
Report of 9 January 2014

East Malling & Larkfield **569703 157483** **17 June 2013** **TM/12/03326/FL**
East Malling

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. Description:

- 1.1 It is proposed to demolish all the existing buildings and redevelop the site to provide 10 dwellings with a mix of garages and parking places. A mix of 3, 4 and 5 bedroom houses would be provided in two and two and a half storey detached and semi-detached buildings with on site and detached visitor parking. The houses have been designed to fit the narrow linear shape of the site and would be of traditional design with pitched and hipped roofs.
- 1.2 A new residential roadway would be created to provide direct frontage access, leading to a turning area at the southern end. The existing section of Blacklands between Clare Lane and number 20 would be re-surfaced. The applicants' agent has indicated that notice has been served on those who may own land near the site entrance.

2. Reason for reporting to Committee:

- 2.1 Due to the level of local interest.

3. The Site:

- 3.1 The application relates to a long narrow site with vehicle access via Blacklands, past several residential properties. The site falls within the rural settlement confines of East Malling and is currently occupied by several small scale industrial businesses operating from a variety of buildings. The site itself falls outside the Conservation Area but the immediately adjacent properties (nos 14-20 Blacklands) lie within the Conservation Area.
- 3.2 To the north of the application site are numbers 1-5 Blacklands Barn, a converted rural building, whilst to the west are the more recent residential properties of the Middle Mill Road development. The application site is separated from Middle Mill Road by Bone Alley, a PROW running north-south adjacent to the western boundary. A second right of way continues from Blacklands north to Chapman Way, as an unsurfaced track. To the east of the application site is the Malling School, reached via New Road whilst further to the north is Clare House Park and lake.

- 3.3 The site rises up slightly from north to south and incorporates a number of mature sycamore, ash and cypress trees. Part of the site falls within a Flood Risk Area associated with a stream flowing close to the junction of Blacklands with Clare Lane.
- 3.4 The uses currently permitted at the site include light industry, steel fabrication and transport depot within classes B1, B2 and B8. These uses have operated in an unrestricted way over many years.
- 3.5 The current buildings on the site have been developed on an ad hoc basis and have a floor area of approximately 938 square metres. The overall site area is 0.43 hectares.

4. Planning History:

TM/59/10626/OLD grant with conditions 30 October 1959

Change of use and new building.

TM/60/10348/OLD grant with conditions 2 November 1960

A timber store and concrete moulding shed.

TM/65/10409/OLD grant with conditions 13 May 1965

A timber workshop.

TM/69/10374/OLD grant with conditions 23 October 1969

Change of use from light industry to storage depot for heating plumbing and ventilating engineers.

TM/72/11530/OLD grant with conditions 25 January 1972

Removal of existing building and replacement with steel framed building.

TM/73/10652/OLD grant with conditions 25 June 1973

Vehicle repair workshop as amended by letter received on the 25th May 1973.

TM/73/11000/OLD grant with conditions 29 November 1973

Extension (as amended by the plan received 25th October) - D. V. Godden Engineering

TM/75/11322/OLD	Refuse	25 March 1975
Erection of single storey office.		
TM/76/10809/FUL	grant with conditions	1 April 1976
Extension to existing vehicle repair shop. Light Industrial Site		
TM/77/10446/FUL	grant with conditions	14 October 1977
Erection of office/canteen/first aid room.		
TM/77/10570/FUL	grant with conditions	11 May 1977
Erection of workshop and store.		
TM/80/11146/FUL	grant with conditions	31 March 1980
Extension to engineering workshop.		
TM/84/11009/FUL	grant with conditions	24 February 1984
Retention of portakabin for use as offices for a period of 7 years - D.V. Godden Engineering Limited		
TM/86/10683/FUL	grant with conditions	12 November 1986
Use of land as skip hire depot.		
TM/88/11541/FUL	grant with conditions	30 December 1988
Continued use of yard as a skip hire depot.		
TM/90/11254/FUL	grant with conditions	12 February 1990
Continuation of use of site as a skip hire depot.		
TM/95/00144/LDCE	lawful development certifies	21 July 1995
Lawful Development Certificate For Existing: Use of land as a haulage yard		

5. Consultees:

- 5.1 PC: Comments made that the density of development is too high, there may be conflict between parking and access to Blacklands Barn, two non-listed buildings should be retained and the need for a watching brief in case protected species are found at the site. Reference has been made to the need to keep the public footpath free of obstruction, land ownership and contamination issues, tree protection and removal and lighting within the site. The Parish Council considers that the name "Godden" should be included in the name of the development
- 5.2 EMCG: Consider the scheme represents overdevelopment and notes the application includes land not under the applicants ownership. They would like the Old Dairy building incorporated into the scheme rather than it being demolished. The absence of garages for some plots could lead to some front gardens being converted to parking places and ragstone walls should be incorporated into the scheme and the trees should be retained. Consideration should be given to low level street lighting and the developer should contribute to some minor works at the junction of Clare Lane/Mill Street to improve sight lines.
- 5.3 Southern Water: Note that no development or tree planting should take place within 3m of the centre line of the public sewer and all existing infrastructure should be protected during the construction works. No new soakaways should be located within 5m of a public sewer. Any sewer found during construction works will need to be investigated. It is recommended that an informative is added to cover these matters.
- 5.4 EA: No objections subject to conditions covering contamination, infiltration of surface water drainage and flood proofing measures.
- 5.5 Natural England: Notes the proposal does not appear to affect any statutory protected species or landscape. Bats, reptiles and great crested newts might be present and appropriate mitigation measures should be taken where necessary. This matter could be covered by an informative.
- 5.6 KCC Public Rights of Way: A byway runs inside the northern boundary of the site and a footpath runs along the western boundary. The PROW should not be obstructed or diverted or the surface disturbed and there should be no encroachment on the current width. This can be covered by an informative.
- 5.7 KCC (Highways): Notes the proposal is likely to generate 54 two way vehicle trips per day with 6 two way trips in each of the peak hours. This would not lead to any increase in vehicle movements over and above that generated by the previous industrial use. Tracking diagrams have been provided which indicate that the refuse vehicle is able to turn within the site and leave in a forward gear. Confirmation has been received that the new road will not be adopted. Parking within the site is considered to be acceptable. The use of loose gravel would not

be suitable and tarmacadam or block paving would be required. The existing access off Blacklands would need to be adopted and would require reconstruction of the road and possible culvert works.

5.8 KCC Archaeology: No comments.

5.9 Mouchel (on behalf of KCC): Consider the proposal will have an additional impact on the delivery of KCC services and has requested a total contribution of approximately £23,000 towards the expansion of the primary school, libraries and community learning.

5.10 Private Reps: 55/OX/18R/0S. The following issues are raised:

- Scheme represents overdevelopment.
- Conflict between vehicles using narrow access road, pedestrians and associated highway problems.
- Three storey houses will be out of keeping, intrusive and result in overlooking and loss of privacy.
- Loss of trees and effect on wildlife.
- Loss of business units and rented garages.
- Management of drainage and sewage.
- Water pressure.
- Overshadowing and loss of light.
- Access via a narrow road.
- Loss of some buildings of local heritage interest.
- Loss of a peaceful area.
- Street lighting needs to be addressed.
- Reference has been made to Human Rights Act and that a person has a right to the peaceful enjoyment of their home and respect for private and family life.
- Increased traffic construction.

6. Determining Issues:

6.1 A number of Local Development Framework policies are relevant to this application. These include Core Strategy policies CP1 (Sustainable Development), CP10 (Flood Protection), CP13 (development within the settlement confines),

CP17 (Affordable Housing) and CP24 (Achieving a High Quality Environment). MDE DPD policy H4h identifies the site as being potentially suitable for housing subject to meeting certain criteria. These include the provision of Affordable Housing, remediation of contamination, respecting the character of the adjacent Conservation Area, mitigation of any local flooding and archaeological issues. Reference has been made to the possible provision of access via Middle Mill Road and a pedestrian link to local schools. Another relevant MDE DPD policy of relevance is SQ1 which states that proposals will be required to reflect the local distinctiveness of the area, including any historical/architectural interests.

- 6.2 In addition to local policies, the application is considered in relation to the National Planning Policy Framework which in general terms is in favour of sustainable development, encouraging the effective re-use of previously developed land, delivering a choice of high quality housing whilst having regard to the historic environment and any flooding issues.
- 6.3 The main issues associated with this proposal are whether the principle of re-developing this site is acceptable having regard to visual and residential amenities, highway, flooding, contamination and affordable housing considerations. More specific requirements also need consideration such as trees and landscaping, drainage and PROW.
- 6.4 The site falls within the settlement confines of East Malling and has in policy terms been identified as potentially being suitable for residential re-development. In broad general terms the principle of the proposal is, therefore, acceptable in relation to policies CP13 and H4.
- 6.5 Within the site there are currently seven individual buildings of varying sizes, styles and materials. Some have steeply pitched roofs whilst others have lower or flat roofs. The comments about retaining the Old Dairy building have been noted. The buildings have a functional or in some cases neglected appearance and none are considered to be of such merit as to be worthy of retention or inclusion within the scheme. It is appreciated that Building G (forming the southern garden boundary wall of number 14-20 Blacklands) incorporates some ragstone. The applicants' agents have confirmed that this wall would be retained and made good, although some buttressing might be needed on the south side.
- 6.6 The proposal seeks the removal of what may be viewed as non-conforming historical uses in an area that is now predominantly residential with a school and open space nearby. The proposed housing layout has been designed to fit the linear shape of the site. The houses would be constructed in a mix of brick, weatherboarding and tile hanging in traditional form.
- 6.7 The development has been amended over the course of the application in an attempt to overcome concerns regarding the new houses overlooking the existing dwellings adjacent and to enhance the setting of the Conservation Area. Rear dormer windows have been deleted where necessary to prevent overlooking and

conditions can be attached to prevent new windows/roof openings being introduced in the future. The proposed development is acceptable in layout and design, subject to the use of appropriate materials and should not have a harmful effect on the visual amenities of the adjoining Conservation Area.

- 6.8 Several residents have raised concerns about overlooking and loss of outlook from the rear of properties in Middle Mill Road. It is recognised that with the removal of trees and introduction of two and a half storey buildings on the site there will clearly be a change in outlook. Rear dormers have been deleted from units 5 and 6 to avoid direct overlooking. The distance between the proposed dwellings and those in Middle Mill Road would be around 17-22m, which would retain an adequate degree of separation and avoid direct overlooking and loss of privacy. As a result the proposal should not have an unduly harmful effect on the residential amenities of the neighbours to the west and is considered acceptable in terms of policy CP24.
- 6.9 There are numerous individual and groups of trees both within and adjacent to the site. The submitted tree report states that the trees within the site have been surveyed and the layout of the proposal balanced against the competing needs of the trees. It was concluded that there are a total of 36 trees that will need to be removed as they are either in direct conflict with the proposed development or are of poor quality. Protection measures during demolition and construction works would be implemented in relation to trees remaining at the site.
- 6.10 The tree report is considered to be appropriate and the tree loss, whilst regrettable, is acceptable. The orientation of the access road close to the better trees on the eastern boundary is preferable as it reduces the pressure for future removal from having large trees in private gardens. Given the number of trees around the edge of the development the construction should be carried out with arboricultural supervision to ensure no damage to the trees or their roots. With regard to landscaping and boundary treatment new planting is welcomed but this should not encroach or overshadow the existing footpath. Full details of the landscaping works can be sought by condition.
- 6.11 The site is within a rural settlement and under policy CP17 there is a presumption that on sites of over 0.16 Ha or when a development is for five or more dwellings that 40% of the units should be affordable housing. This development though does not propose any affordable housing due to the specific nature of the site and the land contamination from the historic uses which will require remediation, the cost of which affects the viability of the development.
- 6.12 The viability of the development has been assessed and it is considered that the proposed scheme is not capable of meeting the policy requirement for affordable housing units if it is to remain economically viable. It is also stated that a reduced level of affordable housing would not be feasible due to the likely extent of remediation costs which would reduce the extent of development surplus.

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- 6.13 Whilst it is unfortunate the development cannot provide affordable housing, this lack of provision has to be balanced against the fact that the site is at present in industrial use that is unrestricted in its operations. It is also currently not being operated at full capacity. The area surrounding the site is predominantly residential and the development provides an opportunity to remove the non-conforming use in the centre of the village and also the problems associated with its use at anti-social hours. Given the environmental benefits to be gained from the redevelopment of the site it is considered, in this instance, appropriate not to seek affordable housing provision on site or a contribution towards alternative off-site provision.
- 6.14 The site is, as previously stated, presently in industrial use. KCC Highways have no objections to the principle of the proposed development. It is considered that from a traffic generation position the residential development would have no material impact on local traffic conditions when compared to the permitted use and there will be a benefit resulting from the reduction of commercial traffic. There will be sufficient space for a refuse collection vehicle to enter, turn and leave in a forward direction. Parking will be provided through a combination of dedicated spaces and/or garages for residents and visitors. A total of 21 parking spaces and a further 8 garage spaces (total 29 spaces) would be provided. This provision is in accordance with IGN3. It is not proposed to have the road adopted.
- 6.15 The comment of the Parish Council about a number of the parking spaces being positioned outside some of the residential curtilages is noted. The spaces are considered to be close enough to the houses such that future occupiers can realistically be expected to use them. In most cases, there would be insufficient depth of space available to the front of those houses without garages in which to create new parking places. The parking and manoeuvring space within the site is considered to be adequate and acceptable in terms of KCC standards.
- 6.16 The northern part of the site lies within the Environment Agency flood zone 3 and the applicants' agent has demonstrated that the development could be made safe by raising the floor levels clear of predicted water levels. Drainage will be achieved by an appropriate SUDS system to required standards. The EA has not raised any objections but has recommended specific conditions and identified risks associated with flood risk, land contamination and surface water drainage. All necessary precautions will need to be taken to prevent discharges and spillages to the ground both during and after construction. From an Environmental Health perspective, as the risk assessment submitted with the application identifies potentially complete exposure pathways between potential contaminants, an intrusive site investigation should be undertaken to determine the extent and chemical nature of made ground. It is also recommended that an asbestos survey is considered in the existing buildings prior to demolition and that on site fuel storage tanks are removed. Further survey work would need to be the subject of safeguarding conditions.

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- 6.17 KCC advisors have requested that a financial contribution be made towards the expansion of the primary school, libraries and community learning. Given the above comments on the viability of the development it is not considered appropriate to seek this contribution in this instance.
- 6.18 Some representations have been received from those businesses currently operating from the site. The applicants' agent states that none of the lessees have landlord and tenant rights to renew their leases when they expire. This would be a private matter between the parties concerned. The potential loss of premises for small businesses is regrettable but it is hoped that these could find alternative locations and continue to operate locally.
- 6.19 The comments of the neighbours have been given very careful consideration. The proposed development would have a density of 24 dwellings per hectare, which is not considered intensive in this setting. The introduction of 10 units is not considered to represent overdevelopment in this instance. The existing PROW across the northern part of the site would remain and there would be no greater conflict between pedestrians and vehicles.
- 6.20 Reference has been made to the need to avoid the introduction of street lighting within the new development. In the event that planning permission is granted, it is suggested that low level lighting only is introduced within the development, in order to avoid light pollution.
- 6.21 The issues raised by local residents also include reference to the Human Rights Act. The Human Rights which the objectors invoke are not absolute in their favour, but an element to be taken into account in planning decision-making, along with the many other material planning considerations. The statutory development control processes, in which local authorities are at one level of decision-making, have been specifically considered in the context of their compatibility with the Human Rights Act 1998 by the House of Lords in 2001 (now the Supreme Court) and held to be compatible. The nature of the various components involved in the development control process – which, taken as a whole, include notification of and considering representations about planning applications, an appeals system and possible judicial review on points of law – is key to that judgement. What this means is that, provided appropriate and proportionate weight is given to Human Rights considerations in reaching individual development control decisions, the development control process has been recognised as being capable of adequately reconciling those considerations and any competing or conflicting considerations. This Council and other local planning authorities act accordingly.
- 6.22 This application has been the subject of lengthy consideration due to the variety of constraints associated with the site. The development in the amended form is considered to be acceptable having regard to the policy context outlined above. The number and form of the residential units will have a satisfactory relationship with the adjoining residential properties and existing public rights of way in the

locality. Whilst the lack of affordable housing within the development is regrettable, it is recognised that there is a need to ensure that satisfactory remediation works against possible contamination take place and that the development would be unviable with affordable units.

6.23 In the light of the above, it is concluded that planning permission should be granted.

7. Recommendation:

7.1 **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, 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 1995 (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 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 the 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.

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 concordantly 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 the visual and residential amenities of the area.

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.

Contact: Hilary Johnson

SUPPLEMENTARY REPORTS**AREA 3 PLANNING COMMITTEE****DATED 9 January 2014**

**East Malling & Larkfield TM/12/03326/FL
East Malling****Demolition of existing industrial buildings and construction of 10 houses with associated garages, parking, roadways and landscaping at Blacklands Mill Street East Malling West Malling Kent for Ms Annette Barnes**

Private Reps: Correspondence has been received from the son of the late Mr Godden who developed the Godden factory at the site in 1972. It is stated that his products and the factory achieved world wide success and the company was recognised with merit within the southeastern business schemes at the time. Mr Godden's son suggests that it would be a fitting tribute to preserve his name on the site.

EMCG: Members are unable to attend and speak at the Committee meeting, but would have preferred the existing ragstone buildings at the site to be retained.

It has also been requested that consideration be given to including a condition requiring the boundary wall to Bone Alley to be built in salvaged ragstone from the demolition of the buildings. In addition the remaining existing ragstone walling should be totally repointed and missing stones replaced where necessary and the whole wall be re-capped in saddle back coping bricks to match those along the remaining part of the boundary wall to Honeymoon Cottages. The application currently shows the wall to be repaired with brick, with a timber fence topping, but this arrangement is not thought to be in keeping and requires frequent maintenance.

The EMGC hopes that this matter can be debated at the Committee meeting and has provided photographs of ragstone walls for reference. The photographs are reproduced as an appendix to this document.

DPHEH: The comments regarding street naming are noted and although not a planning matter an appropriate informative can be attached to a permission regarding this.

With regard to the boundary treatment along Bone Alley the desire of the EMCG to have a ragstone wall all along the site boundary is understood. Details of proposed boundary treatments are required to be submitted for approval under condition 6 of my recommendation. The desire for a ragstone wall can be included as an informative. However, I do not believe that it would be appropriate to make the provision of such a wall a specific requirement through a condition, as this would not meet the required legal tests for the imposition of conditions. It should also be noted that the documents submitted by EMCG, including the supporting photographs, do not form part of a document adopted by the Borough Council for development control purposes and therefore the weight that can be attributed to them is limited.

AMENDED RECOMMENDATION:**Add the following informatives:**

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, Kent, ME19 4LZ or to e-mail 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.

11. It is suggested that in preparing the details to discharge condition 6, the applicant should consider the possibility of providing an appropriately detailed ragstone wall to the site boundary along Bone Alley. This might appropriately include re-use of stone from some of the buildings on the site that are proposed for demolition. Sections of the existing wall are also in need of repair and refurbishment, and this should also form part of the proposed scheme of boundary treatments.
