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**Report from 14 December 2006**

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

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

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**1. Description:**

- 1.1 This full application proposes the redevelopment of the existing Invicta Works site. The application is a revised scheme to that originally approved in 1989 and last renewed in 2004 but does not relate to the entire site as the works at 159 Mill Street are not altered under this proposal.
- 1.2 The application proposes the alteration and conversion of the existing works building to create four apartments, the erection of nine terraced dwellings to the south and west of the site and the creation of seven flats, four in a new building in the centre of the site and three mews style apartments over covered parking areas.
- 1.3 The application proposes a number of enhancements to the site to enhance this part of the Mill Street Conservation Area. These are primarily the replacement of the existing oast cones and cowls to the works building and also alterations to the north, south and west elevations of the existing office building, no 155 Mill Street, to re-clad the flat roof extension with more sympathetic materials and to add a pitched roof in place of the existing flat one. This building is to be retained in office use.
- 1.4 The application does not relate to works at 159 Mill Street as this is outside the site area of the current submission, nor the conversion of the existing building to the south of the site access to a three-bedroom house which was also included in the previous consent.

**2. The Site:**

- 2.1 The site lies to the west side of Mill Street towards the western edge of the village and has an area of approximately 0.51 hectares.

2.2 The site is within the Mill Street Conservation Area and is currently covered with a number of buildings of various ages and styles, paved areas, open plant and storage areas. To the south of the site there is a right of way to the adjoining agricultural land. The site includes 155 Mill Street that is currently in office use and is a listed building. Access from Mill Street runs to the north of this building to serve the remainder of the site with buildings to the rear.

### 3. Planning History (most relevant):

TM/89/11248/FUL Grant With Conditions 10 July 1989  
(TM/88/2162)

Conversion of existing buildings to 1 3-bedroom cottage, 1 2-bedroom cottage, 3 studio flats, 4 1-bedroom flats and 7 2-bedroom cottages, the whole together with access, garages, parking spaces and amenity areas.

TM/89/11249/OLD Grant With Conditions 10 July 1989  
(TM/88/2163)

Conservation Area Consent: demolition of some buildings and parts of others, to facilitate residential conversion and development.

TM/94/00403/FL Grant With Conditions 28 October 1994  
(TM/94/0685FL)

Variation of condition 01 of planning permission TM/88/2162.

TM/94/00404/CA Grant With Conditions 28 October 1994  
(TM/94/0686CA)

Variation of condition 01 of conservation area consent reference TM/88/2163CA.

TM/94/00405/LB Grant With Conditions 28 October 1994  
(TM/94/0687LB)

Application to vary condition 01 of Listed Building Consent TM/89/0605LB.

TM/99/01793/FL Grant With Conditions 15 November 1999

Variation of condition 01 of planning permission TM/94/0685FL to extend permission for a further five years.

TM/99/01825/CA Grant With Conditions 15 November 1999

Variation of condition 01 of Conservation Area Consent reference TM/94/0686CA to renew consent for a further five years.

TM/99/01830/LB Grant With Conditions 15 November 1999

Listed Building Application: variation of condition 01 of listed building consent TM/94/0687/LB to renew that consent for a further five years.

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TM/03/01346/FL      Grant With Conditions      22 August 2003

Erection of concrete framed warehouse building.

TM/04/00773/FL      Grant With Conditions      10 June 2004

Variation of condition 01 of planning permission TM/99/01793/FL to extend permission for a further five years for the conversion of existing buildings to 1no. 3 bed cottage, 1no. 2 bed cottage, 3no. studio flats, 4no. 1 bed flats and 7no. 2 bed flats, redevelopment of part of site to provide 7no 2 bed cottages together with access, garages, parking and amenity areas.

TM/04/00782/LB      Grant With Conditions      22 June 2004

Listed Building Application: Vary condition of TM/99/01830/LB to renew consent for further 5 years.

TM/04/00818/CA      Grant With Conditions      10 June 2004

Conservation Area Consent to vary Condition 01 of TM/99/01825: (variation of condition 01 of Conservation Area Consent TM/94/0686: to renew consent for a further five years).

#### **4. Consultees:**

4.1 PC: (original plans) Prefer the original application which retained the appearance that this part of the village has had for more than a century. The new development would complement the Conservation Area that it is situated in, but have the following comments:

- Proposed materials do not blend with the existing Mill Street Conservation Area. Weatherboarding and tile hanging are not features of the CA and should not be introduced. Rendering is unacceptable in this location with walls shown white on plans being recommended to be deep red brick, a strong feature of Mill Street.
- Welcome the reconstruction of the oast cones.
- Prefer to see more of the existing building retained to maintain some of the linear effect that it now has.
- The proposed garage entrance for 159 Mill Street breaches an important Conservation Area wall, and also the setting of the listed building. The garage access should be via the existing access to the driveway to the side of 159.
- The existing ragstone walls fronting the offices and 159 and extending into the mill yard must be retained – though repositioned – and extended into the new development.

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- Existing signage on the oast should be retained, and upper and lower doors fronting the mill building should be retained, even if only decorative.
  - Window panes should be small and of the same size.
  - Would wish to see the removal of the modern 'cube' office extension as indicated on the existing plans controlled by condition.
  - Misleading dwelling figures as the site area has changed so some units have permission but are outside the application site.
  - The buildings feature hipped roofs which is not a common feature of the Mill Street Conservation Area.

Amended plans:

We accept this re-application as our previously submitted comments have been addressed and the application now befits the Conservation Area that it is part of.  
Pleased to note:

- That render is now to be red brick.
- The retention of the old signage and doorways.
- The oast roundels are to be reconstructed.
- Replacement of hipped roofs with gable roofs.
- We welcome the proposed "changes" to the office carbuncle.
- This application will enhance the Conservation Area and remove the problems HGV deliveries to the Invicta Works cause in the Mill Street Conservation Area and damage to its buildings.

4.2 KCC (Highways): No objections subject to conditions and informatives.

4.3 KCC (Education): No requirement for contributions for primary and secondary places. Contributions should be sought for Libraries and Youth and Community facilities.

4.4 DHH: No objections subject to conditions and informatives.

4.5 DL: Financial contribution to off-site play space provision required.

4.6 Police Liaison Officer: No comments received.

4.7 East Malling Conservation Group: (original application) Would support this well researched application as it meets the requirements of the village and conservation area, but only if the following amendments/conditions are agreed:

- The window positions in the Oast House conversion are clarified.
- The industrial doors on both floors are retained in the Oast House conversion.
- The drawings of the 3 bedroom house conversion are provided and respect the original building and surroundings, as shown by the rest of the development.
- Changes are made to the retained office.
- Additional office parking is provided.
- 159 Mill Street garage and access is resubmitted in a separate application.
- Bin storage is provided.
- Conditions are applied for all materials, joinery, paving/road materials and boundary treatments etc.

Amended application:

Pleased to see existing window positions retained, the roundels and cowls re-constructed and the roof altered to a gable end. Works to office a much appreciated gesture that would benefit the street scene. The group supports the Applicant's stance over developer contributions as the current application adds value to the previous application at considerable expense to the applicant.

Continue to support the application, but request that:

- The gable ends to the dormers on the existing building are simplified.
- Conditions are included for bin storage, boundary treatments, paving/road materials and materials for use on the external elevations.

4.8 Private Reps: 24/0X/1R/0S + Art 8 + press notice.

- One letter received raising concerns that there should be no changes to the access as the dropped kerb makes the road wider, and that traffic calming should be considered, given the narrow single carriageway road.

## **5. Determining Issues:**

5.1 Given the planning history and the extant permission for residential development on the site the principal considerations with this application are the impact on the character of the site and the Conservation Area and the requirement for contributions for playspace and libraries, youth and community facilities.

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- 5.2 The proposed development represents an improvement in design terms over the extant permission. The design of the units to the rear of the site has been amended to feature a more sympathetic roof shape to blend in with the surrounding development in the Conservation Area. The proposed materials are also similar to those in the surroundings and the applicant has shown due regard for the East Malling Village Design Statement through the detailing of the units.
- 5.3 The works to the existing buildings would enhance the character of the Conservation Area. The alterations to the existing works building retain the position of the existing openings and the reinstatement of the oast cones and roundels is welcomed. The works to the existing two-storey flat roof addition on 155 Mill Street enhance the existing building and would see the addition of a pitched roof over the existing flat roof and re-facing of the elevations with more suitable materials. Given the prominent position of this building within the Conservation Area these changes would enhance the street scene and the character of the Conservation Area in general.
- 5.4 The concerns regarding the opening in the boundary wall of 159 Mill Street are noted. This part of the site though is included in the extant planning permission for the overall site and is outside the site area of the current submission. The works to this wall are therefore not something that can be considered under this application. The concerns about the gable treatments to the retained office building are noted and it is considered the detailing of these features can be controlled by condition.
- 5.5 With regard to the requirements for commuted payments towards playspace provision and contributions towards Libraries and Youth and Community facilities the applicant has provided a breakdown of the costs of relocating the existing business whilst retaining the office use in the village and also the enhancements to the appearance of the existing buildings.
- 5.6 Given the costs of the relocation of the business and the improvement works to the site the applicant considers that there would not be adequate resources to provide for commuted payments. Although normally these would be sought given the size of the development, in this instance I am inclined to the view that the benefits to the character and quality of the local environment outweigh seeking the payments. Also no payments have been sought on the previous applications and as there is a current permission on the site which does not offer the same level of environmental enhancement to the area a refusal of this current proposal is not justified.
- 5.7 Overall the proposal is considered to be acceptable.

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**6. Recommendation:**

6.1 **Grant Planning Permission**, as detailed in letters dated 17 July 2006 and 23 October 2006, design and access statement received 20 July 2006 and drawing nos. 05.22.SK5 rev.C ,05.22.SK09 rev.A, 05.22.SK10 rev.A and 05.22.SK14 received 20 July 2006, and 05.22.SK08 rev.B, 05.22.SK16, 05.22.SK17, 05.22.SK18 and 05.22.SK19 received 24 October 2006

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 all 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.

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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 telephone 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.



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- 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 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 parking space.

Reason: Development without provision of adequate accommodation for the parking or garaging 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 provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking.

- 17 No building shall be occupied until the area shown on the submitted plan as a 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 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

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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.

- 19 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

- 20 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.

- 21 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 competent 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. The assessment and scheme shall have regard to the need to ensure that contaminants do not escape from the site to cause air and water pollution or pollution of adjoining land.

The scheme submitted pursuant to (b) shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking of the development hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority of the presence of any such unforeseen contamination.

Prior to the first occupation of the development or any part of the development hereby permitted

(c) the approved remediation scheme shall be fully implemented insofar as it relates to that part of the development which is to be occupied, 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.

- 22 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 telephone Trevor Bowen, Principal Legal Officer, on 01732 876039. To avoid difficulties, 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.

Contact: Robin Gilbert