

7 supported apartments at land at the former Mill Stream School, East Malling – TM/06/3385

A report by Head of Planning Applications Group to Planning Applications Committee on 16 January 2006.

Application submitted by Kent County Council Adult Services and Housing 21 for the erection of a two storey detached building comprising 7 supported apartments for people with learning difficulties with communal space together with access, car parking and landscaping.
(Ref: TM/06/3385)

Recommendation: Recommend that the application be referred to the First Secretary of State as a departure from the Development Plan, and that subject to her decision, planning permission be granted.

Local Member(s): Mrs T Dean

Classification: Unrestricted

Site

1. The application site is located to the north of Mill Street in East Malling village and forms part of the site of the former Millstream School, which is now demolished. The site lies on the eastern boundary of the former school and is bounded by a substantial hedge to the east, beyond which lies a sports ground. The northern boundary of the site is currently marked by a line of chestnut paling fencing, which has been installed to provide protection to a mature Norway Maple beyond the northern boundary. This tree, and a group further to the north, are protected by a Tree Preservation Order.
2. An entrance has been formed in the southern boundary of the school site in order to create an access to the development site to the north, upon which the new Malling School is currently being constructed. The slabs from the now demolished school remain on site, and the application site is almost entirely covered with asphalt and was previously used as the school playground. The remainder of the Millstream School site, to the west of the application site, is to be made available for housing development in the future. The Mill Street, East Malling, Conservation Area lies to the southwestern boundary of the site, and the boundary of the rural settlement confines, as identified in the adopted Tonbridge and Malling Borough Local Plan, lies to the south. The Local Plan (1998) identifies that the whole of the application site is located within an Area of Local Landscape Importance and a Green Wedge. A site plan is attached.

Background

3. It should be noted that this proposal has been amended in response to concerns and objections raised by local residents, Tonbridge and Malling Borough Council, East Malling Conservation Group and East Malling & Larkfield Parish Council, with regards to the design of the proposed building. Amendments have been made to the proposed external materials and the design of the roof in an effort to overcome these concerns. Minor alterations to the site layout have also been made in order to facilitate access for refuse and emergency vehicles. It is the revised submission that will be discussed throughout this report.

Item D3

7 supported apartments at land at the Former Mill Stream School, East Malling – TM/06/3385

Item D3

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Item D3

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Item D3

**7 supported apartments at land at the Former Mill Stream School, East
Malling – TM/06/3385**

Item D3

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Malling – TM/06/3385**

Item D3

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Malling – TM/06/3385**

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Proposal

4. This application has been submitted by Kent County Council Adult Services and Housing 21 and proposes the erection of a 2 storey detached building comprising 7 supported apartments for people with learning difficulties, with communal space together with access, car parking and landscaping. The proposals form part of a Private Finance Initiative (PFI) to redevelop a number of sites in Kent with both extra care accommodation for the elderly, and supported flats for people with learning difficulties.
5. The amount of development proposed has been identified as the minimum required to create a viable development in terms of the care needs of the residents. The accommodation would be contained within a 2 storey detached with amenity space to the rear. A forecourt would be provided to the front of the building, which would accommodate a total of 8 car parking spaces, including 2 disabled spaces. The layout of the development on the site seeks to re-use the existing access to the site from the south, and to orientate the building to take advantage of the private amenity space at the rear. However, the access road would need to be improved, and the location of the entrance point moved eastwards along Mill Street to provide adequate visibility in both directions. The positioning of the car parking, between the access road and the front elevation would give direct access to the front door of the development. The private garden to the rear would ensure that that the trees covered by TPO's to the north would not be impacted upon by the development.
6. The development has been designed to comply with Secured by Design principles, and would provide good natural surveillance over the car parking areas, a secure and well maintained access from Mill Street and private amenity space for residents, which would be overlooked from the north facing units within the building. The proposed building would be 2 storeys in height, which the applicant suggests is of a scale and massing similar to other buildings in the area.
7. The proposed building would have a roof pitch of 22.5 degrees, which the applicant states is comparable to other properties in the village, and would be finished in a red clay tile. Balconies for each apartment would be located on the north and south elevations. The applicant has given consideration to the materials advice contained within the East Malling Village Design Statement, and proposes that the ground and first floor be distinguished by differing materials, with a red brick to the ground floor elevations, and to most of the west and east elevations, and red plain tile hanging to the first floor which wraps around part of the west and east elevations. The east and west elevations would be detailed with a blue brick soldier course at the first floor level, which the applicant suggests is characteristic of other properties in the village and is recommended in the Village Design Statement.
8. Existing trees on the northern and eastern boundaries are outside of the development site and would not be affected by the proposed development. This existing vegetation would provide a framework for additional planting, and the applicant proposes that new shrub planting on all boundaries would comprise a mix of low to medium height evergreen and deciduous shrubs to create a sense of privacy within the garden, especially from the west.

Reduced copies of the submitted drawings showing the site layout and access are attached.

7 supported apartments at land at the Former Mill Stream School, East Malling – TM/06/3385

Planning Policy

9. The Development Plan Policies summarised below are relevant to the consideration of the application:

(i) **The Kent & Medway Structure Plan: Adopted 2006:**

Policy SP1 - Seeks to conserve and enhance Kent's environment and ensure a sustainable pattern of development.

Policy EN3 - Kent's landscape and wildlife (flora and fauna) habitats will be conserved and enhanced.

Policy EN9 - Tree cover and the hedgerow network should be maintained. Additionally, they should be enhanced where this would improve the landscape, biodiversity, or link existing woodland habitats.

Policy QL1 – Seeks to conserve and enhance the environment through the quality of development and design. Developments, individually or taken together, should respond positively to the scale, layout, pattern and character of their local surroundings.

Policy QL6 - Development within Conservation Areas should preserve and enhance the character of the Conservation Area. Development which would harm the character or appearance of a Conservation Area will not be permitted.

Policy QL12 -Provision will be made to accommodate additional requirements for local community services. New community services will be located where they are accessible by walking and cycling and by public transport from the area they serve. Wherever practical they will be located in town, district or local centres.

Policy TP19 - States that development proposals should comply with vehicle parking policies and maximum standards adopted by the County Council.

(ii) The adopted (1998) **Tonbridge and Malling Borough Local Plan:**

Policy P2/19 - In Green Wedges, development will not be permitted which significantly extends the built confines of rural settlements or urban areas, or has a significant adverse effect on the function of the Green Wedge in ensuring the separation of these areas.

Policy P3/7 - In Areas of Local Landscape Importance, development which would materially harm the landscape character of the area will not be permitted. (Character here defined as an area of mainly

7 supported apartments at land at the Former Mill Stream School, East Malling – TM/06/3385

open uses which provides an attractive rural setting to the built up areas of West Malling, East Malling & the Medway gap).

Policy P3/8 - In considering development proposals where existing trees are the subject of Tree Preservation Orders, the Borough Council will seek to ensure that buildings, gardens and roads are located so as to avoid subsequent applications for the felling of those trees while they remain healthy.

Policy P4/4 – Within designated Conservation Areas the applicant will be required to demonstrate that a proposed development will preserve or enhance the character and appearance of the area. Any development which would prejudice the overall character and integrity of the area will not be permitted, and all development should be sympathetic in scale and character with the area generally. Proposals for land which adjoins a Conservation Area should respect the setting of the Conservation Area, and views into or out of it.

Policy P4/11- Development should be well designed and respect its setting. Development proposals must not harm the particular character and quality of the local environment, and wherever possible should make a positive contribution to the enhancement of the area.

Policy P5/6 - The provision for housing suited specifically to those with special housing needs will be permitted on sites either allocated or considered suitable in principle for residential use, or on larger housing sites as an element of the overall development, where such sites are well located to shops, community services and public transport facilities, and generally within an area of level ground, subject to compatibility with other policies of the plan.

Policy P7/18- Expects new development to make satisfactory provision for the off-street parking of vehicles in accordance with the adopted Vehicle Parking Standards.

Consultations

10.Tonbridge and Malling Borough Council: raises no objection subject to the following matters being addressed:

- The flank walls to be further articulated through the extended use of hanging tiles;
- The layout and access road is designed to meet the needs of refuse collection and emergency vehicles;
- An appropriate desk top study and walk over contamination report to be produced and verified;
- Ensuring the best possible access to the Public Right of Way and public highway network for disabled person;
- That TMBC are consulted on the detailed submission of external materials;
- The development needs to respect the East Malling Village Design Statement;

7 supported apartments at land at the Former Mill Stream School, East Malling – TM/06/3385

East Malling and Larkfield Parish Council: states that the applicant describes the new building design as having a 'distinctive architectural language' - as translated it has no identity with East Malling. Should this design be accepted it could set the style for the remainder of the sites development.

It is considered that the east and west elevations portray a very plain building more suited to an industrial site. The applicant states that the east elevation would be screened by a significant hedge and a belt of trees, however, plants do not live forever so what they currently hide is important.

It is also stated that the chequer tree (subject of a TPO) is nationally rare, and is therefore of much wider importance than that stated.

East Malling Conservation Group: states that the proposed building sits in a sensitive green wedge between 2 Conservation Areas and, as such, should be well designed and of high quality. Whilst it is acknowledged that the architect has made a step forward in the proposed amendments, this is not considered a move far enough. The Group would like the residents of the home to be in a 'home' that blends in with the village structure and not be stigmatised. A number of changes and amendments are suggested by the Group, including further changes to the roof pitch and the east and west elevations, and removal of the balconies. A sketch of an alternative design is also provided (which was forwarded to the applicant).

In addition, it is stated that the ground levels at the whole of the Millstream School site vary considerably from front to back. Given this, the Group is of the firm belief that this application should not be determined until the layout and levels of the future residential development on the adjacent land are determined.

The re-use of the access road is supported, as any further entries punched through the ragstone wall at the front of the site would be contested. However, it is considered that a condition should be imposed to ensure that the building would not be occupied until the access road is reconstructed with a safe pedestrian access, lighting and acceptable sight lines into Mill Street.

It is hoped that the architect is prepared to reconsider the design and resubmit drawings. Approval should be subject to deferring the access, car parking and finished levels until the residential application is determined, or given as outline only.

The Divisional Transport Manager: comments as follows:

"The proposal utilises part of the former Millstream School and the proposal indicates the use of the former school access. As the proposed use is less than the existing use there are no objections to be raised for the use of the access or the traffic generation.

The layout shows parking provision for 8 vehicles, however it should be noted that end bays should be 2.7m wide and that the disabled spaces would be better located nearer the entrance.

In summary I raise no objections subject to the parking and turning being provided as shown prior to occupation and a layout incorporating refuse storage and collection points."

7 supported apartments at land at the Former Mill Stream School, East Malling – TM/06/3385

The Environment Agency: raises no objection to the application and provides advice regarding Source Protection Zones and potential contamination. In addition, a desktop study to identify previous site uses, potential contaminants, and other relevant information, was required to be submitted prior to the determination of this application. Upon receipt of this study, the Environment Agency state that the recommendations and analysis of risks and liabilities detailed in the report are agreed in principle, and that the proposals for works at the site are generally acceptable. However, any relevant planning condition should not be discharged until all the works are complete and a closure report submitted.

Jacobs Landscaping: states that the development, located on the hard-surfaced area, would have minimal impact on the existing landscape. Existing vegetation should be protected during construction, particularly the established trees and scrub along the eastern periphery of the site.

The important existing trees on the northern and eastern boundaries are located outside the confines of the site but their canopies extend into the site. The guidance provided in BS 5837 'Trees in Relation to Construction' and NHBC Standards 'Building Near Trees' should be followed in order to minimise any negative impacts upon retained trees including those with Tree Preservation Orders. A tree protection drawing should be provided to illustrate how the trees can be protected during construction.

The retention of the existing trees on the northern and eastern boundaries together with the proposed additional planting will provide screening of the proposed apartments from the public recreation ground and the construction area of the new school complex. The site is not directly overlooked by residential properties. The proposed distinctive architectural language and external finishes will complement nearby properties and new shrub planting on all boundaries, comprising of a mix of low to medium height evergreen and deciduous shrubs, will provide additional screening.

Biodiversity Officer: comments as follows:

"I am reasonably satisfied with the ecological scoping undertaken for the application. From the Design and Access Statement it appears as if the boundary of trees with potential for foraging bats is to be retained, therefore negating the need for a bat survey.

I would agree that impact to breeding birds may be possible and would suggest a mitigation condition inline with the recommendations in Table 7.1 of the scoping report, and a requirement to compensate likely loss of breeding habitat with nest box provision and appropriate landscaping

Whilst it is unlikely that this application would result in significant impacts to biodiversity, PPS9 is clear that all applications should consider how they can enhance biodiversity. Given the potential for bats and the known populations of birds on the site, I would consider that opportunities for biodiversity enhancement should be included within the built and landscaped environment of this proposal, particularly the provision of bird and bat boxes and the use of indigenous species (preferably of local provenance) for landscaping works."

County Fire Officer: states that the amended site layout provides a means of access that is considered satisfactory.

7 supported apartments at land at the Former Mill Stream School, East Malling – TM/06/3385

EDF Energy: raises no objection to this proposal, providing their rights regarding access and maintenance to any of their cables within the area are maintained at all times.

National Grid: states that based on the information provided the proposal would not affect National Grid's high voltage electricity transmission plant and equipment.

Health Protection Agency: no comments received to date.

Additional comments were received from:

Blacklands Scout Group: comment as follows:

"Access to our building is through the former Millstream school site in which the proposed development lies. We have been talking to surveyors appointed by KCC to discuss future access arrangements to our premises both during and after the whole site is developed. These discussions have been based on the Development Brief for the whole site produced by KCC. We do not know if this development brief has been presented to the County Planning Authority but we feel that it is relevant to the application.

We would like to raise our concerns about this proposal on the grounds that no details regarding access have been presented in the application other than to specify that vehicle access will be required. Mill Street is a narrow road, which bends where it passes the site. The current exit is opposite a junction, on a blind corner and is dangerous with the current limited use. This proposal will generate additional movements both from occupiers and service vehicles and that will be in addition to the proposed residential development scheme on the remainder of the site.

We feel that this proposal can therefore only be properly considered in conjunction with the Development Brief and when details for the remainder of the site are available, vehicle access and parking arrangements are specified and the Highways Authority are able to consider the implications of the scheme and consider safety aspects."

Local Member

11. The local County Member, Mrs T. Dean, was notified of the application on the 16 October 2006.

Publicity

12. This application has been publicised by advertisement in a local newspaper, the posting of a site notice and the individual notification of 18 nearby properties.

Representations

13. 1 letter of representation has been received regarding the revised proposal, following the receipt of 4 letters regarding the initial proposal. The main comments/points of concern and objection are summarised as follows:

- Concern is expressed that the development site is in close proximity to overhead powerlines, and the subsequent implications of this.

7 supported apartments at land at the Former Mill Stream School, East Malling – TM/06/3385

- The former Millstream site is to be developed for housing in the future. The site should be treated as a whole with one overall development plan, not in a piecemeal fashion. There are a number of issues which are cross related, including site access, compatibility of design and changes in site levels.
- Object to the erection of 2 storey development as there is no precedent for this. The school (now demolished) was also single storey.
- Object to the erection of flats on site because flats are not compatible with the residential fabric of the village.
- Access does not appear to have been considered. Footways to and from the site are unsuitable for wheelchairs, local shops are nearly a mile away, links to public transport are poor and there is no doctors surgery in the village. 'Bussing' people in and out of the facility would not facilitate integration with the village.
- The building design is totally inappropriate and out of character with the location and the adjacent Conservation Areas.
- The character of East Malling is being systematically ruined by inappropriate development.
- The proposal is a cheap PFI solution and does not follow the guidance in the East Malling Village Design Statement. The building has the appearance of an institution.
- The roof pitch is too flat, the west and east elevations give a brick slab appearance and materials need to be given careful consideration.
- Concern is expressed that local residents have not been consulted properly on this application, and that more information should have been provided in the initial stages of the proposals development.

In addition 19 comment cards were received following a public exhibition held by the applicants. The main comments/points of concern and objection are summarised as follows:

- The site chosen is not appropriate. There are few facilities locally, and access to those that are available within the village is dangerous. The pavement is narrow and uneven and, therefore, not wheelchair friendly;
- The design is out of keeping with the village, which is in a conservation area. The Kent Design Guide and the Village Design Statement should be consulted and the design amended;
- Materials proposed are out of keeping with the local area;
- Residents were assured that no development on the site would exceed the footprint of the demolished school;
- Transport links are limited;
- Residents would prefer to see an overall plan for the development of the site;

Discussion

14. In considering this proposal regard must be had to the Development Plan policies outlined in paragraph (9) above. Section 38(6) of the 2004 Planning and Compulsory Purchase Act states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity. Issues of particular relevance include impact upon residential and local amenity, visual impacts and design, and possible effects on the local environment, particularly the Green Wedge, Area of Local Landscape Importance and adjacent Conservation Areas.

7 supported apartments at land at the Former Mill Stream School, East Malling – TM/06/3385

15. Policies SP1 and QL1 of the Kent and Medway Structure Plan, and Policy P4/11 of the Tonbridge and Malling Borough Local Plan, seek to conserve and enhance the environment and require development to be well designed and respect its setting. This is particularly relevant to this site which is within the Green Wedge and an Area of Local Landscape Importance, and adjacent to a Conservation Area.
16. As previously mentioned the application site is included within the Green Wedge and an Area of Local Landscape Importance, as designated in the Adopted Tonbridge and Malling Local Plan under Policies P2/19 and P3/7 respectively. These policies have a presumption against development and, therefore, this application has been advertised as a departure from the Development Plan and the matter would need to be referred to the Secretary of State for her consideration, should Members be minded to permit. In assessing the proposal the policies detailed above, particularly those concerning the Green Wedge, need to be considered more closely to establish whether or not there are special circumstances that would warrant setting aside the general presumption against development.

Siting and Design

17. Policy P2/19 of the Adopted Tonbridge and Malling Local Plan states that within the Green Wedge development will not be permitted which significantly extends the built confines of rural settlements or urban areas, or has a significant adverse effect on the function of the Green Wedge in ensuring the separation of these areas. This application site is adjacent to the boundary of the rural settlement confines and it is therefore necessary to consider whether this proposal would extend the built confines of the settlement, and/or have an adverse effect on the separation function of the Green Wedge. The application site also adjoins to boundary of a Conservation Area. Policy P4/4 of the Tonbridge and Malling Borough Local Plan, and Policy QL6 of the Kent and Medway Structure Plan require proposals for land adjacent to Conservation Areas to respect the setting of the Conservation Area, and views into and out of it. Development which would harm the character or appearance of a Conservation Area will not be permitted. In addition, the application site is within an area of Local Landscape Importance, and it is stated under Policy P3/7 of the Tonbridge and Malling Borough Local Plan that development which would materially harm the landscape character of the area will not be permitted. In conjunction with other relevant landscape protection and design policies, these issues need to be considered in the determination of this application and will be discussed below.
18. First, the siting of the proposed development must be considered in relation to the functioning of the Green Wedge. As previously stated, the application site forms part of the site of the former Mill Stream School, which is now demolished. The proposed building would be located upon an existing hard surfaced area, which was previously used as the school playground. A precedent for development on the site has therefore been set. The site is essentially brownfield in nature, and the proposed building would be located within the site boundaries of the former Mill Stream School, on a area of existing hard standing. In addition, the development would not lead to a significant outward expansion or consolidation of existing pockets of development and, therefore, I consider that this proposal would not have a detrimental effect on the functioning of the Green Wedge or be contrary to the initial principles of Policy P2/19 of the Adopted Local Plan.
19. However, the design and visual appearance of the building needs to be given further consideration. Concerns and objections have been raised by a number of parties with

7 supported apartments at land at the Former Mill Stream School, East Malling – TM/06/3385

regards to the design of the development. In response, the applicant amended the proposal, referring to relevant design guidance, and it is this amended design that has been outlined throughout this report. However, the design of the building has continued to be a cause of concern, especially given the site's location adjacent to a Conservation Area and within an Area of Local Landscape Importance. Residents and consultees have suggested that the east and west elevations are bland, that balconies should be removed, the roof pitch changed and the use of hanging tiles extended. Concern is expressed that the building design has no identity with East Malling, and should it be accepted, that it could set a precedent for the development of the remainder of the site.

20. The amended scheme incorporates a number of changes, which the applicant believes improves the design and takes into account advice and guidance given in the Kent Design Guide and East Malling Village Design Statement. In particular, the height of the roof was raised by increasing the pitch to 22.5 degrees, a pitch deemed to be comparable with other properties in the village, as illustrated in the Village Design Statement. The applicant is conscious that any further increase in pitch would result in increase in ridge height. In addition, the angle of the roof slopes over the balconies on the front elevation has been reversed, which has removed the effect of mono pitches to the side elevation, and resulted in a more traditional eaves treatment. Although further changes to the roof pitch would be welcomed, the applicant has offered a solution which is considered to be acceptable in this instance.
21. Objection has been raised to the erection of a two storey building on site. However, the new Malling School, under construction at the rear of this site, is predominately two storey, and neighbouring residential properties are a mix of both single and two storey development. In addition, the applicant suggests that it is more than likely that the remainder of the site would be developed with two storey housing. I consider that two storey development is compatible with the surrounding area, and that the scale and massing of the proposed building would not have a detrimental impact upon the character of the local area.
22. The applicant also gave further consideration to the proposed external materials when submitting the revised drawings, taking advice from the Village Design Statement. It is proposed that the ground and first floors would be distinguished by differing materials, with a red brick to the ground floor elevations and to most of the side elevations, and red plain clay tile hanging to the first floor, which would wrap around part of the side elevation. The side elevation would also feature a blue brick soldier course at first floor level, which the applicant suggests is characteristic of other properties in the village, and is recommended in the Village Design Statement. The roof would be finished with red clay tiles. The applicant suggests that the use of large format aluminium windows, something that was questioned by the East Malling Conservation Group, is appropriate in this location as the building would be isolated from other properties. However, the applicant advises that it would be possible to break up the large panes of glass with transoms and mullions, and requests that details of the window design be submitted under planning condition. I am of the opinion that the proposed materials are acceptable for the location, and adhere to relevant design advice. Should Members be minded to permit, details and samples of all materials to be used externally, and details of the window design, would be required to be submitted for approval prior to the commencement of development on site.
23. Although the proposed development is not within a Conservation Area, it is within close proximity to the boundary and, therefore, its impact on the character and appearance of the Conservation Area needs to be considered. The boundary of the Conservation Area

7 supported apartments at land at the Former Mill Stream School, East Malling – TM/06/3385

is located to the west of the site, at the edge of the former Millstream School playing fields. The site is currently visible from the Conservation Area, but following development of the remainder of the site, it is likely that the proposed supported apartments may be screened by new housing. However, regardless of this, I consider that the amendments made to the proposed design of the building are sufficient, and that the applicant has demonstrated that they have considered, and reasonable translated, relevant design guidance. The scale, massing and design of the development are considered to be appropriate to the local landscape and take into account the sites sensitive location. I therefore consider that the development would not have a significantly detrimental impact upon the landscape character of the area, and subsequently the Area of Local Landscape Importance and the Mill Street Conservation Area. In my opinion, the development is in accordance with the general principles of relevant Development Plan Policies and, therefore, would not have a significantly detrimental effect on the Green Wedge, Area of Local Landscape Importance or adjacent Conservation Area.

Location and Access

24. Local objectors have suggested that the proposed site is inappropriate, as it is not centrally located to the village. It is suggested that access does not appear to have been considered. Footways to and from the site are unsuitable for wheelchairs, local shops are nearly a mile away, links to public transport are poor and there is no doctor's surgery in the village. 'Bussing' people in and out of the facility would not facilitate integration with the village. However, the applicant suggests that although transport links are limited in the village, it is likely that the occupiers of the building would be reliant on either the private car, or by vehicles associated with the providers of the healthcare for their travel. The applicant considers that the surrounding road network is adequate to serve the needs of the development, as are the local facilities.
25. Given the site constraints, and the layout of surrounding development, access would be provided along an improved access road from Mill Street. The location of the access road, currently a construction access for the Malling School development, would be moved westwards slightly to enable the provision of adequate visibility splays. The County Fire Officer is satisfied that access for fire and refuse vehicles is acceptable, and Kent Highways Services raise no objection to this proposal subject to the parking and turning area shown on the submitted drawings being provided prior to the occupation of the development. In addition, refuse storage and collection points need to be provided, although details of this could be required under planning condition. The access road is likely to be lit, with low level bollard lighting, enabling safe pedestrian access for residents. The applicant requests that final access details be submitted under planning condition. Therefore, should Members be minded to permit, a condition would be imposed on the planning decision to ensure that final details of the access road would be submitted for approval prior to the commencement of development on site.

Landscaping

26. This proposal would not involve the felling of any trees, and existing trees and vegetation on the northern and eastern boundaries, outside of the application site boundary, would be unaffected. Existing vegetation would provide a framework for additional planting, and the applicant proposes that new shrub planting on all boundaries would comprise a mix of low to medium height evergreen and deciduous shrubs. The important, and TPO'd, existing trees on the northern and eastern boundaries, although outside of the

7 supported apartments at land at the Former Mill Stream School, East Malling – TM/06/3385

development site, would be protected by tree protection fencing throughout construction, and tree protection plans (in accordance with BS 5837: Trees in Relation to Construction) would be required under planning condition. In addition, a full scheme of landscaping would need to be submitted and approved prior to the commencement of development on site, and would need to include the provision of a proportion of native, locally sourced species, and biodiversity enhancement measures such as the provision of bird and bat boxes. As a precautionary measure, I consider that a condition should be imposed to ensure that any vegetation clearance occurs outside of the bird breeding season, and that the recommendations of the ecological scoping survey are adhered to.

Remainder of the Site

27. It is intended that the remainder of the site is to be developed as housing. An application for general housing would have to be submitted to, and determined by, Tonbridge and Malling Borough Council. This current proposal seeks to provide a facility as part of the County Council's Adult Care Service, and as such must be determined by the County Planning Authority. This makes it impossible for the whole of the site to be subject to one planning application. The development of the remainder of the site is out of the remit of this planning application and cannot be considered in this instance. However, the applicant advises that the proposals have been developed in full knowledge that the remainder of the site may be used for housing. It is also of note that the programme for the development of the County Council's initiative to provide care apartments is much further advanced than the potential residential development on the remainder of the site. Accordingly, it would be unreasonable to delay this proposal by waiting for an adjoining proposal which is still at an early stage and would be subject to a separate planning process by another planning authority.

Powerlines

28. Concern was expressed that the development would be within close proximity of high voltage overhead power lines. As a result, EDF Energy, National Grid and the Health Protection Agency were consulted on this application. Both National Grid and EDF Energy have raised no objection to the proposal, providing access to cables within the area is maintained at all times. As a result of Health and Safety concerns the Health Protection Agency was consulted and views from them are awaited.

Conclusion

29. In summary, I consider that there are special circumstances to justify the proposed development within the Green Wedge. Subject to the imposition of conditions, I am of the opinion that the proposed development would not give rise to any material harm and is otherwise in accordance with the general principles of the relevant Development Plan Policies. Therefore, I recommend that the application be referred to the First Secretary of State as a departure from the Development Plan, and that subject to her decision, permission be granted subject to appropriate conditions.

Recommendation

30. I RECOMMEND that the application BE REFERRED to the Secretary of State for Communities and Local Government as a departure from the Development Plan, and that subject to her decision, PLANNING PERMISSION BE GRANTED SUBJECT TO conditions, including conditions covering:

Item D3

7 supported apartments at land at the Former Mill Stream School, East Malling – TM/06/3385

- the standard time limit;
- the development to be carried out in accordance with the permitted details;
- external materials to be submitted;
- details of windows design to be submitted;
- a scheme of landscaping, its implementation and maintenance;
- recommendations of ecological scoping survey to be adhered to;
- details of external lighting;
- details of access, turning and car parking;
- details of refuse storage and collection points;
- hours of working during construction;
- measures to prevent mud and debris being taken onto the public highway;

Case officer – Mary Green

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Background documents - See section heading
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7 supported apartments at land at the Former Mill Stream School, East Malling – TM/06/3385

SITE LOCATION PLAN

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