
East Malling & Larkfield East Malling	569725 157291	22.03.2006	TM/06/00183/FL
---	----------------------	-------------------	-----------------------

Proposal:	Proposed residential development comprising of the demolition of three existing properties and erection of twenty four residential properties with associated access, car parking provision and landscaping
Location:	Land At 94, 96 And 108 Mill Street East Malling West Malling Kent ME19 6BU
Applicant:	Brazier New Homes Limited

1. Description:

- 1.1 This full application proposes the demolition of 3 houses and associated garages and the construction of 24 units with associated vehicle access, car parking and landscaping. The drawings show the provision of 16 x 3 bed properties, 3 x 4 bed properties and 5 apartments along with garages and parking places. The proposal incorporates a "Home Zone" site layout. The site has an area of 0.5 hectares and a density of 48 units/hectare.

In support of the proposal planning and design statements have been submitted together with flood risk details and traffic assessment.

2. The Site:

- 2.1 The application relates to an irregularly shaped area of land set on the northern side of Mill Street within the village envelope. The site is adjoined on 3 sides by the boundary of the Conservation Area. To the north east are the grounds of St James School, which falls within a designated Green Wedge and Area of Local Landscape Importance.

The site is generally level and is currently occupied by 3 dwellings and their associated garages. Numbers 94 & 96 are fairly modern detached houses having flat roofed garages positioned close to the road frontage and accessed from a layby. Number 108 is also a more recent property situated in large grounds and set back approximately 30m from the road frontage.

Within the immediate vicinity are a mix of residential properties of differing ages and styles, including some converted former mill buildings.

- 2.2 Relevant Local Plan policies include:

- P2/19 Green Wedge
- P3/17 Development in Area of Local Landscape Importance

- P3/15 Development in flood plain
- P4/4 Development in Conservation Area.
- P4/11 standards of new development
- P7/18 vehicle parking standards
- P8/2 open play space provision
- P5/3 housing opportunities.

3. Planning History:

- 3.1 No previous application to redevelop this site for residential purposes.
- 3.2 Members will recall that a planning appeal in respect of the adjacent site to the west, number 112 Mill Street was dismissed by the Planning Inspectorate last year. The key findings of that case were that the open area to the front of the site adjacent to the Horse Pond and the mature tree, should be retained as a visual contrast to the tall mill building on the opposite side of the road and the sense of enclosure created by frontage development.

4. Consultees:

- 4.1 KCC (Highways): Supports the application subject to conditions and provided all works affecting the public highway will be subject to the safety audits. Procedures and all works to be in accordance with Kent Design and those promoted for adoption will be subject to a legal agreement.
- 4.2 DHH: Raises a holding objection to the proposal as no confirmation has been received that the site is free from contamination. An investigation into the occurrence of contamination is required including a desk study and site reconnaissance. An asbestos survey is required before any demolition work is carried out.
- 4.3 PC: Strongly object. It is considered that there is no local need for more housing, Mill Street struggles to cope with current traffic flow, lack of visitor parking places, loss of layby for passing, 3 storey building will have a prominent appearance, materials are not specified, alleviation of flooding of the horse pond.
- 4.4 CPRE: Consider the development excessive for the road infrastructure and harmful to the character of the area. Concern is expressed about increased traffic flows
- 4.5 KCC Estates: The development would create the demand for extra primary and secondary school places. At present the additional places can be accommodated within local schools.

- 4.6 East Malling Conservation Group: Raises concerns about impact on the village, parking and traffic flow and design of the development. Reference has also been made to covenants affecting the forecourt area in front of the garages.
- 4.7 Environment Agency: Removes its original objection following receipt of a topographical survey for the site.
- 4.8 Private Reps: 2 petitions received containing a total of 85 signatures in addition to approximately 18 letters from 16 individual households. Comments have been made about :-
- Overdevelopment of the site and East Malling generally.
 - Increased traffic in a narrow road.
 - Further congestion.
 - Increased danger to pedestrians.
 - Development is out of keeping with and harmful to village character.
 - Development goes against the spirit of the East Malling Design Guide.
 - Loss of layby at front of site.
 - Area is already densely populated.
 - Covenants restrict use of the land. (Not a planning matter).

5. Determining Issues:

- 5.1 This site falls within the defined confines of the village where there is no objection in principle to residential development having regard to the general aim of PPG3 to make use of previously developed land. This is also broadly consistent with TMBLP policy P6/1 and P6/2. The density of the proposal is acceptable bearing in mind the recommended densities of between 30 and 50 dwellings per hectare.
- 5.2 The main considerations are the form and layout of the proposed scheme, the relationship with the adjoining Conservation Area, adjacent properties and the street scene generally. In addition the need to consider the likely number of vehicle movements associated with the development, the impact on the roads leading to the site and the provision of a satisfactory number of parking spaces for the proposed number of units.
- 5.3 This application was the subject of pre-application discussions where the need for a high quality scheme was stressed which had regard to the comments made by the Planning Inspector in relation to the recent appeal decision at Park House adjoining the site. Reference was also made to the need for any planning

application to be accompanied by a design statement, traffic assessment, integral landscaping and retention of trees etc, and to address the issue of open playing space provision in accordance with policy P8/2.

- 5.4 Notwithstanding the advice given an application was received on 20th January 2006 without a traffic assessment, design statement, tree survey, flood risk assessment or details of the open playing space provision. The necessary documents have been submitted at different times since the application was first received, with the last piece being received on 22nd March. The layout plan submitted as part of the application showed disappointingly few changes in relation to the first informal plan. Discussions have continued since the application has been submitted in an attempt to achieve a more appropriate form of development on this site.
- 5.5 Although further discussions are taking place about an alternative form of development for this site, there is a need to consider this application as submitted, because the applicants have appealed against non-determination. Any alternative proposal that may come forward would need to be the subject of a fresh application.
- 5.6 Whilst the number of units may be acceptable in terms of raw PPG3 guidance, the form of the layout shown has a suburban appearance, does not relate well to the houses to the east and does not respect the contribution that the space to the front of the site makes to the character and appearance of the Conservation Area. The lack of built development and feeling of openness on this section of the frontage to Mill Street was a particular feature identified by the Inspector who dealt with the recent appeal on the adjoining site. He felt this provided a marked contrast with and relief from the enclosed sections of Mill Street. As a result it is considered that the proposal is not of a high enough standard and does not incorporate a design that would preserve or enhance the character of the Conservation Area as identified in the Conservation Area Appraisal or the East Malling Village Design statement.
- 5.7 In addition to the concerns about form and layout it is also necessary to consider whether the elevational treatment of the proposed houses is of a suitable standard and design incorporating local materials and features. Although an attempt has been made to incorporate a number of design features that are distinctive of existing development nearby, the development lacks a cohesive design theme, which one might expect for a site in a location like this. I can identify no insuperable issues in terms of the impact on immediate neighbours through loss of light or privacy.
- 5.8 The Highway Authority has raised no objection in relation to highway safety or traffic generation issues.

- 5.9 The reference to covenants covering the development in the layby area at the front of the site is noted. It is understood that the layby although some times used by traffic as a public passing space, is under private ownership and does not form part of the highway. Notice has been served on the owners of the layby. Clearly, access arrangements to the remaining garage belonging to 92 Mill Street will be altered. The Highways Engineer has not raised an objection to these changes, provided vision splays are maintained.
- 5.10 It is concluded that there is in principle no objection to the redevelopment of this site for a higher density housing scheme subject to a satisfactory layout, design and parking requirements etc. To date an appropriate scheme has not come forward that addresses all the matters that have been raised as forming the key constraints to the development of the site. For this reason and bearing in mind the appeal pending against non determination, there is no option but to put forward the recommendation below.

6. Recommendation:

- 6.1 That the Planning Inspectorate and the applicant be advised that, had the applicant not appealed against non-determination, the Local Planning Authority would have **Refused Planning Permission** for the following reason:
- 1 The proposal by reason of its suburban layout and form would create an undesirable form of development, out of keeping with the character of this village location and contrary to the aims of Tonbridge and Malling Borough Local Plan policy P4/11.
 - 2 The site the subject of the application lies adjacent to a Conservation Area. The proposed development would neither preserve nor enhance the character and appearance of the Conservation Area, contrary to the aims of policy P4/4 of the Tonbridge and Malling Borough Local Plan.
 - 3 The proposed development does not include any arrangements for the provision of open play space, as required under Tonbridge and Malling Borough Local Plan policy P8/2.

Contact: Hilary Johnson