

## **PART 4: Detailed comments on each West Malling Site**

### **Regulation 18 Consultation**

WMPC is aware that it is opposed to the use of the majority of sites submitted to this Consultation. However, we point out that in the last five years alone permissions have been given on Appeal and otherwise for over 270 houses, not taking windfall sites into account. This represents a 25% increase in the housing numbers of our town.

The sites are grouped as follows:

- A. Car Parks
- B. Swan Street, Station Approach, Lucks Hill & A228 Bypass
- C. King Hill
- D. St Leonards Street
- E. Offham Road
  - E1 South of Offham Road
  - E2 North of Offham Road
- F. Norman Road
- G. London Road

**A. CAR PARKS. 59447 & 59488**

**WMPC OPPOSES** the development of these two sites for housing in the strongest possible terms. The following letter, containing the reasons for our urgent objections, was sent to TMBC in advance of the full Reg 18 Consultation response:

*“We note that both of the central West Malling car parks are included within the Local Plan Regulation 18 consultation (sites 59447 & 59488) and we feel that we must take this early opportunity to express our concerns about their inclusion.*

*“The loss of car parking within the town would have a very detrimental impact on the town’s retail and other businesses which rely on shoppers and visitors being able to park. Concerned shop owners have approached the Parish Council fearful that one or indeed both car parks may be lost to housing.*

*“High Streets in small towns have been struggling for many years, particularly during times of Covid restrictions. Any disruption could have a disastrous result by tipping people just setting up, or just surviving, into difficulty.*

*“There are around 200 businesses in West Malling, many without parking of any sort often due to the age of the premises*

*“Ryarsh Lane is essential for workers in the town. There are around 200 businesses in WM, many without parking of any sort as a result of the age of the premises and as West Malling has such a high concentration of listed and non-listed Heritage buildings, there would appear to be no prospect of alternative sites so near to the centre that could provide suitable alternative parking.*

*“An additional storey on site 59488 (High Street car park) would be an intrusion on the privacy and tranquillity of the neighbouring Abbey which it would overlook and there would be a detrimental visual impact on the setting of the ‘outstanding’ architecture in the Conservation Area, particularly the Abbey, the Ancient House and the High Street shops.*

*“It should also be noted that site 59488 is subject to a Licence between T&MBC and Whitbread Fremlins (Whitbread) as Whitbread is the owner of two parcels of land within the T&MBC owned car park; the Licence grants rights of access across the public car park. The Licence document is attached for your convenience and your attention should be drawn to the final page (section 3) which states that the Licence may be determined by Council giving six months’ notice if Fremlins, or their successors, should be in breach of the Licence or the ‘Council has at its own expense provided suitable alternative access to the land edged blue from the Public Highway, but not otherwise’.*

*“The concentration of listed and non listed heritage building means that there appears no prospect of alternative sites so near to the town centre, which could provide more suitable alternative parking.*

*“The Parish Council would ask for early clarification that the future of the car parks is not In question, as feedback from both businesses and residents is that the continuation of any uncertainty is damaging to confidence in the town.*

*Claire Christmas Parish Clerk.”*

**B. SWAN STREET, 59860, STATION APPROACH 59807, LUCKS HILL 59854, BYPASS 59814**

**B1. 59807. Station Approach – GLADMAN Appeal 2.94 hectares- 34 houses**

**WMPC OPPOSES development on this site for 34 houses for the following reasons.**

This site is outside the confines of West Malling and is therefore designated as countryside. NPPF Para 174 applies ‘*planning decision should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside*’. The site was until recently in productive agricultural use for cereal production.

An Appeal Hearing for the development by Gladman (PINS Ref: 3254563) was rejected on this site on 15th March 2022. The Inspector found that the pattern of Town-Abbey-Countryside is an intrinsic part of the historic character of West Malling and the setting of the Abbey complex and she attributed substantial weight to the very significant harm to the character and appearance of the area and moderate weight to the cumulative harm to the setting of a number of assets such as the West Malling Abbey complex, Conservation Area, railway station and the Eden Farm Oast House. She concluded that these adverse impacts would significantly and demonstrably outweigh the benefits of Gladman’s proposed development on their site. We quote from her Report below:-

*“23. The proposal would cause harm to the setting and thereby the significance of the St Mary’s Abbey Complex. It would also cause limited harm to the significance of West Malling Conservation Area and very limited harm to the significance of West Malling Station. Having regard to the extent of harm, the number of assets and the significance of those assets I consider that together this would amount to “less than substantial harm” as set out in Paragraph 202 of the Framework.*

*“29. In this case, the proposal would cause a large degree of harm to the setting of the oast house. I take account of the fact that oast houses are not uncommon in the Kent countryside. Nevertheless, this example is particularly handsome, and its location in close proximity to the town, whilst maintaining a rural setting, adds value to it as an example of its type. Taking account of the status of the building as a non-designated heritage asset, I attribute only moderate weight to this harm in the planning balance.*

*“53. The proposal would cause very significant harm to the character and appearance of the area and accordingly would conflict with Policy CP24 of the LP and Policy SQ1 of the DLA DPD. This is a matter to which I attribute substantial weight.*

*“61. Taken together and when considered in the round, the adverse impacts of granting outline planning permission in respect of the very substantial harm to the character and appearance of the area and the identified harm to heritage assets would significantly and demonstrably outweigh the identified benefits of the scheme”.*

**B2. 59860. Station approach/Eden Farm Lane -Bellway appeal 3.5 hectares- 41 houses**

**WMPC OPPOSES the use of this site for housing for the following reasons.**

The site lies outside the confines of the built up area of West Malling and is therefore designated as countryside. NPPF Para 174 applies '*planning decision should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.* The site was until recently in productive agricultural use for cereal crops.

Bellway wanted to develop this site for 65 houses. (PINS Ref: 3227034) The application was rejected on Appeal by a Government Inspector on 3rd October 2019 because:

*"46. It is undeniable that the appeal proposal would represent change in the significance and setting of these designated and non-designated heritage assets. The proposed outline development in the context of the appeal site being outside of the settlement, within an area of distinct rural character, which is of significant importance to the setting of nationally important heritage assets, would introduce a suburban form of development, detached from the main townscape, eroding the countryside setting and significance of the Abbey and the Conservation Area. Further it would disrupt the understanding of West Malling's distinctive development pattern of Town, Abbey, Farm/Countryside already alluded to above, which makes an important contribution to the character and appearance of the Conservation Area.*

*47. However, there would not be a total loss of significance and so the appeal proposal, as a totality, would lead to less than substantial harm to the significance of designated heritage assets. That said the degree of less than substantial harm would be at the highest level in my judgement.*

*62. In my consideration of the impact of the proposal in heritage terms, it is clear that there would be identified harm to the significance of Malling Abbey, in part, due to the erosion of its pastoral setting. Further the proposal would neither preserve nor enhance the character or appearance of the Conservation Area for the reasons set out above. This would result in an inordinate amount of harm to heritage assets which, whilst constituting less than substantial harm in Framework terms, would be of considerable importance and great weight sufficient to roundly outweigh the public benefits which would ensue from the development."*

In addition to the comments of these Inspectors the following also apply as objections.

Construction on 59860, 59807 and 59814 would erode further the area of green field land which separates the settlements of East Malling, West Malling and Kings Hill. It would also destroy the view of fields, oast houses and farmhouse which form the first view of West Malling for passengers from the station and travelling along Swan Street into the town.

The fields between Lavenders Road, Swan Street and Station Approach are known to have served as the site for medieval fayres begun originally by the Abbey. Archaeological excavation revealed remains which may indicate early ceramic production on an 'industrial' scale.

Residential development on all of these sites would be likely to increase the number of vehicles using Swan Street, a road which is already at capacity at busy times and which has a dangerous, narrow bend with limited visibility. The proximity of 854, 860, and 807 to the nearby Primary School, Nursery, Church and Hermitage Farm holiday accommodation is a cause for concern particularly at the start and end of the school day when parent parking brings through traffic to a halt.

**On the basis of the two Inspectors reports we also now urge the Borough Council as a matter of urgency to process the requested change to the West Malling Conservation Area to include these fields. We have been advised for several years that the Council has been unable to do so due to lack of staff during the preparation of the draft Local Plan. We would like to have discussions with the Council about how WMPC might be able to assist the completion of this work more speedily to give increased protection to sites so central to the history of the town.**

**B3. 59854. Lucks Hill/Station Road north - 0.69 hectares- 20 houses**

**WMPC OPPOSES the development of this site for housing for the following reasons:**

The site lies outside the rural settlement of West Malling and is therefore designated as countryside. NPPF Para 174 applies '*planning decision should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside*'. It is on the opposite side of the railway from site 59860 where development for 65 houses was rejected on Appeal.

This site was approved by TMBC on 10th April 2019 for a car park (Ref. 18/02642FL), which has now lapsed after the 3 years allowed for the start of construction and an application for a 70 bed care home was refused by TMBC on 28th May 2021 (Ref: 21/00598/FL). However, the subsequent appeal has been allowed and so the principle of development for either a car park or a Care Home cannot be resisted.

**B4. Bypass 59814. Triangular field off WM bypass- 1.26 hectares - 0 houses**

**WMPC OPPOSES development of this site for housing for the following reasons:**

This site is adjacent to 59807, which was rejected by a Government Planning Inspector in 2022, and to the A228 WM bypass.

This site is outside the confines of West Malling and is therefore designated as countryside. NPPF Para 174 applies '*planning decision should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside*'. Any development would be detrimental to the setting of the Abbey, the listed Station and the non listed conservation assets of Eden Farm Oast houses.

The applicant has not specified any housing requirement and it may be that commercial/industrial use is intended. The margins of the entire length of the bypass are free of development and for the most part screened by hedges and trees, forming a green corridor. WMPC strongly supports the continuation of this policy. The Council opposes the establishing of any commercial or industrial use which would be out of keeping with the rural setting of the historic market town of West Malling, and the surrounding historic listed and non listed buildings.

In the light of previous discussions, it is our understanding that the Highways Authority would be unlikely to approve a new access onto the bypass, and particularly so close to the existing Station Approach junction. This alone would make this site unavailable.



**C. KING HILL sites 59602/ 59603**

**C1. 59602 The Crest, opposite Orwell Spike - 0.66 hectares - 19 houses**

This site is totally included in 59603 (4.25 hectares - mixed use).

The site is in the Green Belt, outside the confines of the settlements of West Malling and Kings Hill and is therefore designated as countryside. It comprises Grade 1 agricultural land. NPPF Para 174(b) applies.

Its Green Belt function is to preserve the openness of the countryside, assist in safeguarding the countryside from encroachment, prevent the urban sprawl of West Malling and particularly its coalescence with existing properties in Orwell Spike and those being built at Lancaster Park, King Hill, and as a rural setting to the historic town of West Malling. The site is outside the confines of the settlements of West Malling and Kings Hill and is therefore designated as countryside (NPPF Para 174 applies 'planning decision should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside').

**C2. 59603. The Crest, opposite Orwell Spike - 4.25 hectares- mixed use**

**WMPC OPPOSES the use of this site for housing**

This site totally includes 59602. (0.66 hectares - 19 houses). The site is in the Green Belt, outside the confines of the settlements of West Malling and Kings Hill and is therefore designated as countryside. It comprises Grade 1 agricultural land. NPPF Para 174 (b) applies.

Its Green Belt function is to preserve the openness of the countryside, assist in safeguarding the countryside from encroachment, prevent the urban sprawl of West Malling and particularly its coalescence with existing properties in Orwell Spike and those being built at Lancaster Park, King Hill, and as a rural setting to the historic town of West Malling. The designation as countryside means that NPPF Para 174 applies 'planning decision should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside'.

**C3. 59733 King Hill, south of Orwell Spike – 1.06 hectares – 27 houses.**

**WMPC OPPOSES the use of this site for 27 houses.**

This site was the subject of an appeal dated 25<sup>th</sup> May 2022 (PINS ref 3279132) which was allowed. Permission was granted for 9 houses to the rear of No 1 and 2 Orwell Spike. (ref TM/20/02239/FL)

This permission was granted after the site was put forward in the Call for sites, and so it should be included in the Local Plan.

**D. 59594. SAINT LEONARDS STREET ( to Malling Meadows)- 5.48 hectares- 35 houses**

**WMPC OPPOSES the use of this site for housing.**

This site has a frontage along St Leonard's Street and Teston Road.

It is in the Green Belt, partly in the WM Conservation Area, outside the confines of West Malling and therefore designated as countryside, and in productive animal husbandry use.

The Green Belt function in this location is to preserve the openness of the countryside, prevent the urban sprawl of West Malling, assist in safeguarding the countryside from encroachment, and particularly its coalescence with existing properties in St Leonard's Street and those being built at King Hill, and as a rural setting to the historic town of West Malling. (NPPF paras 138, 147-149 apply).

The southern tip of this site was formerly occupied by a toll house entrance to West Malling, and currently forms a small green which WMPC has established has unknown ownership. WMPC is including this green within our list of proposed Green Spaces because of its history and as the site for our village sign, bus stop and floral planting.

Its designation as countryside means that NPPF Para 174 applies '*planning decision should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside*'). It is partly within the Conservation Area and any development would be of harm to the setting of St Leonard's tower, a Scheduled Ancient Monument, and the listed Malling Place.

St Leonard's Street is a small rural hamlet sitting outside of the main West Malling urban centre. It is characterised by several very fine examples of substantial Kent historic buildings set in extensive grounds, including the Ancient scheduled monument of St Leonard's Tower, Malling Place, the grade II\* Douces Manor, and an exceptional Kent Wealden House facing this site.

It forms a fitting entrance to the West Malling Conservation Area which was designated on the basis of its outstanding architectural value.

Construction of a modern estate of 35 houses would be detrimental to the current open landscape of the site itself and the exceptional historic value of the buildings of the St Leonard's hamlet, and the WM Conservation Area beyond.

The site is surrounded to the south, west and north by productive agricultural land.

It is used for grazing horses as part of an established stabling business.

The frontage of this site to St Leonard's Street is very steep, and in places has rocky outcrops which would prevent access directly onto St Leonard's Street. The single existing access does not enjoy good sight lines, and St Leonard's St is a notorious black spot for crashes resulting from excess speed.

The site appears to possibly encompass 'Malling Meadows' which is a site granted permission on the basis of traveller connections with the area and later made permanent. If it is the intention to use this as the/an access to this site, WMPC would have concerns for visibility, speed and volume of traffic being funnelled into Offham Road and Offham village to the detriment of both.

## **E OFFHAM ROAD**

### **E.1 SOUTH OF OFFHAM ROAD - 59714 and 59645.**

#### **E.1.1 59714. Manor Farm, Offham Road - 2.71 hectares- 69 houses**

##### **WMPC OPPOSES the use of this site for housing for the following reasons.**

This site is in the Green Belt, whose function in this location is to preserve the openness of the countryside, prevent the urban sprawl of West Malling and particularly its coalescence with existing properties in Offham Road, and to protect the rural setting to the historic Douces Manor, a Grade II\* listed building, and the historic town of West Malling.

This site is outside the confines of West Malling and is therefore designated as countryside. NPPF Para 174 applies '*planning decision should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside*'. The setting and views into the Conservation Area, and of listed Douces Manor and the listed St Mary's Church would be harmed. Development would detract from the visual and recreational amenity of the rural landscape setting of the rural market town.

The site is currently used for hay making and grazing. It would therefore represent a loss of productive agricultural land.

Vehicular access between this site and West Malling would be through Offham Road and West Street which are already heavily congested and subject to a residents' parking scheme.

##### **The site objections to site 59645 and 59699 regarding traffic congestion in Offham Road and West Street also apply to this site.**

Offham Road is formed of a variety of house styles and periods, the eastern part of which lie within the conservation Area. A number of these houses have very restricted parking space owing to the age of the property. Many are also substantial properties with 3,4 and 5 bedrooms but without the parking spaces which would be required in the present day.

TMBC has partially addressed the resultant on-street congestion with a residents' parking scheme with zoned blocked parking. This creates frequent hold ups along the full length of the road but particularly between the Churchfields and Norman Road junctions. Visitor parking is extremely difficult.

About a dozen cars park on the stretch of Offham Road between Churchfields and the Manor Farm entrance. Any additional houses fronting on Offham Road would result in a loss of car parking spaces with a detrimental effect on nearby residential roads.

At the eastern end of West Street there is a narrow bottleneck of around 40 metres where single lane traffic only can pass between West Street and High Street and King Street. Though there is just enough room for HGVs, this section of road must be negotiated with great care to avoid damage to the listed buildings alongside, and commonly involves the reversing of vehicles either into the High St, or West Street, to allow the HGV or even large vans to pass. This causes frequent congestion at any time throughout the day.

West Malling CoE Primary School lies immediately to the west of the Offham Road/ Norman Road junction. A nursery school and a Speech and Language unit also exist on site, resulting in very young, and vulnerable children being present in and around this junction at school start and end times, again creating heavy congestion which backs up into the High Street.

Any development on this site would exacerbate the traffic congestion in Offham Road and at the Colonnade bottleneck in West Street. The Colonnade is among the most ancient of buildings within the Conservation Area. The south side of West Street is formed by the listed buildings of the High Street. There is therefore no prospect of widening this single vehicle wide section to relieve congestion at this bottleneck without significant harm to the Conservation Area.

In its rejecting the incorporation of the Manor Farm site, Offham Road into the last Local Plan, TMBC noted *“Highways concerns relating to the impact of traffic from this site on Offham Road and West Street, which are of restricted width, limits the capacity of the site”*.

***NB MAP ERROR. It is important to note that the track shown in the map which appears to join Offham Road to St Leonard’s St is the private Manor Farm access and is not open to public use. At its eastern end it passes very close to listed Douces Manor and becomes a steep, banked, narrow single track passing between Douces Manor and Malling Place and bounded by high hedges. There is little prospect of this track being used to access this site without unacceptable harm to the Conservation area and the important buildings within it.***

**E1.2 59645. Offham Road, adjacent to No. 139 - 1.66 hectares- 42 houses (South of Manor Farm entrance track, south east side of Offham Road.)**

**WMPC OPPOSES the use of this site for housing for the following reasons:**

This site is in the Green Belt, whose function in this location is to preserve the openness of the countryside, prevent the urban sprawl of West Malling and particularly its coalescence with existing properties in Offham Road, and as a rural setting to the historic Douces Manor and to the historic town of West Malling.

This site is outside the confines of West Malling and is therefore designated as countryside. It lies south of the Manor Farm entrance. The site is bounded on all sides by open farm land, apart from a few residential properties lining the entrance to Manor Farm, (adaptation of its former farm, oast houses and hopping hut sites), and of Malling Place (former laundry building). Residential development would not preserve, contribute to or enhance the character and beauty of the open rural landscape as required by NPPF Para 174 i.e. *'planning decision should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside'*.

The setting and entrance into the West Malling Conservation Area would be harmed. The north side of West Street contains the terrace of listed buildings known as the Colonnade which are among the most ancient in West Malling, whilst the south side is formed by the listed buildings lining the High Street. There is therefore no possibility of widening West Street to allow two way traffic and relieve congestion, without significant and unacceptable harm to the Conservation Area.

The main vehicle access to and from this site to West Malling town centre facilities would be via Offham Road and West Street which are already heavily congested.

Offham Road is formed of a variety of house styles and periods, the eastern part of which lie within the conservation Area. A number of these houses have very restricted parking space owing to the age of the property. Many are also substantial properties with 3,4 and 5 bedrooms but without the parking spaces which would be required in the present day. TMBC has partially addressed the resultant on-street congestion with a residents' parking scheme with zoned blocked parking. This creates frequent hold ups along the full length of the road but particularly between the Churchfields and Norman Road junctions. Visitor parking is extremely difficult. About a dozen cars park on the stretch of Offham Road between Churchfields and the Manor Farm entrance. Any additional houses fronting on Offham Road would result in a loss of car parking spaces with a detrimental effect on nearby residential roads.

At the eastern end of West Street there is a narrow bottleneck of around 40 metres where single lane traffic only can pass between West Street and High Street and King Street. Though there is just enough room for HGVs, this section of road must be negotiated with great care to avoid damage to the listed buildings alongside, and commonly involves the reversing of vehicles either into the High St, or West Street, to allow the HGV or even large vans to pass. This causes frequent congestion at any time throughout the day.

West Malling CoE Primary School lies immediately to the west of the Offham Road/ Norman Road junction. A nursery school and a Speech and Language unit also exist on site, resulting in very young, and vulnerable children being present in and around this junction at

school start and end times, again creating heavy congestion which backs up into the High Street.

Any development on this site would exacerbate the traffic congestion in Offham Road and West Street. In its conclusions on the incorporation of the Manor Farm site into the previous rejected Local Plan, TMBC noted that KCC had expressed *“Highways concerns relating to the impact of traffic from this site on Offham Road and West Street, which are of restricted width, limits the capacity of the site”*.

**NB MAP ERROR.**

***It is also important to note that the map supplied to illustrate this site shows a road which appears to link Offham Road and St Leonards Street. This is a private track owned by and serving Manor Farm and running through the farm property. At its south eastern end it is extremely narrow, running close to the listed Douces Manor and between it and the listed Malling Place, contained within hedges, and very steep. The route has never been public, and has been blocked by the current owner to pedestrians and vehicles by high solid gates. Again there is very little prospect of opening this through route as an additional public access to this site without significant damage to the Conservation Area and the important buildings within it.***

A recent planning application for this site (Ref 21/02003/FL has been rejected by TMBC on the following grounds:

*“1. The proposal constitutes inappropriate development, which is by definition harmful to the Green Belt, and would also lead to harm to openness and an encroachment of development into the countryside, contrary to the aims of the Green Belt Framework (2021).*

*“2. The proposed development, by reason of its design and layout, would not respect the prevailing character of development in the locality and would detract from the visual amenity of the rural landscape. It would also represent an encroachment of the built-up area into the countryside.*

*“3. The proposal does not provide sufficient information to demonstrate that safe visibility can be achieved.*

*“4. The development by virtue of design, scale and layout of the proposed dwellings will result in harm to the setting and views into the West Malling Conservation Area”.*



### **E1.3 59716. Offham Road, to Malling Place grounds - 3.62 hectares - 28 houses**

#### **WMPC OPPOSES the use of this land for housing for the following reasons.**

This site is in the Green Belt, whose function in this location is to preserve the openness of the countryside, prevent the urban sprawl of West Malling and particularly its coalescence with existing properties in Offham Road and St Leonard's Street and those being built at King Hill, and as a rural setting to the historic town of West Malling.

The site is in the Conservation Area. Development of this site would be detrimental to the setting of the Conservation Area, and especially to the Grade II\* listed building of St. Leonard's tower and of Malling Place.

It is used for grazing horses and is part of an established stabling business.

This site is well outside the confines of West Malling and is therefore designated as countryside. NPPF Para 174 applies '*planning decision should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside*'.

This area forms the setting for St Leonard's Tower, a Scheduled Ancient Monument, which is believed to be one of the most complete Norman Keep towers in the country. Built as a military post and possible HQ for Bishop Gundulf, its location is historically very important. The tower is owned and maintained by English Heritage, provided with interpretation panels and is regularly visited especially when openings are permitted.

The tower views are enjoyed from Offham Road and the well used footpath which runs from Offham village across cultivated fields to the Country Park. A development on this site would be detrimental to the appreciation of the tower and the importance of its location.

28 houses in this location would form an isolated estate remote from West Malling facilities, unrelated to and detrimental to its attractive and historic rural landscape. Residents would be heavily dependent on car use, particularly if the access is onto Teston Road due to topography.

Vehicle access to this site to and from West Malling would be through Offham Road and West Street. In its conclusions on the incorporation of the Manor Farm site, Offham Road into the last Local Plan, TMBC noted "*Highways concerns relating to the impact of traffic from this site on Offham Road and West Street, which are of restricted width, limits the capacity of the site*". Any development on this site would exacerbate the traffic congestion on Offham Road and at the Colonnade bottleneck in West Street. The traffic points applicable to sites 59645/59714/ and 59799 also apply to this site.

The main vehicle access to and from this site to West Malling town centre facilities would be via Offham Road and West Street which are already heavily congested. Offham Road is formed of a variety of house styles and periods, the eastern part of which lie within the conservation Area. A number of these houses have very restricted parking space owing to the age of the property. Many are also substantial properties with 3,4 and 5 bedrooms but without the parking spaces which would be required in the present day. TMBC has partially addressed the resultant on-street congestion with a residents' parking scheme with zoned blocked parking. This creates frequent hold ups along the full length of the road but particularly between the Churchfields and Norman Road junctions. Visitor parking is extremely difficult.

About a dozen cars park on the stretch of Offham Road between Churchfields and the Manor Farm entrance. Any additional houses fronting on Offham Road would result in a loss of car parking spaces with a detrimental effect on nearby residential roads.

At the eastern end of West Street there is a narrow bottleneck of around 40 metres where single lane traffic only can pass between West Street and High Street and King Street. Though there is just enough room for HGVs, this section of road must be negotiated with great care to avoid damage to the listed buildings alongside, and commonly involves the reversing of vehicles either into the High St, or West Street, to allow the HGV or even large vans to pass. This causes frequent congestion at any time throughout the day.

West Malling CoE Primary School lies immediately to the west of the Offham Road/ Norman Road junction. A nursery school and a Speech and Language unit also exist on site, resulting in very young, and vulnerable children being present in and around this junction at school start and end times, again creating heavy congestion which backs up into the High Street.

In its rejection of the incorporation of the nearby Manor Farm site, Offham Road into the last rejected Local Plan, TMBC noted *“Highways concerns relating to the impact of traffic from this site on Offham Road and West Street, which are of restricted width, limits the capacity of the site”*. Any development on this site would exacerbate the traffic congestion in Offham Road and at the Colonnade in West Street.

## **E.2. NORTH OF OFFHAM ROAD**

### **E2.1 59699. Ewell Avenue/Offham Road - 13.68 hectares- mixed use. Church Farm.**

#### **WMPC OPPOSES the use of this site for housing for the following reasons:**

This site is in the Green Belt, whose function in this location is to preserve the openness of the countryside, prevent the urban sprawl of West Malling and particularly its coalescence with existing properties in Ewell Avenue, Fatherwell Avenue and Offham Road and as a protection for the rural setting of the historic town of West Malling. The north western site boundary is on Fatherwell Road, which forms the Parish boundary between West Malling and Offham.

This site is outside the confines of West Malling and is therefore designated as countryside. NPPF Para 174 applies '*planning decision should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside*'.

The site is part of Church Farm, Offham, and it provides an important rural buffer between West Malling and Offham. It was formerly part of the Fartherwell Hall estate, the hall having stood to the north of Fartherwell Road before its destruction by fire. A 'church road' used by the former owners of the Hall to attend West Malling Church, ran diagonally across these fields joining Fartherwell Hall to Offham Road at the listed Lodge Gate on Offham Road, near Churchfields. The fields are crossed and bounded by a number of popular walking routes linking to the High Street and Country Park facilities in West Malling, and the pub and Spadework facilities in Offham.

The site is formed of Grade 1 of the Best and Most Versatile Soils and is currently intensively used for agriculture, growing salad and grain crops for national distribution. Footnote 58 of the NPPF states "*Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality*".

The main vehicle access to and from the site and West Malling would be through Offham Road and West Street. *The site objections to site 59645 regarding traffic congestion in Offham Road and West Street also apply to this site.* The main vehicle access to and from this site to West Malling town centre facilities would be via Offham Road and West Street which are already heavily congested.

Offham Road is formed of a variety of house styles and periods, the eastern part of which lie within the conservation Area. A number of these houses have very restricted parking space owing to the age of the property. Many are also substantial properties with 3,4 and 5 bedrooms but without the parking spaces which would be required in the present day. TMBC has partially addressed the resultant on-street congestion with a residents' parking scheme with zoned blocked parking. This creates frequent hold ups along the full length of the road but particularly between the Churchfields and Norman Road junctions. Visitor parking is extremely difficult. About a dozen cars park on the stretch of Offham Road between Churchfields and the Manor Farm entrance. Any additional houses fronting on Offham Road would result in a loss of car parking spaces with a detrimental effect on nearby residential roads.

At the eastern end of West Street there is a narrow bottleneck of around 40 metres where single lane traffic only can pass between West Street and High Street and King Street.

Though there is just enough room for HGVs, this section of road must be negotiated with great care to avoid damage to the listed buildings alongside, and commonly involves the reversing of vehicles either into the High St, or West Street, to allow the HGV or even large vans to pass. This causes frequent congestion at any time throughout the day.

West Malling CoE Primary School lies immediately to the west of the Offham Road/ Norman Road junction. A nursery school and a Speech and Language unit also exist on site, resulting in very young, and vulnerable children being present in and around this junction at school start and end times, again creating heavy congestion which backs up into the High Street.

Any development on this site would exacerbate the traffic congestion in Offham Road and West Street.

**NB MAP ERROR.**

***It is also important to note that the map supplied to illustrate this site shows a road which appears to link Offham Road and St Leonards Street. This is a private track owned by and serving Manor Farm and running through the farm property. At its south eastern end it is extremely narrow, running alongside the listed Douces Manor contained within hedges, and very steep. The route has never been public and has been blocked by the current owner to pedestrians and vehicles by high solid gates. Again, there is very little prospect of opening this through route as an additional public access to this site.***

In its conclusions on the incorporation of the Manor Farm site to the south of this site into the previous rejected Local Plan, TMBC noted that KCC had expressed “*Highways concerns relating to the impact of traffic from this site on [Offham Road and ] West Street, which are of restricted width, limits the capacity of the site*”. Any development on this site would exacerbate the traffic congestion in Offham Road and at the Colonnade in West Street, which is only wide enough for a single vehicle this creates the bottleneck referred to, and frequently requires traffic to reverse out on the High Street, or West Street to allow traffic part way through the narrow section to progress.

A recent planning application for the nearby site on the south side of Offham Road (Ref 21/02003/FL) been rejected by TMBC on the following grounds:

*“1. The proposal constitutes inappropriate development, which is by definition harmful to the Green Belt, and would also lead to harm to openness and an encroachment of development into the countryside, contrary to the aims of the Green Belt Framework (2021).*

*“2. The proposed development, by reason of its design and layout, would not respect the prevailing character of development in the locality and would detract from the visual amenity of the rural landscape. It would also represent an encroachment of the built-up area into the countryside.*

*“3. The proposal does not provide sufficient information to demonstrate that safe visibility can be achieved.*

*“4. The development by virtue of design, scale and layout of the proposed*

*dwellings will result in harm to the setting and views into the West Malling Conservation Area”.*

**WMPC OPPOSES the use of this site for housing or other undefined built development.**

## **F. NORMAN ROAD SITES 59619, 59620, 59621 AND 59622**

Numerous applications and refusals have been made in respect of these parcels of lands as detailed below.

In addition, a nearby application ref TM/17/00069/FL at 120 Norman Road, for a garage, was also dismissed at appeal on the grounds that there were no valid reasons for overriding the Green Belt designation of the land.

### **F1. 59619. Norman Road 4.21 hectares - 30 houses**

**WMPC OPPOSES the use of this site for housing for the following reasons:**

This site totally includes 59620, 59621 and 59622. This site is currently open farmland, and abuts farmland to the west, and WMPC Community Orchard (Maceys Meadow) to the east.

This site is in the Green Belt, whose function in this location is to preserve the openness of the countryside, prevent the urban sprawl of West Malling and particularly its coalescence with existing properties in Norman Road, and as a rural setting to the historic town of West Malling. The site is outside the confines of West Malling and is therefore designated as countryside. Housing development would not preserve, contribute to, or enhance, the rural character of the area as required by NPPF Para 174 (*'planning decision should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside'*.)

Additional traffic from this site would need to access it either

- A) from Fartherwell Road, a very attractive, narrow, single track , rural lane designated as a Quiet Lane, and prone to flooding;
- B) via Sandy Lane also a narrow single track road in places, with a height limit below the railway bridge and also subject to flooding; or
- C) the main access to the High Street via West Street. In its conclusions to reject the inclusion in its previous draft Local Plan of the entire 80 house Manor Farm, TMBC noted KCC had raised *"Highways concerns relating to the impact of traffic from this site on [Offham Road and] West Street, which are of restricted width, limits the capacity of the site"*.

Numerous planning applications for the eastern part of this site fronting Norman Road have been rejected, the most recent of which are described below:-

A planning application (Ref: 15/01922) to remove 3 agricultural buildings and replace with a new single storey building was refused by TMBC on 28 August 2015 (the 5th similar refusal) because :-

*"1. The proposal constitutes inappropriate development which by definition is harmful to the Green Belt. The Local Planning Authority does not consider that Very Special Circumstances exist that would outweigh the harm from the development's inappropriateness and by loss of openness, and indeed any other harm. The proposed development is contrary to Policy CP3 of the Tonbridge and Malling Borough Core Strategy 2007 and Paragraphs 80, 87, 88 and 89 of the National Planning Policy Framework (2012).*

2. *The proposal is not a form of development that is normally permitted in the countryside as listed in Policy CP14 of the Tonbridge and Malling Borough Core Strategy and no material considerations exist that justify the setting aside of this provision. Accordingly, the proposal is contrary to Policy CP14 of the Tonbridge and Malling Borough Core Strategy 2007.*

*In reaching this decision, the Local Planning Authority has had appropriate regard to the provisions of paragraphs 186 - 187 of the National Planning Policy Framework 2012”.*

TMBC refused a planning application (Ref: 20/02361/FL) on 7 December 2020. It was refused on Appeal on 24 November 2021 (PINS Ref: 3273503), because:

*“The proposal would fail to preserve the setting of the listed buildings at Norman Place. The public benefits of the proposal, namely the net gain of two houses, would not be sufficient to outweigh that harm. The proposal would therefore be contrary to the policies of the Framework relating to designated heritage assets. The proposal would also be contrary to the policies of the Framework relating to Green Belt. These matters provide clear reasons for refusing the development proposed.”*

In giving his reasons, the Inspector agreed with an earlier Appeal decision (PINS Ref: 3253437) that West Malling was a town and that the exception of ‘limited infilling of villages’ in NPPF 149(e) did not apply.

None of the exceptions to development in the Green Belt therefore apply on this site.

## **F2. 59620. Norman Road 1.96 hectares - 7 houses**

### **WMPC OPPOSES this development for the following reasons.**

This site is currently open farmland, and abuts farmland to the west, and WMPC Community Orchard (Maceys Meadow) to the east. This site is in the Green Belt, whose function in this location is to preserve the openness of the countryside, prevent the urban sprawl of West Malling and particularly its coalescence with existing properties in Norman Road, and as a rural setting to the historic town of West Malling. The proposal would not preserve the setting of the listed buildings at Norman Place, which once made up the isolated hamlet of New Town. The site is outside the confines of West Malling and is therefore designated as countryside. Housing development would not preserve, contribute to, or enhance, the rural character of the area as required by NPPF Para 174 (*'planning decision should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside'*).

Additional traffic from this site would need to access it either

- A) from Fartherwell Road, a very attractive, narrow, single track, rural lane designated as a Quiet Lane, and prone to flooding. through West Street;
- B) via Sandy Lane also a narrow single track road in places, with a height limit below the railway bridge and also subject to flooding; or
- C) the main access to the High Street via West Street. In its conclusions to reject the inclusion in its previous draft Local Plan of the entire 80 house Manor Farm, TMBC noted KCC had raised *"Highways concerns relating to the impact of traffic from this site on [Offham Road and] West Street, which are of restricted width, limits the capacity of the site"*.

Numerous planning applications for residential and commercial development of part of this site fronting Norman Road have been rejected, the most recent of which are described below:-

A planning application (Ref: 15/01922) to remove 3 agricultural buildings and replace with a new single storey building was refused by TMBC on 28 August 2015 (the 5th similar refusal) because :-

*"1. The proposal constitutes inappropriate development which by definition is harmful to the Green Belt. The Local Planning Authority does not consider that Very Special Circumstances exist that would outweigh the harm from the development's inappropriateness and by loss of openness, and indeed any other harm. The proposed development is contrary to Policy CP3 of the Tonbridge and Malling Borough Core Strategy 2007 and Paragraphs 80, 87, 88 and 89 of the National Planning Policy Framework (2012).*

*"2. The proposal is not a form of development that is normally permitted in the countryside as listed in Policy CP14 of the Tonbridge and Malling Borough Core Strategy and no material considerations exist that justify the setting aside of this provision. Accordingly, the proposal is contrary to Policy CP14 of the Tonbridge and Malling Borough Core Strategy 2007.*



*“In reaching this decision, the Local Planning Authority has had appropriate regard to the provisions of paragraphs 186 - 187 of the National Planning Policy Framework 2012”.*

TMBC refused a planning application (Ref: 20/02361/FL) on 7 December 2020. It was refused on Appeal on 24 November 2021 (PINS Ref: 3273503), because:

*The proposal would fail to preserve the setting of the listed buildings at Norman Place. The public benefits of the proposal, namely the net gain of two houses, would not be sufficient to outweigh that harm. The proposal would therefore be contrary to the policies of the Framework relating to designated heritage assets. The proposal would also be contrary to the policies of the Framework relating to Green Belt. These matters provide clear reasons for refusing the development proposed.*

In giving his reasons, the Inspector agreed with an earlier Appeal decision (PINS Ref: 3253437) that West Malling was a town and that the exception of ‘limited infilling of villages’ in NPPF 149(e) did not apply.

None of the exceptions to development in the Green Belt therefore apply on this site.

### **F3. 59621. Norman Road 2.17 hectares - 27 houses**

#### **WMPC OPPOSES use of this site for housing for the following reasons.**

This site forms part of site 59619 and is adjacent to site 59620.

This site is currently open farmland, and abuts farmland to the west, and WMPC Community Orchard (Maceys Meadow) to the east. This site is in the Green Belt, whose function in this location is to preserve the openness of the countryside, prevent the urban sprawl of West Malling and particularly its coalescence with existing properties in Norman Road, and as a rural setting to the historic town of West Malling. The site is outside the confines of West Malling and is therefore designated as countryside. Housing development would not preserve, contribute to, or enhance, the rural character of the area as required by NPPF Para 174 (*‘planning decision should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside’*).

Additional traffic from this site would need to access it either:

- A) from Fartherwell Road, a very attractive, narrow, single track, rural lane designated as a Quiet Lane, and prone to flooding;
- B) via Sandy Lane also a narrow single track road in places, with a height limit below the railway bridge and also subject to flooding; or
- C) the main access to the High Street via West Street. In its conclusions to reject the inclusion in its previous draft Local Plan of the entire 80 house Manor Farm, TMBC noted KCC had raised *“Highways concerns relating to the impact of traffic from this site on [Offham Road and] West Street, which are of restricted width, limits the capacity of the site”*.

Numerous planning applications for residential and commercial use of the nearby Appledene Farm site have been rejected, the most recent of which are described below:-

A planning application (Ref: 15/01922) to remove 3 agricultural buildings and replace with a new single storey building was refused by TMBC on 28 August 2015 (the 5th similar refusal) because :-

*“1. The proposal constitutes inappropriate development which by definition is harmful to the Green Belt. The Local Planning Authority does not consider that Very Special Circumstances exist that would outweigh the harm from the development's inappropriateness and by loss of openness, and indeed any other harm. The proposed development is contrary to Policy CP3 of the Tonbridge and Malling Borough Core Strategy 2007 and Paragraphs 80, 87, 88 and 89 of the National Planning Policy Framework (2012).*

*“2. The proposal is not a form of development that is normally permitted in the countryside as listed in Policy CP14 of the Tonbridge and Malling Borough Core Strategy and no material considerations exist that justify the setting aside of this provision. Accordingly, the proposal is contrary to Policy CP14 of the Tonbridge and Malling Borough Core Strategy 2007.*

*“In reaching this decision, the Local Planning Authority has had appropriate regard to the provisions of paragraphs 186 - 187 of the National Planning Policy Framework 2012”.*

TMBC refused a planning application (Ref: 20/02361/FL) on 7 December 2020. It was refused on Appeal on 24 November 2021 (PINS Ref: 3273503), because:

*“The proposal would fail to preserve the setting of the listed buildings at Norman Place. The public benefits of the proposal, namely the net gain of two houses, would not be sufficient to outweigh that harm. The proposal would therefore be contrary to the policies of the Framework relating to designated heritage assets. The proposal would also be contrary to the policies of the Framework relating to Green Belt. These matters provide clear reasons for refusing the development proposed.”*

In giving his reasons, the Inspector agreed with an earlier Appeal decision (PINS Ref: 3253437) that West Malling was a town and that the exception of ‘limited infilling of villages’ in NPPF 149(e) did not apply.

None of the exceptions to development in the Green Belt therefore apply on this site.

#### **F4. 59622. Norman Road 0.28 hectares - 0 houses**

##### **WMPC OPPOSES the use of this site for housing for the following reasons.**

This site is totally included in sites 59619 and 59620. Although no houses are proposed for this site, numerous past applications have been made for part or all of Appledene Farm, and so we repeat the commentary below which applies.

This site is currently open farmland, and abuts farmland to the west, and WMPC Community Orchard (Maceys Meadow) to the east. This site is in the Green Belt, whose function in this location is to preserve the openness of the countryside, prevent the urban sprawl of West Malling and particularly its coalescence with existing properties in Norman Road, and as a rural setting to the historic town of West Malling. The site is outside the confines of West Malling and is therefore designated as countryside. Housing development would not preserve, contribute to, or enhance, the rural character of the area as required by NPPF Para 174 (*'planning decision should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside'*).

Additional traffic from this site would need to access it either:

- A) from Fartherwell Road, a very attractive, narrow, single track, rural lane designated as a Quiet Lane, and prone to flooding. through West Street;
- B) via Sandy Lane also a narrow single track road in places, with a height limit below the railway bridge and also subject to flooding; or
- C) the main access to the High Street via West Street. In its conclusions to reject the inclusion in its previous draft Local Plan of the entire 80 house Manor Farm, TMBC noted KCC had raised *"Highways concerns relating to the impact of traffic from this site on [Offham Road and] West Street, which are of restricted width which limits the capacity of the site"*.

This site in the Green Belt, function in this location is to preserve the openness of the countryside, prevent the urban sprawl of West Malling and particularly its coalescence with existing properties in Norman Road, and as a rural setting to the historic town of West Malling.

Numerous planning applications for this site have been rejected, the most recent of which are described below:-

A planning application (Ref: 15/01922) to remove 3 agricultural buildings and replace with a new single storey building was refused by TMBC on 28 August 2015 (the 5th similar refusal) because :-

*"1. The proposal constitutes inappropriate development which by definition is harmful to the Green Belt. The Local Planning Authority does not consider that Very Special Circumstances exist that would outweigh the harm from the development's inappropriateness and by loss of openness, and indeed any other harm. The proposed development is contrary to Policy CP3 of the Tonbridge and Malling Borough Core Strategy 2007 and Paragraphs 80, 87, 88 and 89 of the National Planning Policy Framework (2012).*

*"2. The proposal is not a form of development that is normally permitted in the countryside as listed in Policy CP14 of the Tonbridge and Malling Borough Core*

*Strategy and no material considerations exist that justify the setting aside of this provision. Accordingly, the proposal is contrary to Policy CP14 of the Tonbridge and Malling Borough Core Strategy 2007.*

*“In reaching this decision, the Local Planning Authority has had appropriate regard to the provisions of paragraphs 186 - 187 of the National Planning Policy Framework 2012”.*

TMBC refused a planning application (Ref: 20/02361/FL) on 7 December 2020. It was refused on Appeal on 24 November 2021 (PINS Ref: 3273503), because:

*“The proposal would fail to preserve the setting of the listed buildings at Norman Place. The public benefits of the proposal, namely the net gain of two houses, would not be sufficient to outweigh that harm. The proposal would therefore be contrary to the policies of the Framework relating to designated heritage assets. The proposal would also be contrary to the policies of the Framework relating to Green Belt. These matters provide clear reasons for refusing the development proposed.”*

In giving his reasons, the Inspector agreed with an earlier Appeal decision (PINS Ref: 3253437) that West Malling was a town and that the exception of ‘limited infilling of villages’ in NPPF 149(e) did not apply.

None of the exceptions to development in the Green Belt therefore apply on this site.

**WMPC OPPOSES the use of this site for housing or other commercial built development.**

## **G. LONDON ROAD SITES**

### **G1. 59658. London Road - 0.67 hectares- 19 houses**

The site shown on the map includes a site already approved on Appeal for 79 units of extra care accommodation (3.7 ha), but the site area quoted (0.67 ha) would appear to refer to a small extension of that site surrounding the west side of 237 London Road (Villa Suecia).

We understand from the developer that the call for sites submission on this site has been submitted by a rival provider with no control on the land. We further understand that within the next month, a further application for intensification of the housing density to 120 units will be submitted.

## **G2. 59672. London Road - 0.60 hectares- 17 houses**

This site appears to be adjacent to that approved for the 79 bed care home and surrounds all but the north side of 237 London Road (Villa Suecia).

The site is in the Green Belt.

Although the Plan states that 17 houses would be provided on this site, it is understood from the owner that he wishes to build 4 x 4-bedroom detached houses on the site. The existing access from this plot onto London Road is by way of a private single vehicle wide track. The site is close to housing in Brickfields and Yates Gardens which are typically rural in character. The addition of 17 or 19 houses would be detrimental to that character.

Given the approval consent to the much larger adjacent site, it is difficult to see what realistic objections could be made to this small development. We understand that the owner of Villa Suecia has a right of way from this property over the access directly to A20, or across the adjoining land which now has consent for extra care development.

However, use of the existing access would suggest that a development of a much smaller number of units on a private cul de sac would be more acceptable.

November 2022