

**Leybourne**  
West Malling And  
Leybourne

**569289 159756 8 May 2009**

**TM/09/01078/FL**

Proposal: Change of use of land to travelling showpeople's site, siting of mobile homes and caravans for residential use and ancillary works to include 2.4 and 1.8 metre high timber fencing, new vehicular access, access road/track, sewage treatment plant, lorry/van and machinery storage area and associated hardstanding

Location: Land Opposite 155 And East Of Castle Way Leybourne West Malling Kent

Applicant: Mr Sheldon Whittle

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## **1. Description:**

- 1.1 The proposal seeks to establish wintering quarters for an extended family of travelling show people totalling 10 people (including 5 children of primary school age). The applicant, his wife and their two children would occupy the site along with the applicant's brother in law, his wife and their 3 children. In addition, the applicant's sister in law would also occupy the site. The Showmen's Guild of Great Britain has submitted written confirmation that the applicant and the other adults who would reside within this site are travelling show people. The application documents state that the applicant's need for a site has been registered with the Showmen's Guild of Great Britain.
- 1.2 The submitted information shows that 3 twin unit mobile homes would occupy the site, together with 5 touring caravans and 2 special caravans. The applicant has clarified that a special or specialist caravan is a large touring caravan. Traditionally coach-built and often referred to as a 'Showman's wagon' these caravans are commonly used by families whilst travelling the circuit of fairs and events during the working season and as such would not remain on site permanently.
- 1.3 In addition, parking provision would be made for 4 lorries, three vans and 4 visitor car parking spaces. The submitted drawings also show the layout of seven areas for fairground loads to be stored. Two maintenance areas would be provided within the site, one on the west side of the site adjacent to the vehicle access serving the site and the other at the south west corner of the site.
- 1.4 The site would be bound with 2.4m high timber fencing along its west side (fronting onto Castle Way), with 1.8m high fencing to the south (side) and rear boundaries.
- 1.5 The proposed new vehicle access to the site would be located adjacent to the position of the existing bus stop that stands on the east side of Castle Way, approximately 100m south of the junction with Leybourne Way.

- 1.6 The applicant has submitted a detailed planning statement in support of this application, which I would encourage Members to read. This statement discusses the merits of the proposed development, the relevant national, regional and local planning policies and details concerning the applicant's personal circumstances
- 1.7 It states that the applicant currently has no winter quarters of his own and is urgently in need of a suitable site. It also states that the applicant has had no permanent wintering quarters for many years and has had to rent space on other sites with other show people. The report states that existing show people sites are becoming increasingly overcrowded, which is highlighted by central Government and that staying on other showpeople's crowded sites is not conducive to a successful or secure lifestyle for the applicant. Due to a fundamental lack of space, the applicant has been unable to live, store and maintain equipment in one place and has to store equipment elsewhere.
- 1.8 The submitted report also states that as there are school children within the extended family, it is imperative that these people have a regular base from which they are able to enjoy the opportunities afforded to the general population such as access to health and education services. The site is deemed suitable in terms of sustainability with respect to such facilities.
- 1.9 The supporting statement also refers to how the applicant has searched for a suitable site for the proposed use. It states:

*"In 2005 Mr Whittle instructed WW Surveying to identify a site suitable for the potential use as a travelling showpeople's site...An initial two year search of the area ensued, listing with the majority of local estate agents and making enquiries to local authorities...Other search routes were followed including a lengthy exploration of the services of English Partnerships. However, the various bodies affiliated to such did not have any suitable vacant land for sale during the entire two year search period".*

## **2. Reason for reporting to Committee:**

- 2.1 Due to the controversial nature of the application.

## **3. The Site:**

- 3.1 The site is located outside the settlement confines of Leybourne, on the east side of Castle Way. It is situated between the junction with Leybourne Way to the north and junction 4 of the M20 to the south. The site is triangular in shape, measuring 0.75 ha (1.85 acres) in area and has a frontage to Castle Way measuring 260 metres.
- 3.2 The site is characterised by rough grassland, low lying scrub. The west boundary facing Castle Way is defined by post and wire fencing, although some shrubs and trees are also present. A lake is located to the south and east of the site and

mature trees are located outside, but around the south and east boundaries of the site.

3.3 The site fronts onto Castle Way, which at this point is a 3 lane dual carriageway with a central reservation separating the north and southbound carriageways.

#### **4. Planning History:**

TM/58/10410/OLD Refuse

8 September 1958

Outline Application for Residential Development (4 to an acre).

#### **5. Consultees:**

##### 5.1 Leybourne PC:

- Will impact the free flow of traffic along Castle Way in this location.
- Whilst not dedicated 'green belt' land it is an area of natural beauty which will be spoilt by the open storage of 'Fairground Equipment' and mobile homes / caravans and other equipment.
- The site will be visibly detrimental for the properties opposite the proposed site.
- The proposal for 27 vehicular / mobile objects, is an unacceptable spread across a visibly attractive site.
- The application wrongly states that the land is 'derelict' giving the impression it is not of visible quality and appearance which is not the case.
- Substantial funding was made available to upgrade this section of road to speedily improve traffic flow in this location, which would be impacted by slow moving 'Fairground' vehicles and trailers turning in and out of the proposed entrance at this location of the site.
- The application states that "There is no evidence of road safety problems in the locality", however this would not be the case with slow moving vehicles turning in and out of this location in close proximity to the busy Leybourne Way and Castle Way junction and the new traffic light junction in this locality.
- The provision of a proposed open working area on the site for repairs to equipment would be detrimental to neighbouring properties.
- The access to the site which is opposite the houses, is now a very busy 4 lane motorway junction (the two inside lanes being the start of the slip way to the motorway). This section of road is very fast and, I would have thought, very dangerous to have not only cars but slow moving lorries using this as an access to the site. Also, when needing access from the motorway junction,

vehicles would need to carry on along Castle Way to the Snodland roundabout before heading back to the site towards the M20 junction - there is a No U Turn sign at the traffic lights.

- Also, looking at the planning portal for TMBC - another development was refused back in 1958 for a development of "4 houses in an acre of land" - it doesn't detail why it was refused.

5.2 Birling PC: The Parish Council strongly objects to the proposals on the following grounds:-

- That the proposed access, given that it will be for large vehicles, pulling trailers and other equipment onto the southbound double carriageway of the A228 will be a dangerous hazard.
- That the proposed development will have a detrimental effect on the nearby wild life habitats.
- That the site is in the Green Belt and is part of an important area of open land. Any development would detract from the visual aspect of the landscape of an important green space between urban areas.
- That this area was deliberately kept open when other parts of the locale, particularly to the east, was developed. To develop this area as well would be overdevelopment of the area.
- Birling Parish Council would strongly urge the Planning Authority to reject this planning application.

5.3 East Malling and Larkfield PC: The Parish Council objects on the following grounds

- The access on the A228 at this point is likely to cause accidents and interfere with the free flow of traffic along this busy dual carriageway road.
- The use of the site by large slow moving lorries would make worse the likely dangers. If going towards London they would have to move out to the far lane to correctly negotiate Junction 4. There is also the possibility of vehicles coming to the site from the south would do U turns at the Leybourne Way/A228 traffic lights. Pedestrian access to the site is also poor and its existence could mean people trying to cross the A228 at this point.
- The recent accident involving a cyclist outside this site provided an example of the grid lock which would occur in Larkfield if there are accidents here and the police divert all the traffic along Leybourne Way while the accident is dealt with and the potential crime scene procedures are followed.

- The site is outside any area allocated for development, and is a countryside site. The development proposed however well landscaped would be visually intrusive.
- The site adjoins the lakes and streams which are of designated Local Wildlife interest and the Parish Council supports the concept that it provides a buffer zone.
- There is concern that run off from the site could pollute the adjoining water courses by, for example, oil from vehicles and have an adverse effect on the whole network.
- Residents draw attention to problems of flooding including of homes in Brook Road, Larkfield which have occurred in the recent past. These were at least in part, caused by blockages in the streams. There is also an issue of increased run off from hard surfaces, and there is a potential flood area based on the stream running through from Leybourne via the bottom of Lunsford Lane and through the country park to Snodland.
- The site could cause problems of noise, burning and disturbance arising from its use to the detriment of the residents living opposite in Castle Way and the Springfield Road area.
- The Parish Council is still investigating aspects of this application and may submit additional comments.

#### 5.4 West Malling PC:

- The members of West Malling Parish Council object to this proposal on highways grounds. Although not lying within the Parish of West Malling members are well aware that any problems on Castle Way inevitably have an impact on traffic flows in West Malling; they are therefore appreciative of being afforded the opportunity to comment on this application.
- Members are aware of the objections from Kent Highway Services; their letter of 6 July 2009 states "the proposed junction is contrary to all national standards of good practice" and "the development would create unacceptable additional hazards". Members feel that the letter from Kent Highway Services sets out in some detail the objections in unarguable terms.

#### 5.5 KCC (Highways): I refer to the above planning application and I recommend that this application be refused on highway grounds for the following reason(s):-

##### Access

Access is to be by way of a new vehicle access in the form of a simple 'T' junction arrangement. Castle Way (A228) is a Principal Primary Dual carriageway. This

primary distributor road links the M2 to the north and the M20 to the south. It carries significant levels of traffic particularly during the peak times. The south bound direction, fronting the application site has three lanes widening to four lanes approaching the roundabout. In the north direction there are two lanes widening to three on the approach to the traffic lights. The Design Manual for Roads and Bridges produced by the Highway Agency, Volume 6 Geometric Design of Major/Minor Junctions, Section 2, Para 2.15 clearly states that this form of simple junction should not be used on dual carriageways. Para 2.26 goes on to state that major/minor priority junctions should never be used on dual three-lane all purpose (D3AP) carriageways. The highway geometry fronting the application site accords with this and therefore the proposed junction is contrary to all nationally accepted standards of good practice and a fundamental design objection to this proposed vehicle access is raised. The proposed junction is contrary to all nationally accepted standards of good practice in The Manual for Roads and Bridges produced by the Highways Agency.

Although there is a fundamental design objection I will make some general comments on other elements of the application.

#### Traffic Generation

Based on the submitted information there will be three static mobile homes being occupied permanently with a number of touring caravans. Additional to this will be the traffic movements generated by the lorries and their loads along with the touring caravans. All traffic will be obliged to turn left out of the application site. The road rises to the junction 4 roundabout and my opinion is that any vehicle movement from this site is likely to potentially be hazardous and detrimental to highway safety. It is also likely to interfere with the free flow of traffic on a classified road. This is particularly prevalent to the large slow moving HGV movements. Traffic if wishing to travel north will need to cross lanes to use the roundabout to head north. Likewise traffic approaching from the north, emerging from the traffic lights, and looking to slow down to enter the site also provides the potential for the risk of accidents.

The additional information date stamped 02 July 2009 is noted. The amendments to the proposed access are also noted. It does not alter my fundamental objection to introducing the junction at this location.

- 5.6 DHH: I note from the report submitted by Hepworth Acoustics in support of this application that the daytime result of NEC B is based on a shortened 3hr monitoring period. This appears to have been conducted around midday, and so does not take into account increased noise levels from the heavily trafficked A228 at peak times. I am therefore minded to believe that as the existing results falls into the high end of NEC B, had an assessment been carried which encompassed a peak time, the site would actually have fallen into NEC C during the daytime.

I would therefore recommend that either a 24hr assessment is conducted, or the shortened assessment is undertaken again, this time encompassing a peak period (i.e. 07:00 - 10:00 or 16:00 - 19:00), to gain a more accurate daytime noise level. I also note that the mitigation measures recommended (assuming the site falls into NEC B) appear to be based on brick built construction, which cannot be applied to the caravans which would be present on this site. This is because caravans are inherently poor acoustically compared to brick built dwellings.

Given the proximity to the heavily trafficked A228, Air Quality is also an issue, especially since the A228 junction with Leybourne Way is now traffic light controlled, resulting in more stationary traffic, which is known to increase pollutants, affecting air quality.

With these points in mind I must register a holding objection

I also have concerns over the proposed noise impact on local residents from the maintenance of rides at the application site. Clarification from the applicant is required as to the likely extent of such activities.

- 5.7 EA: The proposal is conditionally acceptable with regard to flood risk management. The Snodland Mill stream, which is adjacent to the eastern and southern boundaries of the site, is a designated “main river” and under the jurisdiction of this Agency for the purposes of its land drainage functions. In this case, the application site provides the only access to this section of the stream. As such, access for maintenance equipment, including excavators, must be preserved. We request that all development is located a minimum of 8 metres from the top of the riverbank and that a suitable access to this margin is provided through the site.

In addition to any planning permission. The written consent of the Agency is required under the Water Resources Act 1991 and associated Byelaws prior to the carrying out any works in, over or under the channel of the watercourse or on the banks within 8 metres of the top of the bank, or within 8 metres of the landward toe of any flood defence, where one exists. For maintenance reasons, the Agency will not normally consent works which obstruct the eight metre Byelaw margin.

As this site lies within the jurisdiction of the Medway Internal Drainage Board, their advice on the suitability of the drainage scheme should be heeded. Planning Policy Statement 25 requires that the volumes and peak flow rates of surface water leaving a developed site are no greater than the rates prior to the proposed development, to avoid increased risk of flooding elsewhere. A suitable drainage scheme should be implemented to ensure that this is the case.

5.8 LMIDB: The Board objects to this application for the following reasons:

There is proposed several caravans and a large area of hardstanding (access tracks). The Board would require all surface water drainage from the site discharging to a local watercourse is attenuated for the 1:100 year return storm with a limited discharge of 7l/s/ha or the equivalent run off from the Green site for the 1:2 year storm.

No details or approval has been received regarding the sewage outfall into the local watercourse adjacent to the site. This stream is an important stream for biodiversity and surface water drainage and passes through a country park. The Environment Agency will need to be contacted and for them to approve the surface water and foul water disposal, plus headwall details.

The stream adjacent to the site is designated "Main River" by the Environment Agency and is within the board's own drainage district. Under the Land Drainage Act 1991, both the Board and the Environment Agency will require the applicant to ensure there is an 8m access strip along the edge of the river bank to allow either company to carry out maintenance.

Maintenance is carried out from time to time, therefore, access to the stream is important and a means to get to the stream must be left.

5.9 Kent Wildlife Trust: The application site stands on slightly higher ground above and immediately adjacent to a calcareous stream and two of the lakes at Leybourne. The stream and lakes in the area are recognised as an important Local Wildlife Site (LWS:TM30-Leybourne Lakes). The Wildlife Site consists of a series of water filled gravel pits, rough grassland, scrub, woodland, dykes and the calcareous stream. The whole area supports a wide range of wildlife including many species associated with damp, marshy conditions of the Lower Medway. It is believed that the stream may support water vole, a protected species.

5.9.1 The Trust has no objection in principle to the storage and residential units. However, the application submission fails to demonstrate clearly how pollutants arising from the storage and maintenance of vehicles and 'loads', will be controlled to prevent contaminated water entering the stream. On this point, we urge the Council to have particular regard to the views of Natural England and, especially, the Environment Agency. Not only does the Environment Agency have a statutory role in the control of water quality but is identified in the Kent Biodiversity Action Plan as the lead organisation for ensuring that targets are met for the conservation of Water Vole in the county.

In these circumstances, the Trust wishes to register a holding objection.

5.10 Private Reps: (29/0S/0X/93R) + Public Notices: 93 letters of objection have been received; summarised as follows:

- Highway safety. The use would increase the risk of accidents on this stretch of busy road. The access point is at a section of road where traffic is continually changing lanes. Slow moving vehicles will be entering/leaving the site. There have been many small incidents that occur in this area.
- Road traffic noise
- Erosion of the countryside and harm to its character caused by the proposed fencing, mobile homes, and other proposed structures.
- This type of use should be restricted to already developed sites.
- Sewage treatment plant operating in close proximity to the lake and stream
- Waste water from the site could contaminate the stream
- Residential amenity harm: additional lorries, noise pollution from site (repairs/maintenance of machinery), smell pollution from sewage treatment plant in addition to existing odour problems.
- The site is unnecessary
- The proposal would be of no benefit to local people or the area
- Harm to the wildlife interests of the locality from sewage from the site and the proposed use.
- There must be other suitable sites even if not in Tonbridge & Malling area.
- The proposed use would set a dangerous precedent
- The site is not allocated for development and should be protected
- What assurances are there that the number of homes and vehicles will not grow over time and become overcrowded.
- The site is at risk of flooding.
- Concern has also been expressed that the development would devalue house prices in the locality.

5.11 In addition to the above, two petitions, (one containing 16 signatures and the other containing 108 signatures) have been submitted objecting to the proposed development on the grounds of highway safety and harm to the environment.

**6. Determining Issues:**

- 6.1 The main determining issues are the principle of the proposed development and its impact upon highway safety; its impact upon the visual amenities and the character of the local environment, road traffic noise and pollution.
- 6.2 Concerning the principle of the proposed development, account must be taken of current Government advice contained within Circular 04/2007 (Planning for Travelling Showpeople), PPS 3 (Housing), PPS 7 (Sustainable Development in rural Areas) and PPG 13 (Transport), as well as the relevant adopted planning policies and any other material considerations.
- 6.3 Circular 04/2007 states at paragraph 25 that the Core Strategy should set criteria for the location of travelling showpeople sites which will be used to guide the allocation of sites in a relevant DPD. It also states that these criteria can be used in respect of planning applications on unallocated sites that may come forward.
- 6.4 This Circular states at paragraph 45 that new development in the open countryside away from existing settlements or outside areas allocated in DPD's should be strictly controlled.
- 6.5 Paragraph 55 of this Circular states that in deciding where to provide travelling showpeople sites, Local Planning Authorities should have regard to the same broad principles for locating housing developments set out in PPS 3.
- 6.6 PPS 3 contains advice that is relevant to the current proposal. It states at paragraph 9 that it is the Government's aim to achieve a wide choice of high quality homes to address the requirements of the community.
- 6.7 Turning now to PPS 7: Sustainable Development in Rural Areas (2004), this states at paragraph 1 that one of the Government's key principles is to strictly control development within the countryside. The overall aim is to protect the countryside for its own sake.
- 6.8 PPG 13 (Transport) at paragraph 6 supports the guidance within PPS 3 of locating developments within local service centres, which have been identified as focal points for housing, transport and other services.
- 6.9 It also states at paragraph 29 that the Government places a great emphasis on people being able to travel safely. The planning system has a substantial influence on the safety of pedestrians, cyclists and vehicle occupants. Planning can influence road safety through its control of new development.
- 6.10 Policy H4 of the South East Plan 2009 states that Local Authorities should identify the full range of existing and future housing needs in their areas. It goes onto list specific groups that it considers to have particular housing needs, one of which is travelling showpeople.

- 6.11 Policy CP 14 of the TMBCS seeks to restrict development within the countryside unless it would fall within a specific category of development listed within this policy. The development does not fall within any of the categories of development listed under this policy as being suitable within the countryside.
- 6.12 Policy CP 20 of the TMCS states at point 2 that accommodation for travelling showpeople will be proposed in the LDF or permitted if all of a number of criteria are met. The first criterion is that there is an identified need that cannot reasonably be met on an existing or planned site.
- 6.13 At present, there is one existing travelling showpeople site in the Borough and this is located in Constitution Hill, Snodland. It is believed that there is no spare capacity within this site. The supporting text to policy CP 20 states that studies do not identify a need for an additional site specifically in Tonbridge and Malling and that this is a matter that can only be addressed at the regional level. A study of travelling showpeople need was published in 2007. The area of study included the Boroughs of Ashford, Dartford, Gravesham, Maidstone, Medway, Swale, Sevenoaks and Tunbridge Wells and was co-ordinated by Kent County Council. One of the recommendations was that there was not considered to be a current need for additional new authorised site pitches to be made available in the period between 2007 and 2011.
- 6.14 The applicant has referred in his supporting statement to the partial review of the Regional Spatial Strategy for the South East – “Provision for Gypsies, Travellers and Travelling Showpeople”. This was published in June 2009 and shows that an additional pitch would be required in this Borough in the period 2006-2016. However this is a consultation draft from the Regional Planning Body on its preferred option concerning the provision of additional gypsy, travellers and travelling showpeople’s sites in the region. This document has not been the subject of an Examination in Public, which is not likely to be held before February 2010. Accordingly, this document can only be afforded very little weight as a material consideration, in my opinion. This matter was reported to PTAB on 29 July with a recommendation to object to this document. PTAB resolved to object to the pitch allocation for both gypsies/travellers and travelling showpeople contained in the partial review of the South East Plan.
- 6.15 Therefore, I consider that there is not a clearly identified need for the provision of an additional travelling showpeople’s site within Tonbridge and Malling Borough at this time.
- 6.16 Consideration must, nevertheless, be given to the needs of the applicant, his family and the others that would live within this site. The applicant has submitted information stating that the applicant currently has no winter quarters of his own and as such has had to rent space on another showman’s site that is overcrowded. A consequence of this is that the applicant has to store his

equipment on another site away from his winter quarters. The other family who would occupy this site currently live in similar circumstances according to the applicant's statement.

- 6.17 However, these circumstances have to be carefully weighed against other factors. The applicant's agent has stated that the applicant has searched for the last 4 years for a suitable site and that many have been rejected due to various reasons (location within the Green Belt and being situated amongst residential areas, for example). However, no indication has been made as to where the searches for alternative sites were undertaken. The applicant and the other family who would occupy this site are currently living in Hampshire and Surrey. No documentary evidence has been put forward in this application as to why other sites closer to their existing living quarters are not suitable for the proposed use. The applicant does not appear to have any local connection to this Borough. Furthermore, no information has been submitted as to the circle of fairs that he and the others who would occupy this site attend during the summer. Whilst it is not necessary for showmen to demonstrate local ties to a particular area for their need for a site to be recognised, their case is weaker without such ties, in my opinion. The Inspector hearing the Inquiry concerning the unlawful showpeople site in Crouch Lane, Platt (ref. TM/05/02002/FL) took the same view in paragraph 112 of his decision letter. I therefore consider that the personal circumstances of the applicant fail to demonstrate a need for the applicant to locate within the Borough. Consequently, I consider that the proposal fails the first criterion of policy CP 20.
- 6.18 Consideration must also be given to the proposed level of accommodation proposed in this application. The applicant has stated that the site would be occupied by three families comprising: The applicant (Mr Whittle), his wife and two children; Mr and Mrs Davis and their 3 children and; Miss Whittle, the applicant's sister. The stationing of 3 twin unit mobile homes, 5 touring caravans and two special caravans does seem excessive to accommodate 5 adults and 5 children, in my opinion.
- 6.19 As has been stated above, current Government advice contained within PPS 7 states that development will be strictly controlled in the countryside, which should be protected for its own sake. Circular 04/2007 supports this position but does comment that rural areas may be acceptable for some form of travelling showpeople sites such as a circus as this is less likely to have rides to maintain. The application documents clearly show the provision for the storage of equipment used and owned by the applicant as well as the provision of a large dedicated maintenance area. I therefore consider that the proposal would be contrary to PPS 7, circular 04/2007 and policy CP 14 in terms of its principle, due to the nature of the proposed use and the location of the site in a rural area.
- 6.20 Turning to other matters, both Government policy and adopted development plan policies seek to protect the character of rural areas. Indeed one of the key principles of PPS 7 is that all development in rural areas should be well designed

and in keeping and in scale with its location and sensitive to the character of the countryside. Criterion (b) of Policy CP 20 requires travelling showpeople developments to not prejudice rural or residential amenity. In this case the site is open in character and contains low level vegetation within it. Hedges and some trees are located outside the application site fronting Castle Way, but essentially, the site is visually prominent and poorly screened by existing landscaping. Under the proposal, a 2.4m (8ft) high timber panelled fence would be erected along the Castle Way frontage. Due to the height, length and type of fence proposed, this would seriously erode the rural character of this locality. The site is adjacent to a busy dual carriageway, but the immediate environment does have a very rural character with the large wooded backdrop framing the site to the east and countryside on the western side of Castle Way beyond the small row of houses located opposite the application site. The site would also contain a large area of hardstanding, 3 mobile homes, 7 caravans and many lorries and 'loads'. These elements would, in my opinion erode the rural character of this site to its detriment. In light of all of these concerns, I consider that the scheme would be contrary to criterion (b) of policy CP 20, as well as PPS 7 and policy CP 24 which requires developments to be well designed and to respect the site and their surroundings.

6.21 Much concern has been expressed by local residents, Parish Councils and the local highway authority concerning the highway safety implications of the proposed development. The applicant has submitted a Transport Statement in which it is concluded that, as movements by lorries and large loads would be spasmodic and infrequent, conditions on the A228 will not materially change as a consequence of this development. It also concludes that daily levels of traffic generated by the three households living within the site would be very low and not perceivable. The frequency of movements associated with the proposed use would be relatively low compared to the existing volume of traffic using Castle Way. However, KHS considers that any vehicle movement from this site would be detrimental to highway safety and the free flow of traffic, given the significant level of traffic that uses this primary distributor road.

6.22 KHS considers that the proposed junction with the A228 is not adequate for this type of dual carriageway and does not comply with the nationally accepted standard for good practice. The vehicle "swept paths" submitted originally as part of the Transport Statement clearly shows that large lorries leaving the site would have to pull into the middle lane of the southbound carriage way of the A228 before pulling into the inside lane. The proposed access has now been revised and the submitted swept paths now show that vehicles can turn left out of the site and keep within the inside lane. Not-with-standing this alteration, due to the location of the proposed access, traffic would be accelerating towards this junction from the junction of Castle Way and Leybourne Way. Slow-moving, large vehicles pulling out of the site onto the A228 would, in my mind, still impede the traffic flow and is likely to increase the risk of accidents. The manoeuvre in the submitted Transport Statement does not take into account vehicles leaving the site that wish

to travel London bound on the M20 or indeed wish to travel north bound on the A228 towards the M2, as this would entail vehicles needing to cross all three lanes of the dual carriageway upon leaving the site.

- 6.23 Criterion (d) of policy CP 20 requires the site to be adequately accessible to vehicles towing caravans. With regard to showpeople sites, this could also relate to vehicles towing trailers. Whilst the applicant considers the site to be well located in relation to the highway network, in light of the objections made by the Highway Authority concerning this proposal, I consider that the site would not be adequately accessed for the intended use and would be contrary to criterion (d) of policy CP 20 and Government policy contained within PPG 13.
- 6.24 The applicant has submitted a revision to the design of the proposed access with the A228 Castle Way. This shows larger over run areas on each side of the proposed access as well as the introduction of a central island within the bell mouth. The access would also be located approximately 20 m further to the south than originally proposed. KHS has stated that the revisions to the proposed access do not overcome its fundamental objection to introducing the junction in this locality.
- 6.25 Criterion (f) of policy CP 20 requires travelling showpeople sites to be suitable in all respects for the storage of large items of mobile equipment. In light of my concerns regarding the visual impact of these items and highway safety, I do not consider that this site meets these requirements.
- 6.26 Criterion (e) of policy CP 20 requires proposals to be reasonably accessible to shops, schools and other community facilities on foot, by cycle or public transport. A large Tesco store is located in Leybourne Way and is accessible on foot from this site. A bus stop is located immediately outside the site on the A228, with other bus stops in Leybourne Way, a short walk away. Leybourne Primary School is located to the south of the M20 further along Castle Way. Whilst there is a major roundabout at the junction of the A228 and M20 that would need to be crossed to reach the school, traffic lights and footways are designed into this junction to allow pedestrians to cross it safely. Another local school is located off Martin Square in Larkfield, where shops and other services are located as well. This is considered to be too great a distance from the site to walk to, but is accessible by public transport. I therefore consider that the proposal would not be contrary to criterion (e) of policy CP 20
- 6.27 Much concern has also been expressed relating to the impact of the development upon the residential amenity of properties in the locality. Whilst the nearest residential properties are located on the opposite side of Castle Way to the application site, many more residential properties are located to the rear (east) of the site in Springfield Road (approximately 150-160) metres away. Whilst noise arising from the maintenance of the rides stored within this site could generate noise disturbance to local residents, this has to be considered against the back

ground level of noise in the area generated by traffic using the A228 and the M20, as well as the distance between the site and the adjacent residential properties. If the development were acceptable in all other regards, this is a matter that I would normally be seeking to control in terms of hours of use by a planning condition, which should adequately protect the amenity of the nearby residential properties.

- 6.28 In terms of the impact of road traffic noise upon the amenity of the site's occupants, the submitted acoustic report shows the site to be subject to road traffic noise falling within NEC B as defined within saved policy P3/17 of the TMBLP. However, the DHH is not satisfied with the methodology by which the site was assessed on behalf of the applicant. Road traffic noise was measured on two separate occasions on 29th and 30<sup>th</sup> January 2009. On each occasion, noise measurements were taken during a three hour period (11.45-14.45 and 23.00-02.00). The DHH considers that these readings do not take into account the increased noise levels that the site is subject to during more heavily trafficked times. Accordingly, the DHH has recommended that either a 24 hour assessment is made or another shortened assessment is made during a peak period to fully assess the road traffic noise impact upon the proposed development.
- 6.29 In addition, the submitted acoustic report recommends the integration of standard double glazing in all living rooms and bedrooms on all elevations of the proposed dwellings. The acoustic report considers that would be adequate to achieve acceptable internal noise limits. It also recommends that acoustically treated ventilation is installed to all bedrooms and living rooms. That does not appear to take account of the fact that the proposed living accommodation would be within mobile homes, not in built dwelling houses. Mobile homes perform less well than buildings in terms of acoustic protection and are unlikely to be suitable for the recommended mitigation measures. Consequently, I am not satisfied that, on the basis of the information submitted with this application, it has been demonstrated that the occupiers of this site would have an acceptable aural environment either internally or externally.
- 6.30 I note the concerns of local residents regarding flood risk with the site being located immediately adjacent to a stream and close to a lake. However, the site does not fall within an area of flood risk and the EA is satisfied that the proposal is broadly acceptable with regard to flood risk management.
- 6.31 Concerns have been raised with the issue of potential for pollution of the water course from activities occurring within the site via surface water run off and from the discharge of the proposed package treatment plant that would deal with foul waste. The Internal Drainage Board is also concerned with the possibility of increasing surface water flow rates into the stream that could cause flooding elsewhere. However, were this development considered to be acceptable in all other regards, conditions could be used to control surface water run off rates within the site. A package treatment plant works by breaking down the effluent into non polluting end products, which are then discharged into the ground. However,

the output cannot be discharged directly into a water course without the consent of the EA. Again, were the proposed development acceptable in all other regards, details of the proposed package treatment plant could have been required by the use of a condition.

6.32 In light of the above, I recommend that planning permission be refused.

**7. Recommendation:**

**7.1 Refuse Planning Permission** for the following reasons:

1. The applicant has not demonstrated to the satisfaction of the Local Planning Authority that there is a need for an additional showpeople site within the Borough of Tonbridge and Malling and as such, the proposal is contrary to policy CP 20 of the Tonbridge and Malling Borough Core Strategy 2007.
2. The proposed development for this rural site is contrary to current government advice contained within PPS 7, Circular 04/2007 as well as policy CP 14 of the Tonbridge and Malling Borough Core Strategy 2007 which presume against a use of this nature in the countryside.
3. By reason of the nature of the use, the proposed boundary treatment, the number and size of caravans, the number of vehicles and amount of equipment that would be stored within the site, the proposed development would detract from the rural character of the locality and as such is contrary to current Government guidance contained within PPS 7 and policies CP 20 and CP 24 of the Tonbridge and Malling Borough Core Strategy 2007.
4. The proposed development would create unacceptable additional hazards to traffic by virtue of introducing additional vehicle movements including HGV movements onto an existing heavily trafficked primary distributor road, and as such is contrary to PPG 13 and policy CP 20 of the Tonbridge and Malling Borough Core Strategy 2007.
5. The new access is inadequate to serve the development proposed by virtue of its design and the size/nature of the road it would provide access to. Its use would, therefore create unacceptable additional hazards to traffic and is contrary to PPG 13 and policy CP 20 of the Tonbridge and Malling Borough Core Strategy 2007.
6. The site is subject to road traffic noise from the heavily trafficked A228, and the applicant has not demonstrated to the satisfaction of the Local Planning Authority that the occupiers of the site would have an acceptable aural environment; in particular, the methodology adopted in the acoustic report prepared by Hepworth acoustics that forms part of this application is unsatisfactory, and the application lacks mitigation measures appropriate to caravans.

7. The personal reasons put forward in support of the application are not considered by the Local Planning Authority to be sufficiently strong material considerations to outweigh the substantial planning objections to the proposal.

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