

**East Malling &
Larkfield**
East Malling

569677 157344 17 June 2013

TM/12/03326/FL

Proposal: Demolition of existing industrial buildings and construction of 10 houses with associated garages, parking, roadways and landscaping
Location: Blacklands Mill Street East Malling West Malling Kent
Applicant: Ms Annette Barnes

1. Introduction:

- 1.1 Members will recall that this application was deferred from the meeting of Area 3 Planning Committee on 9 January 2014 so that further investigation could be carried out into several matters. Firstly, officers were requested to enter into discussions with the applicant to seek the re-building and repair of the ragstone wall that runs along the boundary of the site adjacent to Bone Alley. Secondly, Members sought further investigation into the relative heights and bulk of the proposed buildings and the relationship with the existing properties in Middle Mill Road. Lastly, clarification was sought of the employment implications resulting from the loss of the existing uses on the site.
- 1.2 Subsequently, the applicants have submitted some revised plans and additional details in response to those matters, and these are discussed in detail in paragraphs 3.1 to 3.8 of this report.
- 1.3 Copies of my report to the 9 January 2014 meeting and the supplementary report are attached as an annex for ease of reference.

2. Consultees (subsequent to the previous report):

- 2.1 Consultations have been carried out in relation to the drawings and additional information received on 16 January. Any further representations received will be included in the supplementary report.
- 2.2 EMCG: The Group is pleased that the missing stretch of ragstone wall is to be rebuilt, provided it is built to match the existing walls and that no brick piers are incorporated. The use of half round coping bricks to cap the wall is considered to represent a compromise and the group has suggested that rounded saddleback bricks are used to cap the wall instead of half round coping bricks. The Group would like to see a note added to ensure that the existing parts of the boundary wall will be repaired as necessary.

3. Determining Issues:

- 3.1 The principal issues regarding this application are covered in the body of my previous report, attached as an annex, and it is not proposed to outline these again. It is appropriate, however, to give detailed consideration to the matters identified for further investigation at the previous meeting.
- 3.2 The applicant's agent has confirmed that his clients are amenable to the provision of a wall incorporating ragstone along the boundary of the application site with Bone Alley. The proposal has been amended to include the reinstatement of the missing section of wall, about 40.5m long. As Members will be aware, it is proposed to demolish buildings on the site that are, in part, built of ragstone. The applicants comment that it is not possible to quantify the amount of usable stone that the demolition will generate, but it will not be sufficient to reinstate the missing section of wall entirely in ragstone and make repairs to the damaged sections of wall. It is therefore proposed that the wall be repaired where necessary and re-built with ragstone on the side facing Bone Alley and with red brick on the side facing the new development. The cavity between the brick wall and the ragstone will be filled with concrete. The ragstone wall will be built using lime mortar and traditional joints slightly recessed. The wall will be capped with red brick saddle copings. A detailed section has been provided, showing the wall to be 1.68m high relative to the surface of Bone Alley.
- 3.3 The reinstatement of the missing section of wall is very much to be welcomed as this will result in a significant enhancement to the interface between the proposed development and the public right of way and, indeed, the visual amenity for those using Bone Alley itself. In terms of the detailed design of the wall, the comments of the EMCG about the finish to the top of the wall are noted, but in this instance the half round coping bricks are considered to be satisfactory in visual terms, given the location away from a site frontage and also the detail of the existing ragstone walls on this site. The proposed details will provide an acceptable external appearance to the Bone Alley elevation and will also look satisfactory from within the developed site. It is therefore considered that this arrangement is an appropriate compromise and is acceptable.
- 3.4 An additional sectional plan has been received indicating the slab levels and ridge heights of the existing houses in Middle Mill Road and those of the new development. The section shows the detailed arrangements in relation to the proposed Unit 7, which is the unit closest to the houses in Middle Mill Road. This plan indicates that the new houses would have a slab level of around 0.4m lower than those of Middle Mill Road and a slightly lower roof ridge level. Due to this relationship, the height and bulk of the proposed houses should not have an overbearing effect on the amenities of the occupiers of the houses in Middle Mill Road.

- 3.5 The applicant's agent has also carried out an assessment based on the advice contained in BRE Digest 209: Site Layout Planning for Daylight and Sunlight, which says that there will be negligible impact upon diffused skylight enjoyed by existing buildings if the angle from the middle of a window to the ridge of the proposed development is less than 25 degrees. In this case the angle is less than 16 degrees.
- 3.6 As mentioned in my original report, there is considered to be sufficient separation between the existing and proposed houses such as to avoid direct overlooking and any undue loss of privacy.
- 3.7 With regard to the concern over potential loss of employment opportunities, the applicant advises that this site is currently operating at very much less than full capacity as the main occupier, Wenham Transport, went out of business approximately two years ago. There are currently two operational buildings at the site with around six employees. It is understood that the leases for all the buildings expired in 2013 and that tenants are continuing on new leases with a 3 month break clause on either side. This will allow the tenants time to seek alternative premises so that they can relocate their businesses.
- 3.8 It should be remembered that the proposed development of the site is in accordance with adopted policies CP13 and H4 and the proposals represent a suitable form of residential redevelopment. The scheme will include the removal of non-conforming historical industrial uses which, in itself, should be of benefit to the amenities of the locality.
- 3.9 In the light of the additional information and amendments submitted since the previous Committee meeting, it is concluded that there should be no undue harm to the amenities of the occupants in Middle Mill Road, nor will there be any significant overall impact on employment. The construction of a ragstone faced wall to Bone Alley will enhance the visual appearance of the area. It is therefore recommended that planning permission can now be granted.

4. Recommendation:

- 4.1 **Grant Planning Permission** in accordance with the following submitted details: Letter dated 09.11.2012, Validation Checklist dated 05.11.2012, Design and Access Statement dated 05.11.2012, Ecological Assessment dated 05.11.2012, Validation Checklist dated 05.11.2012, Viability Assessment dated 05.11.2012, Site Survey M840 1 dated 05.11.2012, Tree Plan dated 05.11.2012, Survey of trees dated 05.11.2012, Arboricultural Survey dated 05.11.2012, Plan M840 1 Arboricultural dated 05.11.2012, Tree Protection Plan M840 1 dated 05.11.2012, Photographs dated 05.11.2012, Transport Statement dated 05.11.2012, Environmental Assessment dated 05.11.2012, Flood Risk Assessment dated 05.11.2012, Proposed Plans and Elevations 3669-GA04B dated 11.11.2013, Letter dated 17.06.2013, Block Plan 3669-GA00 C C dated 17.06.2013, Site Layout 3669-GA01 D D dated 17.06.2013, Proposed Plans and

Elevations 3669-GA02 A A dated 17.06.2013, Proposed Plans and Elevations 3669-GA03 A A dated 17.06.2013, Proposed Plans and Elevations 3669-GA04 A B dated 11.11.2013, Proposed Plans and Elevations 3669-GA05 A A dated 17.06.2013, Proposed Plans and Elevations 3669-GA06 A A dated 17.06.2013, Site Plan 3669-GA07 B B dated 17.06.2013, Site Plan 3669-GA08 B B dated 17.06.2013, Elevations 3669-GA09 A A dated 17.06.2013, Elevations 3669-GA10 dated 17.06.2013, Elevations 3669-GA11 A dated 17.06.2013, Planning Layout 3669-GA12 C C dated 17.06.2013, Block Plan 3669-BL01 dated 17.06.2013, Block Plan 3669-BL02 dated 17.06.2013, Location Plan 3669-SLP01 dated 05.11.2013, Drawing 3669-D01 wall detail dated 16.01.2014, Email dated 16.01.2014, Supporting Statement dated 16.01.2014, Drawing 3669-GA13 dated 16.01.2014, Block Plan 3669-GA00D dated 16.01.2014, subject to:

Conditions / Reasons

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 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 or the visual amenity of the locality and in accordance with paragraphs 17, 57, 58 and 61 of the National Planning Policy Framework 2012.

3. Prior to the development hereby approved commencing, details of the slab levels of the proposed houses 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.

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 any side elevation(s) of any 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.

5. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in the roof of any of the buildings 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.

6. 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. The submitted scheme shall include the provision of the ragstone wall to the boundary with Bone Alley, and shown on drawings 3669-GA00D and 3669-D01.

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.

7. The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping scheme by observing the following:
- (a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).
 - (b) No fires shall be lit within the spread of the branches of the trees.
 - (c) No materials or equipment shall be stored within the spread of the branches of the trees.
 - (d) Any damage to trees shall be made good with a coating of fungicidal sealant.
 - (e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.
 - (f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

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.

8. 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.

9. 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.

10. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

11. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) Sevenoaks Environmental Consultancy Ltd, June 2012 and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the 1 in 100 year +30% critical storm so that it will not exceed the run -off from the undeveloped site and not increase the risk of flooding off-site.
2. Finished floor levels for living and sleeping accommodation to be set at a minimum of +300 and +600mm respectively above the immediate surrounding ground levels of the properties (relative to Ordnance Datum Newlyn maODN).

Reason:

1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
2. To reduce the risk of flooding to the proposed development and future occupants.

12. If during development contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect vulnerable ground water resources and ensure compliance with the National Planning Policy Framework.

13. 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.

14. 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.

15. 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.

16. Prior to the development hereby approved commencing, details of the refurbishment and buttressing of the wall to be retained to form the southern boundary of numbers 14-20 Blacklands 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 the interests of the residential and visual amenities of the area.

17. Prior to the development hereby approved commencing, details of the siting and type of external lighting for the site shall be submitted to and approved in writing by the Local Planning Authority. Such details as are agreed shall be carried out concurrently with development.

Reason: In the interests of visual and residential amenities of the area.

18. No development shall take place until a panel of walling 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 stone panel.

Reason: To ensure that the development does not harm the character and appearance of the Conservation Area, Listed Building and the visual amenity of the locality in general.

Informatives

1. This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.
2. A formal application for connection to the public sewerage system is required in order to service this development. Please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester SO23 9EH (tel 01962 858688) or www.southernwater.co.uk
3. You are reminded of the need to comply with all the requirements of the letter from Southern Water dated 11.01.2013.

4. During the demolition and construction phase the hours of working (including deliveries) shall be restricted to Monday to Friday 0800 hours-1800 hours, Saturdays 0800-1300 hours with no work on Sundays or Public Holidays.
5. The use of bonfires for the disposal of waste could lead to justified complaints from local residents and would also be contrary to Waste Management Legislation. It is therefore recommended that bonfires are not held at the site.
6. The granting of this planning permission does not purport to give permission for the diversion of any Public Right of Way through the site. No Public Right of Way shall be impeded until such time as a relevant diversion Order has been confirmed under the appropriate legislation.
7. Your attention is drawn to the need to comply with the requirements of the letter from the Environment Agency dated 18.12.2012.
8. You are reminded of the need to comply with the requirements of the letter from the West Kent Public Rights of Way Officer dated 3.12.2012.
9. In the event that any protected species are found at the site during the course of the approved development, you are advised to contact Natural England and ensure the necessary mitigation measures are implemented.
10. 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 Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, ME19 4LZ or to email to addresses@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. To respect the history of the site it is considered that the name Godden should be proposed for the development.

Contact: Hilary Johnson