

---

**East Malling & Larkfield**                      **569502 157314**                      **24 October 2006**                      **TM/06/02433/FL**  
East Malling

Proposal:                      Demolition of existing commercial premises, change of use of existing works building and conversion and extension to 4 apartments, erection of 9 terraced dwellings and 7 flats with parking and access. Conversion of existing building to a single dwellinghouse and external alterations to existing office building, including provision of replacement parking for existing offices at Invicta Works Mill Street

Location:                      Invicta Works Mill Street East Malling West Malling Kent ME19 6BW

Applicant:                      Darcy Products Ltd

---

**1. Introduction:**

- 1.1 Members will recall that this application was deferred at the APC3 meeting on 14 December 2006 to enable Officers to test the applicant's claim that they are unable to provide any development contributions. The Council's financial consultants are currently assessing the detail provided and their findings will be reported in a Supplementary Report.
- 1.2 For Members information a copy of the original report is attached as an annex.
- 1.3 My recommendation remains unchanged.

**2. Recommendation:**

- 2.1 **Grant Planning Permission** as detailed in: Letter dated 24.10.2006, Location Plan dated 24.10.2006, Elevations 05.22.SK16 dated 24.10.2006, Elevations 05.22.SK17 dated 24.10.2006, Elevations 05.22.SK18 dated 24.10.2006, Elevations 05.22.SK19 dated 24.10.2006, Floor Plan 05.22.SK3 A dated 24.10.2006, Plan 05.22.SK08 B dated 24.10.2006, Letter dated 20.07.2006, Design and Access Statement dated 20.07.2006, Plan 05.22.SK09 A dated 20.07.2006, Plan 05.22.SK10 A dated 20.07.2006, Plan 05.22.SK14 dated 20.07.2006, Planning Layout 05.22.SK.5 C dated 20.07.2006; and subject to the following conditions:

**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 This permission shall be an alternative to the following permission(s) and shall not be exercised in addition thereto, or in combination therewith within the current site area. (Permission granted on 10 June 2004 and under reference TM/04/00773/FL.)

Reason: The exercise of more than one permission would result in an overintensive use of the land.

- 3 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.

- 4 The external brickwork to the existing building that is to be converted to flats shall be constructed to show a bond to match the existing brickwork.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

- 5 No development shall take place until a panel of ragstone wall has been constructed on the site and approved in writing by the Local Planning Authority and the development shall be constructed in accordance with the approved ragstone panel detail.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

- 6 No development shall take place until details of fenestration have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

- 7 No development shall take place until details of the treatment of the gable end wall, dormer gable end walls and porch end gable of 155 Mill Street have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

- 8 All soil, vent and waste pipes, except for the termination, shall be constructed within the building.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

- 9 No part of the existing building that is to be converted to flats shall be occupied until the roof detail, including the fitting of cowls, has been completed in accordance with the approved plans.

Reason: To maintain the character of a typical oast house in the interests of visual amenity and rural character.

- 10 None of the buildings hereby permitted shall be occupied until underground ducts have been installed by the developer to enable telephone, electricity and communal television services to be connected to any premises within the site without recourse to the erection of distribution poles and overhead lines and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no distribution pole or overhead line shall be erected within the area except with the express written consent of the Local Planning Authority.

Reason: In the interests of visual amenity.

- 11 The access shall not be used until the area of land within the vision splays shown on the approved plans has been reduced in level as necessary and cleared of any obstruction exceeding a height of 1.05 metres above the level of the nearest part of the carriageway. The vision splay so created shall be retained at all times thereafter.

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

- 12 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.

- 13 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.

- 14 The access serving the existing building that is to be converted to a single dwellinghouse shall not be used until vision splays of 2m x 2m x 45° between the driveway and the back of the footway have been provided. The area of land within these vision splays shall be reduced in level as necessary and cleared of any obstruction exceeding a height of 0.6m above the level of the nearest part of the carriageway. The vision splays so created shall be retained at all times thereafter.

Reason: In the interests of highway safety.

- 15 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.

- 16 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.

- 17 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.

- 18 Development shall not begin until a scheme for the disposal of foul and surface waters has been approved by and implementation to the reasonable satisfaction of the Local Planning Authority. Such details as are agreed shall be carried out concurrently with the development.

Reason: To prevent pollution of the water environment.

- 19 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.

- 20 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Classes A, B, C, D and H of Part 1 and Classes A and C of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control development in the interests of the proposed development, Mill Street Conservation Area and the setting of the adjacent Listed Buildings.

- 21 No development shall commence until details of a scheme for the storage and screening of refuse has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

Reason: To facilitate the collection of refuse and preserve visual amenity.

- 22 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.

- 23 The demolition hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been made and planning permission has been granted for the redevelopment for which the contract provides.

Reason: To ensure that the demolition is carried out as a continuous operation with the redevelopment of the site, in the interests of visual amenity.

Informatives:

- 1 The Borough Council will need to create new street name(s) for this development together with a new street numbering scheme. To discuss the arrangements for the allocation of new street names and numbers you are asked to write to the Chief Solicitor, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or contact Trevor Bowen, Principal Legal Officer, on 01732 876039 or by e-mail to [trevor.bowen@tmbc.gov.uk](mailto:trevor.bowen@tmbc.gov.uk). To avoid difficulties, for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.
- 2 The applicant is informed that footpath MR177 provides a pedestrian right of way over the track to the north of the site. The footpath must be kept free from obstruction at all times.
- 3 Surface water from private areas is not to be discharged onto the public highway.
- 4 The applicant is reminded that this permission cannot be implemented unless and until the necessary Listed Building Consent and Conservation Area Consent have been granted.
- 5 The proposed access road shall be constructed in accordance with Kent Design.
- 6 Uncontaminated roof drainage shall drain directly to surface water sewer (entering after any pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system.
- 7 All foul water drainage should discharge to the mains foul sewer as stated on the application.
- 8 Where it is proposed to store more than 200 litres (45 gallon drum+205 litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (oil storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all stored.

- 9 Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials should be stored (for example in bunded areas secured from public access) so as to prevent accidental/unauthorised discharge to ground. The areas for storage should not drain to any surface water system.
- 10 The Duty of Care regulations for dealing with waste materials are applicable for any off site movements of wastes. The developer as waste producer therefore has a duty of care to ensure all materials removed go to an appropriate licensed disposal site and all relevant documentation is completed and kept in line with regulations.

Contact: Robin Gilbert