

**Leybourne**  
West Malling And  
Leybourne

**567911 159233 6 May 2008**

**TM/08/00963/RM**

Proposal: Reserved matters (layout, access, scale, landscaping and appearance) for Phase 1 comprising 75 dwellings and associated works plus details pursuant to conditions 7 (materials); 8 (landscaping/boundary treatment); 12 (parking); 14 (access to A20); 15 (drainage); 19 (visibility splays); 21 (refuse); 22 (noise); 24 (density); 26 (lighting); 29 (routes); 31 (surface water); and 34 (headbeams) of planning permission TM/94/01253/OA for conversion of existing buildings to residential use and erection of new dwellings together with access roads, community hall, shop, primary school site and layby including revision to access link to A20 from roundabout to T-Junction (conditions 36 and 37)

Location: Leybourne Grange Hospital Birling Road Leybourne West Malling Kent

Applicant: English Partnerships And Taylor Wimpey UK Ltd

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## **1. Description:**

- 1.1 This application relates to the outline planning permission for the Leybourne Grange redevelopment that was permitted in 2004 by the Secretary of State (as part of the "Three Sites Public Inquiry").
- 1.2 The Secretary of State allowed the appeal for up to 702 dwellings and associated development and community infrastructure subject to a number of conditions and 4 Unilateral Undertakings (UUs) relating to offsite highway and transport matters, community facilities and the provision of 25% affordable housing. (The improvements to M20/J4, required by a UU, has since been fully implemented).
- 1.3 The scheme approved by the SoS showed an access road to the new housing from a new roundabout junction to the A20, opposite Callis Court in West Malling. This application proposes an amended scheme with a simpler T-junction with one pedestrian refuge and a waiting lane for right hand turns into the site for westbound traffic.
- 1.4 The application is also for the approval of Reserved Matters (layout, access, scale, landscaping and appearance) of phase 1, comprising 75 dwellings. The application also seeks the discharge of related conditions (materials, landscaping/boundary treatment, parking, drainage; visibility splays; refuse storage, acoustic protection, density, lighting, routes, surface water, headbeam impact on M20).

- 1.5 The layout shows that phase 1 is to be in 2 blocks spanning the spine road, with most houses/flats built on the perimeter with other houses accessed within the blocks. Thus the development will be outward facing and some of the parking will be screened although there will still be some frontage garages and parking spaces and a number of communal on-street visitor spaces are included. There will be a mix of 1.5, 2 and 3 storey units.
- 1.6 Elevational treatments are modern and simple, the palette of proposed materials including reddish bricks, coloured render, coloured weatherboarding and feature ragstone. Roofs are to be plain tiles, slate effect tiles and metal. Windows are to be double glazed stained timber, external doors will match. Some of the elevations to the public domains will include some elements of feature glazing and varying cill heights as an aesthetic enhancement. Whilst there is some articulation e.g. interrupted eaves lines and feature bay windows the overall design concept is intended to be unfussy and uncluttered.
- 1.7 Landscaping to the housing blocks will include some front gardens, boundaries to be brick, ragstone, picket fencing, railings or hedging. Opportunity for tree planting is limited by the need to achieve a high density on what is a brownfield site but a number of small trees are proposed along the streets and in the courtyards to augment the parkland style landscaping on the majority of the remainder of Leybourne Grange,
- 1.8 Timber boarded bin and cycle stores are included.
- 1.9 The spine roads are to be tarmac with V-groove block paving to the footways, mews or shared surfaces to have rustic block paving, with tegula blocks to courtyard parking.
- 1.10 Parking provision needs to comply with condition 12 on the outline planning permission which restricts it to an average maximum of 1.5 off-street spaces per unit, set by the Secretary of State in the 2004 permission.
- 1.11 Street lighting is to be a modern design and to include utilisation of brackets onto the edges of building as well as on columns in an attempt to reduce visual clutter.
- 1.12 Vision splays are generally less than that required of 2.4m by 2.4m as per condition 19 of the outline planning permission. The applicants consider that in light of modern design criteria adopted since 2002 this will be a low speed environment and that urban design is enhanced by a revised standard.
- 1.13 Condition 3 of the outline planning permission requires development of Leybourne Grange to substantially accord with the approved Masterplan option 1 presented at the Public Inquiry. This application is accompanied by an extensive planning statement (Design Framework) which seeks to demonstrate that this requirement is met in the form of a revised Masterplan. This shows that phase 1 is envisaged to be village like in character, of medium density, that it lies within the developable

area and with a range of storey heights. This phase will span the spine road which will be a vehicular and bus route. It will abut at its southern end a Public bridleway across the southern part of the site. Part of phase 1 will have a through pedestrian and cycle route to link to the open space intended to the north-western area of Leybourne Grange.

- 1.14 The application includes information on environmental sustainability matters regarding the drainage design (use of swales and water butts for surface water run-off) the extent of recycling and incorporation of solar roof panels to some units. It also details a strategy for on-site energy production in the form of a biomass plant to serve the later phases (eg the eco-contemporary area). Originally this was to be fuelled with Miscanthus to be grown on the paddocks but this is no longer proposed so the paddocks could be retained for grazing as existing. It is intended instead to use woodchips from off-site sources. This application for phase 1 does not include details of the biomass building as that will be for a later phase.
- 1.15 The acoustic survey indicates that this phase of housing does not need to have any specific additional noise protection measures.
- 1.16 In terms of the details of the new access road, originally this was to be amended in 2 ways: one for the roundabout approved by the Secretary of State to be changed to a "T" junction and the other for the road to be built closer to existing ground level rather than dug down. The applicants indicated this was to reduce the impact of an, overly engineered, link road so as to become more of the character of a traditional lane. They have submitted PICADY junction analysis to show that the change in junction layout can be accommodated satisfactorily and indicate that this was agreed by KHS at pre-application stage.
- 1.17 The originally submitted scheme received some objections/queries and the developers have sought to respond to them and have provided revised or additional information accordingly.
- 1.18 Essentially, they now propose to alter the level of the new link road, to be partly dug down but also to have landscaped bunding added to visually and acoustically screen vehicles from the surrounding rural area and from property in Ryarsh. They have also provided an acoustic study to show that there is no worsening of noise levels to existing residents in the vicinity of the A20 plus visibility splay information. They now show a visibility splay to the east (to the brow of the hill) of 2.4m by 140m to the eastbound running lane. They have explained the reduction of landscaping of the link road since the SoS approval (that excess land to be given back to a farmer and left as pasture).
- 1.19 There have been amendments to the layout and elevational treatment of the housing blocks in response to the concerns of officers plus some changes instigated by the applicants.





TM/08/00980/RD      Pending

Details of construction traffic routes submitted pursuant to condition 40 of outline consent TM/94/01253/OA: Outline application conversion of existing buildings to residential use and erection of new dwellings together with access roads, community hall, shop, primary school site and layby.

TM/08/00981/RD      Pending

Ecological surveys, assessment and mitigation pursuant to condition 11 of consent ref. TM/94/1253/OA: : Outline application for conversion of existing buildings to residential use and erection of new dwellings together with access roads, community hall, shop, primary school site and layby.

TM/08/00984/RD      Pending

Details of archaeological programme of investigation pursuant to condition 13 of outline consent TM/94/1253/OA: Outline application conversion of existing buildings to residential use and erection of new dwellings together with access roads, community hall, shop, primary school site and layby.

TM/08/00987/RD      Pending

Details of site investigation and remediation submitted pursuant to condition 25 (a) and (b) of planning permission TM/94/01253/OA: Outline application conversion of existing buildings to residential use and erection of new dwellings together with access roads, community hall, shop, primary school site and layby.

## **5. Consultees:**

- 5.1 West Malling PC: Objection as follows: Members objected vehemently to these proposals. They were of the view that provision ought to be made for traffic calming in West Malling and surrounding areas. Members were concerned that these proposals would encourage rat-running through surrounding areas. Members did not consider that the proposed “bus-only” route would be effective; it has been demonstrated at West Malling Rail Station that such measures are not effective unless there are physical measures to prevent access. The “bus-only” route via West Malling Rail Station is regularly used by other vehicles and there is nothing to prevent this. Members consider that the main entrance onto the Leybourne site ought to be from the Bypass which is a dual carriageway. Members point out that the situation has changed since the original application was drawn up as the Bypass has been built.
- 5.2 Leybourne PC: Object to the downgrade of the A20 junction from a roundabout to a T junction. There will be 250 dwelling using this route onto a very busy A20 (especially when there is a problem on the M20/M26) and access will be difficult at peak times, risks will be taken, accidents will occur so a roundabout or traffic lights are needed to help access and also to slow down traffic on the A20.

- 5.3 Birling PC: Concerns about the stream to the south of the site which is a valuable ecological asset to the area, and it is hoped that it will be protected and retained as such. Further the Parish Council hopes that abstraction and pollution would have meaningful penalties applied. As there appears to be quite a large amount of public open spaces within the proposed development, the Parish Council is anxious to know who would be financially responsible for any maintenance costs.
- 5.3.1 With regard to the revision to the access link to A20, from a roundabout to a T-junction, the Parish Council has concerns over the safety of this proposal given the speed and volume of traffic which already uses this stretch of the A20 and the nature of the road itself. The Parish Council would urge the Planning Authority to ensure that there will be no increased risk to users of the A20 flowing from this proposal.
- 5.3.2 In addition the Parish Council indicated that it felt that there are significant concerns with regard to matters of detailed design. In light of this the applicants have revised the scheme and the individual units. These are subject to further consultation and latest comments will be reported to the meeting.
- 5.4 Ryarsh PC: We support the T junction access proposals onto the A20 replacing the originally approved roundabout but the design must be adequate for all likely traffic for the future the fear being raised by several villagers that should it fall short in any way the only obvious solution would be to add traffic lights. There are already too many sets of these on improved and new roads in the area doing nothing whatsoever to assist traffic flow or reduce blood pressure. An adequate central reservation needs to be provided for traffic travelling west and turning north into the site. There are concerns at traffic leaving the site in a westerly (Wrotham) direction in that views to the west are limited on a stretch of road where vehicles normally travelling at speed allowing little time to safely cross both carriageways. Clearly junction design will take account of this but it might be possible to create some form of central holding lane so these vehicles could cross the carriageway in two phases. Landscaping proposals need include full bunding and landscaping to the west side of the stream where the farm access will remain.
- 5.5 East Malling & Leybourne PC: Noted.
- 5.6 KCC (Highways): Parking: A total of 125 parking spaces are to be provided, 1.66 per unit, and is acceptable. However, on the original layout, there are concerns with through garages with the second parking space in the rear garden, garages that directly abut a pedestrian route, limited pedestrian vision splays, restricted onsite turning, conflict with gates or doors to bin stores; on street parking sticks out into the roadway.
- 5.6.1 Lighting. A combination of lamps on columns and attached to buildings accord with Kent Design.

- 5.6.2 Visibility splays are usually provided as 2m x 2m x 45° arrangement and within the confines of the property. A majority of them appear to be provided beyond the boundary of the property and some form of protection is needed adjacent to the accesses.
- 5.6.3 Access to the A20. The important issue with the access is forward visibility, likely to be achievable to the west. To the east the road rises to a brow of a hill. I require that the applicants confirm the forward vision to be provided. [DPTL: The applicants have submitted further detail which we understand meets KCC requirements – we are awaiting formal confirmation]. The longitudinal section of the proposed development access road shows that the road will be at a gradient of 1 in 30 for the first 26m and is acceptable.
- 5.6.4 Drainage. The foul drainage is dealt with by Southern Water. The surface water sewer infers that it will take both private house drainage and highway drainage. The Highway Authority will only be adopting the highway gullies and the spurs connecting them to the surface water sewer. This is dependent on Southern Water adopting this main sewer. Should Southern Water not adopt the main sewer then the road will also not be adopted.
- 5.7 DL: No comments.
- 5.8 DHH: The least noisy option as a new junction to the A20 is a T-junction, albeit by a small margin. More detail is needed on the method of mechanical ventilation to units likely to be affected by noise from the M20.
- 5.9 EA: No objections to the use of sewers and swales to dispose of surface water. Any soakaway discharge should not be direct to the groundwater and some areas of the site are not suitable for conventional soakaways. Appropriate pollution control measures (trapped gullies and interceptors) shall be used to prevent hydrocarbons from entering the surface water system.
- 5.10 SWS: Drainage details in regard of foul sewerage are satisfactory. It is understood that there are on-going discussions with KHS regarding surface water disposal, so SWS cannot at this stage recommend discharge of the condition relating to surface water disposal.
- 5.11 SEW: No response.
- 5.12 KCC (Heritage): No direct implications for Heritage.
- 5.13 KFB: No response.
- 5.14 NE: No comments.
- 5.15 Ramblers Association: No response.
- 5.16 KCC (PROW): No response.



5.17 Private Reps (Art 8 and Press/Site Notices- departure, General Public interest, Over 1 ha, setting of a listed building, Major Development, Public Right of Way) (283/3R/0X/0S). Three objections are summarised as follows:

- In the Design Framework', there is a new footpath shown running up between our house and the Leybourne Grange Riding Centre for the Disabled. This is currently our only access road to our driveway, and the only entrance to the stables and their car park. It is also the access road to the recreation ground where Leybourne FC play on a Sunday, and cars travel right up to the ground once a week, therefore it is not safe as a designated footpath unless it is widened and a separate area created as the footpath. The stables would be far more at risk of petty theft and people trying to feed or disturb the horses. We were under the impression that the road outside our house was a private road and its use could not be changed in this way.
- When leaving the development by the main development access on Birling Road, the traffic should not be able to turn right to take the shortcut up Birling Road through to West Malling. It is not a wide enough road for the most part for traffic to pass two way safely especially if the volume of traffic is to increase markedly.
- With the development of the new access road to the A20 from the new development crossing footpaths, what plans are there to mitigate this loss of safe passage? Will there be a crossing set up across the access road? And are any measures being taken to prevent the loss of the bluebells in the wood through which this access road is to go.
- The proposed omission of the roundabout and its substitution by a T-junction; this is a very material alteration of the terms of the outline permission, and should be advertised and notified as such as a matter of potential public interest and concern.
- It is suggested that 400 houses would be served by the access to the A20; presumably the Inspector considered that a roundabout was needed to provide sufficient junction capacity. If the T junction is not the proposal for a roundabout needs to be reinstated. It would be totally unacceptable in traffic and landscape terms if the T-junction proved to be inadequate in practice, perhaps for traffic signals to be introduced later, thereby spoiling the setting of the listed building at Callis Court.
- It would be sensible to reduce traffic speeds on this section of the A20 to 40 mph, extending the existing speed limit westward to beyond Ryarsh turning. This would help improve safety at the proposed junction (whether T-junction or roundabout) in view of the restricted visibility on its approaches, particularly from the east.

- Noise modelling and evaluation exercise should now be repeated for the new junction format now proposed to assure nearby residents that they will not be adversely affected; or, if they are, so that appropriate mitigation measures can be provided by the developers as part of the current application.
- The original 1994 application and subsequent approval provided for extensive new tree planting in the vicinity of the roundabout, and along both sides of the proposed new link road. The present application omits all new planting on the east side of the link road alongside the length of the footpath MR154A. This should be reinstated, and both sides of the new link road should be screened by extensive woodland planting so as to conform with the outline approval and thereby protect local amenity.
- The application details seem mutually contradictory in their treatment of the old cherry orchard on both sides of the A20 junction. My own preference would be for the orchard to be properly restored and replanted as necessary, and for it to be managed as an orchard in the long term. Failing this, dense woodland planting with appropriate long-term management arrangements would seem suitable, thereby protecting the site from any future development pressure. It would seem sensible for long-term management and funding arrangements of this amenity land to be the subject of a legal agreement to protect against long-term neglect.
- The commitment to omit any street lighting from the proposed link road (so as to minimize light pollution and be in keeping with its surroundings) should apply equally to the proposed junction with the A20, and should be the subject of a legal agreement to which the Council is party to ensure its enforceability in the long term.
- Sandy Lane is a Quiet Lane. The proposed new link to Leybourne Grange may well tend to worsen already unacceptable traffic conditions on Sandy Lane, so it seems reasonable to require measures to be taken to mitigate potential traffic impacts on designated Quiet Lanes nearby. These measures should also be the subject of a legal agreement, with appropriate developer contributions.
- The relevant drawing submitted with the outline planning application, and referred to in the approved landscape report clearly included bunding between 2 and 2.5 metres high along the west side of the A20 access road between the point where it adjoins the north west corner of the former sewage works to the point where it meets the woodland on the southern boundary of the development area (the bunding broken only for the stream and footpath and a field access).

- This bunding together with reduced levels for the new road was fundamental to overcoming TMBC initial objections to the impact of this road, and it is essential that is carried forward into this application to ensure that the satisfactory mitigation is provided to reduce the impact of the road on the landscape and the amenities of the group of Listed Buildings in and around Ryarsh Church and Farm and that the scheme is consistent with the principles of the EIA undertaken at the outline stage. Otherwise the development would not be carried out substantially in accordance with the layout and other details shown as Option 1. If they wish to pursue this proposal they will have to make a further application for full planning permission (that may require an Environmental Statement), rather than proceeding by of an application for the approval of reserved matters pursuant to the appeal decision.
- The new access to the A20 needs to cater for farm vehicles turning left on the farm access, this would reduce heavy lorries using the unsuitable Church Road in Ryarsh.

## **6. Determining Issues:**

- 6.1 The site is in the MGB but is covered by Strategic Policy TM1 of the Kent and Medway Structure Plan 2006 and Policy CP15 of the Tonbridge and Malling Borough Core Strategy 2007. The principle of development is clearly established by the policy designations and the existing outline planning permission granted by the Secretary of State following a lengthy Public Inquiry.
- 6.2 The area between the south west boundary and the A20 is not designated for development and in the MGB in this respect the revised details of the link must be judged as inappropriate development. However, the existence of the outline planning permission for a link road (albeit for a roundabout junction) is a very special circumstance justifying the development.
- 6.3 In terms of the design and layout of the housing units, these need to be assessed against Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007. However, as is evident from the representations of KHS, there were some matters of detail in the parking and other highways aspects that were of concern. Amendments have been submitted in response.
- 6.4 Similarly, there were officer concerns as well as those expressed by consultees, with details of the design of some the units that were not to the high urban design standard that was anticipated. Further changes have been made by the applicants in the most recent set of revised plans. I now consider that the design and layout of this phase is now acceptable in the light of its location within the overall development area of Leybourne Grange, but we will report any results of reconsultation on the revised details.
- 6.5 The principle of the use of perimeter blocks but with pedestrian and cyclist permeability is to be supported and accords with Kent Design.

- 6.6 This site is owned by English Partnerships and is intended to be used as a opportunity to maximise and showcase environmental sustainability strategies and these are supported.
- 6.7 In terms of wider issues, the change to the biomass proposals would appear to dealt with local concerns that were prevalent at pre-application stage with regard to the impact on the amount of grazing land available for the Riding School as it is no longer necessary for the paddocks to be used to grow a biomass crop.
- 6.8 The objection raised with regard to the movement strategy in the Masterplan that shows extra pedestrian use of an access track has been acknowledged by the applicants but is not part of this planning application in any event.
- 6.9 The objections raised with regard to increased traffic on Birling Road and Sandy Lane and rat-running from the redevelopment of Leybourne Grange are not directly relevant to this submission. Traffic levels on those roads is not being altered by the details of this application compared to that which would have arisen from the decision of the SoS following the Public Inquiry. However, it is possible that there have been subsequent changes on the traffic on Birling Road that may have arisen since implementation of the Bypass. The applicants have indicated that they intend to monitor traffic using Birling Road to see if any problems that may arise can be mitigated. It is suggested that KCC be invited to consider the points raised by Birling PC.
- 6.10 In terms of the concerns of West Malling PC, the relationship of access of the development of Leybourne Grange with the Bypass would have been in the mind of the SoS when he granted planning permission as all 3 sites subject to the Public Inquiry were granted at the same time on the basis of the By-pass being implemented. The SoS granted planning permission for development of Leybourne Grange conditional upon a specific split in traffic north (to the A228) and south (to the A20). There is no requirement on the developers for the ratio of the north/south split to be revisited. Should they seek to divert from the approved access strategy, in the future this would need to be comprehensively assessed, especially in terms of any impact on the capacity of Junction 4 of the M20.
- 6.11 In terms of the link road, the revised plans aim to largely comply with the vertical alignment approved by the SoS and I am satisfied that there is no significant worsening of the visual amenities of the Green Belt, nor on the setting of listed buildings in Ryarsh nor rural or residential amenities compared to that which would have arisen from the approval following the Public Inquiry.
- 6.12 In terms of the change of the roundabout to a T-junction, I concur with the applicants that, in visual terms, there is an improvement by taking less land and seeking to have a less engineered and alien highway arrangement in this rural area. The applicants have deleted lighting from the link road. The need for lighting on the A20 itself is dependant upon a safety audit assessed by KHS. However, as there are no street lights on similar T-junctions along the A20, the applicants

envisage that street lighting of this junction could be argued as unwarranted. One objector mentions the need to secure an obligation on KHS to not install street lights to the new A20 junction. However, it is considered that the change in junction design itself does not justify dealing with that potential issue as it is just as likely to have arisen in the SoS approved roundabout scheme and ultimately the installation of street lighting is wholly in the control of KCC. I do agree with those who have expressed the need to ensure that any move from the roundabout design should not lead to adverse traffic conditions. KCC does not consider the change to be an adverse one.

- 6.13 In terms of the change in landscaping to the link road, the applicants have explained that some excess agricultural land acquired from a local farmer in order to construct the link road will need to be returned to him under legal agreements they have with that landowner. Hence, more has to be left as farmland. The latest landscaping proposals do include a woodland mix planted bund to the western side as far as the orchard and then the orchard will screen the link road thereafter. The applicants have indicated that the orchard bounding the A20 and other communal landscaped areas will be managed by a Community Development Trust.
- 6.14 An additional acoustic appraisal indicates that there is no worsening of noise to residents on London Road from the change from roundabout to T Junction.
- 6.15 In terms of the response of SWS on the surface water drainage, the submission from the developer is for a Sustainable Drainage System (SuDS) which I support in principle. The discussions the developer is having with KHS and SWS relates to arrangements for on-going maintenance and how this will relate to subsequent adoption. I am of the view that the formal proposal for SuDS as a means of surface water drainage on this site should be supported and if it transpires at a later date that there are unresolved issues of adoption, the developer will need to seek an amendment at that time.
- 6.16 In conclusion, the principles of the altered link road and its junction design and the housing within Phase 1 and associated works are recommended for approval as previous outstanding concerns on detailed layout and design of housing units and parking within Phase 1 have been satisfactorily dealt with in my opinion. Accordingly, the application is now considered to be worthy of support.

## **7. Recommendation:**

### **7.1 Details Be Approved**

Contact: Marion Geary