

Alleged Unauthorised Development
East Malling & Larkfield
East Malling

06/00232/215

570183 157084

Location: 1 High Street East Malling West Malling Kent ME19 6AJ

1. Purpose of Report:

1.1 To outline for Members' benefit the current situation with regard to these premises which are a growing concern because of their apparently deteriorating physical state and the perception that this may present a danger. The Chief Solicitor has prepared a separate report which appears in Part 2 of this Agenda, and this discusses various options that may be available to the Borough Council, in terms of taking action to resolve these matters.

2. The Site:

2.1 The site is located at the junction of High Street and Church Walk in a prominent position in the village of East Malling. The building is a Grade II Listed Building of red brick construction, with steep hipped plain tiled roof with two later inserted 20th Century skylights. The current use is as an Indian restaurant on the ground floor, with the upper floors laid out as living accommodation.

3. History:

- 3.1 TM/75/427 Approved 23.10.1975
Use of premises formerly used for residential purposes as a guest house with car parking.
- 3.2 TM/92/0919LDCE Certifies 18.09.1992
Application for Certificate of Lawfulness for an existing use of premises as a restaurant open to non-residents and guest house.
- 3.3 TM/93/0592/LB Approved 09.07.1993
Installation of extraction and filtration equipment.

4. Factual matters:

4.1 Concern has been expressed both by local residents and by some Members that the current appearance of this building is causing harm to the amenity of the locality because of its current visual appearance. Externally the building is in a generally poor state of repair. For example, a first floor bay window has decayed to an extent that appears to be beyond repair, as has the beam supporting the shopfront; there is cracked and deformed brickwork; a large number of roof tiles seem to have shifted. This is not an exhaustive list and the Council has not undertaken a comprehensive structural survey of the building. The fascia and structure above the shopfront have

been supported temporarily by props. Although fears about the safety of the building are understandable, the Chief Building Control Officer does not consider that it is currently a “dangerous structure” within the definition of the Building Acts.

- 4.2 Nevertheless, the current situation is clearly far from satisfactory as the state of the building not only detracts from the appearance of the Conservation Area and the locality generally, but also the fabric of the listed building is suffering unacceptable neglect. Although a provisional list of remedial works has been drawn up, based on the information we currently have, the situation is further complicated by the fact that some of these works are likely to require listed building consent.
- 4.3 There are a number of options for action which are available to the Borough Council, and which might be considered, that could, either individually or collectively assist in resolving the current state of affairs, and these are discussed in the Part 2 report from the Chief Solicitor.

5. For Members information.

Contact: James Wagstaff