

**East Malling &
Larkfield**
East Malling

569502 157314 9 August 2011

TM/11/02145/FL

Proposal: Demolition of existing industrial/storage buildings and construction of 9 no. dwellings (amended proposals for part of scheme approved under TM/06/02433/FL)

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

Applicant: Clarendon Homes

1. Description:

- 1.1 This report relates to an application seeking full planning permission for a development of 9 no. detached 3 and 4 bedroom houses as an amendment to part of an overall redevelopment of the site, approved under TM/06/02433/FL.
- 1.2 The application does not propose any changes to the conversion scheme previously approved to the existing works building to create 4 apartments, the conversion of 155 Mill Street to two dwellings and the alterations to the boundary and resiting of the garage at 159 Mill Street.
- 1.3 The revised proposal intends to replace the two terraces of houses, two mews apartments and block of four flats with 9 no. detached houses, the buildings being located in a similar position to the previously approved layout. The design of the revised scheme has been amended to have the site access as a shared surface and the houses to feature red brick on all plots rather than the previously considered yellow brick for some of the units.

2. Reason for reporting to Committee:

- 2.1 At the request of Cllr Simpson due to the history of the site and its position within the Conservation Area.

3. The Site:

- 3.1 The site lies to the west side of Mill Street towards the western edge of the village and has a site area of approximately 0.33ha.

The site is within the Mill Street Conservation Area and forms part of the wider former Darcy Products site.

4. Planning History:

TM/61/10533/OLD grant with conditions 6 December 1961

Warehouse for Messrs. Universal Emulsifiers.

TM/65/10863/OLD grant with conditions 11 February 1965

Covered canopy for use as loading bay, for Messrs. Xzit (G.B.) Ltd.

TM/67/10591/OLD grant with conditions 12 December 1967

Re-siting of surface storage tank.

TM/68/10816/OLD grant with conditions 16 January 1968

Erection of warehouse for storage of drums and containers, for Xsit (C.E.) Ltd.

TM/70/10546/OLD grant with conditions 10 June 1970

Access to existing building and fire escape, for Xzit (G.B.) Ltd.

TM/74/11403/OLD Local Government 1 April 1974
Review Transfer

All planning papers transferred to file TM/4/74/178 on 1.4.74.

Demolition of warehouses, replace with new building

TM/75/10950/OLD grant with conditions 13 January 1975

Demolition of warehouses, replace with new buildings.
(previous application MK/4/74/17)

TM/87/10066/LBC Application Withdrawn 24 July 1987

Conservation area application: Demolition of unlisted building erection of two storey extension for storage purposes and two storey detached building for ground floor storage and first floor offices with ancillary parking.

TM/89/11248/OLD Grant with conditions 10 July 1989

Conversion of existing buildings to 1 3-bed cottage, 1 2-bed 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

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

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

TM/94/00404/CA grant with conditions 28 October 1994

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

TM/94/00405/LB grant with conditions 28 October 1994

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

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)

TM/06/02433/FL Approved 19 January 2007

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

TM/07/03757/LB Approved 23 December 2008

Listed Building Application: Demolition of existing boundary wall and replacement ragstone wall

TM/08/00893/FL Approved 29 May 2008

Change of use and minor alterations and extensions to the office and conference room building to form two residential dwellings and associated garaging

TM/08/00896/LB Approved 5 June 2008

Listed Building Application: Minor alterations to office building including new roof, extension, alterations to elevations and conversion work to enable use

TM/08/01713/FL Approved 11 July 2008

Temporary erection of a storage tent (3 years)

TM/08/03540/RD Approved 27 April 2009

Details of materials, fenestration, dormer and gable wall elevations, foul and surface water, landscaping, refuse storage and contamination submitted pursuant to conditions 3, 6, 7, 18, 19, 21 and 22 of planning permission TM/06/02433/FL (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) and conditions 3, 5, 11 and 12 of planning permission 08/00893/FL (Change of use and minor alterations and extensions to the office and conference room building to form two residential dwellings and associated garaging)

TM/08/03573/LRD Approved

20 January 2009

Details of materials, fenestration and dormer and gable wall elevations submitted pursuant to conditions 3, 5 and 6 of Listed Building Consent ref. TM/08/00896/LB (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)

TM/09/02216/RD Approved

22 February 2010

Discharge of conditions 1 and 2 of Listed Building Consent ref. TM/07/03757/LB, condition 5 of TM/06/02433/FL, and condition 4 of TM/08/00893/FL and TM/08/00896/LB (demolition of existing boundary wall and replacement ragstone wall)

TM/10/03321/FL Approved

8 February 2011

Variation of construction materials for part of the replacement boundary wall pursuant to conditions 3 and 4 of TM/08/00893/FL and 3 and 5 of TM/06/02433/FL

TM/10/03324/LB Approved

8 February 2011

Listed Building Application: Variation of construction details for part of replacement boundary wall pursuant to conditions 1 and 2 of TM/07/03757/LB and 3 and 4 of TM/08/00896/LB

5. Consultees:

5.1 PC: Comments awaited.

5.2 KCC (Highways): No objections subject to conditions.

5.3 DHH: Submitted details re contamination not sufficient to discharge previous decontamination condition, however no objection subject to the imposition of a further condition re contamination.

5.4 EMCG: Disappointed that the scheme has been watered down with 'catalogue' type housing and that the much needed 2 bed accommodation in the village has been replaced with 3 and 4 bedroom family properties. Overall the group objects unless the following amendments are made:

- The general facing brickwork for all plots should be red multi stocks with feature courses/quoins of darker red bricks.

- The weatherboarding to plot 2 should be replaced with tile hanging. Weatherboarding to plots 5 and 6 should be white.
- Reconstituted stone detailing should be omitted and replaced with brick work detailing.
- Any enclosing walls viewed from Mill Street should either be entirely of facings or traditional ragstone.
- Enclosing walls (not necessarily 1.8m high) should be provided from the corner of the site by the existing offices around to the road ramp by plot 9; in front of plot 9 and 8 around to plot 8 drive and in front of the refurbished oast from the access to the bin store around to the road ramp at the corner of the oast in front of plot 1.

5.5 Private Repls: 20/0X/0R/0S.

6. Determining Issues:

- 6.1 As the principle of residential development on this site has been agreed (dating back to the 1980s) and this application relates to an amendment to the house types, this report deals only with the issues raised by the revised design and make-up of the new build units.
- 6.2 The revised design follows a similar physical layout to that previously approved but in place of a mix of terraced houses and flats it now features 9 no. detached houses. Although they are detached, the layout and positioning of the garages creates a similar sense of enclosure to that which the previous scheme had.
- 6.3 The dwellings themselves are of a traditional design and, whilst not a terraced development as previously approved, the form of the development is considered appropriate in this location. The layout retains the important view of the Invicta Works building from Mill Street and does not detract from the setting of the listed buildings to the north and south of the access. The access from Mill Street has not been altered and the amount of parking proposed and its layout are considered appropriate.
- 6.4 The comments of the Conservation Group are noted and the materials and detailing of the design of the houses have been amended in response to these comments. The boundary walls have been amended to be only of facing brick rather than ragstone panels. The comments regarding the lack of enclosure to the front of some of the plots are noted. However, as this is not a feature that has been included in any previous consents, it is not considered appropriate to seek it now.

- 6.5 The fact that the dwellings proposed are 3 and 4 bed units instead of the consented 2 bedroom terraces and flats is not considered to be a justifiable reason for resisting the scheme. In fact the revised scheme overall provides a greater mix of dwelling sizes as it would mean the site would have 2, 3 and 4 bedroom units in place of the 2 and 3 bed units previously consented.
- 6.6 The comment regarding the design of the properties in relation to the approved scheme is noted. However the revised detailing would still be appropriate in the Conservation Area, it is just a different design.
- 6.7 An application has been submitted for Conservation Area Consent for the demolition of the existing buildings. Following a study of the planning history however, it is apparent that these works have already commenced under a previous consent and therefore that consent remains extant and a further application for Conservation Consent is not required.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Site Layout 10.90.010 A dated 02.12.2011, Letter dated 09.08.2011, Design and Access Statement dated 09.08.2011, Letter dated 09.08.2011, Notice dated 09.08.2011, Validation Checklist dated 09.08.2011, Contaminated Land Assessment dated 09.08.2011, Report REMEDIATION STRATEGY dated 09.08.2011, Location Plan 10.90.001 dated 09.08.2011, Site Survey 4581 dated 09.08.2011, Proposed Plans and Elevations 10.90.101 dated 09.08.2011, Proposed Plans and Elevations 10.90.102 dated 09.08.2011, Proposed Plans and Elevations 10.90.103 dated 09.08.2011, Proposed Plans and Elevations 10.90.104 dated 09.08.2011, Proposed Plans and Elevations 10.90.105 dated 09.08.2011, Proposed Plans and Elevations 10.90.106 dated 09.08.2011, Proposed Plans and Elevations 10.90.107 dated 09.08.2011, Proposed Plans and Elevations 10.90.108 dated 09.08.2011, Proposed Plans and Elevations 10.90.109 dated 09.08.2011, Section 10.90.110 dated 09.08.2011 and 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 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 19 January 2007 and under reference TM/06/02433/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 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.

- 5 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.

- 6 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.

- 7 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.

- 8 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.

- 9 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.

- 10 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.

- 11 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 Part 2 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.

- 12 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.

13 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.

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 Legal Services Partnership Manager, 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.

- 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 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.
- 5 All foul water drainage should discharge to the mains foul sewer as stated on the application.
- 6 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.
- 7 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.
- 8 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