls and ragstone walls. Therefore, the combination of railings and brick walls is entirely appropriate in this location and preserves the character of the Conservation Area.
- 2.8 In light of the above consideration and those discussed in my January report, I find these retrospective railing details acceptable.
- 3. Recommendation:**
- 3.1 **Approve Details** as detailed by letter dated the 28 October 2005 and by plans 131/104 and 131/lafen N.

Contact: Aaron Hill

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**Report of 19 January 2006**


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**East Malling & Larkfield**                      **569716 157085**                      **01.11.2005**                      **TM/05/03322/RD**  
 East Malling

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