

Borough Green **561058 157237** **12 October 2006** **TM/06/02388/OA**
Borough Green And
Long Mill

Proposal: Outline application for the demolition of all car sales/servicing buildings and construction of a minimum of 5 dwellings
Location: 45 Maidstone Road Borough Green Sevenoaks Kent TN15 8HA
Applicant: Richard Bourne

1. Description:

- 1.1 This application is outline. All matters are reserved for future consideration but an illustrative plan has been submitted showing 5 detached/link detached dwellings with garages, all individually accessed from Hill View.
- 1.2 An acoustic study submitted by the applicant concludes that, at the front of the site, noise at daytime and night time is in NEC C. Spot measurements at the rear of the site and in Hill View indicate noise levels are within NEC A and NEC B respectively.
- 1.3 A Design and Access Statement has been submitted, summarised as follows:
- The site is surrounded by residential development so the site is considered more suitable for residential development than its current use.
 - The site could accommodate between 5 and 8 units, all within required density standards.
 - The level of development and the illustrative layout is acceptable in noise exposure terms.
 - The illustrative plans show how development would fit into the prevailing layout of surrounding residential properties but that this is a reserved matter.
 - The development would be designed to fit in with the context of the site and its surroundings, scale parameters can be adequately dealt with at reserved matters stage.
 - Preferred vehicular access is from Hill View as required in the TMBC Urban Capacity Study.
- 1.4 The agent has also submitted a planning support statement, main points as follows:
- 5 dwellings would be 31.25 dph so is an efficient use of land.

- “L” shaped unit to Maidstone Road could address both road frontages.
- Remaining units are linked by garages to reflect the locality.
- This is a sustainable pattern of development in a Rural Service Centre which complies with Government Policy for residential development on previously developed land.
- Will help to meet essential housing needs.
- Principle of housing development with access from Hill View is established as the site was included in Urban Capacity Study of Dec 2004 and the draft DPD on Development Land Allocations for 8 units and is in Policy H4 of the September 2006 GOSE submission of the Development land Allocations DPD.
- Landscaping and the removal of the existing garage building will improve the appearance of the site from Hill View.
- It is accepted that development will need to be subject to a condition requiring the investigation and remediation (if necessary) of any contamination on the site.
- The site is not subject to the Affordable Housing requirement of the 2004 SPG and the Core Strategy Policy CP18 has limited weight.
- The business strategy is to relocate within 5 miles of the site to continue to meet the existing customer base.

2. The Site:

- 2.1 The site measures 0.16ha (0.4ac) with a width of 24m and a depth of 66m. It has an established use as a specialist garage comprising car sales and servicing for Morgan cars.
- 2.2 It is on the northern side of Maidstone Road with vehicular access directly off that road. The main building is set back from Maidstone Road. It has an eastern flank wall directly onto Hill View with a row of bungalows beyond to the east. To the west, beyond a car parking area, is a residential bungalow, set approx 1m above the level of the application site. To the rear is a row of two storey terraced houses with frontage parking served from Hill View.
- 2.3 Hill View is a narrow road of approx 5m in width. There are no pedestrian footways along Hill View in the vicinity of the application site. It is heavily parked at school arrival and departure times and heavily used by schoolchildren and parents as it leads to a pedestrian entrance to Borough Green Primary School.

3. Planning History:

3.1 None directly relevant to this case.

4. Consultees:

4.1 SWS: No comment.

4.2 EA: condition needed with regard to soakaway location as site is over a Source Protection Zone 2. Conditions needed as land is potentially contaminated

4.3 PC: Objections as follows: Should be 5 dwellings as a maximum not minimum; Already has an highly unsuitable and difficult access from the very busy A25; it is a cul de sac heavily used by pedestrians walking to and from the nearby primary school, it has no pavement on one side and a very narrow one on the other: it is irresponsible to build more houses in this location; this site was specifically removed from the area identified for development in the Preferred Options Report; extreme concern that the water, sewage electrical and road infrastructure will not support developments of this size and should be adequately provided before any further developments such as this are approved; concern that the acoustic study had been based on average levels; the houses in close proximity to the very busy A25 will be affected to a considerably greater degree; some readings are in NEC C where planning permission would not normally be granted; if minded to approve, the necessary noise attenuation measures must be taken.

4.4 KCC (Highways): Final views awaited.

4.5 DHH: the site is in close proximity to the A25 with the likely loss of aural amenity due to traffic noise. Site has been identified as a potential concern because of its previous commercial use and the minimum requirement at this stage is a desk study and reconnaissance survey.

4.6 Private Reps: (42/3R/1X/0S) plus Art 8 site notice: Objections as follows:

- The dwellings will need to have sufficient off road parking so as not to add to the congestion in Hill View.
- Hill View is a narrow lane leading to a school that has traffic problems twice a day during school terms and Hill View Close is a narrow cul de sac where parents park – neither can take any more traffic.
- The main foul drain from Hill View runs under 5 Hill View Close and there is concern at 5 more houses being connected to it.
- Hill View and Hill View Close need permit parking or residents' only parking due to the problems caused by school parents.
- Not clear as to the maximum number of dwellings proposed.

- Concern at the likelihood of old petrol tanks and hazardous accumulations.
 - This is a thriving business which serves the community and provides employment for several people - goes against the policy to maintain sustainable environments.
 - The application site is higher than Hill View and single storey properties would overlook gardens and 2 or 3 storey properties would overlook all of neighbouring properties.
 - Hill View is a dangerous mix of children, parents, vehicles and no pedestrian pavements.
 - The present plot covers 4 addresses (39-45 odds incl.) and the plan needs to consider and align the properties as though this were the case.
 - Risk of extra surface water onto Hill View with flooding as a result.
 - If planning permission is granted, the dwellings should be single storey and designed so as to have no direct overlooking of neighbouring properties.
 - No consideration to the local community needs and aspirations. There is a need for low density housing for pensioners and therefore only bungalows would be appropriate.
- 4.7 The one letter raising no objection states concern that access to Hill View may be restricted during demolition and construction and residents need to know how this will affect parking in the street and also that water drainage has not been addressed in the application.

5. Determining Issues:

- 5.1 The site is in the rural settlement of Borough Green which is subject to Policy P6/1 of the TMBLP where housing development is acceptable in principle. The site is not subject to any designation that it be retained as an employment site.
- 5.2 The agents suggest that the site is allocated as a constrained housing site in the current Development Land Allocations Development Plan Document now submitted for Examination. However, they are incorrect in making that statement. Whilst it is the case that the site was in the Urban Capacity Study and in a draft DPD, it has not been carried forward as an allocation in the substantive submitted DPD.
- 5.3 Policy P3/17 of the TMBLP amplifies PPG24 (Planning and Noise) and road traffic noise is a key factor in this case. It is known for the noise report that part of the site falls within NEC B where planning permission can normally be granted and NEC C where the opposite is normally the case. That is not to say that NEC C

sites cannot be developed if all other factors should indicate that it would be appropriate to grant permission. There is no detail in the noise report as to at which point the site falls within NEC B rather than NEC C.

- 5.4 The acoustic consultants employed by the applicant have stated that notwithstanding the front of the site being in NEC C, they would suggest mitigation can ensure compliance with PPG24 and P3/17. As explained above, NEC C areas should not normally be developed for housing.
- 5.5 In terms of the street scene and the layout being in character with the townscape of the wider locality, the development needs to comply with PPG3 (Housing), Policy QL1 of the KMSP and Policy P4/11 of the TMBLP. These require safeguarding of the particular character and quality of the local environment.
- 5.6 This is a site which is narrow in width and long in depth. This configuration has resulted in an illustrative layout in which a row of properties is set perpendicular to Maidstone Road, facing the flank garden boundary of 47 Maidstone Road and backing onto the side garden boundary of the bungalow at 99 Station Road. The foremost plot is illustrated to be set forward of the existing building on the site by 18m and forward of both neighbouring properties. I do not agree with the applicant's Design and Access Statement that states that the indicative layout respects the prevailing layout of the surrounding residential properties – on the contrary, I remain to be convinced that this site can be satisfactorily developed in layout terms for a residential development of the style intended due to the configuration of the site and the relationship with neighbouring property. In recent correspondence a Minister at DCLG has indicated that "New housing development of whatever scale should not be seen in isolation. Consideration of design and layout must be informed by the wider context, having regard not just to any immediate neighbouring buildings but the townscape and landscape of the wider locality. LPAs should turn down applications that are poorly designed".
- 5.7 The agent refers to the site being at a density of over 30 dph. However, bearing in mind the constraints on development at the front of the site both due to street scene and noise constraints, the form of development on the remainder of the site as illustrated to be link detached dwellings would fall short of making the best use of previously developed land for development as required by PPG3 and draft PPS3 and no evidence is available to demonstrate that an alternative approach to layout can reconcile the various aspects of this scheme as set out above.
- 5.8 In highways terms, Members will note the objections of the neighbours and the concerns expressed by the PC. Further investigation is being carried out by KCC on the detail of the objections that have been made and these will be included in a supplementary report.

- 5.9 In terms of residential amenity, the main potential issue from the illustrative layout would be overlooking of the rear gardens of 99 Station Road and 47 Maidstone Road but this could be eliminated if the dwellings were conditioned to be single storey to otherwise carefully sited and designed to avoid such problems.
- 5.10 DHH advises that the site should be subject to a desk top study and site reconnaissance **before** the principle of houses with gardens is established in an outline planning permission. It is the case that houses with private rear gardens is one of the most sensitive end uses of contaminated land. In the absence of any meaningful submission on risks posed by potential contamination, I remain to be convinced that the intended form and type of development is the most appropriate in terms of remedying a potentially contaminated site.
- 5.11 An objector comments on an increased risk of flooding due to surface water running onto Hill View but that could be overcome by condition that all surface water drainage be dealt with within the confines of the site.
- 5.12 Similarly, the objector's concern over the adequacy of the foul drainage can be adequately dealt with and it will be noted that SWS raises no objection on the issue of foul drainage.
- 5.13 One objector does mention that the site is an important local facility serving the community and helps to contribute to a sustainable environment. This comment appears to reflect the views of Members who deleted the draft housing allocation in the draft DPD. It is the case that mixed uses within settlements contributes towards sustainability in accordance with national and strategic policy (PPS1- Delivering Sustainable Development and SP1 of the KMSP).
- 5.14 For the reasons given above, I cannot support this outline proposal.

6. Recommendation:

- 6.1 **Refuse Planning Permission** as detailed by Certificate B; letters dated 14.07.2006; 12.09.2006; 11.10.2006; Design & Access Statement date stamped 12.10.2006; drawing 02A; site location plan 01; Planning Statement July 2006 and Acoustic Assessment August 2006 for the following reasons:
- 1 The Local Planning Authority is not satisfied that the site can be developed for residential development that will be an efficient use of land whilst also being in keeping with the streetscape and character of the locality. The proposal is therefore contrary to Policy QL1 of the Kent and Medway Structure Plan 2006 and Policy P4/11 of the Tonbridge and Malling Local Plan 1998.
 - 2 Part of the site falls in NEC C during the daytime and night time and the presumption is that planning permission will not normally be granted for residential development on sites subject to those levels of road traffic noise. The proposal is

therefore contrary to PPG24 (Planning and Noise) and Policy P3/17 of the Tonbridge and Malling Local Plan 1998.

- 3 The Local Planning Authority has not been provided with evidence as to the type and level of potential contamination, whether the proposal will result in an unacceptable type of end user for this site or whether the proposal represents the best means of remediating the site if that proves to be necessary. The proposal is therefore contrary to PPS23 (Planning and Pollution Control) and Policy P3/16 of the Tonbridge and Malling Local Plan 1998.

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