
East Malling & Larkfield East Malling	569725 157291	18 October 2006	TM/06/03292/FL
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Proposal:	Proposed residential development comprising of the demolition of three existing properties and erection of twenty three 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 23 units with associated vehicle access, car parking and landscaping. The drawings show the provision of 13 x 3 bedroom houses, 3 x 4 bed properties, 2 x 2 bedroom apartments and 5 x 1 bedroom 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 46 units/hectare.
- 1.2 In support of the proposal planning and design statements have been submitted together with flood risk details, tree survey 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 defined village confines. 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.
- 2.2 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.
- 2.3 Within the immediate vicinity are a mix of residential properties of differing ages and styles, including some converted former mill buildings.
- 2.4 Relevant TMBLP policies include:
 - P2/19 Green Wedge
 - P3/17 Development in ALLI

- 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.
- P6/2 development at the rural settlement of East Malling

3. Planning History:

TM/49/10463/OLD grant with conditions 31 August 1949
(MK/4/49/267)
Preliminary application for one Dwelling and Garage.

TM/53/10364/OLD grant with conditions 22 October 1953
(MK/4/53/365)
Bungalow, Garage, Alterations of access.

TM/79/10091/FUL grant with conditions 4 September 1979
(TM/79/890)
Single storey extension to lounge and dining room; demolition of existing garage and erection of replacement detached garage

TM/83/10062/FUL grant with conditions 26 July 1983
(TM/83/714)
Single storey extension to provide front entrance hall.

TM/88/10493/FUL grant with conditions 6 May 1988
(TM/88/438)
Two storey extension, garage w.c. and store.

TM/93/00362/FL grant with conditions 20 September 1993
(TM/93/0946FL)
Pitched roof to existing garage

TM/06/00183/FL

Non-determination
appeal

30 June 2006

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

The applicants have appealed against the non determination of this application and an informal hearing has been set for 24th January 2007. Members will recall that your Committee resolved that, were it not for the fact that an appeal had been submitted, they would have refused that application for the following reasons:

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 & Malling Borough Local Plan 1998 and the East Malling Village Design Statement.
2. The site the subject to the application lies adjacent to a Conservation Area. The proposed development would not respect the setting of the Conservation Area or views into or out of it. As such the proposal is contrary to policy P4/4 of the Tonbridge and Malling Borough Local Plan 1998 and the East Malling Conservation Area Appraisal.

Members will also 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 PC: The applicant has taken on board many of our previous comments of special note: the piece of land fronting Mill Street around which the footway passes, this is now to be retained as it is. Historically this is used as a passing bay, Mill Street being only 13.5 feet wide at this point. Detailed comments have also been made about design and materials, flood plain, highway impact, car parking spaces. Given the lengthy and detailed nature of the PC's comments, I have on this occasion reproduced them as an Annex to this report.
- 4.2 KCC(Highways): I would first clarify one matter that has been raised previously. The applicants' submitted application site plan edged in red encloses part of what is informally referred to as a lay-by or informal passing area along with the footway fronting the site. My Highway Definitions team advise me that the extent of the

adopted public highway is a line struck from the back of the footway on either side of this area. I understand that in the past the Highway Authority has included this area when surfacing works have been carried out but I also am aware that at least one adjacent land owner has made a contribution to the costs.

Parking

With the mixture of 1, 2, 3 and 4 bedroom dwellings Kent Vehicle Parking Standards would look for an average of 1.5 spaces across the development. In this instance would equate to $23 \times 1.5 = 34.5$ say 35 spaces. I assess that the development will be served by a total of 41 spaces and therefore more than meets the requirements of KVPS. The submitted plan number 1621/02 B shows the parking to be provided in the form of in curtilage and on a communal basis. In general I find the layout acceptable. However, I would make one comment. Plot 11 is likely to use the adjacent garage and parking space in front. Likewise Plot 12 will use the parking adjacent. It is not clear who will benefit from the central garage and parking. Other dwellings in the vicinity benefit from their own in curtilage parking. I am of the opinion that these 2 spaces could be better utilised if relocated on a communal basis.

Bays are to be a minimum of 2.4m x 4.8m with end bays or bays in confined areas widened to 2.7m. I require that 1 bay in each of the communal areas is of a suitable size to accommodate the needs of the disabled i.e. 3.6m wide. Single garages are to be a minimum of 2.6m x 5.5m. The Kent Vehicle Parking Standards (September 2003) advise the needs of the mobility impaired, either as a driver or a passenger, should be considered in the design of garages. To accommodate these needs the preferred garage size is 5.5m long x 3.6m wide.

Access

The development is to be served by way of a new 5.5m wide access that can accommodate two-way traffic and will be located in a similar position to two existing vehicle accesses. The plan shows limited pedestrian footpaths entering the site. I require that they be extended. The footpath to the east is to be extended up to the garage area with the one to the west to parallel this. This will enable pedestrian to get a suitable distance away from the junction before entering the shared surface/home zone environment.

Development road

The road is of a suitable width at the junction, with Mill Street, to accommodate two-way traffic before reducing in width along with narrowings and the geometry encouraging a low speed environment.

Traffic Generation

The proposal is for the provision of 23 dwellings that I assess, using TRICS (Trip Rate Information Computer System), is likely to generate in the order of 13 two-way (arrival and departure) movements during the am peak and 14 during the pm peak. The applicant's figures concur with my assessment. Making allowance for the existing dwellings of 2 two-way movements during the peak times results in a net increase of traffic movements of 11 during the am peak and 12 in the pm peak.

Clearly the proposal results in increased traffic over the day (24hr period) but it would be in the peak periods (08.00-09.00 & 17.00-18.00) that the additional traffic would have its greatest impact if at all. TRICS (Trip Rate Information Computer System) would suggest that the development would produce of the order of a net increase of 11 additional two-way (arrival and departure) movements during the am peak and 12 during the pm peak. When compared to the existing flows on Mill Street they only represent a modest increase. The pattern of dispersal is likely to be 40/60 split west/east in the order of 1 vehicle every 5 minutes. This is unlikely to result in unacceptable additional hazards or significant delays.

The general highway network beyond the immediate vicinity of the application site is more than adequate to accommodate the anticipated increase in traffic generated by this proposal. However, it is accepted that the adjacent highway could raise concerns. Mill Street to the west of the application site experiences on street parking that commonly reduces the road in effect to one running lane. The reduction in running lanes can have an effect on the capacity of the road and introduces an interruption to the free flow of traffic. This can cause congestion during the peak periods resulting in lower speeds of traffic.

The document used when assessing the capacity of a road is the Design Manual for Roads and Bridges published by the Highway Agency. Based on extensive research it establishes the criteria by which the capacity of a road is assessed. There are a wide range of factors that can affect the capacity of a road such as road width, traffic flows and parking. Using that document, the actual measured traffic flows, taking account of the width of the road, the on street parking and that there is likely to be a split in the dispersal of traffic from the site I assess there is sufficient capacity on the road and therefore the increase in traffic generated by this proposal can be accommodated.

Other matters

The applicant is to liaise with the local authority regarding refuse storage and collection and to confirm that a suitable turning area is provided to enable the vehicle to leave in a forward direction.

Street lighting details to be submitted for consideration

All works to be in accordance with Kent Design and those put forward for adoption subject to a legal agreement.

All works affecting the public highway will be carried out to the Highway Managers specification and satisfaction and be subject to a legal agreement.

Surface water from private areas is not to discharge onto the public highway.

All works affecting the public highway will be subject to the safety audits procedures.

Although not a material consideration for the determination of the application the applicant will need to closely liaise with the Highway Manager prior to and during the construction phase. Provision must be made for all deliveries and unloading to be accommodated on site. Unloading on the public highway is not appropriate nor will it be accepted in this location. Provision must also be made for the parking of all contractors' vehicles off the public highway. The applicant will provide suitable wheel washing facilities to ensure that mud and debris does not get deposited on the public highway.

I would support this application.

- 4.2 DHH: In this case it is proposed to construct new houses with gardens therefore the potential occurrence of contamination should be considered. I am satisfied that it would be acceptable to grant planning permission subject to the standard land contamination condition.
- 4.3 KCC Estates: The development would create the demand for extra primary and secondary places. At present the additional requirement for the school places can be accommodated within local schools. There is a need for a contribution towards Libraries (currently £174.5 per dwelling) and Youth and Community facilities (currently £714/house & £178.5/applicable flat. These figures are not applicable to one bed units of less than a certain size.
- 4.4 East Malling Conservation Group: various comments including:
- Site is not identified for housing on Local Plan, housing targets have already been met and no need for any more.
 - Proposal is profiteering by current owners in conflict with drive for community spirit.
 - No affordable housing identified.
 - Density is in conflict with surrounding density.

- Scheme is not in accordance with VDS or CA Appraisal.
- Loss of ragstone walling.
- Possibility of overspill parking.
- Increased traffic flow in Mill Street.
- Uninspiring layout.
- The possibility of East Malling becoming a small town.

4.5 Kent Fire & Rescue Service: Means of access is considered satisfactory.

4.6 Environment Agency: No response received. Indicated in connection with the previous application that they raised no objections.

4.7 DL: As the size of the site falls over the threshold highlighted in policy P8/2 the level of on site provision should be 60 sq metres per dwelling resulting in 1380 sq metres for 23 units. The open space within the site has been landscaped into a bund and therefore is not considered appropriate for childrens play. If an off site contribution is to be made then this would be approximately £97,000 based on £2467/unit for childrens play and £1783/unit for outdoor sport provision. Any contribution would be allocated where there is currently an identified need and where the proposed development will exacerbate that need. Contributions could be considered for South Ward Playing Field and a percentage could be allocated for identified improvements at Larkfield Leisure Centre to address requirements under P8/1 of the Local Plan. A further detailed scheme for the allocation of any contributions would need to be developed involving consultation with the Parish Council.

4.8 Private Reps: 43/0X/19R/0S +Art8 + Press. Also one petition received containing a total of 55 signatures in addition to approximately 19 letters signed by 17 households. Comments have been made about:

- Poor access to site from narrow street.
- Nearby roads are gridlocked and extra houses would lead to traffic congestion.
- Inadequate parking would lead to increased on street parking.
- Danger for pedestrians.
- Excess of residential development in East Malling.
- Inadequate infrastructure

- High density scheme detrimental to character of village and resulting in overdevelopment.
- Village resembles a series of housing estates.
- Urban character with modern and cramped appearance.
- Proposal represents an eyesore in centre of village.
- No interesting views in to site.
- Invasion of privacy.
- Non-planning matters raised include noise problems associated with construction traffic, a covenant restricting increase in density, commercial greed and loss of access over neighbours land (under a private arrangement).

5. Determining Issues:

- 5.1 The current application comprises the removal of 3 houses occupying an area of land of approximately 0.5 hectares. These would be replaced with a total of 23 houses including a mix of 1, 2, 3 & 4 bed units with garaging or open parking. The development also incorporates landscaping, open space and planting.
- 5.2 The Council is obliged to consider this second application for the site whilst being aware that the applicants are also appealing against the non-determination of the first application. In terms of Government guidance and legislation this site is found to be a brownfield and windfall site. It comprises previously developed land. Whilst the site was not identified as a potential development site in the Local Plan it has come forward independently as a proposal on behalf of the owners of number 94, 96 & 108 Mill Street.
- 5.3 As with the previous application the principle of redevelopment is acceptable and the raw density figure is in line with government figures. The main issue therefore is whether the reduction in number of units, alterations in layout, landscaping and detailing have addressed the putative reasons for refusal on the previous application and are now appropriate bearing in mind adopted Local & Structure Plan policies and the advice within the Village Design Statement.
- 5.4 The development of this site is sensitive for a number of reasons. Firstly, the site falls in the central part of the village and is adjoined by the Conservation Area and various other older buildings. Secondly the access lies at a pinch point in the road, close to a section of traffic calming where single flow traffic is encouraged. The proposal involves the redevelopment of half a hectare of residential land at a noticeably greater density than currently exists.

- 5.5 The applicants state that in formulating the design for the proposed residential properties on the site, consideration has been given to local design characteristics including height, scale, mass and appearance. The new houses will incorporate quality red bricks, exposed timber, tile hanging and weatherboarding, steeply pitched roofs and gables. Window treatment is described as “sash effect” when fronting onto highways and courtyards. It is stated that the design is in harmony with the area and will not invade the privacy of adjoining properties. It is concluded that the development will provide a quality environment which respects the setting of the Conservation Area.
- 5.6 The other main consideration has been the appeal decision at the adjacent site occupied by Park House. As mentioned previously, this highlighted the need to retain an area of open space adjacent to the site frontage and close to the protected tree, providing visual relief from the tall Mill building opposite. This has been reflected in the latest plans which show an open landscaped area at the front of the site with the majority of the houses (nos. 1-4 excepted) being set well back from the road. The forward siting of nos. 1-4 emphasizes the pinch point in this part of Mill Street and compliments the linear development to the east of the site. With this arrangement it is considered that the layout is less suburban and satisfactorily respects the character of the adjacent Conservation Area.
- 5.7 The applicants are aware of the need to meet the requirements of policies P8/2 and P8/3 concerning the provision of open play space. This has been detailed in the comments of the Leisure Services team who have identified the necessary financial contribution. This matter can be covered by a safeguarding condition so that the contribution is made prior to any consent being implemented.
- 5.8 The comments of the neighbours and parish council have been given careful consideration. As the number of houses proposed for the site does not exceed 25 there is no requirement to provide an element of affordable housing. With regard to the impact on neighbours it is clear that there is likely to be a greater impact due to the increased density of houses. This is most likely to be felt by the occupants of number 92 Mill Street who will have 3 properties adjoining their site. The separation distance between the frontage properties and number 24 is approximately 24m which is acceptable. The other new houses to the west and north west would have blank side elevations which would avoid overlooking and loss of privacy.
- 5.9 The Highways Engineer has given the scheme careful consideration and assessed all aspects including parking, access and traffic generation. In general the changes in the number of vehicle movements are not found to be harmful to the existing road system and the total parking provision meets KCC standards. From a highways point of view the scheme is found to be acceptable.

5.10 The revised layout and more cohesive design included in this application represent significant improvements when compared to the previous application. The density is found to be acceptable having regard to government guidance and the design of the proposed dwellings is satisfactory in this location adjacent to the Conservation Area. I therefore believe that this revised application represents a satisfactory form of development.

6. Recommendation:

6.1 **Grant Planning Permission**, as outlined on the site location plan dated 18.10.2006, plans numbered 1621/02B, 03B, 06A, 16B, 17B, 18B, 19B, 20A, 21A9 and all other documents received 08.10.2006, subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three 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. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in any elevation(s) of the buildings other than as hereby approved, without the prior written consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy of adjoining property.

4. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the roof of the buildings without the prior written consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of the amenity and privacy of adjoining property.

5. 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. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

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.

6. The existing trees and shrubs shown on the approved plan, other than any specifically shown to be removed, shall not be lopped, topped, felled, uprooted or wilfully destroyed without the prior written consent of the Local Planning Authority, and any planting removed with or without such consent shall be replaced within 12 months with suitable stock, adequately staked and tied and shall thereafter be maintained for a period of ten years.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect the appearance and character of the site and locality.

7. No building shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved plans.

Reason: To ensure the safe and free flow of traffic.

8. The access drive shall be constructed no steeper than 1 in 14.3 for the first 4.5 metres from the edge of the highway and no steeper than 1 in 8 on any other part.

Reason: To ensure the safe and free flow of traffic.

9. Any gateway to the access shall be set back 5.0 metres from the edge of the highway.

Reason: To enable vehicles to stand off the highway whilst any gates are being operated.

10. Development shall not begin until details of the junction between the proposed service road and the highway, including details of the layout and extent of pedestrian footways in the vicinity of this junction, have been approved by the Local Planning Authority; and the building shall not be occupied until that junction has been constructed in accordance with the approved details.

Reason: To ensure the safe and free flow of traffic.

11. 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.

12. 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.

13. No building shall be occupied until the area shown on the submitted plan as turning area 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 and 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 turning area.

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway.

14. The existing dwellings and other buildings and structures shown on the approved plans to be removed, shall be demolished and all resulting materials shall be removed from the land within the three months of the occupation of the first dwelling or within such period as shall have been agreed in writing by the Council.

Reason: To safeguard the residential amenity of the area.

15. Prior to the development hereby approved commencing details shall be submitted to and approved in writing of the refuse storage facilities for each property. Such details as are agreed shall be carried out concurrently with the development and retained at all times thereafter.

Reason: To safeguard the residential amenity of the area.

16. No development shall be commenced until:

(a) a site investigation has been undertaken to determine the nature and extent of any contamination, and

(b) the results of the investigation, together with an assessment by a suitably qualified or otherwise responsible person, and details of a scheme to contain, treat or remove any contamination, as appropriate, have been submitted to and approved by the Local Planning Authority.

Prior to the first occupation of the development hereby permitted (or, where the approved scheme provides for remediation and development to be phased, the occupation of the relevant phase of the development):

(c) the approved remediation scheme shall be fully implemented (either in relation to the development as a whole or the relevant phase, as appropriate), and

(d) a Certificate shall be provided to the Local Planning Authority by a responsible person stating that remediation has been completed and the site is suitable for the permitted end use.

Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity and public safety.

17. Prior to the development hereby approved commencing, details of the slab levels of the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Such details as are agreed shall be carried out concurrently with the development.

Reason: In order to ensure a satisfactory standard of development.

18. Prior to the development hereby approved commencing, details of the provision of open playing space in association with the development and in accordance with the aims of policy P8/2 of the Tonbridge & Malling Local Plan shall be submitted to and approved in writing by the Local Planning Authority. Such details as are agreed shall be carried out in accordance with an agreed time scale to the satisfaction of the Local Planning Authority.

Reason: In order to ensure a satisfactory standard of development.

Contact: Hilary Johnson