
Leybourne West Malling And Leybourne	569463 158281	02.09.2005	TM/05/02630/FL
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Proposal:	21 residential units together with associated parking, estate road and access arrangements including minor alterations to London Road
Location:	Parkfoot 2 London Road Leybourne West Malling Kent
Applicant:	Parkfoot Garage Limited

1. Description:

- 1.1 This proposal is for the demolition of the existing petrol filling station and garage workshop building and for the erection of 21 units. The proposed mix of units is 5 detached four bedroom units, 12 semi-detached three bedroom units and 4 terraced three bedroom units. The proposed residential units are predominantly 2 stories high. The six proposed type 10 units backing onto the A20 are three stories high.
- 1.2 The existing petrol filling station is currently served by two accesses. The proposed development would be served by a single access located to the east of the existing entrance. The applicant has submitted a Transportation Report, showing an indicative junction layout and other amendments to the public highway. The applicant envisages that it would be necessary to enter into a legal agreement in relation to the carrying out of the proposed alterations to the highway. The proposed scheme shows that each dwelling would be served by one or two car parking spaces plus a garage to each dwelling.
- 1.3 The applicant has submitted an acoustic appraisal that indicates that the proposed dwellings nearest London Road fall within Noise Exposure Category 'C'. It also recommends glazing and ventilation provisions to be made for first and second floor level habitable rooms where required. The drawings submitted also show a 2m high wall proposed to bound the site.
- 1.4 The proposed number of residential units is 21, the site area is 0.598 hectares and the density is 35 dwellings per hectare.

2. The Site:

- 2.1 The application site lies within the Rural Settlement confines of Leybourne and on the northern side of London Road (A20). The site contains a petrol filling station and a garage repair workshop. The eastern part of the site is currently hard surfaced and is partly occupied by a car wash. The remainder of the site has been used for second hand car sales, but currently lies empty.
- 2.2 To the north of the site lies a number of residential properties. These are positioned at a lower ground level than the application site.

2.3 London Road is characterised by properties set well back from the highway with low boundary walls fronting the properties and planting.

2.4 To the south of the A20 lies an open field.

3. Planning History:

3.1 None relevant.

4. Consultees:

4.1 PC: In principle the parish council does not object to the development of this site. The following concerns however have been raised:

- All houses appear to be three bed and whereas national statistics show more than 1:2 people live on their own. The design brief should project a more balanced approach offering two and one bed facilities.
- TMBC needs to look at the projected traffic flows especially peak times with vehicles exiting on to an already heavily congested part of London Road e.g. cars will be retainly queuing in front of the development to turn right into Castle Way. Consideration should be given to a properly designed scheme to allow two way turn into Castle Way from London Road.
- Given the medical infrastructure of the area is severely overloaded a condition through Section 106 should be a defined annual sum contribution towards medical services, specifically doctor and dentist, should be paid annually to local PCT who will recruit clearly identifiable posts to serve the parish of Leybourne.
- A condition to ensure amenity areas are protected against future encroachment should also be included should permission be granted.

4.2 KCC (Highways): The parking is in general provided in curtilage in the form of a single garage and driveway parking in front. However, three of the Type 3 units are served by garaging and parking located at some distance from the dwellings. My opinion is that it is unlikely that this will promote their use. Residents are more likely to park in the road in front of the dwellings. With these dwellings being close to the bend in the estate road, on-street parking may inhibit access for large delivery vehicles or the refuse freighter. I do not find the parking layout acceptable.

4.3 DHH: **Noise:** The report submitted indicates that the site is within NEC 'C'. The proposed mitigation does not adequately address the noise issue. As such, my advice would be to refuse the application in accordance with the guidance given in PPG24 and P3/17.

- 4.4 **Contamination:** In accordance with PPS23 the applicant has submitted a site risk assessment. This demonstrates that the site should be capable of future use of residential purposes. Any consent should be subject to the standard land contamination condition and informative to secure control of the specification, implementation and certification of any necessary decontamination.
- 4.5 Mouchel: An assessment of Community Facilities, namely Libraries, Adult Education and Youth & Community has identified a need for contribution towards Library and Youth & Community;
- 4.6 Private Reps: Art 8 site and press notice + 10/0S/5R/0X. Five responses received, objecting on the following grounds:
- The enjoyment of neighbouring gardens would be diminished. There have been no safeguards put in place to afford adjacent gardens peace and quiet.
 - Whilst plans are evident to safeguard the new houses from the noise of London Road traffic, it appears that there are no plans to dispel noise to neighbouring properties.
 - Loss of light to adjacent garden structures.
 - There is a history of archaeology on the application site. During the second world war a Messerschmitt 109 plane crashed and is still there.
 - The site is probably of immense archaeological value. Up to 1850 it was the main thoroughfare from the Medway Towns into Maidstone and West Malling.
 - It should be noted and seen from the previous applications that access to any new development of this site has been objected to by Kent Police on a safety point of view.
 - The proposal will have an overbearing impact on existing adjacent properties.
 - The plan submitted does not appear to accord with the actual boundary line
 - Loss of privacy.
 - There is a considerable difference in land levels between the back of adjacent properties.

5. **Determining Issues:**

- 5.1 The main issues to be considered are whether the proposal detracts from the visual amenity of the locality, whether the proposal harms the residential amenity of nearby dwellings and whether the proposal constitutes a highway hazard.

- 5.2 The site has been identified as having potential for housing use within the Urban Capacity Study December 2004 and within the Preferred Options Consultation for the Local Development Framework, with an estimated capacity of 24 houses. However, this latter document not been adopted for the purposes of Development Control decisions and is therefore of limited weight as a material consideration. The potential for residential use is subject to any specific proposal being of an acceptable layout and design to address other material considerations.
- 5.3 In terms of the level of development of the site, I am of the opinion that the number of units proposed is not unacceptable (35 dwellings per ha). However, the proposal does give the appearance of overdevelopment as a result of the size of the dwellings proposed. This is not necessarily related to the number of bedrooms proposed for proposed properties. It is the overall size, bulk and layout of the proposed 21 dwellings which means that the proposal would result in overintensive development.
- 5.4 Policy T19 of the Kent Structure Plan states that development will normally be refused which involves the construction of a new access onto the primary or secondary road network where an increased risk of accidents or significant traffic delays may occur. The applicant has submitted a Transport Assessment with the application. I am of the opinion that the traffic generated by the existing petrol filling station combined with the other outlets operated on the site will generate far more traffic than that which could be generated by 21 dwellings.
- 5.5 Two off-road parking spaces are proposed for each dwelling. I am of the opinion that this is acceptable and in-line with emerging revised parking standards, in the context of this site. Garaging and parking for the type 3 units are shown to be located remotely from the dwelling. However, being that remote, it is unlikely that residents will use this parking every time they visit home. Residents are more likely to park in the road in front of the dwellings. With these dwellings being close to the bend on-street parking may inhibit access for large delivery vehicles or refuse freighter.
- 5.6 The design of the proposed dwellings is a mix of two and three storey houses, some detached, some semi-detached and some terraced. The property adjacent, to the site (and fronting London Road,) is a single storey shallow-pitched bungalow. Properties to the west of that property, along London Road are two-storey, as are the properties to the rear of the site.
- 5.7 I am of the opinion that the height of the proposed dwelling at the western end of the site frontage (a type 8) would have an overbearing impact on the adjacent bungalow (4 London Road). This would be particularly exacerbated given that the proposed dwelling would be set forward from the bungalow and that the dwelling to the other side of the bungalow is also set forward from the bungalow.

- 5.8 I am of the opinion that the design of the proposed three storey dwellings will not be in-keeping with the existing properties along London Road and the openness of the area to the east. They would therefore detract from the street-scene, and would not, in my view, introduce a new positive feature into the area.
- 5.9 London Road is characterised by linear development, with the front of the properties facing onto the road and low walls bounding the site from the highway. The proposed layout shows properties backing onto London Road. Whilst the properties to the east of the site back onto London Road, they are set further away from London Road, and there is a natural break in built form created by the open area by Lunsford Lane. I am of the opinion that the proposed layout would have a detrimental impact upon the visual amenity of London Road.
- 5.10 The existing properties along London Road are characterised by low boundary walls, other than properties on the Leybourne estate that are set well back from London Road and bounded by an acoustic bund. Whilst the properties over the other side of Lunsford Lane are set back from London Road and bounded by a close boarded fence they are set well back from London Road and well screened by soft landscaping. Whilst the submitted layout plan shows that some landscaping could be grown in front of the proposed wall, I am of the opinion that the proposed 2m high acoustic wall would be out of keeping with the surrounding streetscene.
- 5.11 The proposed type 3 dwellings to the rear of the site back onto the existing dwellings at the rear (68 Baywell). There is a distance of 24.5m between the rear of the proposed properties and 68 Baywell. Policy Annex PA4/12 of the TMBLP seeks a minimum distance of 21 metres between principal rear windows of dwellings. Whilst there are 3 or 4 dwellings proposed that would face 68 Baywell, given that the distance between these properties is over this, I am of the opinion that the distance between these properties is acceptable. I note the concerns raised that the proposal would result in a loss of enjoyment of adjacent gardens and a loss of light to adjacent garden structures. I am of the opinion that the proposal will not result in a significant loss of privacy to adjacent properties or an excessively overbearing impact.
- 5.12 The existing use of the site is a petrol filling station. Therefore, it is likely that the site is subject to contamination. The applicant has submitted a risk assessment in relation to potential contamination on the site and the impact that it would have upon the proposed residential development. However, from the information submitted it is not possible to determine the nature and extent of any decontamination that may be required. Given the existing use, further information is required before development could commence. In this case it is necessary to ensure that the site is capable of accommodating houses with gardens when finally decontaminated.

- 5.13 The acoustic report indicates that the site falls within Noise Exposure Category (NEC) 'C'. Policy P3/17 of the TMBLP states that in considering the impact of noise from transport-related sources on proposals for new residential development where noise levels fall within Category C, planning permission will not normally be granted. The WSP Acoustics Report dated 1 April 2005 made a number of recommendations for mitigation measures. However, Policy P3/17 advises that planning permission be refused on sites in NEC 'C' and this is consistent with the approach set out in PPG24: Noise.
- 5.14 I note the comments raised relating to the potential for archaeology on the site. However, the site does not lie within an Area of Archaeological Potential and therefore I am of the opinion that the proposal is unlikely to disturb any significant archaeological remains.
- 5.15 I note the comments raised that the plan submitted does not appear to accord with the actual boundary line. I have checked the measurements of the plans submitted with an ordnance survey plan and on site and can find no evidence of the submitted plans being inaccurate.
- 5.16 I note the comments raised relating to funding for social and medical facilities, however it has not been made clear how and where such facilities would be provided. The Primary Care Trust has not made a bid for contributions.
- 5.17 In light of the above, I am of the opinion that overall this proposed development is unacceptable because of the impact of the design of the proposal on the surrounding street-scene, the detailed layout of the proposal, the impact of noise on the proposed development and the proposed noise mitigation measures. I would recommend that planning permission be refused.

6. Recommendation:

6.1 Refuse Planning Permission on the following grounds:

- 1 The height, bulk and layout of the proposed buildings together with the wall along London Road would appear out of character with the surrounding development and the general characteristics of the locality. As such, it is considered that the development would be harmful to the visual amenities of the locality, contrary to the advice of PPG3 and to policies RS1 of the Kent Structure Plan 1996 and P4/11 of the Tonbridge and Malling Borough Local Plan 1998.
- 2 The proposal would result in an overbearing impact on no. 4 London Road as a result of the height and proximity of the adjacent proposed dwelling, and is therefore contrary to Policy P4/11 of the Tonbridge and Malling Borough Local Plan 1998.

- 3 The relationship between the parking for the type 3 dwellings and the dwellings themselves will lead to vehicles parking outside these dwellings, and thus adversely affecting vehicle manoeuvring within the development. This will have an adverse affect on highway safety.
- 4 Parts of the site fall within Noise Exposure Category C. As such, it is considered that noise would have a significant impact on the quality of life as a result of road traffic noise from the A20 London Road, contrary to the advice of PPG24 and P3/17 of the Tonbridge and Malling Borough Local Plan 1998. The detail provided thus far does not satisfy the Local Planning Authority that all necessary steps have been taken to prevent the proposed dwellings from experiencing unacceptable noise levels.

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