
East Malling & Larkfield East Malling	569923 157169	23 March 2009	TM/08/03256/CR4D
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Proposal:	Proposed redevelopment of the Former Mill Stream Junior School to provide 23 new residential dwellings comprising a mix of 1, 2, 3 and 4 bed units together with associated garaging and parking
Location:	Former Mill Stream School Mill Street East Malling West Malling Kent
Applicant:	Hillreeds & Kent County Council

1. Description:

- 1.1 Members will recall that this application was deferred from the April Area 3 Committee (papers attached as an Annex) for a Members Site Inspection which was held on the 12 May 2009 at 16:30 hours. In addition, at the request of the Members of the Committee further investigations have been carried out with regard to garage sizes and the level of affordable housing being provided.
- 1.2 The applicant has submitted a planning statement seeking to justify the garage sizes proposed and has also amended the site layout to provide sheds for each dwelling to be used for cycle and general storage to ensure that the garages are solely used for the parking of vehicles. The applicant has also indicated that they intend to impose covenants on the properties to ensure that the garages need only be used for the storing of motor vehicles and for no other purpose.

2. Consultees (including those brought forward from the supplementary papers):

- 2.1 PC: Concerns have been expressed locally about the highway issues as they affect Mill Street and its junction with Cottenham Close. The PC feel that so as the APC3 can fully understand the issues a site inspection would be appropriate in this case and asks this be considered please. Incidentally it is noted that further street lighting is being proposed for Mill Street and it is requested its design is the same as those already existing in this vicinity.
 - 2.1.1 Additional Comments: We reiterate our objection to the proposed positioning of the additional junction. Positioning so close to the Cottenham Close junction is unnecessary and unacceptable. The dangerous pinch in front of 'The Square' will be made even more of a problem by traffic ingressing the proposed junction especially at peak times. To gain site lines a section of the ragstone boundary wall to the west, that has stood its ground for centuries will have to be repositioned.

- 2.1.2 Suggest that the additional entrance be positioned between trees T2 and T3, as sight lines as good as those of the application, can be achieved with the old wall remaining insitu. Our suggested entrance will result in loss of dwellings.
- 2.1.3 It is hoped that the additional traffic created by the proposed development will exit left, thus avoiding the pinch and other narrow parts of Mill Street. The opportunity should be seized to remove the dangerous pinch from in front of the 'The Square', when used correctly by west bound traffic, this impediment to road safety removes any sight of oncoming traffic, or of traffic emerging from Upper Mill. Whatever happened to the mirror that used to aid traffic exiting from the Borough Yard? Should the pinch be stubbornly retained for safety reasons it must be extended to Cottenham Close where a sight of oncoming vehicles may be obtained before changing lanes.
- 2.1.4 It is encouraging to see that Kent Highways have had a change of attitude towards a table at this junction, it being rejected by them when proposed by the Parish Council and others, as the preferred traffic calming method for Mill Street, in respect of the Upper Mill development application. We proposed then that the table be placed to the east of Cottenham Close. Given the ever increasing number of HGV's now using Mill Street, it would seem unwise to reduce the road width to 5m at the junction, it would appear not to be possible for HGVs to pass in the reduced width. The application would appear to be a recipe for traffic chaos in the already over congested Mill Street.
- 2.2 DHH: I would add an informative that if street lighting were to be considered for the access road to the scout hut, care should be taken that overspilling light does not affect the residential properties proposed.
- 2.3 Kent Fire & Rescue Service: I confirm that the means of access is considered satisfactory.
- 2.4 Private Reps: Two additional letters of objection have been received raising the following matters:
- The garages are too small and will not be used for parking;
 - The proposed highway layout, in conjunction with a pre-existing road hazard, is not fit for purpose;
 - In Mill Street around the junction with Cottenham Close, particularly during peak traffic flow periods and at the weekends, it is often difficult to turn in and out as a result of approaching traffic intending to do the opposite;
 - The reprofiled and narrowed table area will restrict this ability and vehicles will no longer be able to pass;

- The provision by the developer of a plan showing a single vehicle is not representative of actual traffic movement and therefore not 'proof' that the proposal works;
- There should be a site visit;
- There should be autotrack conflict plans produced;
- There should only be a single access for both the PFI housing and the current application;
- A roundabout should be provided at the existing access.

2.5 KCC (Highways): Submitted drawings number 690501/C/01 and 03 indicate the general arrangement and construction plan for the proposed raised table junction that incorporates the development and Cottenham Close junctions. The details incorporate a number of elements including road profiles, highway drainage and surface materials. One element of concern to residents of Cottenham Close is what effect the works will have on vehicle access to/from the close. It is clear that vehicles currently negotiating this junction generally utilise most of the road. If conflict of movements occurs it usually requires one vehicle to wait whilst the other manoeuvres. Although the proposals are unlikely to materially alter this existing situation the applicant has incorporated some minor adjustments to the radii of the Cottenham Close junction to assist manoeuvring. The applicant has submitted a vehicle swept path analysis for all manoeuvres.

2.5.1 Since the submission of these details I have received a copy of the Stage 1 Safety Audit undertaken by independent safety auditors. The report raises a number of minor issues to which the applicant is to respond. The Safety Auditors comments on the scheme only suggest minor amendments.

2.5.2 I have also been asked whether the raised table junction could be constructed in a bituminous material rather than the proposed blocks. Whilst both have been used for construction I think that further consideration is required. Although not a material consideration to the determination of the application the process of construction of the table needs detailed consideration. With the highway constraints and the need to maintain traffic flow at all times, speed of construction could be a major factor and the nature of the machinery needed for construction. However, whichever method is used there will be some disruption but usually every effort is made to keep it to a minimum. I consider that the provision of this feature will enhance the existing traffic calming elements and will be of added benefit.

2.5.3 The applicant has submitted autotrack details showing that all movements at both accesses can be achieved, albeit some times utilising the whole of the road. However, from what I have witnessed this is unlikely to be any different to existing. The drawings do not show other vehicles parked in the vicinity showing what

impact they may have on manoeuvrability. But again vehicles could be parked now creating no different a situation. Indeed the Cottenham Close junction is to have double yellow line junction protection that should improve matters.

- 2.6 We estimate that to undertake the highway works associated with the Millstream School development this will take about 4 weeks (could say 6 weeks at the most). This would mainly be kerbing and drainage works under temporary lights (north or south side according to side being worked on). The table would then be infill of bituminous road type construction. It is possible that this bit with continuous lorries supplying materials may take a few hours. Possibly an overnight closure would be best to minimise problems for bus operators.

3. Determining Issues:

- 3.1 The applicant is working on a revised Unilateral Undertaking which will provide the following contributions:

- Adult Social Services Contributions (£27,623);
- Affordable housing (5 units);
- Library Contribution (£5221);
- Outdoor sport contributions (either transfer of land adjacent or contribution - £43,393);
- Play contribution (childrens play space - £41,078);
- Youth and Community Contribution (£17,780.50).

- 3.2 An update on the status of the Unilateral Undertaking will be reported in the supplementary papers.

- 3.3 Concern has been raised that the proposed garages are too small in size and will solely be used for storage, resulting in an increase in on street parking. The internal measurements of the proposed garages are to be 5m deep by 2.7m wide (albeit with two internal pinch points, where brick piers reduce the width to 2.5m). The Kent Vehicle Parking Standards set out preferred dimensions of 5.5m deep by 3.6m wide, however, these are not minimum standards, just desirable dimensions. The proposed garage sizes are considered to be reasonable and were also found to be acceptable by Kent Highways. In addition, the provision of storage sheds for such items as cycles, also helps to alleviate concerns that the garages would be used for storage.

- 3.4 Reference has also been made to the Essex Parking Standards which set minimum garage sizes of 7m by 3m. However, these Standards are in a draft for public consultation, where the period for consultation finished on 24 April 2009. This is not an adopted Supplementary Planning Document and will not have been

tested by planning caselaw. This document has no material weight in planning law. Our own County has its own adopted Vehicle Parking Standards which apply to this site. Therefore the garages have to be judged against the Kent Vehicle Parking Standards, not a draft consultation document from Essex.

- 3.5 In parallel with the submission of the additional highway drawings, the applicant has sought a Stage 1 Safety Audit for the proposed highway works under highway legislation. The audit was submitted to an independent safety auditor. The object of the audit is to identify any existing safety related problems that may be exacerbated and any new problems that may be introduced, by the proposed works. The safety audit made a number of suggested changes to the proposed highway works. The applicant has submitted further technical amendments to the proposed highway works to address all the points raised from the safety audit. The most obvious changes will be the use of a coloured bituminous surface for the tabled junction rather than blockwork and the lateral extension of the raised table to beyond the vehicular accesses to 51 Mill Street and 47 Mill Street and also the access track to the side of this property.
- 3.6 KCC Highways has confirmed that the minor issues raised in the safety audit have been addressed and that the proposed tabled junction is acceptable in highway safety terms.
- 3.7 The applicant has submitted a report which confirms that there have not been any instances of personal injury crashes of vehicles along this section of Mill Street in the 3 years up to 30 September 2008 (These records are obtained from Kent County Council).
- 3.8 Kent Highways has further reviewed the submitted auto tracking for the highway works incorporating the introduction of the tabled junction. It is concluded that the proposed new highway works will not have any greater impact on the manoeuvrability of large vehicles in this location than the existing arrangements. It is also considered that the potential introduction of the double yellow lines around Cottenham Close/Mill Street junction will be beneficial for larger vehicles, as it will ensure that the first section of Cottenham Close remains clear of parked vehicles.
- 3.9 Kent Highways has also confirmed that it would take up to 6 weeks to complete the proposed highway works involved. Traffic light controls would be exercised during this time, with a possible night time road closure. However this is not a planning consideration, but wholly a highway management issue.
- 3.10 A number of suggestions have been put forward regarding alternative positions for the access to the proposed development, including utilising the existing access and putting a roundabout in at the junction of the existing access. However, Members have to consider the proposed scheme before them, rather than an alternative. Other highway matters have also been raised as to the build out to the west of the site and whether it should be retained if the tabled junction is approved. This is a matter for Kent Highways to determine, however, Members

will note that an informative has been attached to my recommendation request that Kent Highways review this build out in Mill Street.

- 3.11 In terms of the affordable housing provision, the applicant is seeking to provide 5 affordable units which, combined with the 7 units on the PFI assisted living housing scheme, will provide a total of 12 units. This equates to 40% of the total number of units being affordable for the whole of the Former Mill Stream School site. The joint applicants on this application are Hillreeds and Kent County Council. The applicant on the PFI housing scheme was Kent County Council. It should be noted that the whole of the former school site is also owned the County Council. The Members who attended the site inspection would have seen that the PFI housing is nearing completion and it clearly forms part of the former school grounds, to which this application also relates. When the former school site was originally being identified for redevelopment, it was on the basis of the whole of the former school buildings and playgrounds areas being developed in a single scheme. However County Council decided to develop part of the site separately to provide 7 assisted living units, all which are affordable housing.
- 3.12 Members will also be aware that within the adopted Affordable Housing SPD, deals quite specifically with the sub division of sites. It states in paragraph 4.1.4 *“the Borough Council will seek an appropriate level of affordable housing to reflect the provision that would have been achieved on the site as a whole had it come forward as a single scheme for the allocated or identified site”*. Given that the whole of the former Mill Stream, including both parts provides 40% affordable in line with the ethos of the SPD, I consider the level of affordable provision within the current application to be acceptable.
- 3.13 In light of the above considerations and those set out in my April report, I find this proposal acceptable.

4. Recommendation:

- 4.1 **Grant Planning Permission** in accordance with the following submitted details: Letter dated 29.10.2008, Letter dated 24.10.2008, Letter dated 27.10.2008, Letter dated 27.10.2008, Schedule dated 26.10.2008, Environmental Assessment dated 26.10.2008, Desk Study Assessment dated 26.10.2008, Supporting Statement dated 26.10.2008, Arboricultural Assessment dated 26.10.2008, Design and Access Statement dated 20.11.2008, Survey 2 OF 3 dated 26.10.2008, Floor Plans And Elevations 289/WT.11 dated 26.10.2008, Floor Plans And Elevations 289/ST.09 dated 26.10.2008, Floor Plans And Elevations 289/TS.13 dated 26.10.2008, Floor Plans And Elevations 289/OS.12 dated 26.10.2008, Street Scenes 289/SS.02 dated 26.10.2008, Floor Plans And Elevations 289/R322.06 dated 26.10.2008, Floor Plans And Elevations 289/NU.08 dated 26.10.2008, Landscaping 289/LA.FEN dated 26.10.2008, Floor Plans And Elevations 289/GA.16 dated 26.10.2008, Floor Plans And Elevations 289/GA.15 dated 26.10.2008, Floor Plans And Elevations 289/BGS.10 dated

26.10.2008, Floor Plans And Elevations 289/ASB.04 dated 26.10.2008, Floor Plans And Elevations 289/AP.03 dated 26.10.2008, Floor Plans And Elevations 289/AG.07 dated 26.10.2008, Floor Plans And Elevations 289/AF14 dated 26.10.2008, Email dated 19.03.2009, Letter dated 19.03.2009, Letter dated 23.03.2009, Location Plan dated 23.03.2009, Planning Layout 289/01 E dated 14.04.2009, Letter dated 08.04.2009, Plan 690501/C/01 A dated 08.04.2009, Plan 690501/01/C/02 A dated 08.04.2009, Plan 690501/01/C/03 A dated 08.04.2009, Letter SOH/HC dated 20.01.2009, Statement foul water drainage report dated 20.01.2009, Survey 2 OF 3 dated 20.01.2009, Schedule of Materials A dated 20.01.2009, Floor Plans And Elevations 289/WML.05 A dated 20.01.2009, Floor Plans And Elevations 289/BG.17 dated 20.01.2009, Floor Plans And Elevations 289/GA.18 dated 20.01.2009, Plan 289/19 dated 20.01.2009, Statement dated 13 May 2009 and letter dated the 13 May 2009 subject to:

- Referral to the Secretary of State (GOSE) as a Departure from the Development Plan;
- The applicant providing a unilateral undertaking covering the following matters:
 - the provision of 5 affordable housing units;
 - off site provision of, or contributions towards childrens play space and outdoor sport;
 - contributions towards libraries, youth and community and adult social services.

- 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 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.

3. The scheme of landscaping and boundary treatment shown on the approved plans shall be carried out in the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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.

4. 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.

5. To safeguard the situation in the event that significant deposits of made ground or indicators of potential contamination are discovered during development:

(a) If site significant deposits of made ground or indicators of potential contamination are discovered, the work shall cease immediately and an investigation/remediation strategy shall be agreed with the Local Planning Authority and implemented by the developer.

(b) Any soils and other materials taken for disposal shall be in accordance with the requirements of the Waste Management, Duty of Care Regulations. Any soil brought on site should be clean and a soil chemical analysis shall be provided to verify imported soils are suitable for the proposed use.

(c) A closure report shall be submitted by the developer delineating (a) and (b) above and other relevant issues and responses such as any pollution incident during the development.

Reason: In the interests of amenity and public safety.

6. No development shall commence until details of surface water disposal have been submitted to and approved by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details prior to first occupation of the buildings and retained thereafter.

Reason: In the interests of pollution prevention.

7. The foul water disposal works shall be implemented in accordance with the approved plans prior to first occupation of the buildings hereby permitted.

Reason: In the interests of pollution prevention.

8. No development shall take place until full details of relocation of the memorial cross and reconstruction of the ragstone wall have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details. Details of the ragstone wall shall include a panel of walling being constructed on site.

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 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.

10. The access road 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.

11. 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.

12. 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.

13. The access road 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.

14. Before development commences on site, details of the existing and proposed levels of the site and the levels of adjoining land, including the finished floor levels of the buildings to be erected shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to assess adequately the impact of the development on visual and/or residential amenities.

15. Before any works commence on site, further bat and reptile surveys of the site as identified in the Desk Study And Extended Phase 1 Habitat Survey dated July 2008 shall be carried out. Details of the survey and an assessment of the impact of the proposed development and any appropriate alleviation measures shall be submitted to and approved by the Local Planning Authority before any works on site are commenced. Such measures shall then be implemented concurrently with the development or in accordance with a programme to be agreed with the Local Planning Authority.

Reason: To ensure that any protected species on the site are satisfactorily protected.

16. No development shall take place until details and samples of the roof tiles 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 visual amenity of the locality.

17. The bricks and cladding used externally shall accord with the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

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

Informatives

1. The Local Planning Authority supports the Kent Fire Brigade's wish to reduce the severity of property fires and the number of resulting injuries by the use of sprinkler systems in all new buildings and extensions.
2. 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. 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.
3. All works to accord with Kent Design and those promoted for adoption to be subject to a highway Legal Agreement.
4. No surface water from private areas shall discharge onto the public highway.

5. With regard to the construction of the pavement crossing, the applicant is asked to consult The Community Delivery Manager, Kent County Council, Kent Highway Services, Double Day House, St Michaels Close, Aylesford Tel: 08458 247 800.
6. The applicant is advised that site clearance works are conducted outside the breeding bird season and replacement nesting opportunities are provided in the landscaping scheme.
7. The County Council is asked following the implementation of the tabled junction to carry out a review of the existing highway build out in Mill Street to the west of the application site.
8. The County Council is asked to ensure that the new street lighting columns in Mill Street should match the design and appearance of the existing columns along Mill Street.
9. The applicants are asked to carefully consider the possible use of external lighting along the access road to the scout hut and the potential for a harmful impact on the residential properties.

Contact: Aaron Hill